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Winds of Change: The Historical Contingency of State Crime

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WINDS OF CHANGE: THE HISTORICAL CONTINGENCY OF STATE CRIME

by

Kelly L. Faust

A Dissertation
Submitted to the
Faculty of The Graduate College
in partial fulfillment of the
requirements for the
Degree of Doctor of Philosophy
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Advisor: Susan M. Carlson, Ph.D.

Western Michigan University
Kalamazoo, Michigan
June 2012
WE HEREBY APPROVE THE DISSERTATION SUBMITTED BY

Kelly L. Faust

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AS PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE

DEGREE OF Doctor of Philosophy

Sociology

(Department)

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Destruction of the built environment during a natural disaster is by no means a new phenomenon. What has changed over time is how we as a society react to such destruction, as well as what we expect from the state in terms of protection from, and responses to, said destruction. This dissertation explores these changes through a political economic lens with the goal of gaining increased knowledge of the phenomena that constitute state crime. Social structure of accumulation (SSA) theory provides the basis for a view of the state as a social institution which acts according to the goals of accumulation and legitimization. SSA theory identifies specific social structures of accumulation that facilitate capital accumulation for a given time period. Each social structure of accumulation then incorporates distinct relations between the state and different groups in society, including civil society in general. This analysis includes case studies of four hurricanes that span the previous two identified social structures of accumulation, the 1900 Galveston Hurricane, Hurricane Hazel in 1954, Hurricane Camille in 1969, and Hurricane Katrina in 2005. Within the existing research on natural disasters as state crime there are several issues that have not yet been addressed. The most important of these issues concerns when the injuries, deaths, and destruction of the built environment during and in the aftermath of a natural disaster is a state crime versus merely a result of natural causes. Drawing on existing definitions of state crime as well as more traditional elements of crime I
propose a definition of natural disasters as state crime that has four elements; social harm actus reus, mens rea, and sanctions. Each of the four hurricanes in this study is analyzed in regards to these four elements to determine whether each was or was not a state crime. This work stands to benefit the study of state crime by deepening the theoretical understanding of the state in a historical context and providing criteria for further analysis within the area of natural disasters as state crimes.
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Kelly L. Faust
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CHAPTER I
INTRODUCTION

On the evening of Saturday, September 8, 1900, the heat and humidity of late summer in Galveston, Texas gave way to the deadliest hurricane ever to strike the United States. By today’s standards this hurricane would have been a category four on the Saffir-Simpson Hurricane Scale. Estimates suggest over 6,000 people lost their lives in this great hurricane, approximately 20% of the population of the island. The bodies were so numerous that the survivors first attempted a water burial only to have the then-bloated corpses wash back up on shore days later. The only option amidst the destruction of the island was to burn the bodies where they were found. For weeks after the hurricane, funeral pyres burned along the coast of the Gulf of Mexico (Larson 2000).

Destruction of the built environment is by no means a new phenomenon. What has changed over time is how we as a society react to such destruction, as well as what we expect from the state\(^1\) in terms of protection from, and responses to, said destruction. This dissertation will explore these changes with the goal of gaining increased knowledge of the phenomena that constitute “state crime.”

By their very designation as such, natural disasters are frequently attributed to “natural” causes, that is, their origin is seen to be beyond that of human control. For this reason, much of the blame for the damage and suffering resulting from natural disasters lands somewhere between God and Mother Nature. The definition of natural disasters for the purpose of this dissertation is that of Green and Ward (2004);

\(^1\)In this dissertation, the term “state” refers to all levels of government.
who focus on natural events that are not the product of direct human intervention and that contain some element of geophysical extremes. As Green and Ward state,

> The kind of natural disasters which we are concerned with here, as criminologists, are those for which responsibility (in terms of deaths, injuries—‘life safety’—and destruction of the built environment) can be traced, in some significant degree, to the state but which at face value are more easily attributed to natural causes (2004:54).

Green and Ward (2004) were the first in the field of state crime to examine the possibility of such natural disasters as state crimes, though many in other disciplines have studied this phenomenon without utilizing the label state crime (see Hewitt 1983). Green and Ward (2004) point out that, “[t]he roles of states in fashioning disaster is underplayed as the state’s role in response and relief becomes a more significant standard against which a government may be measured” (p.54). Thus, as long as the state can effectively respond to a given disaster, few pay attention to what role, if any, the state may have played in the creation of the disaster, and blame is not attributed to human actors.

In their book, *State Crime* (2004), Green and Ward address the phenomenon of natural disasters as state crimes utilizing case studies of famines and earthquakes. They offer a definition of natural disasters as state crimes “when, in addition to violating human rights, those violations result from a form of organizational deviance” (2004: 55). The authors focus on a 1999 earthquake in the Marmara region of Turkey. The earthquake reportedly killed between 35,000 and 50,000 (Green and Ward 2004). The large death toll was attributed to illegal, sub-par, building practices resulting in the collapse of thousands of buildings. Initially, blame fell on developers and contractors until the government’s role in allowing and encouraging these unsafe
building practices was uncovered (Green and Ward 2004). The Turkish government
began offering construction amnesties which gave “a green light to developers,
contractors, and owner-occupiers to continue to build and extend dwellings without
regard for building design, soil suitability or earthquake regulations” (Green and

In their discussion of famines, Green and Ward (2004) highlight the 1958-61
Chinese famine which resulted in an estimated 30 million deaths from starvation even
while excessive grain surpluses existed in many provinces. The Chinese state made
deliberate attempts to keep news of the famine from spreading through the censoring
of mail and other communications, as well as an outright ban on the export of all
domestic publications. Green and Ward write, “This famine was not about drought…
It was the result of officials seeking to create the illusion of success in implementing
the hopelessly unrealistic decrees of Mao’s regime” (2004:67).

Both of the case studies offered by Green and Ward (2004) meet their
requirement for natural disasters constituting state crimes that “in addition to
violating human rights, those violations result from a form of organizational
deviance” (p. 55). Green and Ward (2004) argue that natural events in and of
themselves cannot violate rights. Instead, rights are violated by organizational
deviance. Along these lines the authors identify six types of organizational state
deviance—“systemic corruption; state collusion with corporate crime; government
collusion in the illegal activities of its own elites; war crimes; negligence; and post-
disaster cover-ups” (Green 2005: 529). A subsequent study by Green (2005) provides
further examination of the corrupt building practices, state collusion, and state
negligence that exacerbated the high death tolls due to building collapses from earthquakes in Turkey in 1999 and 2003. A more extensive look at these factors reveals that “in Turkey, the role of the central government has been crucial in sanctioning the excessive trade-offs witnessed against the value of life-safety, in pursuit of state organizational goals” (Green 2005: 536).

Most of Green and Ward’s work on natural disasters as state crimes takes a decidedly political-economic approach with regards to the role played by each particular state in the creation of such disasters. Accordingly, Green and Ward argue that we should pay particular interest to

that set of political and organizational conditions which give rise to policies and practices which jeopardize the security and safety of citizens and in so doing increases population vulnerability to natural disaster (2004: 54).

The 1958-1962 Chinese famine that Green and Ward discuss occurred during a campaign by Mao known as The Great Leap Forward that was designed to modernize China’s economy and make it comparable to that of the United States. China’s GDP index had shown steady increases from 100\(^2\) in 1952 to 188.6 in 1958 (National Bureau of Statistics 2009). Hoping to capitalize on this growth in GDP, Mao designed a plan that would develop both agriculture and industry. This plan divided the country into thousands of communes oriented toward communal ownership and agricultural work. Within a year there were signs that The Great Leap Forward was failing as machinery and buildings were found to be of low quality and quite a bit of land went un-harvested (Trueman 2000). Mao’s plan for agricultural advancement ended up having the opposite effects as poor growing weather in subsequent years

\(^2\) Figures reported are the GDP index in real terms (1952=100).
only exacerbated the effects of the famine. By 1960 GDP began to fall from 205.2 in 1959 to 204.6 and it continued to decrease reaching 148.7 in 1961 (National Bureau of Statistics 2009).

At the time of the 1958-1961 Chinese famine, the United States was still experiencing economic growth but that growth would slow by 1966 (Bowles et al. 1990). This time in the United States was a volatile one which saw the Civil Rights Act of 1964 and the start of the Vietnam War. Turkey also experienced economic crisis around the same time with the worst of this crisis taking place in 1957 and 1958. In 1958, Turkey reluctantly signed on to a stabilization program through the International Monetary Fund and the rate of inflation dropped from 25 percent in 1958 to less than 5 percent in 1959 (Krueger 1995).

Green’s (2005) follow-up study of the two disastrous earthquakes in Turkey includes quite a bit of contextual background on the state in existence in Turkey at that time. She writes that following the 1980s coup d’état, the Turkish economy experienced liberalization and globalization. These changes set the stage for increased capitalist enterprise in construction and housing as well. Green comments, [t]his culture of laissez faire in which it was possible to build wherever and whatever one liked, with no adequate regulatory control, was to grow more prevalent over the next fifteen years. A notable finding of the post-earthquake engineering teams was that a disproportionate number of newly built structures failed in the 1999 disasters (2005: 530).

Despite emerging from a time of turmoil, the construction and housing boom signified prosperity for Turkey. At the same time China was also experiencing prosperity signified by a growth in GDP from 2,959.3 in 1998 to 3,169.4 in 1999 (National Bureau of Statistics 2009). The U.S. economy also continued to grow in
the years leading up to 2000. This political economic view of the disasters illustrates that disasters can and do constitute state crimes, however, it also presents questions about the types of state responses, as well as the forms of the state. While it is true that both China and Turkey experienced authoritarian governments during these disasters, there were distinct differences in the nature and involvement of the authoritarian governments in, and leading up to, these disasters.

Natural disasters in the United States as of yet have not been examined with the same political economic lens. One of the goals of this dissertation is to rectify this oversight. First, though, we should review the current work on natural disasters as state crimes in the United States.

Faust and Kauzlarich (2008) examine the events leading up to Hurricane Katrina as well as the hurricane itself, the resulting damage to the built environment, and the response effort. In addition, they conducted interviews with 13 victims of Katrina with the goal of determining whether this particular natural disaster was a state crime. They conclude that many audiences saw the government’s actions to prevent damage and suffering, as well as its response to the crisis, were unsatisfactory. They write, “All of those interviewed expressed profound dissatisfaction with various state actions and inactions before, during, and after Katrina” (Faust and Kauzlarich 2008: 99).

A subsequent study by Faust and Carlson (2011) further examines the response of social audiences to the devastation occurring in the aftermath of Katrina. Faust and Carlson (2011) analyzed both a victim survey conducted at the Astrodome in Houston, Texas (Washington Post/Kaiser Family Foundation/Harvard University)
and a special topics public opinion survey (ABC News/Washington Post). This study found overwhelming disapproval of then President Bush’s response to the devastation in the aftermath of Hurricane Katrina—82.3 percent among victims and 55 percent among the general public. Among victims of Katrina they also found that 67.6 percent disapproved of Governor Blanco’s actions while 60.9 percent disapproved of Mayor Nagin’s actions (Faust and Carlson 2011). Additionally, the study showed that sex, race, and religion all had significant effects on the likelihood of respondents disapproving of actions by the government at the federal level. Based on these results, the authors conclude that this significant negative audience reaction provides additional evidence that Hurricane Katrina is a state crime as defined by Green and Ward (2004).

Within this research on natural disasters as state crimes there are several issues that have not yet been addressed. The most important of these issues concerns when the injuries, deaths, and destruction of the built environment during and in the aftermath of a natural disaster is a “state crime” versus merely a result of natural causes. Green and Ward’s (2004) and Green’s (2005) work focuses on natural disasters as state crimes in developing countries with authoritarian governments, as evidenced in the comparisons of China and Turkey. Consequently, they may have found state corruption and authoritarian forms of government to be central elements of natural disasters as state crimes. Of particular interest here is whether state corruption and authoritarian forms of government are necessary characteristics of natural disasters as state crimes in other contexts.
The second issue concerns the cross-sectional or limited time frame of past studies that examine natural disasters as state crimes. These limitations include single forms of the state (i.e., authoritarian governments alone) and single case studies that fail to show the changes in the form of the state over time. For example, a study of state crime in the United States prior to the Great Depression involves a different form of the state than would a study of state crime in the post-World War II period. As the state changes it takes on different roles. Kauzlarich et al. (2003) assert that state crime constitutes actions or inactions that violate an implied or assigned trust or duty of the state. Again, of particular interest here is whether these implied or assigned trusts and duties of the state vary over time, that is, whether they and state crime are historically contingent.

Social structure of accumulation (SSA) theory “offers a theoretical and historical account of the long-run dynamics of institutional change and economic growth in US capitalism” (Reich 1994:29). It holds that periods of capital accumulation are made possible by “the existence of a broad set of social institutions which support or facilitate the capital accumulation process” (Kotz 1994:53). Due to the historical nature of SSA theory, it provides a framework for analyzing the ‘set of political and organizational conditions’ that Green sees as changing over time, including implied or assigned duties of the state.

The purpose of this dissertation then, is to develop a more precise definition of natural disasters as state crimes, as well as a method for establishing state culpability for injuries, deaths, and destruction associated with natural disasters. Chapter 2 examines, in depth, both past and current definitions of state crime and proposes a
definition of natural disasters as state crimes that draws on elements of existing
definitions with a focus on the violation of human rights, organizational deviance, and
historically contingent trusts and duties of the state. Additionally I will suggest
necessary evidence to establish natural disasters as state crimes. Chapter 3 consists of
an explanation and discussion of SSA theory, the theory used to examine and explain
the changing role of the state in relation to natural disasters in the United States.
Chapter 4 details the methods used in this study. Chapters 5 through 8 contain case
studies of four hurricanes that occurred during different phases of the monopoly and
post-World War II SSAs—the 1900 Galveston Hurricane which occurred during the
monopoly SSA, Hurricane Hazel (1954) which occurred during the consolidation
phase of the postwar SSA, Hurricane Camille (1969) which occurred during the
decay phase of the post-World War II SSA, and Hurricane Katrina (2005) which
occurred during the decay/exploration phase of the post-World War II SSA. Chapter
9 then presents the discussion of key findings and conclusions drawn from this
research.
CHAPTER II
DEFINITIONS OF STATE CRIME

In 1988, William Chambliss delivered his presidential address to the American Society of Criminology on what he referred to as “state-organized crime.” He clarified this term by explaining, “Criminality organized by the state consists of acts defined by law as criminal and committed by state officials in the pursuit of their jobs as representatives of the state” (Chambliss 1989). Chambliss goes on to describe how piracy was possibly the first form of state-organized crime. With Spain and Portugal lucky enough to have found riches in the New World, England, France, and Holland employed the use of pirates to confiscate and lay claim to the bounty, either while in storage or en route back across the ocean. While all three countries had laws prohibiting piracy, there is evidence that all three privately condoned such practices with the ultimate goal of securing funds to carry out capital accumulation functions. Chambliss retold one particular story involving Francis Drake’s theft of bounty from Spain:

On one voyage (between 1572 and 1573), Drake returned to England with enough gold and silver to support the government and all its expenses for a period of seven years. Most of this wealth came from Drake’s attack on the town of Nombre de Dios, which was a storage depot for Spanish gold and silver… Drake was knighted for his efforts, but the Spanish were not silent. They formally challenged Britain’s policies, but the Queen of England denied that Drake was operating with her blessing (after, of course, taking the gold and silver that he brought home) and Drake was tried as a criminal. He was publicly exiled, but privately he was sent to Ireland where he reemerged several years later (in 1575) serving under the first Earl of Essex in Ireland (Chambliss 1989:185).
Chambliss stressed the fact that during this time the law did not change. Piracy was still considered a crime, punishable in some cases by death, however, it was privately condoned and orchestrated by states.

Chambliss provided examples of such state-organized crime in his address citing instances of drug and arms smuggling, assassinations, and criminal cover-ups in the United States and abroad. Of significance here is what Chambliss had to say about whom or what was ultimately responsible for these crimes. Chambliss specifically stated that state-organized crime was not simply the outcome of individual office holders acting to further their own personal goals, or fatten their own bank accounts. Instead, he insisted that state-organized crime has its roots in, and continues to be fertilized by, the state’s need to supply the conditions necessary for capital accumulation. In a world where capital accumulation is synonymous with power, the reasons for this are easier to spot. The contradictions which drive states to criminal actions can be found in the need for legitimacy coupled with the need to secure the conditions necessary for capital accumulation.

O’Connor points out this dual role of the state in capitalist societies and how it affects the actions taken by the state when he writes,

[T]he state must try to maintain or create the conditions in which profitable capital accumulation is possible. However, the state also must try to maintain or create the conditions for social harmony… because of the dual and contradictory character of the capitalist state, nearly every state agency is involved in the accumulation and legitimization functions, and nearly every state expenditure has this twofold character (1973:6,7).

While legitimacy, commonly viewed as social harmony, or civil society’s belief in the validity of the state, evokes the need for laws and a clear understanding of ‘right’ and
‘wrong’ to preserve social order, the most direct route to securing the environment for capital accumulation may sometimes require the violation of these very laws. Thus, the state may put forth laws to increase its legitimacy, yet bypass these laws in the quest to secure conditions for capital accumulation. Inherent in the crimes Chambliss spoke of is the notion of law breaking as an action by the state, not on behalf of individual officeholders. Of importance here is that the state itself may engage in this law-breaking activity to fulfill its own functions, specifically accumulation and legitimization.

The sort of crimes discussed by Chambliss in his presidential address illustrate a point made by Barak (1991:6) in the introduction to his anthology, *Crimes of the Capitalist State: An Introduction to State Criminality*, that “the study of state criminality is complicated by the differences between proactive state criminality and crimes of omission.” Chambliss’ examples are of this sort of proactive criminality only, while Barak acknowledges the possibility of a state’s failure to act as also constituting criminality. Illustrative of this new concern, Barak’s anthology (1991) is divided into sections on classical forms of state crime and crimes of state omission. Barak also addresses the issue of legitimacy when he writes, “State criminality… creates inherent contradictions which simultaneously threaten the legitimacy of the prevailing political order yet accommodate the very same behavior in the name of common interests or national security” (1991:7). Barak also raises the question as to which laws the state should be held accountable. Is it enough for a state to abide by its own laws, or are there universal laws relating to human rights that should be obeyed? Should the violation of written law be the main criterion for such crime?
Barak advocates the examination of international laws and treaties, as well as universal human rights, proposing that these be the standards for state accountability.

The articles featured in the anthology take a decidedly critical perspective, a perspective that is commonplace in the study of state crime and characterized by questioning the status quo. Barak notes the influence of ‘new left realism’ and ‘peacemaking’ criminology on many of the articles, attributing to these perspectives an interest in the victims of such crimes and in reducing hierarchical structures (1991). An article by Caulfield (1991) examines the state’s use of subcultures, and what she refers to as the ‘theft of dissent.’ She argues that through programs such as COINTELPRO (the FBI’s counter intelligence program) the constitutional rights of politically active groups were stifled by various acts of sabotage. Once the state identified specific groups as threatening the goals of the state, various actions such as leaking inflammatory stories about leaders to the press in an attempt to discredit them, thus undermining their constitutional right to freedom and the right to dissent, were taken to delegitimize the leaders of these allegedly subversive groups and their ideas (Caulfield 1991). Arguably, the actions against political groups had to be done somewhat in secrecy so as not to result in a loss of legitimacy on behalf of the state.

Another article featured in Barak’s anthology by Henry (1991), epitomizes the critical nature of the study of state crime by suggesting that the state is co-responsible in the crimes committed by way of individuals’ participation in the informal, or underground, economy. He argues that the state’s economic policies are organized in such a way as to push some citizens into the informal economy. As such, Henry (1991:256) defines state crime as,
Henry’s main argument is that governmental policy advocates the accumulation of wealth by one particular group in society while condoning the deprivation of another. As a result of this harm, individuals are more likely to participate in the informal economy, making the state at least partially responsible for their crimes as well.

With Barak’s (1991) work (and that by the authors featured in his anthology) came the notion that not only could the state’s actions be considered criminal, but its inactions could be as well. Additionally, the focus began to shift away from the state’s own written law and toward international laws and treaties. In some cases, like the two mentioned above, the focus began to shift away from written law altogether. This shift was only the beginning of further debate over what sorts of actions and inactions constitute state crimes and exactly how liberally the concept of crime can or should be applied.

In 1995, Friedrichs published the first edition of his now well-known book on white collar crime, *Trusted Criminals: White Collar Crime in Contemporary Society*. In it he defined state crimes as “harmful activities carried out by the state on behalf of some state agency” (Friedrichs 2007:116). He describes state crimes as violating some form of trust but explains the reluctance, and perhaps some of the reason the topic is largely ignored by mainstream criminologists, when he writes, “the forms of harm and lawbreaking perpetrated in the name of the state or by government officials are often complex, and many members of society are resistant to regarding states and government officials as criminals” (Friedrichs 2007:118). Due to this complexity, the
designation of a particular incident as a state crime is often seen as subjective and can even be attributed to ideological beliefs. Friedrichs (2007) identifies four types of state criminality: the criminal state, the repressive state, the corrupt state, and the negligent state.

The criminal state is one in which “the state is used as an instrument to commit crimes against humanity, such as genocide” (Friedrichs 2007:122). In a repressive state one would not see a formal campaign of genocide. Instead, the harm inflicted centers around the systematic deprivation of human rights. A corrupt state is one wherein the “government is used to enrich its leadership” essentially furthering the goals of those individuals in power (Friedrichs 2007:126). While the first three forms of state criminality involve actions on behalf of or through the state, state negligence differs in that the lack of action is perceived as criminal. Friedrichs employs Barak’s (1991) conception when he writes that in a negligent state, “the state fails to prevent loss of human life, suffering, and deprivation that are in its power to prevent” (2007:128). While state negligence can be as simple as wasteful spending and inadequate funding of governmental agencies and programs, “the most serious form of negligent state criminality involves the unnecessary and premature loss of life that occurs when the government and its agents fail to act affirmatively in certain situations” (Friedrichs 2007:128).

Friedrichs edited a two volume series on state crime in 1998. In his introduction he again points out the neglect of state crime by mainstream criminologists and calls for the new century to mean increased academic interest in and study of state crime. He writes that the biggest potential threat to society in the
next century is that of state crime (Friedrichs 1998). Friedrichs also addresses the confusing nature of defining state crime in and of itself, as opposed to political crime. He reiterates his definition of state crime as “harmful acts carried out by state officials on behalf of the state” (1998:xvii). Of importance here is the use of the term ‘harmful acts’ as opposed to illegal actions. This is a continuation of the debate from Barak’s (1991) anthology and, as we will see, an important issue and point of controversy in the state crime literature. In an article in the first volume, Gregg Barak refers to state crime as “the harm illegally or legally organized and inflicted upon people by their own governments or the governments of others” (1991:31). Barak himself explores the notion that these harms may not break specific laws, but that they can still be regarded as crimes. He notes that it is the task of critical criminologists to reach beyond legalistic definitions of crime. Barak further argues that this is the only way to provide the complete picture of harm perpetrated by the state.

Through the original Trusted Criminals: White Collar Crime in Contemporary Society, as well as its subsequent revisions, Friedrichs contributed to a further understanding of state crime by delineating four types of state criminality. Included in these four types of criminality is the concept of a negligent state, readily embracing the idea that both actions and inactions by the state can be considered criminal. Of particular significance is Friedrichs’ inclusion of the term “harm” in both his definition and discussion of state crime. Previous debate had centered on the applicability of domestic law versus international law, and Friedrichs’ inclusion of “harm” served to formally introduce the possibility of harm as a criterion for state crime.
In their 1998 book, *Crimes of the American Nuclear State*, Kauzlarich and Kramer proposed that “many of the actions the United States government has taken with regard to nuclear weapons are illegal under international or domestic law and, therefore, a form of state crime” (p. 3). While others before them had written on the concept of state crime, Kauzlarich and Kramer were among the first to analyze the use of nuclear weapons as state crime. They argue that “the state, through the political apparatus of government and its agents, officials, and managers, historically has engaged in numerous violations of its own criminal and civil laws, as well as various forms of international law” (Kauzlarich and Kramer 1998:5). Later work (see Green and Ward 2000) criticizes this emphasis on the violation of specific domestic and international laws and treaties, but one very important contribution of this book was the furtherance of the notion of the state as an organization, and that organizations are real social actors. Kauzlarich and Kramer make this argument based on three characteristics of organizations (1) “organizations persist over time” (2) “organizations develop norms and procedures” and (3) organizations have goals (1998:7-8). While Kauzlarich and Kramer go on to discuss the instances when states and corporations act together in a criminal manner (state-corporate crime), their book had far reaching impact on the way subsequent scholars addressed, and continue to address, state crime.

As a result of incorporating organizational theories with theories of the political economy and organizational crime, Kauzlarich and Kramer (1998) expand upon an analytical model first presented by Kramer and Michalowski in 1990, and develop an integrated framework for the study of organizational crime. The
framework analyzes organizational crime on three levels: micro, or interactional; meso, or organizational; and macro, or institutional. Kauzlarich and Kramer state,

The framework is based on the proposition that criminal behavior at the organizational level results from a coincidence of pressure for goal attainment, availability and perceived attractiveness of illegitimate means, and an absence or weakness of social control mechanisms (1998:148).

All of these factors can be either present or missing at any or all of the three levels: interactional, organizational, and institutional. Kauzlarich and Kramer point out that when analyzing state crime, the mere existence of legal means of attaining goals does not ensure adherence to the law, especially if the culture of the organization allows for such innovation. They argue “[o]rganizations tend to operate with instrumental rationality. That is they seek out and employ those means which are the most likely to achieve organizational goals” (1998:150). This analytical model has been and continues to be utilized by state crime scholars today and provides important insight into the actions and possible motivations of organizations such as the state.

Kauzlarich and Kramer (1998) employ a legalistic definition of state crime in their book, focusing on specific violations of the 1925 Geneva Gas Protocol, the 1948 Genocide Convention, and the 1949 Geneva Conventions. While they do not address the possibility of harm as constituting state crime, this debate remains central to the study of state crime. As such, other scholars of state crime have specifically taken a position on harm as a criterion for state crime.

In 2000, Green and Ward published their article “State Crime, Human Rights, and the Limits of Criminality” with the goal of suggesting “how criminology can remedy its neglect of the important phenomenon of state crime, without adopting
such a broad definition of ‘crime’ so as to destroy what coherence criminology has to a distinct field of study” (2000:101). In other words, they recognized that state crime is largely ignored by mainstream criminology and hoped to legitimize the study of state crime within criminology. They attempted to do this by comparing authoritarian and democratic state formations. The authors argue that “the use and threat of physical violence remain central to state power in liberal democracies” not just authoritarian states (Green and Ward 2000:102). Additionally, the authors stress the point that the state decides what is criminal and is thus in a unique position to eliminate state crime altogether by simply granting itself unlimited powers. As a way of addressing this issue, Green and Ward argue “that crime can be defined independently of the state by drawing on the concepts of human rights and deviance” rather than relying on domestic or international law and treaties (2000:103). The authors critique Kauzlarich and Kramer (1998) with regards to this matter by pointing out that they rely heavily on international law to define state crime.

Instead, Green and Ward advocate for a human rights based definition of state crime. The authors discuss two paradigms of human rights, the torture paradigm and the health paradigm. The torture paradigm focuses on abhorrent abuses and occurrences that are less common in democratic societies, thus missing instances of state crime that are more routine in nature. The health paradigm brings with it the risk of widening the study of crime to the study of harm in general. The authors make clear that this is not their intention, and that they see no benefit for the field of criminology in doing so. Alternatively, they argue for a definition of human rights which is in line with those put forth by the Schwendingers in 1975, “the elements of
freedom and well-being that humans need to exert and develop their capacities for purposive action” (Green and Ward 2000:110).

Green and Ward revisit the importance of legitimacy for states and how this relates to deviance. Their distinction between illegitimacy and deviance illustrates the importance of not relying on the state’s own laws to determine criminality. With regards to legitimacy they state,

A state practice is illegitimate if it departs from the state’s own rules or is unjustifiable in terms of the values that the rules purport to serve… illegitimacy is an objective property of the relevant act in the sense that it does not depend upon how the act is perceived by its social audience (2000:109).

Following this logic, the state would want to avoid actions that violate its own laws, or at least take actions to prevent the public from learning of such actions for fear that the state’s legitimacy would be undermined. With regards to deviance the authors write,

An act is deviant only if some social group perceives it as violating an applicable rule or value and reacts accordingly… Deviance is not an inherent property of the act, but denotes a relationship between the act, the actor, and a particular social audience (2000:109).

Here, the authors emphasize the importance of the perceptions of particular social audiences.

In the conclusion to their article, Green and Ward (2000) call for future studies of state crime to consider historical contingencies associated with human rights and the legitimacy of the state. They close by proposing that a definition of state crime “should be restricted to the area of overlap between two distinct phenomena: (1) violations of human rights and (2) organizational deviance” (2000:110). They also write that the designation of crime should be saved for
instances that are both illegitimate (objectively as discussed above) as well as deviant (subjectively, also as previously discussed). Green and Ward (2000) directly address the debate over whether or not harm is an adequate/appropriate criterion of state crime by specifying the types of harms and instances where these harms constitute state crime.

In 2003, Kauzlarich, Mullins, and Matthews published their article, “A Complicity Continuum of State Crime.” In it the authors seek “to define and conceptualize state crime in order to make better sense of the meaning and significance of variations in these actions and inactions” (Kauzlarich et al. 2003:241). Kauzlarich et al. express concerns with the aspect of Green and Ward’s (2000) definition of state crime that requires social audience perceptions for two reasons. First, they fear that this approach is very subjective and leads to the privileging of certain social audiences and a devaluing of others, as well as differing opinions on whether or not an action or inaction is criminal. The second concern relates to issues of hegemony in that, “popular opinions can be influenced, created, or swayed by elite dominance of media institutions or other official discourses which could lead to citizens seeing clearly criminal behavior as acceptable” (Kauzlarich et al. 2003:244). They refer to Green and Ward’s (2000) approach as a “useful, although constrictive project” and state, “We believe that we must generate a definition of state crime that explains and explores the phenomenon itself” (Kauzlarich et al. 2003:244).

Kauzlarich et al. propose a definition of state crime as: (1) generating harm to individuals, groups, and property, (2) is a product of action or inaction on behalf of the state or state agencies, (3) the action or inaction relates directly to an assigned or
implied trust or duty, (4) is committed, or omitted, by a governmental agency, organization, or representative, and (5) is done in the self interest of (a) the state itself or (b) the elite groups controlling the state (2003:244-246). Some of the important distinctions here are that they see harm as actions/inactions that violate the United Nations Universal Declaration of Human Rights and that they associate implied trusts and duties with the state’s need for legitimacy. The expectation that the government should fulfill these trusts and duties is not mandated by written law, but is nonetheless important under what can be considered a ‘social contract.’ The maintenance of this social contract allows the state to enjoy a great deal of legitimacy.

In addition to offering this definition of state crime, Kauzlarich et al. (2003) also propose a complicity continuum of state crime based on the state’s role in such crimes. The authors are careful to note that some crimes may fall into more than one of these categories, and that assigning various state crimes a location on this continuum requires the researcher to make assumptions regarding the motivation and knowledge of the offenders which should be done with caution. The continuum ranges from deliberate actions on behalf of the state to absolute disregard by the state. This continuum also carries within it a ‘sub-continuum’ of a manifest versus latent nature with regards to the state’s goal, with manifest referring to “specific, proximal, and material state goals” and latent “signifying a less direct or causally distal relationship between the crime and the state’s goals” (Kauzlarich et al. 2003:246). The categories created by the proposed continuum are: omission-implicit, omission-explicit, commission-implicit, and commission-explicit.
*Omission-implicit crimes* are those in which the state shows complete disregard for instances resulting in harm, but where the failure to act to alleviate these harms is not directly motivated by specific state goals. Examples of this type of state crime offered by Kauzlarich et al. (2003) include structural inequalities along the lines of class, race, and/or gender. *Omission-explicit crimes* are those where the state shows complete disregard *and* where this failure is directly motivated by state goals. In a crime of this type the authors specify that the “state disregards unsafe and dangerous conditions, when it has a clear mandate and responsibility to make a situation or context safe… safety is usually compromised in the name of capital accumulation, other elite interests, or for state legitimacy” (Kauzlarich et al. 2003:249). Crimes classified as *commission-implicit* are those where the state acts or supports actions that are not directly related to the state’s goals and *commission-explicit crimes* are those actions the state overtly takes part in as an attempt to achieve its own goals.

While there are still state crime scholars who prefer to work with instances of crime more easily defined by domestic or international law, this article, and the authors’ inclusion of human rights as a viable concern is illustrative of a much wider acceptance of harm as a criterion for state crime. The authors conclude their article by calling for a more sophisticated understanding of the state including a more thorough look at the construct of the state. They write, “[s]tates are in constant stages of change and transformation, formation and decline. As such, the goals that any particular state advances *vis-à-vis* illegal activities must be examined within their broader sociohistorical context” (Kauzlarich et al. 2003:251). As such, Kauzlarich et
al. call for a comprehensive overview of the historical nature of state crime, as is one
goal of this dissertation.

Expanding on their 2000 article, Green and Ward published their book, *State
the elements of their definition of state crime and refer to it as state organizational
deviance involving the violation of human rights and go on to discuss the separate
definitional elements of the state, organizational deviance, and human rights. With
regards to the state, Green and Ward argue that they are using a traditionally Marxist
view of the state as “a public power comprising personnel organized and equipped for
the use of force, material adjuncts, prisons and institutions of coercion of all kinds
and agencies which levy taxes” (2004:3). Of importance here is that the state is not
one entity or even one institution. Instead, it is a set of institutions with particular
functions. Additionally, in order for the state to perform coercive functions with the
least effort possible and successfully levy taxes, the legitimacy of the state must be
maintained. With regards to legitimacy, Green and Ward write, “we can say that a
state is legitimate to the extent that (1) it acts in accordance with the rules that it sets
for itself and its citizenry, and (2) those rules are seen to be justified by shared
beliefs” (2004:3). That is, the state gains legitimacy from civil society to the extent
that it can satisfactorily fulfill these requirements. Just as civil society can attribute
legitimacy to the state, Green and Ward (2004) argue that it can deny legitimacy.
They write,

If civil society plays a crucial role in legitimizing the state in those
societies where hegemonic rule prevails, it can also play a crucial role in
defining state actions as illegitimate where they violate legal rules or
shared moral beliefs. Civil society, in other words can label state actions as deviant (Green and Ward 2004:4).

In their discussion of organizational deviance, Green and Ward admit that the definition of deviance contains a subjective element involving the application of rules which may themselves be contested. For clarification, they offer their own definition of deviance:

An act is deviant where there is a social audience that (1) accepts a certain rule as a standard of behavior, (2) interprets the act as (or similar acts of which it is aware) as violating the rule, and (3) is disposed to apply significant sanctions—that is significant from the point of view of the actor—to such sanctions (Green and Ward 2004:4).

However, this definition leaves the reader with more questions such as who are the actors, what the sanctions are, and which social audiences are qualified to interpret these actions? Green and Ward anticipated these questions and attempted to further explain the process of how an act is interpreted as deviant. They elaborate,

The relevant actors are state agencies. The relevant rules are rules of international law, domestic law, and social morality, as interpreted by audiences that include domestic and transnational civil society, international organizations, other states and other agencies within the offending state itself. The relevant sanctions include legal punishments, censure or rebellion by the state’s own population, damage to the state’s domestic and international reputation, and diplomatic, economic, and military sanctions from other states (Green and Ward 2004:4).

Having addressed some of the issues relating to the concept of deviance, the authors move on to the organizational aspect of the definition.

Green and Ward (2004) explain that state crime is but one form of organizational deviance, along with corporate crime and organized crime. Kauzlarich and Kramer’s (1998) assertion that organizations are indeed real social actors (see
previous discussion) is generally accepted here, however, Green and Ward wish to point out that the state should not always be viewed as a singular entity. They refer to Jessop (1982) when they write, “Clearly the state does not always or even in the majority of cases act as a unitary force. The state comprises an ensemble of institutions which do not necessarily share a single set of interests and goals” (Green and Ward 2004:5). Within the recognition that the state may have multiple interests and goals it is important to maintain a distinction between the state’s goals and the goals of individuals operating within the state. While at times certain individuals’ goals may overlap with the goals of the state this is the distinguishing factor between state crime and Friedrichs’ (1995) term ‘political white-collar crime.’ Green and Ward refer to the analytical model proposed by Kauzlarich and Kramer (1989) as “the most sophisticated attempt to conceptualize state crime as a form of organizational deviance” (2004:6). They agree with the notion of combining structural, organizational, and social psychological factors, however, they note the difficulty in separating goals, means, and control mechanisms within the analytical model as they are extremely interdependent.

While organizational deviance is central to their definition of state crime, Green and Ward (2004) point out that there are some types of organizational deviance that it would be inappropriate to label as state crime. Instead criminologists studying state crime are better served by examining the instances where organizational deviance overlaps with the violation of human rights. Insofar as determining what constitutes a violation of human rights, Green and Ward state,

Human beings have certain needs that are fundamental in the sense that without them they cannot be effective purposive agents, able to
pursue their chosen goals and participate in society. These include, at the most basic level, needs for freedom from physical restraint and debilitating pain, and for food, clothing and shelter. They also include, for human beings living in modern political societies, needs such as education and the opportunity to participate in cultural life and the political process (2004:7).

However, Green and Ward (2004) caution that not every denial of human freedom is a crime and that to take this approach would lead one down the road of studying social harms, which quickly moves beyond the purview of criminology. The authors apply Gramsci’s analysis of hegemony to the notion of human rights and which human rights take on the most importance in the global community. They write,

> These include the human rights norms which are accepted by virtually all the juridically recognized states in the world as well as the economic norms enforced by the World Bank, the International Monetary Fund (IMF) and the World Trade Organization (WTO) (Green and Ward 2004:9).

Green and Ward’s work is evidence that more and more state crime scholars are willing to accept harm by way of denial of basic human rights as a criterion of state crime. While incorporating this idea fully into their definition they acknowledge that certain boundaries should be set regarding the types of harm that constitute state crime. Without these boundaries they caution that scholars could quickly find themselves outside the purview of criminology. While these extraneous harms may be deserving of study, they should not be confused with criminality.

Indeed, considerable work was being done to push these boundaries. Also in 2004, several British criminologists published an edited book called *Beyond Criminology: Taking Harm Seriously* (Hillyard et al. 2004). In this book, authors argued that perhaps criminology, due to its close and complex
relationship with the state through the criminal justice system, was not the best discipline to address issues of state harm. Many of the authors feel that the need to designate actions or inactions as criminal is futile and that perhaps we should forgo such endeavors and commit fully to zemiology—the study of harm. In response to this book, Friedrichs and Schwartz (2007) edited a special volume of the journal Crime, Law, and Social Change dedicated the notion of social harm and what they call ‘twenty-first century criminology.’ Many of the previously mentioned authors contributed to this volume, indicating the existence of a dialogue concerning the concepts of crime and harm. The contributors all seem to agree that we should indeed be critical of the concept of crime. The notion of crime is conflated with issues concerning power and who gets to decide what is criminal, and, as such, the designation of an action or inaction as criminal must take this into consideration. A conclusion drawn from this volume is that we cannot simply rely on the state alone to define crime, and that issues of social harm must also be considered.

In 2010, an edited volume, State Crime in the Global Age, was published. In it Raymond Michalowski published a chapter titled, “In search of ‘state’ and ‘crime’ in state crime studies.” He advocates a need for a more thorough investigation of the link between power and law for two reasons. First, this examination is relevant to reconciling the idea that laws reflect the will of the powerful with the rise of humanitarian and human rights law after World War II. Second, this examination will help us to be aware of the risks of creating even more powerful organizations to control state crime. Michalowski reviews the three most common definitions of
crime, definitions that have been present throughout the development of the study of state crime. The first, and most widely accepted, is a juridical definition of crime as “an ontological reality encompassing those acts, and only those acts, designated as crime by law” (2010:15). When applied to state crime, the juridical approach “directs attention to high-profile instances of state crime that have attracted the enforcement attention of national or supra-national bodies” (Michalowski 2010:16). As such, juridical law includes not just national laws but international law, treaty obligations, and human rights law. Examples of crimes determined by application of this juridical definition include the Bosnian war and the prosecution of Nazi officials in the Nuremberg trials (Michalowski 2010).

The second definitional framework reviewed by Michalowski deals, not with the violation of law, but rather the violation of conduct norms. Michalowski refers to this perspective as the deviance definition and writes,

From this perspective, acts that violate rules of behavior shared among culturally bounded groups, i.e. their conduct norms, are as sociologically meaningful as acts designated as criminal by law, particularly because the distinction between violations of conduct norms that are designated as crimes and those that are not is the outcome of political processes that should not determine the nature of scientific inquiry (2010:15).

Many of the definitions reviewed herein ascribe to the deviance framework where state crime is seen as organizational deviance and includes harmful acts in pursuit of organizational goals and these behaviors typically result in a social audience willing to sanction the offender, though this is complicated and does not translate to the punishment of individuals (Michalowski 2010). Michalowski contends that while the deviance perspective may be avoided at surface level because the term ‘deviance’
does not hold as much weight as ‘crime,’ it has the advantage of carrying with it an analytical framework like that of Kauzlarich and Kramer (1998). Much of Green and Ward’s work is also informed by this perspective.

The third approach reviewed by Michalowski (2010) is the social injury model and deals directly with the issue of harm as a criterion for state crime. This model is actually “the least definitive of the three insofar as it offers neither the clear boundaries of a juridical approach defined by statutes, nor the developed theoretical framework of the organizational deviance model” (Michalowski 2010:21). From this perspective state crime is defined as analogous social injury and includes intentional human actions usually in pursuit of political and/or economic goals (Michalowski 2010). Because this approach is the least structured, “it requires the analyst to clearly establish that actions and outcomes selected for scrutiny are indeed equivalent in gravity to juridical crimes” (Michalowski 2010:21). Here Michalowski explains that regardless of intention, state crime as social injury still creates victims worthy of study. The second requirement is that “any analysis based on a social injury model must be able to offer a persuasive counter-factual narrative that shows how the events in question could realistically have happened otherwise” (Michalowski 2010:22). In other words the researcher must be able to make a valid argument that the events need not have played out in the way they did, had the situation been different.

Michalowski personally advocates for the social injury model and writes,

Only by recognizing the everyday human victims of state actions can we begin to see clearly what it is that states are about when political-economic strategies in accordance with the propositions that human progress is measured by the life conditions of the most well-off, rather than those of the least well-off (2010:22).
Aside from his useful analysis of the varying definitions of state crime, Michalowski suggests that further research on state crime should concentrate more on history and comparison. He writes, historically speaking, we must consider “which state?” as it is clear that the state in existence today may not be the one of years or decades past. He also argues that “there is significant need for more explicitly comparative work in the area of state crime. To date, most state crime analyses have focused on single incidences of state crime within single states” (Michalowski 2010:27).

This dissertation will speak to several of these suggestions. By focusing on natural disasters as state crimes, hurricanes in particular, I will examine and compare multiple incidences. The comparison will also be historical in nature with full acknowledgement that the state in existence during the 1900 Galveston Hurricane is not the same state in existence during 2005’s Hurricane Katrina. Few state crime scholars have focused specifically on natural disasters, for the most thorough analysis of this as possible we can again turn to Green and Ward (2004).

*Natural Disasters as State Crimes*

Many scholars from other disciplines have addressed the phenomenon of natural disasters but fall short of constructing these events as crimes (Hewitt 1983). Susman et al. (1983), despite being disaster scholars and not criminologists, advocate a conception of natural disasters that diverges from the lay view of disasters as ‘acts of God.’ They see vulnerability to natural disasters as contingent upon a web of factors including development, underdevelopment, marginalization, and a
maintenance of the status quo, all of which are sanctioned by the state. In *State Crime: Governments, Violence, and Corruption*, Green and Ward (2004) dedicate a chapter to the notion of natural disasters as state crimes. In this chapter, Green and Ward focus on the type of natural disasters that are, at first glance, more easily attributed to natural causes, but upon further examination can be traced to actions/inactions of the state. They write, “natural disasters constitute state crime when, in addition to violating human rights, those violations result from a form of organizational deviance” (Green and Ward 2004:55). In their study of natural disasters as state crimes, Green and Ward identify six main themes; they write,

The types of organizational state deviance which emerge from the literature on natural disasters may be summarized as follows:

- Systemic corruption…;
- State corporate crime, that is, the collusion of governments in illegal and dangerous acts by private corporations;
- The collusion of governments in illegal acts by members of the governing elite itself, for example, illegal deforestation leading to floods, landslides, etc.;
- War crimes as a cause of famine;
- Negligence, that is, the gross failure of state agencies to pursue effectively their publicly proclaimed goals, or to follow generally accepted professional standards, for example, in civil engineering. Examples include willfully ignoring scientific warnings, failing to develop national systems of quality assurance or regulation in industries like construction, failing to install early warning systems (in areas prone to cyclones, hurricanes, etc.) and encouraging or forcing land settlements in hazardous zones;
- Post-disaster cover-ups and concealment of evidence, indicating governments’ fear of censure if the true consequences of their acts and omissions became known (2004:56).

The authors provide two case studies of natural disasters as state crime, a 1999 earthquake in the Marmara region of Turkey and the 1958-1961 Chinese famine.
The earthquake used for their case study, indeed, contains many of these six identified types of organizational state deviance. The 1999 Marmara earthquake reportedly killed between 35,000 and 50,000 and, it is estimated, left an additional 200,000 people homeless (Green and Ward 2004). Turkey sits atop a very seismically active area and as such is at high risk for earthquake activity. As citizens followed the growth of industry to the more northern regions of Turkey the area faced significant housing shortages. The housing shortage led to the construction of “illegal three to six-story reinforced concrete buildings with hollow clay tile infill walls” and, after the earthquake, it was found that “proportionally, the newest of the buildings were the most likely to collapse, indicating deterioration in quality [of buildings] across time” (Green and Ward 2004:62). As it turns out, the housing that was hastily constructed to meet the needs of the growing population was, at least in part, responsible for much of the devastation. Green and Ward write,

An extensive review of the findings of international engineering research teams established that the scale of destruction could be attributed to a lack of adequate engineering, a lack of industry inspection and quality assurance and a lack of discipline on the part of state authorities (2004:62).

At first glance the devastation caused by this earthquake may seem to have been easily attributed to natural causes, but upon further inspection one can see how building practices exacerbated the damage, and the state was quick to attribute blame to the contractors. However, this particular disaster involved more than just lack of discipline on behalf of state authorities. As a way of aiding in the globalization of the Turkish economy, public land was made available for privatization and building restrictions were retracted. Green and Ward explain,
Enterprising firms and individuals were effectively encouraged to build on undeveloped public land. These illegal housing developments would then acquire legitimacy on the eve of elections when the passing of construction amnesties could be virtually guaranteed. Vast unlicensed housing developments were then legitimately sold to individuals or companies (2004:63).

These construction amnesties allowed developers and contractors to ignore earthquake regulations when building and there were at least 12 such construction amnesties passed between 1948 and 2001. Green and Ward write, “Knowledge that populist government practice will continue to ignore and then ‘forgive’ building code violations actively conditions against compliance” (2004:63-4). The authors explain how many of the politicians had connections to the construction businesses. Further, they state,

The Turkish government has also been spectacularly unwilling to distance itself from those private companies and individuals guilty of failure to comply with building and urban planning regulation, suggesting that lack of regulation favors state interest and was pursued as deliberate policy (Green and Ward 2004:64).

Green and Ward clearly make the connection between violations of human rights and organizational state deviance in this case study.

In their case study on the 1958-1961 Chinese famine, Green and Ward again illustrate many of the six types of organizational state deviance. This famine has never been officially acknowledged however, it is estimated that at least 30 million died from starvation during this time. The Chinese government was determined to keep reports of the famine from reaching the global community. Green and Ward write,

China witnessed a deliberate and organized conspiracy of silence about hunger and famine to conceal the crimes of the Maoist state. From 1960 the export of all domestic publications was banned,
restrictions on communications were introduced so peasants who were now unable to travel or to come into contact with other travelers were denied outside knowledge. Few Chinese had access to telephones and mail was controlled and censored so that news of the famine did not spread. Starvation was forbidden as a documented cause of death on death certificates and doctors were forbidden to tell patients that they were starving (2004:66).

All this occurred while the state actually had an ample supply of grain and while grain exports were even increasing. Green and Ward argue that the scale of devastation was heightened by a state that was interested in protecting its own image to the detriment of its population. Indeed, the state acted to keep even Mao himself from knowing the truth about how bad the famine actually was (Green and Ward 2004).

Again, this case study provides an example of what Green and Ward had in mind when they envisioned the overlapping of violations of human rights with organizational state deviance. Green and Ward strongly advocate for the study of natural disasters as state crimes because all too often the devastation and suffering are attributed to natural causes and solutions are inadequate because they do not take into account the role played by states in heightening the scope of these disasters. They conclude,

As population vulnerability continues to increase and pressures on the environment mount, it is imperative that the direct links between political repression, corruption and poverty, and the devastating consequences of so-called natural disasters are exposed not as the inevitable products of geophysical disruption but as the direct consequence of state deviance (Green and Ward 2004:67).
Green and Ward have provided case studies of natural disasters they consider to be state crimes, while at the same time providing important elements of a definition of natural disasters as state crimes.

The study of state crime almost necessitates a critical approach to criminology, and previous definitions have served to facilitate this approach by asserting that the state is capable of such criminal actions/inactions. We have moved from definitions that include the violation of written laws or treaties to definitions requiring social injury. While this progression has provided significant insight into state crimes, the designation of events as state crimes is largely contingent upon research conducted by state crime scholars, and thus their individualized interests. Even within state crime research there remain unanswered questions. For example, Green and Ward (2004) point out the existence of corruption and authoritarian forms of government as characteristics of the natural disasters they discuss in their book: are these necessary characteristics for all natural disasters that may be considered state crimes? Is it possible to have state crimes that are not characterized by corruption and/or authoritarian forms of government? Green and Ward suggest that it is, however, research has yet to analyze natural disasters as potential state crime under the conditions of democracy.

It is at this point that Michalowski’s comments on the social injury model of state crime apply. He writes that this approach bestows a specific duty on the researcher. The social injury model “requires the analyst to clearly establish that actions and outcomes selected for scrutiny are indeed equivalent in gravity to juridical crimes” (Michalowski 2010:21). Sutherland and Cressey ([1974]1999:14-15)
identify seven interrelated differentiae of crime, they include: harm, this harm must be legally prohibited, conduct (action or inaction), mens rea (intent), the intent and the action or inaction should be concurrent, the harm must be caused by the action or inaction, and there must be a legally prescribed punishment. They state that these differentiae are needed to establish a crime, but point out that what has typically been defined officially as crime varies historically and geographically (Sutherland and Cressey [1974]1999). The authors mainly discuss criminal law, and as such not all of these differentiae may apply to state crime, however, I argue that the majority, at least in slightly altered form, may be used to identify when a state crime has occurred in the context of a natural disaster. It is important to note here that some actions/inactions are deemed to be criminal regardless of intent, and that this has been the case in at least two definitions of state crime reviewed in this chapter (see Henry 1991 and Michalowski 2010).

Drawing on previous definitions of state crime reviewed here, and Sutherland and Cressey’s seven differentiae of crime, I propose that the definition that I employ in this dissertation requires that four elements must be demonstrated empirically: social harm, actus reus, mens rea, and sanctions. It is the goal of this dissertation to more thoroughly analyze when a natural disaster is a state crime versus an unfortunate geophysical event. The objective is to provide a set of criteria that would need to be met before assigning the label of state crime to natural disasters. I will now explain these proposed four elements and apply them to the examples of natural disasters as state crime presented by Green and Ward (2004).
Elements of a crime

As part of a new definition of state crime that is capable of establishing that outcomes of actions or inactions relating to a natural disaster are equivalent in gravity to juridical crimes, I argue here that three commonly accepted elements of crime, combined with Sutherland and Cressey’s seven differentiae of crime, can be adapted to the phenomenon of state crime. These elements are social harm, *actus reus*, and *mens rea*. Social harm is present in Sutherland and Cressey’s (1999) differentiae of crime and refers to negative consequences resulting from the state’s actions or inactions with regards to a specific incident. In relating this to notions of traditional crime, social harm refers to the outcome of an action such as that of murder. The negative result of such an action is loss of life. This harm in question should be a consequence of the state’s action or inaction. To show evidence of this harm one would need to examine the various ways in which harm has been inflicted upon victims and make significant connections between this harm and specific actions or inactions by the state.

In a democracy, social harm is typically the easiest of the four elements of natural disasters as state crimes to establish, as it is often public record. However, in authoritarian countries the absence of a civil society provides more opportunity for states to engage in large scale cover-ups, and this information may be harder to come by (Green and Ward 2004). In the case study of the 1999 Marmara earthquake in Turkey, Green and Ward (2004) contrast the official death toll estimate of 17,840 with unofficial estimates of between 35,000 and 50,000. They also point out the government’s refusal to issue a ‘missing list’ as further evidence of corruption.
addition to the contested death toll, 200,000 people were left homeless in the wake of the disaster. The social harm in the case study of the 1958-1961 Chinese famine is also subject to debate. In fact, to this day, the Chinese famine has never been acknowledged, yet it is estimated that some 30 million people died from starvation (Green and Ward 2004). One specific practice contributing directly to the difficulty in establishing the harm incurred during the famine is that starvation was not allowed as a cause of death on death certificates, and further, doctors were not allowed to tell patients that they were starving to death (Green and Ward 2004).

*Actus reus* typically refers to a voluntary act (conduct in Sutherland and Cressey’s (1999) differentiae), or, in this case action or inaction. Recalling Kauzlarich et al.’s (2003) complicity continuum of state crime, the element of *actus reus* in a potential state crime would fall somewhere on the commission-omission continuum. With regards to state crime, evidence of *actus reus* can come in the form of the state failing to act in a given circumstance, when there is an implied or assigned trust or duty for it to act (omission). Conversely, an action on behalf of the state may also violate implied or assigned trusts or duties, such as the state organized crime via piracy discussed by Chambliss (1989) in his 1988 presidential address to the American Society of Criminology (commission).

Applying the element of *actus reus* to the examples provided by Green and Ward (2004) illustrates the complexity of Kauzlarich et al.’s (2003) complicity continuum in that states can engage in both omission and commission simultaneously. In Turkey, the government not only failed to uphold construction standards by allowing the use of hollow clay tile infill walls (omission), but then acted
(commission) to repeal building restrictions and passed several construction
amnesties, thus facilitating faulty construction (Green and Ward 2004). In China,
Green and Ward point out that this famine occurred while the state actually had an
ample supply of grain, and thus the state failed to prevent suffering and loss of life, a
crime of omission. At the same time, the Chinese state also committed crimes of
commission by preventing news of the famine from being released via a ban on the
export of all domestic publications and restricting travel and communications by
censoring mail. Mens rea is regarded as the presence of a guilty mind and is usually
seen as criminal intent. This element is also specifically mentioned in Sutherland and
Cressey’s (1999) differentiae. It is important to remember that negligence also falls
under mens rea, in these cases the requirement of fault is met even though it is not
specifically a guilty state of mind (LaFave 1978). Keeping in mind again Kauzlarich
et al.’s (2003) complicity continuum of state crime, the element of mens rea,
depending on the type of evidence presented, would fall somewhere on the implicit-
explicit continuum. With regards to establishing mens rea in instances of state crime,
I propose that evidence of negligence alone places the incident in question at the
‘implicit’ end of the continuum, while evidence that this negligence was influenced
by prioritizing some other goal over the implied or assigned trust or duty to act, and
that it occurs with knowledge of the potential harm that may result, places the
incident in question at the ‘explicit’ end of the continuum. In this way, mens rea can
be specific to a particular incident, or it can be the result of overall policies stressing
certain goals over others, such as neoliberalism which has resulted in deregulation
and the elimination of many protective measures. It can also be the result of failing to fund regulatory agencies initially established to protect workers and citizens.

In the case of the 1999 Marmara earthquake, Green and Ward (2004) state that numerous politicians held ties to various construction companies. To the extent that these connections served as the motivation to engage in previously identified actions and inactions (combined with the knowledge that Turkey sits atop a very seismically active area) provides the *mens rea* for this case and establishes this as an *omission-explicit* and *commission-explicit* state crime. In the case of the 1958-1961 Chinese famine, the failure to prevent the suffering and loss of lives due to starvation would appear to be an *omission-implicit* state crime while the actions to cover up the famine and prevent the spread of news about it would be a *commission-explicit* crime in that the Chinese state was acting with the goal of protecting itself from outside scrutiny.

The analytical model presented in Kauzlarich and Kramer (1998) allows for a more structured analysis of the above-mentioned elements at the institutional as well as organizational levels. *Actus reus* reaches across the two levels. At the institutional level, *actus reus* is tied to whether or not the state has a basic responsibility to protect and aid citizens. The organizational level of *actus reus* specifies the trusts and duties of the state, if it is determined at the institutional level that these responsibilities exist. *Mens rea*, at the organizational level, relates to the catalyst of motivation in that alternative goals are placed above the state’s responsibility to act in a given situation. Further, *mens rea* is relevant to opportunity structure in that such action or inaction by the state is rationalized by the ability to designate certain responsibilities to various federal agencies charged with action. These federal agencies also have their
own operating procedures which may be affected by a lack of adequate federal funding or displaced goals. Additionally, with regards to the operationality of control, ways of holding federal agencies or the state as a whole responsible for failures in a meaningful way are virtually non-existent.

Accordingly, in addition to these elements of crime I add the element of formal or informal sanctions as this element does a better job of speaking to the operationality of control in the Kauzlarich and Kramer (1998) model. Typically, as argued by Sutherland and Cressey (1999), designating an action or inaction as a crime would require the provision of a specific punishment or sanction. Since it is improbable that the state would make a law criminalizing its own actions or inactions, I argue (on the basis of Green and Ward’s work) that we should look elsewhere for this provision of these sanctions. Specifically, we should take into account victim and social audience perceptions and willingness to sanction or censor. Green and Ward (2004) point out that as civil society is capable of legitimizing the state, it is also capable of labeling state actions as illegitimate in the instances when the state’s actions or inactions violate either legal rules or shared beliefs. Thus, social audience reaction is crucial to determining whether or not the state is successful in its quest for legitimacy.

This particular element of natural disasters as state crime is perhaps the most contingent on forms of government. Many times citizens of authoritarian and repressive governments are not free to criticize the state. Thus evidence for sanctions (or willingness to sanction) may be more prevalent in a democracy. Despite these differences we can still look for evidence of the willingness to sanction in both of the
cases presented by Green and Ward. Following the 1999 Marmara earthquake, citizens vocally protested against the state but the Turkish government and nationalist media placed the blame for poor construction practices on individual building developers (Green and Ward 2004). However, when parliament approved another amnesty bill in 2001, the President of the Republic vetoed the bill. Additionally, the public defender of the Yalova region in Turkey brought charges against a major building corporation in the Yalova Aggravated Felony Court (Green 2005). While neither of these occurrences resulted in significant sanctions against the state, they illustrate the existence of a social audience that is at least willing to apply sanctions. The search for sanctions in the case study of the Chinese famine is not as productive. It would appear that the Chinese state was successful in its attempts to cover-up, not only the social harm incurred during the famine, but its own role in that harm as well. Therefore, it should be noted that ability to sanction may be a luxury afforded mostly to those in a democratic society.

Drawing from the idea that state crime relates explicitly to the implied or assigned trusts and/or duties of the state, this dissertation utilizes social structure of accumulation theory (which provides an historical timeline with which to analyze the varying relationship of the state to citizens). The following chapter provides an explanation of the theory and the historically contingent relationship between the state and citizens, as well as specific hypotheses relating to SSA theory.
CHAPTER III
SOCIAL STRUCTURE OF ACCUMULATION THEORY AND HISTORICALLY CONTINGENT STATES

The theory that will be employed in this historical examination of state crime is social structure of accumulation (SSA) theory. SSA theory is a political economic theory that proposes distinct phases within capitalism in the United States. SSA theory was created by David Gordon and later expanded by Gordon and colleagues Edwards and Reich (1982). Several others have expanded on parts of this theory including Bowles, Gordon, and Weisskopf (1990) and Kotz, McDonough, and Reich in two edited volumes (1994, 2010). The most recent edited volume includes work by sociologists, as well as economists, and several attempts to apply SSA theory to countries other than the United States. This theory attempts to explain long-swing periods of economic growth and decay with an eye toward political and social relationships. Further, it suggests that certain identified phases can be characterized by specific types of relationships between capital, labor, citizens, and the state.

Bowles et al. elaborate

Socioeconomic institutions shape relations between capitalists, workers, and other classes or groups of economic actors; they define the role of the state in the economy; and they determine the external relations of the capitalist sector with foreign capitalists and with other coexisting modes of production (1990:8).

Further, it is these socioeconomic institutions that make up an SSA and allow for capital accumulation. According to Gordon et al. a social structure of accumulation is an historically-specific “collective set of institutions” that provide the “environment within which the capital accumulation process is organized” (1982:9). It is the goal of
this chapter to present the components of SSA theory in general and explain how this theory can be applied to the phenomenon of state crime.

Social structure of accumulation theory identifies three phases within any given SSA. The first phase is exploration. Exploration is born out of crisis in that during a period of economic stagnation economic and political actors begin searching for solutions to the crisis. During this time they may experiment by employing different approaches to capital and labor relations and passing various pieces of new legislation or changing existing legislation defining these new relations. The second phase, consolidation, is ushered in when the experimentation of exploration is complete resulting in a new set of central institutions that will facilitate capital accumulation. Consolidation is typically a time of rapid economic growth. Due to the inherent contradictions within the SSA, growth in capital accumulation cannot last forever. When the contradictions of the newly formed SSA become difficult to resolve and result in a decrease in capital accumulation, the SSA has begun to enter the third phase, decay. During the decay phase we see the breakdown of the central institutions that were initially successful in fostering the accumulation of capital. The deterioration of even one of the institutions of an identified SSA can mark the beginning of decline for the entire SSA. At this point capitalists begin experimenting once again, illustrative of the life-cycle of SSAs (Gordon et al. 1982). Following this breakdown, the economy will persist in a state of stagnation until a subsequent SSA can be established to enter into the next phase of renewed capital accumulation.

Each SSA is unique, including a different set of institutions that facilitate the capital accumulation process. As economists, SSA theorists focus on the role of the
capitalist state in securing the conditions necessary for capital accumulation, and accordingly limit their attention to the changing historical relationships between capital, labor, and the state in the economic sphere. However, the role of the state in capitalist societies is more complex. As James O’Connor writes, “the capitalistic state must try to fulfill two basic and often mutually contradictory functions—accumulation and legitimization. ... This means the state also must try to maintain or create the conditions for social harmony” (1973:6). Creation of social harmony requires examining relations not only between capital, labor, citizens, and the state in the economic sphere, but also capital, citizens, and the state in the political arena. For SSA theory, this suggests that relations in the political sphere play an important role in maintaining social harmony which is in itself a condition for capital accumulation. Thus these historically-contingent institutionalized relationships constitute an important part of any SSA. In addition, for the purposes of this dissertation, relations between the state, capital, and citizens at any point in time define the implied or assigned trusts or duties of the state, and in turn whether state actions or negligence constitute state crimes.

Within U.S. history, three SSAs have been identified. The two most recent SSAs (the monopoly SSA and the post-World War II SSA) will be explored in this dissertation. The decay/exploration phase of the monopoly SSA began with the Panic of 1873, with exploration intensifying after the crash in 1893. Consolidation for the monopoly phase dates from the late 1890s to World War I. Decay of the monopoly SSA occurred between World War I and World War II, while exploration intensified after the crash of 1929. Consolidation of the post-World War II SSA dates from
World War II to the early 1970s. The post-World War II SSA entered the decay phase in the early 1970s and continues today amidst exploration (Gordon et al. 1982:12). To better illustrate what an SSA looks like I will delineate the characteristics of these two most recent SSAs, beginning with the relationships between capital, labor, and the state, followed by a discussion of the relations between citizens and the state. I will begin with an overview of the previous SSA, also known as the monopoly SSA. Following this, I will discuss the most recent SSA, referred to as the post-World War II SSA, which stands in stark contrast to the monopoly SSA.

The Monopoly SSA

The first identified SSA, which facilitated economic growth from the latter half of the nineteenth century until decay began with the Panic of 1873, lasted until the mid-to-late1890s. According to Bowles et al. (1990), nothing less than a restructuring of the relationship between capital and the state (i.e., a new SSA) was capable of bringing this crisis to a close and ushering in, once again, a period of economic expansion. This new SSA was known as the monopoly SSA. Businesses big and small were suffering at this point as prices fell after the completion of the national railroads. At the same time that prices were falling, labor costs were increasing. In 1893, the economy officially crashed, and by the next year the unemployment rate rose to 18.4 percent (Bowles et al. 1990). Even worse economic conditions were on the horizon. According to Gordon et al., “the rate of growth in real Gross National Product (in constant prices) had dropped from an annual average
of 6.5 percent in the 1870s to 3.6 percent in the mid-1890s” (1982:101). Protests and strikes became more frequent and more violent, although the violence was more often perpetrated by employers against the workers. Business owners became fearful for their futures and the economic crisis was viewed as a crisis of capital accumulation. In preparation for the elections, wealthy business owners began supporting Republican politicians who “promised tariffs, to protect industrial employment, and stable currencies, to preserve the purchasing power of urban wages” (Bowles et al. 1990:21).

McDonough (1994) identifies six core institutions of the monopoly SSA, most of which were in place by 1904. He writes,

The first was the new, more concentrated structure of industry. Prior to the turn of the century most American industries were still basically competitive in structure. Following the merger movement, the American system would be oligopolistic in nature. Second, the new SSA included a new balance in capital-labor relations favoring capital. Capital gained control of the work process on the shop floor through the introduction of the assembly line, machine pacing and Taylorism. Business was also able to forestall the growth of unionism. Third, a new collaborative relationship between business and the state was established. Trusts were to be subjected to a mild regime of regulation, rather than declared illegal and broken up. Fourth, a new electoral system, founded on Republican hegemony in national politics and decreased popular participation in the state would provide support for this new relationship between the economy and the state. Fifth, a new corporatist ideology, extolling the virtues of concentration, cooperation, and expertise would provide a rationale and justification for the new order. Sixth, inauguration of imperial expansion abroad by US business defined a new relationship between the United States and the international economy (McDonough 1994:105).

Much of what follows in this overview of the monopoly SSA supports the existence of these six core institutions.
The Republicans triumphed with the support of business and won control in both the 1894 and 1896 elections. Immediately after these elections businesses began to merge in the interest of increasing profits and eliminating competition. Between 1892 and 1902 there were 3,653 recorded mergers (Gordon et al. 1982). This was “twenty-five times the total number in the preceding three years and six times the number in the succeeding five years” (Gordon et al. 1982:107). These mergers supplied business with more power than ever before. During the 1880s a business was classified as “very large” if its assets were in excess of $10 million. Gordon et al. write, “By 1903, at least a hundred industrial firms had assets exceeding $15 million, and about ten corporations controlled assets exceeding $100 million” (1982:108). While it would seem that the passage of the Sherman Anti-trust Act in 1890 would undermine the merger movement, the ambiguity of the act itself meant that it was up to interpretation. While this legislation was passed in 1890, enforcement of the act did not begin until 1903 when a separate antitrust division was created within the Department of Justice (Fite and Reese 1973). When challenged in the Supreme Court in 1904, “a majority of the court held the position that the Sherman Act did not outlaw all attempts at monopoly and restraints on trade. It only outlawed unreasonable restraints on trade” (McDonough 1994:108). Thus, we can see an increase in the power of capital through the state’s reluctance to embrace anything other than mild forms of regulation.

During this time, business also fought battles with labor and progressivism. The battle with labor was fought with the help of the state as business “organized private militias to beat back unions, calling in federal troops whenever needed”
(Bowles et al. 1990:22). The new SSA did not immediately put a stop to union action and, while the “frequency of strikes stayed at high levels between 1900 and 1920, the percentage of strikes won by workers declined sharply after 1900” (Reich 1994:35). Additional control of labor was made possible through the mechanization of the labor process. Gordon et al. examine this phenomenon extensively in *Segmented Work, Divided Workers* (1982). To Gordon et al., this time period from the 1870s to World War II consisted of the homogenization of labor. They write,

> Industrial capitalists began in the early 1880s to explore and increasingly to implement new production techniques that typically eliminated skilled workers, reduced required skills to the barest minimum, provided more and more regulation over the pace of production, and generated a spreading homogeneity in the work tasks and working conditions of industrial employees (Gordon et al. 1982:113).

Gordon et al. further argue that motivation for this mechanization of labor was not solely related to profitability. Instead, new machinery was used as a way to control labor by giving employers control over the pace of production, and allowing them to easily replace striking workers, thus undercutting the influence of unions. The battle with progressive reformists was fought by limiting some excesses such as use of child-labor, thus increasing capital’s own public image among would-be objectors. As a result of this attack on labor, “the number of unionized workers essentially stalled at its 1904 level until the beginning of World War I” (McDonough 1994:110). With these triumphs the monopoly SSA was in place and economic growth was spurred.
While McDonough (1994) identified and described six core institutions of the monopoly SSA, he ties all six back together with what he refers to as the unifying—or organizing—principle of the monopoly SSA. He writes,

The organizing principle can be found by viewing the growing concentration of industry, and the subsequent consolidation of the oligopolistic market structure, as the lynchpin of the new SSA. Each of the other institutions was in one way or another constructed around the emergence of the new monopolistic structure of capital (McDonough 1994:112).

This focus on monopolistic structure required a distancing from the former social Darwinist approach that characterized the U.S. state after the Civil War. Through social Darwinism, the ideology of ‘survival of the fittest’ was applied to actors in the economy. However, during the consolidation of the monopoly SSA, “competition as an organizing principle was to be replaced with an ideology of cooperation… This was to take the form of cooperation between capital, labor, and ‘the public’” in the economic sphere (McDonough 1994:109). This ideology of corporatism and cooperation is most notably illustrated by the moderate regulatory powers of the Sherman Anti-trust Act. This also shows that while cooperation may have been the goal, it was to be done with business holding the upper hand as capital accumulation was argued to be in the best interest of all.

Rapid accumulation of capital lasted until the mid-1920s and was followed by what is still referred to as the country’s greatest economic disaster, the Great Depression, that began with the market crash in 1929. As it would turn out, the SSA that relied on the dominance of capital over labor with the cooperation of the state could no longer provide the conditions necessary for capital accumulation. In the case of the monopoly SSA, the only institution to decay was this dominance of
business over labor. As we will see, in the next SSA multiple institutions break down over time. In accordance with SSA theory, this economic crisis marked the beginning of a new phase of exploration as economic and political actors searched for ways to restore capital accumulation.

The monopoly SSA was characterized by minimal intervention of the state in business. What legislation was passed was weakened by the courts’ interpretations which typically favored capital, and mergers were allowed to continue largely as a way to insulate big business from the effects of future recessions (Fite and Reese 1973). To be sure, further legislation, passed with the goal of strengthening the Sherman Anti-trust Act, was part of the SSA. This legislation included the Federal Trade Commission Act and the Clayton Antitrust Act (passed in 1914), but enforcement of these acts fell by the wayside during World War I (Fite and Reese 1973). Beyond this, the SSA favored minimal to no intervention in the market to influence market outcomes. The doctrine of social Darwinism continued to influence, to a large extent, the state’s relationship to small business, farmers, workers, and citizens. The expansion of big business and the use of competitive strategies against small business (unlike the cooperation found within big business) resulted in failure of small business. Farmers were also excluded from this ideology of cooperation and thus grew increasingly resentful of big business. Increasingly farmers came to support government intervention on their own behalf (Fite and Reese 1973). The government held a firm hand toward labor unions, successfully reducing the number of strikes won by labor and stalling union growth. Nowhere, however, were the
remnants of social Darwinism more prominent in the monopoly SSA than in the state’s relationship to citizens, specifically the poor.

Prior to the monopoly SSA, social Darwinism dominated thought and action with regard to the poor. The wealthy were seen as moral and spiritual beings while the poor were viewed as being morally corrupt and in need of spiritual guidance. Accordingly, “any attempt to alleviate poverty or restrict the accumulation of wealth was considered interference with the divine plan” (Fite and Reese 1973:436). Responsibility for the needy was not widely accepted by public authorities and instead need was addressed through private charity. During the depression of the 1870s,

Private citizens, charitable bodies, and public authorities responded to the crisis by setting up soup kitchens, breadlines, and free lodging houses, and by distributing coal, food, clothing, and even cash to the poor (Trattner 1994:93).

This attempt at aid to the poor was unorganized with regard to investigation of need or prevention of duplicity in services. As the depression worsened, continued efforts were made to reform the provision of aid, resulting in the charity organization movement, also known as “scientific charity.” The aim of this movement was to investigate individual causes of poverty and identify the deserving amidst the undeserving poor (Trattner 1994).

Charity organizations in this time rarely provided monetary aid to the poor and instead operated under the belief that the poor were in need of spiritual guidance that was to be provided by ‘friendly visitors’—wealthy volunteers qualified for this work by virtue of their superior economic position (Trattner 1994). However, records kept by charity organizations from 1890-1897 showed that the most common reasons
for poverty were unemployment, sickness, and injury—not moral corruption. As a result, charity organizations were again reorganized and by 1907 the first charity organization society (located in Buffalo, New York) was transformed into a relief-giving organization. Further, by the turn of the century, the need for professional workers (trained social workers) as opposed to ‘friendly visitors’ was recognized and training schools were established (Trattner 1994).

The emphasis on separating the deserving from the undeserving poor did not end with the advent of the monopoly SSA, however. As charitable organizations became more structured, so did the criteria for receiving aid. Aid also began to change as federal, state, and local governments entered into the mix. The first White House Conference on Dependent Children was held in 1909 and three years later the U.S. Children’s Bureau was created. The Children’s Bureau was significant as “[i]t was the first time the federal government recognized not merely the rights of children, but also the need to create a permanent agency at least to study them if not yet protect them” (Trattner 1994:219). Indeed, the emphasis was on studying conditions as the bureau was limited in both function and the allocation of funds. Individual state governments were far more active in providing aid geared at the well-being of children. In 1911, the first widow’s pension law was enacted in Missouri. This law was designed to allow counties to provide cash assistance to mothers with dependent children. By 1919, 39 other states had followed suit with similar legislation (Trattner 1994).

Government expenditures at all levels increased during the monopoly SSA. Total federal expenditures in 1914 were $735 million, up from $237 million in 1873.
The majority of the increased spending went toward the modest attempts at regulation as well as “increased funds for pensions, the post office, rivers and harbors, and the navy” (Fite and Reese 1973:407). Expenditures at the level of state and local governments also increased significantly from $478 million in 1890 to $1.165 billion in 1913 (Fite and Reese 1973). The majority of spending at this level was invested in schools, welfare, highways, and public safety. The entrance of various levels of government (mainly state and local) into the arena of social aid was limited by the lingering ideals of social Darwinism. Aid was no longer avoided in its entirety, however, it was restricted to the deserving poor and the undeserving poor were resigned to the vestiges of a “survival of the fittest” mentality. Thus, the idea of implied trusts and duties on behalf of the state to its citizens was in the infancy stage at best.

Post-World War II SSA

Along with lost profits, stagnation, and concern for their very future, capitalists during the exploration phase of the post-World War II SSA had to combat growing worker dissatisfaction. During the decay/exploration phase, “[t]he number of strikes per year jumped from an average of 753 a year in 1927-1932 to an annual average of 2,542 a year from 1933-1938, reaching a peak of 4,740 strikes in 1937” (Gordon et al. 1982:177). Again, social structure of accumulation theorists would argue that nothing short of a new SSA could restore the conditions for renewed capital accumulation.
One of the defining themes of the post-World War II SSA is a change in the role of the state from minimal regulation of capital, use of a big stick and the mechanization of the labor process to discipline labor, and a laissez-faire social Darwinian stance toward small business, farmers, and citizens, to an activist state, referred to as the “Keynsian Welfare National State” by Jessop (2002). As we will see below, the state was now to be tasked with responsibility for actively securing the conditions for capital accumulation by using its power to tax and spend to intervene in the market to stabilize the business cycle, provide a social safety net of welfare payments and tying increases in productivity to wage increases to ensure that consumers had the wherewithal to purchase the goods and services produced, and regulating the flow of money to balance inflation and unemployment. In addition, by improving the lot of the working classes and the poor, the state also fulfilled its legitimization function, making the food riots and labor unrest of the 1930s less likely, at least during the consolidation phase.

Bowles et al. (1990) describe the new, Post-World War II SSA as consisting of four separate central institutions, designed to facilitate capital accumulation: Pax Americana, capital-labor accord, capitalist-citizen accord, and containment of intercapitalist rivalry. Each of these institutions addressed separate concerns, and as such they necessitated specific relationships between various parts of society. Before reviewing these institutions it is important to understand some of the influences present at this point in U.S. history.

McDonough holds that “it is the social influence of [World War II] itself which constituted the organizing factor in the construction of the new SSA”
One way the war influenced American policy is through the ideal of full-employment. Having reached full-employment during the war, this became a more valued goal. Additionally, with the passing of the Employment Act of 1946, “congress accepted responsibility for the rate of unemployment” despite not having immediate plans of how to address the issue (McDonough 1994:117). In addition to elevating the goal of full-employment we can see for the first time some sort of intervention on behalf of the state to mitigate the negative consequences of unemployment. The state was also influenced by the positive outcomes it achieved through its fiscal policy—progressive taxation and increased spending. From 1939 to the end of the war, U.S. gross national product increased 72 percent (McDonough 1994:117). This prosperity showed the U.S. federal government that with a higher budget there was more room to play with by adjusting spending relative to tax levels or vice versa. Keeping an eye to the ways in which World War II influenced the consolidation of the SSA, I will now review the four institutions of the post-World War II SSA identified by Bowles et al. (1990).

Pax Americana is the institution that established U.S. global economic dominance during the formation of the post-World War II SSA. The institution of Pax Americana relied heavily on the Bretton Woods system that tied international exchange rates to the U.S. dollar. This system was named after the meeting of delegates that took place in Bretton Woods, New Hampshire in 1944. Bretton Woods also established the International Monetary Fund (IMF) and the World Bank, and placed the United States in control of these new entities, ensuring international economic dominance (Bowles et al. 1990). Further strength was added by the
Western Europe’s total imports and two-thirds of merchandise imports from the
dollar area between 1947 and 1950” (McDonough 1994:118).

The capital-labor accord was designed to address the growing discontentment
of American workers (i.e., legitimization), while simultaneously facilitating capital
accumulation by wedding increases in productivity in manufacturing to wage
increases, and hence the effective demand for the ever-growing supply of consumer
durable and nondurable goods. As previously stated, the number of strikes reached
an all-time high in 1937 and business desperately needed a way to regain control over
labor. Important pieces of legislation pertaining to this institution are the Wagner Act
power to unions and accordingly union membership grew to over 3 million in 1937
(McDonough 1994). A brief economic downturn in 1938, referred to as the
“Roosevelt recession” damaged the power of unions as the state saw more of a need
to temper unions in favor of business. The Taft-Hartley Act, passed in 1947, was
characteristic once again of a full-on assault on unions, limiting the power of labor
organizations. Taft-Hartley legalized right-to-work laws and outlawed sympathy
strikes, greatly weakening the bargaining power of labor unions. This act effectively
halted the expansion of union organization (McDonough 1994).

The capitalist-citizen accord established the state’s responsibility to citizens
by, for the first time, providing a limited social safety net. With the advent of the
New Deal, Bowles et al. write, “the state committed itself to at least a margin of
economic security for all Americans, whether aged, unemployed, or simply poor”
(1990:60). This commitment can be seen in the creation of programs such as social security and unemployment insurance, all of this falling under what is now commonly referred to as the “welfare state.” What underlies this hands-on approach by the state is the ability for business to avoid strategies for full-employment that it felt would not be in the best interest of profitability, allowing for periodic contractions that would remind workers they were lucky to be employed at all. Simultaneously, it took some of the sting out of unemployment, but not enough to make it a comfortable position to be in. However, it also served in the interests of capital accumulation by guaranteeing the poor and unemployed as a market for consumer goods.

The fourth institutional pillar of the Post-World War II SSA was the containment of inter-capitalist rivalry. The monopoly SSA, with its high number of corporate mergers, helped to solidify the position of big business in America. Even during the Great Depression small businesses were more likely to suffer the consequences, while big business was able to capitalize on the war, insulating itself somewhat from the economic disaster (Bowles et al. 1990). These big businesses were able to use their monopoly positions to raise prices higher than they would have been able to in a truly competitive market. Essentially, big business retained the power it had enjoyed during the monopoly SSA, thanks in part to the other institutions making up this new SSA.

These four pillars institutionalized for the first time specific relations between capital, labor, citizens, and the state, bolstering capital accumulation and the legitimacy of capitalism. If anything, this state intervention approach solidified the abstract ideal of a social contract between the state and its citizens.
This newly formed SSA facilitated capital accumulation well into the 1960s before any decay. In the late 1960s, the core institutions began to face challenges as the SSA entered into its first decay phase. American corporations increasingly had to contend with international competition as other countries had also strengthened their economies during the postwar years. At the same time, the capital-labor accord was threatened as it now became apparent that significant numbers of workers had been left out of this agreement. Employees working in lower paying jobs not represented by labor unions (typically women and minorities) fared far worse even during the rapid economic growth of the consolidation phase as income inequality increased (Bowles et al. 1990). Throughout this period, substantial social movements served to expand the state’s obligation to citizens. The Civil Rights Movement (and the resulting Civil Rights Act of 1964), as well as the Women’s Movement, and the Environmental Movement (and the resulting National Environmental Policy Act, Clean Air Act, Clean Water Act, and others) signified the growing responsibility of the state in protecting its citizens, fulfilling the state’s legitimization function in response to social unrest.

To counteract these effects (and the growing unrest evidenced by the aforementioned social movements), the capitalist-citizen accord was altered to include even more programs such as Medicaid, Medicare, expansion of Aid to Families with Dependent Children (AFDC), the Civil Rights Act, the Occupational Safety and Health Act of 1970, and environmental protections. These programs served to assist the unemployed and those left out of the capital-labor accord and provide citizens with a larger social safety net. However, lessening the hardships of
unemployment resulted in the weakening of the very mechanisms that had been used to effectively control labor.

Inter-capitalist competition also faced internal as well as external challenges. As other countries enjoyed economic growth they were more and more able to compete on a global scale. Somewhat ironically, the economic boom experienced during the consolidation phase increased the likelihood of competition from within as new businesses were created. Big business was further threatened by “increasingly effective antitrust activity on the part of a federal Justice Department pushed into action by a public growing more and more distrustful of big business” (Bowles et al. 1990:76). This can clearly be seen as the beginning of the deterioration of the post-World War II SSA.

For the purpose of this dissertation it is important to note are that with the consolidation of the post-World War II SSA, citizens began to expect the state to provide a social safety net. The state had established itself in a role of protector and provider, at a very basic, if limited, level. While the monopoly SSA was built on an alliance between the state and capital, the postwar SSA forged an additional alliance between the state and labor, and the state and American citizens.

Hypotheses

This overview of the monopoly and post-World War II SSAs leads to two main hypotheses regarding natural disasters as state crimes that will be evaluated in subsequent chapters. The first hypothesis is based on the differences between the two SSAs. As the monopoly SSA was more simply an accord between the state and
capital with monopoly capital as its unifying principle, there was no obligation or real expectation for the state to intervene in the lives and experiences of citizens. Accordingly, I expect to find more evidence for the hurricanes occurring after 1948 (generally seen as the start of the post-World War II SSA) to be classified as state crimes.

The second hypothesis stems from an examination of the phases within the post-World War II SSA. The consolidation phase, being one of economic prosperity and growth, is theoretically the phase when all four institutions that made up the SSA were most effective in producing the conditions necessary for capital accumulation. The decay phases are when we start to see the deterioration of these institutions, and thus their performance is less than optimal. As a result I expect to find more evidence for hurricanes occurring in the decay phases to be classified as state crimes than during the consolidation phase of the post-World War II SSA.

Case studies of hurricanes from both the monopoly and post-World War II SSA, as well as each phase of the post-World War II SSA will serve as evidence to test these hypotheses. The next chapter details the types of evidence included in these case studies as well as an explanation for the selection of specific cases (hurricanes).
CHAPTER IV

METHODS

The method utilized in this dissertation is the case study method, typical of comparative and historical social science research. Case studies are among the most common method for researching areas such as state crime, white-collar crime, and organized crime (Geis 1991). Geis explains the prevalence of case studies in these areas by pointing out that none of these categories concern “criminal activity that is so labeled in any statute book” (1991:208). Geis specifically discusses organized and white-collar crime, but few would disagree that the same challenges exist in state crime research. Geis elaborates on the difficult nature of utilizing quantitative methods in researching these areas. He states,

For both forms of behavior, access to many important sources of information is precluded by the power, secrecy, and relative imperviousness to quantitative studies of people and organizations that commit this kind of lawbreaking (Geis 1991:208)

Sjoberg et al. agree with Geis when they state, “The truly powerful and the truly disadvantaged can be studied only through some kind of in-depth case study approach” (1991:50). The authors argue that other methods of social research are inadequate for assessing the interests and concerns at both ends of the spectrum, as they are designed to reach the largest number of the most easily accessible population somewhere in the middle.

Case studies have also previously been used to study natural disasters, the most notable being Erikson’s 1978 book, *Everything in its Path: Destruction of Community in the Buffalo Creek Flood*. In this book Erikson provides a comprehensive look at the effects of a devastating flood on Buffalo Creek, West
Virginia, a small mining town in the Appalachians in 1972. He utilizes historical information on the Appalachians, the town itself, and the coal mining camps, as well as interviews, census data, legal depositions, and questionnaires. Erikson speaks of the difficulty he had in completing his research noting that “the traditional methods of sociology do not really equip one to study discrete moments in the flow of the human experience” (1978:12). Studies like Erikson’s have undoubtedly led the way for future case studies, but what exactly is a case study?

The case study is described by Orum et al. as “an in-depth, multifaceted investigation, using qualitative research methods, of a single social phenomenon” and it is usually seen as “an instance of a broader phenomenon, as part of a larger set of parallel instances” (1991:2). The cases to be examined here are occurrences of natural disasters. There are a number of reasons why one might engage in case study research with two advantages identified by Orum et al. that include,

It provides information from a number of sources and over a period of time, thus permitting a more holistic study of complex social networks and of complexes of social actions and social meanings [and] it can furnish the dimensions of time and history to the study of social life, thereby enabling the investigator to examine continuity and change in lifeworld patterns (1991:6-7).

Conversely, Sjoberg et al. (1991) discuss the negative consequences of preoccupation with methods other than the case study. They argue,

the preoccupation with surveys and/or experimentation—which fosters inattention to the case study approach—has led to a disregard of historical processes or, more narrowly, the turning points of history” (Sjoberg et al. 1991:54).
Most relevant for this research is the use of multiple sources spanning a long period of time, examination of relationships and actions, the turning points of history, and the historical change in responses to the different instances under investigation.

Case studies rely on multiple sources of evidence such as news sources, government documents, and archives. The use of multiple sources allows the researcher to “cross-check and thereby to validate observations as well as claims based on those observations” (Orum 1991:19). This process is referred to as triangulation and is an important part of the case method. The goal here, as identified by Gillham, is to seek “different kinds of evidence, evidence which is there in the case setting, and which has to be abstracted and collated to get the best possible answers to the research question” (2000:1-2). The main sources of evidence used in the case studies in this dissertation will be news sources, government documents, and archival data made available on the internet.

Research Design

One criticism of existing case studies within the state crime literature is that most research investigates a single case or occurrence. The investigation of single cases is useful in that knowledge of one particular event is increased, but it does little to tell us how this event differs from others occurring at the same time or prior to the event. It is the goal of this research to not only compare multiple cases, but to have this comparison be historical in nature, so as to highlight what, if anything, has changed over time with regards to the state’s preparedness and response to natural disasters.
Keeping in mind the assumptions of SSA theory, there are four case studies presented in this research. One case study comes from the monopoly SSA, and the other three are from the three phases of the post-World War II SSA. The largest natural disaster from the monopoly SSA, and still the most deadly natural disaster to strike the United States, is the 1900 Galveston Hurricane. This will be the only case from the monopoly SSA as the monopoly SSA was primarily an arrangement built upon the dominance of capital. Unlike the post-World War II SSA, there were no institutionalized relations between labor and the state, or the state and citizens, thus the phases (exploration, consolidation, and decay) should show no real breakdown of these relationships. One case from this particular SSA provides us with insight into the handling of natural disasters for this stage of capitalism.

In contrast, the institutions of the post-World War II SSA resulted in specific relationships not only between the state and capital, but also between the state and labor, as well as the state and citizens. For this reason I have selected three case studies from the post-World War II SSA, one from each phase. Hurricane Hazel (category 4) in 1954 will serve as the case study for the consolidation phase (1948-1966), Hurricane Camile (category 5) in 1969 will serve as the case study for the decay phase (1966-1979), and lastly, Hurricane Katrina (category 3) serves as the case study for the exploration phase (1992-2005). To select the hurricanes for these case studies I obtained a list of the 30 deadliest mainland United States tropical cyclones from 1851-2006 and a list of the 30 costliest hurricanes from 1851-2006 from a National Oceanic and Atmospheric Administration (NOAA) memorandum by
Blake et al. (2007). I then chose the worst (deadliest and costliest) hurricane from each identified phase of the post-World War II SSA

Data sources

Due to the historical nature of this research, the data sources used in each case vary slightly. All case studies involved the collection and analysis of newspaper articles, government/congressional reports, official counts of damage and deaths, and books written about the hurricanes themselves. The analysis is tied together by reviewing legislation in place at the time of each hurricane, as well as the legislation passed in response to these disasters concerning the state’s role in preparing for and responding to natural disasters. Careful attention was also paid to the reaction of the general public in so far as it can be discerned from news sources or other archival accounts. Working from the available data on each of the selected hurricanes, an attempt has been made to present a full analysis of each hurricane focusing on the types of sources identified above. Below, I outline the specific steps taken to secure the data necessary for each case study.

The 1900 Galveston Hurricane

I began researching the Galveston Hurricane using the library’s “Historical Newspapers” database utilizing the search terms ‘Galveston,’ ‘Galveston storm,’ ‘Galveston hurricane,’ ‘Galveston, TX,’ and ‘hurricane.’ Since the hurricane struck the island on September 8, 1900, I used the date range September 1, 1900 to September 1, 1901. I then repeated the same searches using a second database from
the library called “America’s Historical Newspapers” to be sure I had access to as many articles as possible. Most of the articles found using the two databases were duplicates but there were a few additional articles found only due to these searches of the second database. Due to the nature of these data bases, the articles used to present the chronology of the Galveston Hurricane are from numerous different newspapers across the country. In the case of Galveston, restricting my analysis to one specific paper’s coverage or attempting to use primarily local newspapers would have limited the available data severely.

In addition to newspaper archives, the analysis of the Galveston Hurricane also incorporates two books written specifically on the storm and one about hurricanes of the Gulf of Mexico (Larson 2000; Weems 2002; Keim and Muller 2009). In this case I also had access to the original report of the storm written by the meteorologist in charge at the time of the storm, Isaac Cline (Cline 1900).

Hurricane Hazel

In researching Hurricane Hazel, I again used the library’s “Historical Newspaper” database. I was not able to use the “America’s Historical Newspapers” database as it only is archived up to 1922. I used the search terms ‘Hurricane Hazel’ and ‘Hazel’ within the date range of October 1, 1954 to October 1, 1955, as the storm struck on October 15, 1954. Again due to the nature of the database the search yielded articles from various newspapers across the country and coverage of this hurricane, upon first analysis, seemed lacking in the vein of local coverage. The case of Hurricane Hazel was the first test of the new SSA and it largely appeared that the
government had met its obligations and the expectations of citizens. However, as the
government’s performance in this hurricane is closely related to the main hypothesis,
I could not ignore the possibility that this image of a well-performed relief effort
could be shattered, or at least tarnished by more local newspapers, perhaps focusing
more on residents’ experiences and possible frustrations. For this reason, I began
searching for more local coverage of Hurricane Hazel.

I began this process by doing an internet search for newspapers in the
Wilmington, North Carolina area, the closest big city to the site of landfall. I then
visited the websites of all the newspapers to see if they had online archives dating
back to 1954. None of the websites visited had archives from 1954, some had
archives from more recent years, and many of the papers were not in existence in
1954. I then did a search for the oldest and most established newspapers in North
Carolina and came across the *Fayetteville Observer*. In the fall of 2011, I went to the
public library in Fayetteville and searched through microfilm copies of the paper from
October 5, 1954 through January of 1955. In addition to these articles, I also used a

*Hurricane Camille*

Since Hurricane Camille struck near New Orleans, I checked the *New Orleans
Times Picayune’s* website for archived articles and could not access them for the
years 1969-70, so I again used the “Historical Newspaper” database. The database
search again supplied articles from multiple papers, very few local. Additionally, the
articles yielded in the search seemed to repeat the same information in multiple
papers and articles. For this reason I decided to utilize the searchable archives of the library’s “New York Times” database as this paper appeared frequently in the search results from the historical database and seemed to provide more timely coverage of the storm. I searched the terms ‘Hurricane Camille’ and ‘Camille’ from August 1, 1969 to August 1, 1970. To complete the chronology of Camille I used what local articles I could find, supplemented with articles from the New York Times. To further augment the data from these articles, I used a book written specifically about Camille as well as the report from the government’s investigation into its response to Hurricane Camille (Zebrowski and Howard 2005; United States Senate 1970).

Hurricane Katrina

In researching Hurricane Katrina, the New Orleans Times Picayune’s website proved extremely useful. The site has an entire section devoted to Hurricane Katrina and their original coverage of the storm is available in an easily searchable format by date. Additionally, due to technological advances, the paper was able to continue reporting throughout the storm and its aftermath. For this reason this case is unique in that I was able to analyze almost entirely local coverage of Katrina. I did, however, also search the library’s “New York Times” database using the terms ‘Hurricane Katrina’ and ‘Katrina’ from August 20, 2005 to August 20, 2006 to be sure that the local coverage had not missed anything. Interestingly, the only instance of this I observed was that the local paper provided no coverage of President Bush’s visit to the area until the next day when a reporter commented that his visit had delayed the delivery of supplies. The analysis of Hurricane Katrina also included

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several books as well as a few government reports of investigations into the response and the ruling of a lawsuit against the government (Dyson 2006; Greene 2009; Pampel 2008; Van Heerden and Bryan 2006; U.S. Congress 2007a; U.S. Congress 2007b; Department of Homeland Security 2008; Louisiana Department of Health and Hospitals 2006; Duval 2008).

Limitations

The basic limitations of case study research hinge upon issues concerning reliability and validity. These issues are the very reason processes like triangulation are utilized in case study research. Likewise, to combat these basic concerns I am committed to the goal of cross-checking sources and the process of triangulation, and this is why I often performed multiple searches for articles. Further limitations in this study are related to the time allotted for the completion of a dissertation. Many researchers will spend years working on a single case study (see Erikson 1978 and Vaughn 1997). Due to the time available to them, these researchers were able to immerse themselves in archival data. As time is not a luxury afforded in the dissertation process, these case studies are as complete and in-depth as is possible within the given time constraints. Often, archives are housed in a central location not accessible without considerable travel and expense, which is also beyond the ability of this researcher, save for the trip to search through microfilm in Fayetteville. Fortunately, a considerable amount of archival data is currently made available on the internet.
A further limitation of this study relates to generalizability. While this dissertation attempts to analyze multiple cases, these cases are necessarily spread out over time and only one instance is examined for the monopoly SSA and each of the three phases of the post-World War II SSA. This is a rather large undertaking, however, one will always encounter challenges that more cases should be examined as recognition that one instance may not be indicative of such a long period of time. I do not disagree with this view, and thus, see future research in this area as a necessity. Within the given time constraints, this dissertation aimed to be as comprehensive as possible while recognizing its limitations.
CHAPTER V

WAS THERE EVIDENCE OF STATE CRIME IN THE 1900 GALVESTON HURRICANE?

The 1900 Galveston Hurricane is still the most deadly natural disaster to affect the United States. It is estimated that over 6,000 people perished in this storm, although the real number of lives lost will never be known (Larson 2000, Cline 1900). The unique characteristics of Galveston Island undoubtedly contributed to the devastation resulting from this hurricane. Galveston is a small island off the south east coast of Texas, located in the Gulf of Mexico. The island itself spans about 30 miles in length and ranges from one and a half miles to three miles wide (Cline 1900, Larson 2000). The city of Galveston was, at this time, located at the east end of the island. The island is surrounded by the Gulf on one side and Galveston Bay on the other. At the time of the 1900 hurricane, the topography of the island was mound-shaped with its highest elevation of 8-9 feet above sea level located in the middle, sloping downward toward both the bay and the Gulf (Plain Dealer 1901).

The so-called ‘West Indian Hurricane’ which was to strike the island was first spotted on September 1, 1900 as it was reportedly forming near San Juan, Puerto Rico (New York Times 1900f). Many writing about this storm called its path “erratic” as the hurricane repeatedly made abrupt changes in directionality, increasing the difficulties of prediction. On the morning of September 2nd, the hurricane was located 200 miles south of Haiti, moving westward at about 15 miles per hour (Weems 2002). Sometime during the day, the storm turned and began heading north. At 8 a.m. on September 3rd, the hurricane was 175 miles south of Cuba (Weems 2002). On September 4th it moved north over Cuba bringing heavy rains of twelve
and a half inches, ten inches of which fell in an eight hour period (*Plain Dealer* 1900a). At this time the Weather Bureau in Washington, D.C. issued the first storm advisory stating, “Tropical storm disturbance moving northward over Cuba” (Weems 2002:8). No other details were given as storm tracking capabilities were primitive at the time and the Weather Bureau relied only on reporting stations located on land.

On September 5\(^\text{th}\), the hurricane was located 900 miles southeast of Galveston, heading north toward Florida. The Weather Bureau issued a second advisory stating, “Disturbance central near Key West moving northwest. Vessels bound for Florida and Cuban ports should exercise caution as the storm is likely to become dangerous” (Weems 2002:11). By September 6\(^\text{th}\) the storm was slightly northwest of Key West, and that evening telegraph wires south of Jacksonville were taken out. At this point the Weather Bureau issued “storm and hurricane warnings up from Port Eads, Louisiana, on the Gulf, to Hatteras, on the Atlantic, and advisory messages were being issued along the East Coast as far north as Boston” (Weems 2002:11). However, the storm turned west yet again and by the next morning (September 7, 1900) it was located southeast of the Louisiana coast (*Plain Dealer* 1900a, *Oregonian* 1900h). Around 9:30 that morning, storm warnings were extended to include Galveston, Texas and it was thought that the hurricane would run aground somewhere east of Galveston (Weems 2002).

At 4 a.m. on Saturday, September 8\(^\text{th}\), the center of the storm was located 200 miles southeast of Galveston, but was already bringing high tides and water began to encroach on the residential portion of the island. Due to the topography of the island, such “overflows” occurred frequently with high tides, and this alone was not enough
to alert residents of Galveston to the severity of the approaching storm (Larson 2000). Additionally, the barometer readings were not yet indicative of such a powerful hurricane. For the meteorologist on duty, Isaac Cline, the most prominent sign of danger was the strange combination of northerly winds along with the high tides. Cline sent the following message to the central Weather Bureau office,

Unusually high swells from the southeast, intervals one to five minutes, overflowing low places south portion of city three or four blocks from beach. Such high water with opposing winds never observed previously (Weems 2002:34).

Cline then proceeded to the beach to warn residents and tourists to leave the island or move to higher ground at the center of the city (Weems 2002, Cline 1900, Grand Rapids Press 1900b). From 8 a.m. until noon the overflow worsened and was accompanied by showers and wind reported at 30 miles an hour. At noon the rain became heavier and the water was reported to be rising at a rate of fifteen inches an hour (Weems 2002).

Shortly after noon on September 8th, railroad communication was severed after the track was washed out (Oregonian 1900d). At 2:30 p.m. it was discovered that the rain gauge at the Weather Bureau office had blown away (Weems 2002). Despite the previous failure of telegraph and telephone wires, one of the meteorologists on duty was able to obtain a long-distance line to Houston at 3:30 p.m. which he used to send the last communication from Galveston before the hurricane struck (Cline 1900, Weems 2002). This last message reported a barometer reading of 29.23 and winds steady at 42 miles per hour with water covering about half the city, and Cline stressed that this storm would be deadly and that relief would be needed (Plain Dealer 1900a, Weems 2002). Richard Spillane, who reached Houston on
September 10th, reported that, “By 3 o’clock the water of the bay and Gulf met, and by dark the entire city was submerged” (New York Times 1900c:1). The center of the storm was said to have struck the city around 5 p.m. (Plain Dealer 1900a). In Cline’s Special Report on the hurricane he wrote,

The greatest velocity for five minutes was 84 miles per hour at 6:15 p.m. With two minutes at the rate of 100 miles per hour. The anemometer blew away at this time, and it is estimated that prior to 8 p.m. the wind attained a velocity of at least 120 miles per hour (Cline 1900).

Residents of the island sought shelter anywhere possible. Many gathered in the hospitals, grocery stores, a convent, neighbors’ houses, and the lobby of the Tremont Hotel (Weems 2002, Oregonian 1900a). The storm raged through the night. An eyewitness gave the following account,

The wind and waters rose steadily from dark until 1:45 Sunday morning. During all this time the people of Galveston were like rats in traps. The highest portion of the city was four to five feet under water while in a great majority of cases the streets were submerged to a depth of ten feet…By 2 o’clock Sunday morning the waters had gone down two feet and by daylight the streets were practically free of the flood waters (Kalamazoo Gazette 1900b:1).

News of the devastation in Galveston was lacking, and the rest of the country anxiously awaited word from residents. A newspaper article published September 9, 1900 reported the following,

Dallas, Sept. 8—Associated Press.—All Texas is in the keenest state of doubt and uncertainty tonight concerning the fate of Galveston island and city. It is rumored here that immense destruction has befallen Galveston and other places. It is said the bridges leading from the mainland to the island have been swept away by the terrible force of the wind and the rolling up of the water in the bay. The bridges are four in number, three for railroad uses and one the Galveston county public wagon and pedestrian bridge.
It seems hardly credible that all these bridges could be swept away without the city suffering tremendously in the loss of buildings, general property and lives. Not a wire is working into Galveston, either telegraph or telephone. The Postal Telegraph Company started a repair train from Houston, but it proceeded but a few miles only before it had to stop because of storm obstructions and return to Houston without making any improvement in the service (Kalamazoo Gazette 1900a:1).

News concerning the fate of Galveston slowly began to trickle out thanks to the stories of residents who had either escaped the island and floated to the mainland, or arrived on the mainland by boat. On September 10th, the following dispatch was made public in the New York Times, “The startling news has just flashed over the wires informing Gov. J. D. Sayers that a messenger, at great risk of his life, has reached Virginia Point from Galveston with the report that 2,500 are probably dead as a result of the fearful storm” (New York Times 1900a:1). Another witness declared that at least 1,000 were dead and 4,000 houses had been destroyed (Plain Dealer 1900a). Bodies lay strewn about in the streets with even more buried below piles of debris and collapsed houses, prompting newspaper headlines such as, “Bodies of Victims by the Hundreds Fill the Streets,” “Gulf Towns are One Vast Morgue,” and “Scenes at Galveston Almost Beyond Description” (Jackson Citizen 1900b:1, Kalamazoo Gazette 1900b:1, Plain Dealer 1900b:2). More bodies, along with animal carcasses were reported floating in the bay and littering the shore of the Texas coast, 200 bodies were reportedly counted in the bay (New York Times 1900a, Weems 2002). The number of dead bodies prompted newspapers to report that an accurate count of the dead would likely never be achieved (Jackson Citizen 1900b, New York Times 1900a, Plain Dealer 1900a, St. Albans Daily Messenger 1900). Many of the bodies found in the wake of the storm would never be identified, this being an
overwhelming task made increasingly difficult by the sun and heat in the days
following the hurricane. The smell was horrendous and there was no time to spare in
disposing of the bodies as the island was cut off from supplies of disinfectants and
fresh water, and surviving residents feared the spread of disease (Grand Rapids Press
1900a, Jackson Citizen 1900b, Kalamazoo Gazette 1900b, Oregonian 1900d). In
response to the disaster President McKinley sent the following telegram,

Washington, Sept. 10—The reports of the great calamity which has
befallen Galveston and other points on the coast of Texas excite my
profound sympathy for the sufferers, as they will stir the hearts of the
whole country. Whatever help it is possible to give shall gladly be
extended (Oregonian 1900c:2).

On September 11th, a relief train was sent from Houston and supplies then
loaded on a barge to reach Galveston. Additionally, orders were issued by the federal
War Department, upon request from the Governor of Texas (on behalf of Galveston),
for the shipment of 355 tents and 50,000 rations so as to provide temporary housing
and meals for survivors (Oregonian 1900c, Oregonian 1900d). A news
correspondent was asked to relay the following message from the Mayor of Galveston
to the American people,

It is my opinion, based on personal information, that 5,000 people
have lost their lives here. Approximately one-third of the residence
portion of the city has been swept away. There are several thousand
people who are homeless and destitute. How many there is no way of
finding out. Arrangements are now being made to have the women
and children sent to Houston and other places, but the means of
transportation are limited. Thousands still to be cared for here. We
appeal to you for immediate aid. –Walter C. Jones, Mayor of
Galveston (New York Times 1900d:1).

By the time this message was delivered on the 13th of September, many survivors had
reached Houston by boat. The survivors told of the disposal of bodies currently being
undertaken as the *New York Times* reported “bodies are being cast into the Gulf with weights attached as the best method of disposing of them, while others are being buried in the sand where found” (*New York Times* 1900d:1). The disposal of bodies was not easy work as another survivor imparted the following,

> I will not attempt to describe the horror of it all; that is impossible. When I left Galveston men armed with Winchester rifles were standing over burying squads and at the point of rifles compelling them to load the corpses on drays, to be hauled to barges, on which they are towed into the Gulf by tugs and tossed into the sea (*New York Times* 1900d:1).

On September 12th, martial law was declared in the city of Galveston to help preserve order and prevent looting, of which there were many reports (*Oregonian* 1900e, *Trenton Evening Times* 1900a). In the days after the hurricane the mayor had ordered all the saloons to close and prohibited the sale of alcohol unless ordered by a doctor, he also took to swearing in many temporary police officers to protect the city (*Oregonian* 1900f, Weems 2002). Newspaper reports, however, made it seem as though these civilian officers were no match for the hordes of looters ravaging the city. One newspaper reported the following mayhem,

> A horde of negroes and whites—even white women—were in the ruins of the city. They were robbing the dead and dying, killing those who resisted, cutting off fingers to obtain rings and ears to obtain earrings. Drunken men reeled about the streets intimidating citizens (*Trenton Evening Times* 1900a:7).

The soldiers and police were ordered to kill anyone caught robbing the dead (*Oregonian* 1900f). Additional stories of vandalism and shootings accompanied these reports. To make matters worse for the city, the bodies that had previously been cast into the Gulf as a means of burial began to wash up on the shores of Galveston in even worse condition than when they had last been handled (*Oregonian* 1900f).
Having run out of options for the disposal of bodies, the survivors turned to the last resort of cremation (Trenton Evening Times 1900b). The news stories were admittedly disturbing as one newspaper reported, “This is a subject almost too bad to write about. Some of the scenes witnessed will not bear description” (Jackson Citizen 1900a:6). Many of the men who had volunteered or were forced, sometimes at gunpoint, as a condition for receiving aid, to build the funeral pyres became sickened during the process. The newspaper went on to give the following account,

There will be little more burying and probably no more towing of the funeral barge, with its ghastly load. Lighter-hued clouds of smoke hung over the beach or gulf side of the city all day. Lighter-hued clouds of smoke arose in a dozen places, telling where the incineration was going on. Men dragged and rolled in great heaps all kinds of wreckage. They, placing the bodies on inflammable material, poured on kerosene and then set the fire going. Some of the heaps were as large as an ordinary house, and in several cases a partially wrecked building was made the center piece for the funeral pyre. Where it was possible wreckage was burned as the storm left it. The bodies were concealed within and only located by the smell.

The burning will be upon an even greater scale tomorrow and hereafter until all that can be done in that way will have been accomplished. Thus it is hoped to get rid of the carcasses of thousands of domestic animals, as well as those of the human bodies which remain (Jackson Citizen 1900a:6).

Since identification at this point was next to impossible, the possible scenario of a man cremating his own loved ones was highly likely. One newspaper reported the story of a man burning the body of his own brother (Trenton Evening Times 1900b). Initially, every able-bodied man applying for aid in Galveston was put to work as a condition of receiving such aid. Working in exchange for aid, while extremely unpleasant in these circumstances, was not unusual for this period in history and was actually in concert with typical provisions for early forms of welfare. During this
period of history, a great deal of effort went into separating the deserving from the undeserving poor before individuals received monetary aid from either a private charity. Much in the same way, working to help with the disposal of human bodies and animal carcasses was a way to discern survivors deserving of aid. However, this work was so undesirable that within a week a committee decided to bring in 2,000 outside workers to finish the task of cleaning up the city (Trenton Evening Times 1900b).

On September 15, 1900 it was reported that banks and some other businesses had reopened, and that five Western Union telegraph lines had been restored (Trenton Evening Times 1900b). By the 17th, newspapers were reporting improved conditions and a speedy recovery given the extent of the destruction (Oregonian 1900i, New York Times 1900g). At this time it was estimated that forty percent of the debris had been removed from the streets and that ninety percent of the dead bodies and forty-five percent of the animal carcasses had been disposed of, although workers continued to find bodies amid the debris (Oregonian 1900i). Wreckage in the city was still piled fifteen to twenty feet high in places, but electric lights and water had been partially restored and it was expected that trains would be running again by the following Thursday (Oregonian 1900i, New York Times 1900g). A list of the known dead in Galveston was compiled and at this time accounted for 4,078 people, although Isaac Cline’s report to the Weather Bureau sent on September 23 puts this number at 3,536 (Oregonian 1900i, Cline 1900). As recovery in the city continued, the following dispatch was sent to the White House and addressed to the President from the Mayor of Galveston,
The people of Galveston, through me, desire to return their sincere thanks for the great interest you and the United States Government, through you, have manifested in their behalf in their hour of trial. While their sufferings are indescribable, yet they have ever in their minds the great Government which never fails to respond to the distress of its citizens, and they also know that at the head of that Government is an upright, Christian gentleman, whose every effort is to relieve the distressed with all the means and power at his command (Oregonian 1900i:3).

The 1900 Galveston Hurricane occurred during the monopoly SSA which was characterized by an alliance between the state and capital. During this time the state’s main concern was with providing the conditions to facilitate the accumulation of capital. Perhaps no other geographical location was a better example of the fruition of the state’s efforts than Galveston, Texas. Before the hurricane, Galveston was poised to be the main shipping port in the Gulf region. It had already outstripped Houston a mere fifty miles away and was on course to surpass New Orleans (Larson 2000, Keim and Muller 2009). In 1899, Galveston became the largest cotton port in the country, and ranked as the third busiest port in the country (Larson 2000). Rapid economic growth in Galveston due to its prominence as a shipping port manifested itself in a wide variety of amenities. As alluded to above, the city had electric lights and electric street cars, long-distance telephone service, and two different telegraph companies, all of which were taken out temporarily by the storm. The city also had multiple concert halls and as many as twenty hotels (Larson 2000). Economic growth also helped to pad the pockets of many Galveston residents. Larson writes, “By 1900, the city was reputed to have more millionaires per square mile than Newport, Rhode Island. Much of their money was vividly on display in the ornate mansions and lush gardens of Broadway, the city’s premier street” (2000:13). The population
of Galveston was also growing steadily at this time. From 1890 to 1900 the city grew 30 percent, from a population of 29,084 to 37,789 (Weems 2002). By 1900, the state had made significant investments in the city of Galveston and its role as a prominent shipping port.

For the purpose of this research, it is important to note that these investments were directed entirely at facilitating shipping, and not at all toward providing protection from storms or hurricanes such as the one that struck in September of 1900. The harbor improvements undertaken by the U. S. Government were described as such,

A deep channel is being constructed [at Galveston] by the jetty system, two jetties having been built across the bar out into the ocean. The channel runs in an easterly direction from the mainland, and passes the island upon which Galveston is situated… the Government is much interested in the harbor improvements. Three years ago Congress appropriated $6,000,000 for improving the harbor at Galveston. This money has been expended in constructing jetties and building revetments for the protection of the channel (Oregonian 1900b:2).

Prior to September 8, 1900, Galveston was reaping the benefits of economic prosperity. Unfortunately, the city would never regain its former status and importance as a shipping port.

In attempting to establish the elements of state crime (social harm, \textit{actus reus}, \textit{mens rea}, and sanctions) in this particular case, it is important to keep in mind that the central relationships of the monopoly SSA were between the state and capital. There was, at this point in history, no implied trust or duty for the state to protect citizens or provide aid for them should they experience disaster. Thus, we will likely find evidence of certain elements while there may be no evidence of others.
Social harm

The element of social harm is relatively easy to establish in this case as the loss of life is undeniable. Even conservative estimates claim that over 6,000 individuals lost their lives as a result of the 1900 Galveston Hurricane (Larson 2000, Weems 2002). Further social harm was undoubtedly inflicted on the residents of the city during recovery as the majority of homes on the island were destroyed leaving an estimated 15,000 citizens homeless and waiting several days for food (Oregonian 1900d, Plain Dealer 1900a, Trenton Evening Times 1900a). The island’s water supply was ruined and survivors had no access to clean water (Plain Dealer 1900a). The storm and its aftermath most certainly caused harm to residents’ mental health as well. While many of the women and children were sent to Houston as soon as possible after the storm, the island and the bay were described as being littered with dead bodies, surely not an easy sight for anyone (Kalamazoo Gazette 1900b, New York Times 1900b, Oregonian 1900h, St. Albans Daily Messenger 1900). Those who remained on the island were compelled—either through their need for aid or at gun point—to assist in cleaning up the city and disposing of the dead (Oregonian 1900e, Plain Dealer 1900c, Trenton Evening Times 1900a, Trenton Evening Times 1900b). This work was certainly disturbing as these bodies may have been the bodies of their loved ones, friends, and neighbors. When bodies began washing up on shore, Galveston sent out desperate pleas for disinfectant as the fear of disease took hold (Grand Rapids Press 1900a, Oregonian 1900g). Thankfully, the danger of an epidemic passed without any major problems (Plain Dealer 1900a, Trenton Evening Times 1900b).
Actus reus

To establish *actus reus*—or conduct—it is necessary to show that the state acted or failed to act in such a way that violates an implied or assigned trust or duty. Due to the relationships set forth in the monopoly SSA there really was no implied or assigned trust or duty of the state to protect citizens or provide aid after such a disaster. However, the Weather Bureau was established to serve as a warning service for citizens as well as those at sea, and there seems to be a difference of opinion on how well the government agency performed during the 1900 Galveston Hurricane. One newspaper article from September 18, 1900 praised the Weather Bureau’s good work in both providing warnings and observations (*Oregonian* 1900j). The article stated,

> When the storm turned from the north of Cuba westward the bureau turned its attention to Texas, and on the morning of the 7th, nearly 36 hours before the disaster, warned the people of Galveston of its coming, and during that day extended its signals all along the Texas coast, thus preventing vessels from leaving. Of course, the observers could not know what terrible energy it would gain crossing the Gulf of Mexico (*Oregonian* 1900j:6).

A separate article from October 3, 1900 proclaimed meteorologist Isaac Cline the “Hero of the Gale” for his astute observations and his effort to warn citizens and tourists on the beach Saturday morning (*Grand Rapids Press* 1900b:1). However, Erik Larson, author of *Isaac’s Storm* (2000), provides useful insight into the operations of the Weather Bureau at this historical point.

As one might expect during the monopoly SSA, the Weather Bureau seemed more concerned with protecting commerce (and itself) than citizens. Larson states
that the bureau had “banned the use of the word *tornado* because it induced panic, and panic brought criticism, something the bureau could ill afford” (2000:9). Further, it was strict policy that storm warnings could only be issued by the bureau’s headquarters, located in Washington D.C. (Larson 2000). Larson explains that the prior to the storm, criticism of the Signal Corps (under which the Weather Service was located) was high following the embezzlement of a quarter of a million dollars by the corps’ financial manager. The scandal opened the door for complaints about the Weather Service and debates over whether or not “man” could or should attempt to predict the weather. An internal investigation into the corps and specifically the Weather Service was conducted and found few financial controls, a limited pool of qualified applicants, and training that emphasized physical training over meteorological training (Larson 2000). It was this fear of further criticisms that led the Weather Service (and later, the Weather Bureau) to proclaim that weather forecasting should be done only by in the upper echelon of the bureau in Washington, D.C. and relegated fairly simple activities such as taking observations and relaying them to headquarters to meteorologists like Cline (Larson 2000).

In 1891, the Weather Service was transferred from the Signal Corps to the Department of Agriculture and renamed the Weather Bureau (Larson 2000). The Weather Bureau underwent many changes in leadership and some enhancements that included hurricane listening stations in Mexico, Barbados, and other Caribbean locations. Despite these advancements, the bureau’s headquarters still controlled much of the forecasting, “even something as basic as predicting the temperature twenty-four hours in advance was considered so likely to result in failure and public
ridicule that the bureau forbade it” (Larson 2000:69). Combined with this hesitancy to make wrong predictions, was a naïve belief in certain “rules,” such that a hurricane could not strike as far west as Texas and that, if it did so, it would necessarily be weak in strength. Despite a series of storms in the late 1800s that seemed to disprove these rules, Isaac Cline himself published an article in 1891 addressing the threat of hurricanes in and around Galveston. Cline, confident in his skills as a meteorologist, belittled hurricane fears as the artifacts of ‘an absurd delusion.’ He was especially confident about storm surges. Galveston would escape harm he argued, because the incoming water would spread first over the vast lowlands behind Galveston, on the Texas mainland north of the bay where the land was even closer to sea level. “It would be impossible,” he wrote, “for any cyclone to create a storm wave which could materially injure the city” (Larson 2000:84).

Further compounding the attitudes and practices of the Weather Bureau at this time was the bureau’s intense competition with Cuba. Hurricane detection was pioneered by Cuba’s weather observers, and their equipment was equivalent to that which the United States had at its disposal at the time (Larson 2000). In 1900, the Weather Bureau had a station in Havana, but this did not mean that the United States and Cuba had a good relationship. In fact, the director of the Weather Bureau issued a ban on all Cuban weather telegrams due to its distrust of the Cubans observing that,

The United States Weather Bureau in Cuba has been greatly annoyed by independent observatories securing a few scattered reports and then attempting to make weather predictions and issue hurricane warnings to the detriment of commerce and the embarrassment of the Government service (Larson 2000:105).

The ban on Cuban weather telegrams did a great disservice to the bureau in that it essentially lost one of the closest, and arguably most useful, hurricane stations. However, the above quote illustrates yet another point of contention in weather
forecasting, commerce. Aside from potential embarrassment, the bureau knew that calling a storm a hurricane or issuing hurricane warnings would increase panic, and that panic would have a negative effect on commerce. Larson writes, “observers took special pains to avoid using the word hurricane, except when absolutely necessary or when stipulating that a particular storm was not a hurricane” (2000:106). In conclusion, while the newspapers touted that storm warnings were issued a full 36 hours prior to the storm, one could argue that had the ban on Cuban weather telegrams not been in place at the time of the hurricane, warnings could have been issued sooner and residents of the island would have had time to evacuate.

While such behaviors by the Weather Bureau may be seen as problematic today, it is important to remember that during the monopoly SSA the state had yet to establish the sort of relationship with citizens that would require it to take a more active role in protecting them from natural disasters. Additionally, the state’s role during this time was not one that required it to provide aid to citizens who suffered through such a disaster. To be sure, the War Department of the federal government did provide aid in the form of troops, tents, and rations, but most monetary aid (what little remained in that form) to the citizens of Galveston was provided by private citizens across the country, as was typical for most monetary assistance provided during the monopoly SSA. As noted earlier, the Mayor of Galveston appealed to the American people, not the federal government, for assistance. The Red Cross provided aid to Galveston through individual contributions, and politicians across the country solicited aid from their constituents. An article in the New York Times on September 11, 1900 stated,
The National Government was properly asked to give its aid and properly has done so. But the great bulk of the assistance must come from the people. There has never been an event which has demanded a more generous outpouring of public generosity. Galveston has been struck almost to death. The difficulties and the dangers in the way of giving assistance only make it more imperative that aid should be rendered. If any comfort is to be obtained from such a calamity it is in the thought that what can be done will be done, and that right-heartedly and swiftly by the people of the entire country (New York Times 1900e:1 emphasis added).

By September 14, 1900 it was reported that over a million dollars had been raised in private aid for the residents of Galveston (Grand Rapids Press 1900a). It is clear by the above quote from the New York Times, as well as the previously quoted message of thanks to the president, that the federal government performed at an acceptable level with respect to what was expected of it in the aftermath of the hurricane by sending tents and rations. Further evidence of the lack of implied or assigned trusts and/or duties of the state lies in the fact that survivors were not simply granted access to tents and/or rations in the wake of the storm, but instead required to work as a condition for receiving such aid. One article describes the process,

There is one general relief committee with subcommittees in each ward. To these subcommittee men sufferers must apply for relief and are categorically questioned as to the extent of their distress. If the answers are satisfactory, an order is issued for supplies. If he is an ablebodied man, although he may be houseless and may have lost members of his family or have some injured by the storm and needing attention, he must perform labor before supplies are issued, and if he refuses he is impressed and compelled to work (Trenton Evening Times 1900b:6).

Mens rea

To establish mens rea it is necessary to investigate whether the actions or inactions of the state were perpetrated with knowledge of the impending social harm
and were the result of the state prioritizing some other goal over its implied or assigned trusts or duties. In this respect, the 1900 Galveston Hurricane falls short of being a state crime. The state and its agencies had no prior knowledge of the magnitude of damage that could be caused by such a storm in 1900. Additionally, as previously argued, the state had no implied or assigned duty to protect citizens from such disasters, nor to provide public relief in its aftermath. The preservation of commerce was undeniably the utmost goal of the state at this time, and it certainly played a role in the forecasting of the storm, however, this was consistent with the relationship established by the monopoly SSA between the state and capital.

Sanctions

The fourth element to be established in this case is that of sanctions. In lieu of prescribed punishment for criminal acts, it becomes necessary to look to the victims of the disaster and to the attitude of the general public as well as any claims makers who might be so involved. In the case of the 1900 Galveston Hurricane, I have found no evidence of discontent with the actions of federal, state, or local governments, or their respective agencies. Ideally, this conclusion would be based on reports or quotes affirming that the victims and the public generally regarded the government’s actions as acceptable or that they attributed any blame for damage and suffering to God or Mother Nature as opposed to the government. With regards to the 1900 Galveston Hurricane, this conclusion is in part drawn from the lack of negative comments directed at any level of government, more so, it is based on the calls for aid and correspondence between levels of government. Recalling the above quote which
stated “the great bulk of the assistance must come from the people” one can see the lack of any cries for additional relief efforts from the state (*New York Times* 1900e:1).

Further evidence of the absence of a social audience willing to impose formal or informal sanctions on the state for its response to the hurricane can be found in the message sent from the mayor of Galveston to the president,

> The people of Galveston, through me, desire to return their sincere thanks for the great interest you and the United States Government, through you, have manifested in their behalf in their hour of trial. While their sufferings are indescribable, yet they have ever in their minds the great Government which never fails to respond to the distress of its citizens, and they also know that at the head of that Government is an upright, Christian gentleman, whose every effort is to relieve the distressed with all the means and power at his command (*Oregonian* 1900i:3).

These hardly sound like the words of an elected official fighting to overcome the backlash of his angry constituents.

**Conclusion**

During the Monopoly SSA, the main orientation of the government was directed toward business, not toward citizens. There was no federal agency or program to handle disasters or emergencies, nor was there one tasked with providing aid to those who experienced disasters first hand. The absence of these agencies or programs illustrates the lack of implied duties on behalf of the state during a disaster or emergency. Instead, the fact that the government offered any help at all to victims of the storm seems to have been held in high regard by both victims and the public. In essence, since the citizenry expected relatively little from the state, any assistance given could have been seen as the state going above and beyond any sort of
obligation to citizens. The overwhelming majority of aid given to victims of the 1900
Galveston Hurricane came from donations sent by ordinary citizens, wealthy
philanthropists, both large and small businesses across the nation, and even others
countries. Additionally, able-bodied victims were required to work for the aid they
received.

Due to the lack of implied or assigned trusts or duties of the state to protect
citizens from natural disasters and provide aid in the aftermath of such incidents in
1900, the application of the four elements of state crime to the case of the 1900
Galveston Hurricane falls short. This leads me to conclude that the 1900 Galveston
Hurricane—while still the most deadly hurricane to strike the United States—was not
a state crime.

Notably the Weather Bureau lifted its ban on Cuban weather telegrams shortly
after the 1900 Galveston Hurricane illustrated the need for as much advanced warning
as possible (Larson 2000). In the coming years, the state took on a much different
role in the mitigation of natural disasters, primarily flooding. Disastrous flooding of
the Mississippi River in 1927 and a series of floods in 1935 and 1936 mark the
beginning of increased concern for citizens’ property and lives, as did the new, post-
World War II SSA. The following chapter details many of the changes in legislation
and attitudes toward natural disasters brought about by the post-World War II SSA,
and then examines the case of Hurricane Hazel in 1954, again attempting to establish
the four elements of state crime.
CHAPTER VI

WAS THERE EVIDENCE OF STATE CRIME IN HURRICANE HAZEL?

The monopoly SSA, which fostered economic growth until the mid-1920s, was based on a relationship between the state and business, where the state did not regulate or intervene in the market, and capital maintained control over labor and wages with the help of the state. When it came to issues of public aid, there was a great deal of importance placed on separating the deserving from the non-deserving poor. This relationship produced robust capital accumulation until it crumbled with the stock market crash in 1929 and the Great Depression which followed. In accordance with SSA theory, this sharp economic downturn resulted in a phase of exploration as economic and political actors sought to restore capital accumulation. Nothing less than a restructuring of the core relationships and institutions was necessary to again facilitate capital accumulation. This restructuring was primarily achieved through the New Deal, during the Roosevelt administration. The resulting new SSA, the post-World War II SSA, unlike the monopoly SSA, consisted of four central institutions: Pax Americana, capital-labor accord, capitalist-citizen accord, and containment of inter-capitalist rivalry (Bowles et al. 1990).

Two aspects about the post-World War II SSA are particularly important for the purposes of this research. First, this new SSA marked the end of the government’s *laissez-faire* approach to the economy. Largely as a result of World War II, the government began to see that increased expenditures spurred capital accumulation. Additionally, the ideas of Keynesian economics were becoming more popular as they provided a direct way for the government to control or stabilize the...
economy when necessary. Second, the post-World War II SSA specified, for the first time, a relationship between the state and citizens, where the state took responsibility for protecting and providing for the general welfare of citizens. This chapter will examine the capitalist-state-citizen accord of the post-World War II SSA in more detail, and offer a discussion of legislation specific to natural disasters with the goal of providing context for an examination of the four elements of state crime in the case of Hurricane Hazel in 1954 that occurred during the consolidation phase of the post-World War II SSA.

The Capital-State-Citizen Accord in the Post-World War II SSA

As a result of New Deal legislation, the federal government began to intervene in the economy and to regulate the market. In addition, it began to regulate certain industries as a way of protecting the people.

The state had strong motivation to establish a relationship to its citizenry. While this relationship and the safety net it provided acted to keep citizens involved in the economy by ensuring they would have the means to participate, it also served the dual purpose of capital accumulation and legitimizing the state. By improving the conditions of working class and poor citizens the state hoped to avoid challenges from these classes which had increased in number. In the wake of the Great Depression many of the private charities disappeared due to a lack of funds (Trattner 1994). Trattner explains why the failure of these private charities was so significant,

For many, then, the depression answered, once and for all, the vexing question of whether private or public agencies should be responsible for relief-giving. Voluntary charity simply could not cope with the situation; only public agencies could deal with the collapse of the
Indeed, one of the first forms of Federal aid to come about was unemployment relief. Before his election as president, New York Governor Franklin D. Roosevelt, having implemented unemployment relief in his state, called a special session of the Congress to push for a federal program. Exemplifying the changing role of the state, Governor Roosevelt proclaimed “Modern society acting through its government owes the definite obligation to prevent the starvation or dire waste of any of its fellow men and women who try to maintain themselves but cannot” (Trattner 1994:279-280 emphasis added).

To be sure, while there was a definite shift in the role of the state, aid was not exactly given freely or seen as a permanent answer. For example, many of the programs created by the New Deal were means tested and the Federal Emergency Relief Act, which allocated $500 million to be distributed to the states for relief programs, was eventually phased out in favor of the Works Progress Administration, a work relief program (Trattner 1994). Remnants of the attitudes regarding the deserving and undeserving poor become apparent as the goal of many New Deal programs was to help those who were suffering through no fault of their own (Trattner 1994).

In addition to providing relief, the state took on a role as a protector of citizens. As early as 1906, the Food and Drug Act and the Meat Inspection Act were passed (USDA 2007). These acts were passed on the heels of Upton Sinclair’s The Jungle which spurred public outcry for inspections of meat packing houses (USDA 2007, Fite and Reese 1973). However, as was typical of the monopoly SSA, these
acts did little to control unethical business practices as they contained many exemptions and weak enforcement provisions. By 1930 the Food and Drug Act was being challenged as ineffective. The Food and Drug Administration itself compiled a list of dangerous products not covered by the 1906 act which included,

- Banbar, a worthless "cure" for diabetes that the old law protected;
- Lash-Lure, an eyelash dye that blinded many women; numerous examples of foods deceptively packaged or labeled;
- Radithor, a radium-containing tonic that sentenced users to a slow and painful death; and the Wilhide Exhaler, which falsely promised to cure tuberculosis and other pulmonary diseases (Swann 1998).

Despite knowing that the 1906 act was inadequate, a new bill remained on the sidelines for years until the unfortunate deaths of 100 people (many children) from an untested drug known as Elixir Sulfanilamide (Swann 1998). The Food, Drug, and Cosmetic Act of 1938, which replaced the pro-business 1906 Food and Drugs Act, provided new regulations requiring federal approval of drugs and legally enforceable food standards, as well as authorized factory inspections (Swann 1998).

The state’s role with regards to its citizenry had indeed changed from the non-interventionist, business-centered approach, to a more hands-on approach providing both relief and protection, even if modest, to its citizens. In addition to social welfare programs and regulation, legislation was passed regarding the state’s role in preventing and responding to natural disasters. Similar to the impact Upton Sinclair’s book and the unfortunate deaths from Elixir Sulfanilamide on the food and drug acts, passage of much of this legislation required an event or occurrence that would serve to focus public attention and produce claims-making activity to define such events as social problems conducive to amelioration by state and/or federal government action.
Flooding has always been a problem in the United States resulting in the loss of lives, crops, and livestock and causing damage to the built environment and, as such, numerous floods provided the motivation for state intervention. In 1907, flooding of the Allegheny, the Ohio, and the Monongahela Rivers devastated the “Golden Triangle” area of Pittsburg, causing $6.5 million in damages (Arnold 1988). Between 1907 and 1913, the nation experienced several costly floods, spurring the creation of the House Committee on Flood Control in 1916, followed by the Flood Control Act of 1917. The Flood Control Act of 1917 was the first act exclusively directed at controlling floods and was limited to the lower Mississippi and Sacramento Rivers. This act was significant in that it was the first time “Congress appropriated funds openly and primarily for the purpose of flood control” (Arnold 1988:14). Early debate on flood control centered on issues of constitutionality as many at this time believed that it was unconstitutional to use tax dollars for local interests. They argued that flood control projects would mostly benefit citizens living near them and that this was an inappropriate use of federal funds. Politicians in favor of federal funding for these projects focused on the Commerce Clause of the constitution which, they argued, through the right to regulate commerce, granted “the right to facilitate or aid in its movement by funding road and river navigation projects” (Arnold 1988:4). The early flood control acts focused much more on this idea of facilitating commerce. The interest in flood control at this point, however, was hindered by U.S. involvement in World War I.

The Mississippi River flooded in 1922 and again in 1927, when the devastation was more severe. At its worst point, the Mississippi River flood of 1927
covered 26,000 square miles in seven states and forced more than 700,000 people from their homes. Arnold described the following conditions,

In some areas the collapse of newly constructed higher levees meant that the floodwaters, which had in the past risen slowly, now rushed across the level countryside and 330,000 people had to be rescued from housetops, levee crowns, and trees. Due to massive and heroic rescue efforts, only about 250 people drowned before boats could get to them (1988:18).

Other sources reported that 313 people drowned and that the true death toll of this flood would never be known for certain (Barry 1997). The Red Cross provided aid over the course of this disaster, operating 154 camps or “tent cities” in seven states, “a total of 325,554 people, the majority of them African-American, lived in these camps for as long as four months” (Barry 1997:286). This flood, and the government’s actions in response to it, had long-lasting effects on the residents of Plaquemines Parish, Louisiana which will be detailed in the next chapter. The 1927 flood affected the economy of the entire United States as “for many weeks no railroad trains crossed the Mississippi south of St. Louis, and more than 3,000 miles of track were under water” (Arnold 1998:18). When all was said and done “total relief contributions from private and governmental sources totaled $31.8 million” (Arnold 1988:18).

These floods sparked public interest in flood control and the Flood Control Act of 1928 was passed. This act was significant in that it

…put flood control on a par with other major projects of its time. The act authorized an expenditure of $325 million, the largest public works project ever authorized by the Federal Government, even exceeding the construction of the Panama Canal, which was $310 million (Arnold 1988:21).
Additionally, the Flood Control Act of 1928 provided immunity to the Army Corps of Engineers (the entity charged with the design and maintenance of the federal government’s flood control projects) for the failure of any currently existing or future flood control project (Duval 2008). Again, interest in flood control was stalled, this time by the crash of the stock market in 1929.

The nation experienced great flooding again in 1936. Devastation was widespread across the Northeast,

Billions of tons of water poured into farmhouses, villages, towns, and large cities. The Connecticut River crested on 19 March at a level 8.5 feet higher than any flood recorded there since the city’s settlement in 1639. New Hampshire suffered flood damage in 87 cities, towns, and small villages. In Massachusetts, where scores of large cities and small towns were pounded by water and huge chunks of ice, 56,000 people sought Red Cross aid (Arnold 1988:58).

Washington D.C. was also affected by the floods as the Potomac River reached 19.8 feet above flood-stage and the Civilian Conservation Corps worked to build sandbag levees around the Lincoln and Washington monuments. Pennsylvania was the hardest hit in the 1936 floods, and this flood dwarfed the one experienced there in 1907. The “Golden Triangle” area was flooded again, this time under 16 feet of water, the city was crippled with no electricity, telephone service, or fresh water and “[t]he Pennsylvania Emergency Council reported that damages in the state totaled $212.5 million” (Arnold 1988:63). These floods strengthened the resolve of many in Congress to address flooding in the United States on a national level.

The 1936 Flood Control Act ultimately resulted from the Emergency Relief Appropriation Act of 1935, and was the first national flood control legislation (Arnold 1988). Previous flood control acts had been limited geographically and
largely focused on interstate commerce through improvements on rivers and harbors.

In the spirit of the New Deal, this flood control act signified a major shift in thinking about the role of the state in natural disasters. The bill declares that,

> destructive floods upon the rivers of the United States… constitute a menace to national welfare [and] that it is the sense of Congress that flood control on navigational waters or their tributaries is a proper activity of the Federal Government in cooperation with States, their political sub-divisions and localities thereof… [and] that the Federal Government should improve or participate in the improvement of navigable waters or their tributaries including watersheds thereof, for flood-control purposes if the benefits to whomsoever they may accrue are in excess of the estimated costs, and if the lives and social security of people are otherwise adversely affected (Arnold 1988: vii emphasis added).

Arnold points out the strong connection between the New Deal and the 1936 act when he writes, “Every major 20th-century historian has agreed that the New Deal was a turning point in the history of American politics and in the Federal Government’s role in the life of the nation. This certainly applies to the history of flood control” (1988:vii).

While requiring state and local contributions, the 1936 bill authorized federal funding for levee and reservoir construction subject to congressional approval. Under this act, the Army Corps of Engineers, in existence since 1824, was put in charge of planning and designing flood control projects (Arnold 1988). The bill, according to Arnold,

> established an enormous commitment by the federal government to protect people and property on approximately 100 million acres… Since 1936, Congress has authorized the Corps of Engineers to construct hundreds of miles of levees, flood walls, and channel improvements and approximately 375 major reservoirs… They have saved billions of dollars in property damage and protected hundreds of thousands of people from anxiety, injury, and death. They stand today
as one of the more significant marks of our technical skill and humane spirit (1988:91).

While the 1936 Flood Control Act speaks to the federal government’s concern for preventing natural disasters, specifically flooding, very little regarding the government’s response to natural disasters had been addressed. The typical way in which the federal government handled disaster relief was to pass individual bills appropriating relief funds for each disaster. In 1950, an attempt was made to change this process. The Federal Disaster Relief Act of 1950 “created the first formal role for federal agencies in disaster response. It authorized the federal government to grant relief funds to states harmed by disaster without Congress having to pass a relief bill first” (Pampel 2008:22). Specifically, the 1950 act shifted decision making from congress to the president. Ideally, funds for recovery would go directly to the affected areas once the president declared a disaster. Pampel elaborates, “[t]he president was to declare a disaster only when major damage had occurred and state and local governments had committed funds to response and recovery” (2008:94). This act restricted the use of federal funds to the restoration of public buildings and did not provide for aid to individual citizens. Despite the fact that this act was designed to end the piecemeal approach to natural disasters, congress continued to pass bills authorizing relief when responding to hurricanes occurring in the 1950s, (Pampel 2008). The remainder of this chapter examines the question of whether there was evidence of state crime(s) in Hurricane Hazel during the consolidation phase of the post-World War II SSA.
Hurricane Hazel

Hurricane Hazel began as the eighth tropical storm of the 1954 hurricane season (New York Times 1954a). The storm was first spotted on October 5th, 1,600 miles southeast of Miami with winds of 100 miles per hour and appeared to be moving toward Haiti, the Dominican Republic, and Cuba (Barnes 2001, Fayetteville Observer 1954a, New York Times 1954a). By October 8th, Hazel, located 1,000 miles southeast of Florida, and, with winds of 125 miles per hour, was deemed “too violent for the Navy’s hurricane-hunting airmen to penetrate” (New York Times 1954b:19). During one of the last attempts to fly into the hurricane, a pilot was injured and hospitalized (Washington Post 1954a). On October 10th Hazel was located 750 miles south southeast of Miami and 700 miles southeast of Cuba (New York Times 1954c). Hurricane Hazel first made contact with land when it moved across the southern peninsula of Haiti on October 12th with winds at 115 miles per hour (New York Times 1954d). The following day (October 13th, 1954) news of the damage in Haiti was reported; over 200 people were thought to be dead and another 350 injured (New York Times 1954e). It was announced that a U.S. aircraft carrier, then in Guantanamo, would prepare for rescue operations in Haiti, and that the American Red Cross had allotted $25,000,000 for victims’ relief (New York Times 1954e). On October 14th, the U.S. aircraft carrier arrived from Guantanamo and helicopters began delivering medicine, food, clothing, and other supplies to southern Haiti (New York Times 1954f).

After passing over the southern peninsula of Haiti, Hazel continued on a path toward the U.S. mainland. Initially it was thought that the storm would make landfall
in the United States near Savannah, Georgia (Barnes 2001). On October 14th it became apparent that Hazel was instead heading toward the Carolinas (Fayetteville Observer 1954b). At 11 a.m. on October 14th storm warnings were issued for Charleston, South Carolina north to New England (Fayetteville Observer 1954b). The storm with winds of 130 miles per hour was predicted to make landfall near the Cape Hatteras area with hurricane force winds extending 80 miles from its center (Fayetteville Observer 1954b). At 8 a.m. on October 15th, the eye of the hurricane was located 95 miles east of Charleston, South Carolina (Barnes 2001). The New York Times reported on the storm warnings affecting the east coast,

In other bulletins the Weather Bureau said that storm warnings had been issued all along the coast and that precautions must be taken “against dangerous winds and abnormally high tides.” Specific hurricane warnings were displayed from Wilmington northward over the Carolina capes and storm warnings were displayed elsewhere from Charleston, S.C., to Block Island (1954g:1).

The New York Times reported that coast guard planes “patrolled North Carolina’s Outer Banks and inland sounds during the day, dropping warnings” (1954b:19). It appears the warnings were taken seriously as steps to prepare were taken by individuals and government officials alike. Residents boarded up windows, moved furniture and other belongings out of the way of floods, prepared kerosene lamps, and some evacuated altogether. Businesses prepared generators, moved merchandise, and used sand bags to protect their investments (New York Times 1954g). The New York Times reported on the preparation efforts of government and private relief agencies,

Red Cross disaster workers had moved into some areas. Extra shifts of police officers were called to stand-by duty. Military and naval bases ordered all men to return to their stations. Civil defense facilities were alerted…The American Red Cross alerted all its chapters from
Savannah, Ga., to the Chesapeake Bay area, and a professional disaster staff was being flown into the area (1954g:1).

Hurricane Hazel’s second landfall was at approximately 9:15 a.m. on October 15th just east of Myrtle Beach, South Carolina (Fayetteville Observer 1954c). Approximately 1500 people from the Myrtle Beach area found refuge in emergency shelters during the storm (Fayetteville Observer 1954c). Hazel brought with it the greatest storm surge in North Carolina history. Flood waters reached 18 feet above mean low water at the town of Calabash, North Carolina (Barnes 2001). Winds of up to 150 miles per hour were reported in coastal towns, and Wilmington, some forty miles northeast, reported winds of 98 miles per hour (Barnes 2001). Most residential areas of Wrightsville Beach were reportedly underwater (Fayetteville Observer 1954c). Hazel’s powerful winds knocked down trees, telephone poles, and power lines making communication difficult. Preliminary reports included at least 6 deaths, many injuries, and damage in the millions (New York Times 1954h).

Newspapers detailed the responses of government and private relief agencies as, “[r]elief agencies hurried into the stricken area to relieve injury, hunger, and distress. National guardsmen patrolled beaches to prevent looting. Health authorities urged precautions to prevent pestilence arising from broken water and sewer lines” (New York Times 1954h:16). The Red Cross worked with Air Force officials to deliver blankets, clothing, rations, and medical supplies, and many victims took shelter at local schools, theaters, and churches (New York Times 1954h). North and South Carolina called in National Guardsmen to prevent looting (Fayetteville Observer 1954c). Hurricane Hazel and the accompanying storm surge washed out some sections of paved roadways and buried others in feet of sand. Unlike most
hurricanes, Hazel did not seem to lose intensity as it moved inland, and in some cases building destruction was worse inland than on the coast (Barnes 2001). Buildings as far inland as Raleigh, North Carolina had their roofs ripped off by Hazel’s winds (New York Times 1954h).

The storm continued to leave a trail of destruction as it moved into Virginia around 2:30 p.m. on October 15th, still packing heavy rain and wind gusts up to 100 miles per hour (Barnes 2001). Hazel left thirteen dead in Virginia and caused damages of an estimated $15,000,000 (Barnes 2001). Around 6 p.m. that night Hazel reached the nation’s capital bringing record gusts of 98 miles per hour (Barnes 2001, Schuster 1954). Aside from the gusts, the storm winds blew at a speed of forty-five to fifty miles per hour for several hours. Hazel wreaked havoc on Washington D.C. felling trees and power lines, flooding the Potomac River, and causing two deaths (Schuster 1954). Forecasters admitted difficulty in predicting such an erratic hurricane, but the storm arrived in D.C. only about an hour behind schedule (Schuster 1954). Additional difficulty in forecasting was created by the hurricane’s ability to maintain such intense strength over land (Washington Post 1954c).

Hazel continued through Maryland and into Pennsylvania. Upon reaching Pennsylvania Hazel was still producing gusts of wind up to 100 miles per hour, toppling trees, signs, and power lines and tearing roofs off of houses (Weart 1954). At least three people were thought to have been killed but “…damage was held down, however, by advance warnings and generally adequate precautions” (Weart 1954:11). The mountains in Pennsylvania served to slow the storm slightly, but upon entering New York it joined forces with a new storm, again resulting in wind gusts of up to
100 miles per hour (Barnes 2001, Weart 1954). Heavy rains continued and some city streets were flooded by almost two feet of water (Barnes 2001). The Weather Bureau announced the official end of Hazel at 11 p.m. on October 15th saying, “Hazel has become an extra-tropical cyclone and is located over Central Lake Ontario, moving northward about fifty miles an hour” (Porter 1954:1).

The following day brought to light the devastation caused by Hurricane Hazel’s path through eight states as threats of flooding continued. Part of the Weather Bureau’s report stated,

Rains over New England and New York from this storm are diminishing, but abnormally high tides are building up over the coastal areas of New England. They should reach their peak within a few hours but precautions should continue until about day break along the New England coast (Porter 1954:1).

Later, the Weather Bureau described Hazel as “the most erratic hurricane in history” (Fayetteville Observer 1954d:1, Porter 1954:1). Indeed, Hazel broke many records. As was typical of this time, hurricanes were “hunted” by Navy pilots who (in cooperation with the Weather Bureau) would fly into, or as close to the hurricane as possible and collect details on wind strength, direction, and speed. These hurricane hunters spent a record “207 hours with Hazel from the time she formed off South America until she went inland… Navy planes were inside or close around the outside of the hurricane an average of twenty hours and forty-two minutes of every twenty-four hours” (New York Times 1954i:10). The death toll on the day after Hurricane Hazel stood at 39—6 in North Carolina, 6 in Virginia, 6 in Maryland, 4 in Delaware, 2 in Washington D.C., 4 in New Jersey, 3 in Pennsylvania, and 8 in New York (Porter 1954). Authorities in New York credited the advance warning of more than twenty-
four hours by the Weather Bureau for saving lives (Phillips 1954). In fact, the Washington Post reported that Hazel brought “more excitement than damage” and that aside from some damages, the rain it brought was welcomed (1954e). While the United States was still assessing damages, Hazel continued its path of destruction into Ontario, Canada with early reports claiming at least fourteen dead or missing (New York Times 1954j).

Over the next several days, the newspapers were filled with estimates of damage and death tolls for Haiti, 10 U.S. states, and Canada. On October 17th the New York Times reported the following number of deaths: 19 in New York, 18 in North Carolina, 8 in Virginia, 11 in Pennsylvania, 9 in Maryland, 7 in New Jersey, 4 in Delaware, 3 in Washington D.C., 1 in Massachusetts, 1 in West Virginia, and 1 in Connecticut (Conklin 1954a). Even as the counting continued, the extent of Hazel’s destruction had not quite played out. The Ohio River, swollen with massive amounts of rain, took aim at Wheeling, West Virginia. The New York Times reported “more than 2,400 families fled their homes as the river crested at 44.7 feet in late afternoon and then began to fall slightly. Flood stage is about 36 feet” (Conklin 1954b:14). Residents of Wheeling were well prepared and began to take precautions Saturday night, before the worst of the flooding, and both the Salvation Army and the Red Cross set up shelters in the area (Fayetteville Observer 1954f). The area was also protected by pumps that worked throughout the duration of the flood (Fayetteville Observer 1954f). The governors of South Carolina, North Carolina, and Maryland appealed for aid from the federal government stating that parts of their states were disaster areas (Conklin 1954a).
On October 18th, the *Fayetteville Observer* and the *Washington Post* reported that President Eisenhower slashed through red tape and gave blank check authority for necessary federal assistance to areas of the Carolinas devastated by Hazel (*Fayetteville Observer* 1954e, *Washington Post* 1954d). The request from Maryland was reportedly still being considered (Conklin 1954b). In a message to the governors of North and South Carolina the President said, “I have allocated to the Federal Civil Defense Administration such funds for federal assistance as are necessary to supplement state and local efforts” (Conklin 1954b:14). The paper elaborated, “The President placed no limitation on the Federal aid for the present. In effect, he authorized whatever funds were needed to supplement local expenditures… no estimate of the required amount had been made” (Conklin 1954b:14). The *Fayetteville Observer* reported that

The normal process in the granting of federal disaster relief is for the Federal Civil Defense Administration to survey the damage and make recommendations to the White House. Eisenhower’s action, taken after a Sunday meeting at the White House, had the effect of bypassing this procedure (1954e:1, 3).

The spending of federal relief money in these disaster areas was to be handled by the civil defense agency (*Fayetteville Observer* 1954e).

On October 18th, the *Washington Post* reported that the death toll had risen to 82 in the United States (1954d). Nine counties in New Jersey were declared disaster areas, securing federal aid and making “…residents of the counties eligible to apply for loans to repair homes or business buildings damaged by Hurricane Hazel” (*New York Times* 1954k:13). It was also reported that the Ohio River had crested and major damage in Wheeling, West Virginia had been avoided (*New York Times* 1954l). The
Fayetteville Observer reported that a committee representing the federal, state, and local governmental units had been formed to handle immediate relief plans for North Carolina and that key members of this committee had flown to Wilmington to survey damage (1954e). National Guardsmen continued to patrol coastal areas in North Carolina and their situation was deemed “still very critical” although at the time there were no calls for food or medical supplies (Fayetteville Observer 1954e:1, 3).

By the 18th, visitors to the North Carolina coast had returned home and began sharing stories of the devastation. They reported, “Every house on Ocean Isle was completely destroyed along with barges and all cables leading to the barges” (Fayetteville Observer 1954g:14). Of Wrightsville Beach one person remarked, “beach front houses that were left were lying on the side, furniture and clothing were scattered over the entire island” and “Miss Dunn said business establishments had been under five feet of water with most of the stock and goods ruined” (Fayetteville Observer 1954g:14). One resident of Wrightsville Beach reported that, “All persons living on the beach and Harbor Island were warned of the storm by radio and by law enforcement officers who knocked on every door. All families left except one and they were unharmed” (Fayetteville Observer 1954g:14).

On October 19th engineers from nearby Ft. Bragg arrived in Wilmington and Myrtle Beach to begin helping with recovery in fulfillment of a request by the committee appointed to handle relief funds for the state (Fayetteville Observer 1954h). The same committee recommended to the governor that “$420,000 be made available to Wrightsville, Carolina and Kure beaches for rehabilitation of essential public services” (Fayetteville Observer 1954i:6). The article explained, “Federal law
allows the use of federal funds for such work if local or state funds are not available," the governor was to rule on whether the state’s emergency fund could be used for these purposes (Fayetteville Observer 1954i:6). National Guardsmen continued to patrol the areas as officials had yet to decide how long this would be necessary (Fayetteville Observer 1954i). The following day additional troops were sent from Ft. Bragg to assist the 300 already there with cleanup efforts. There was reportedly 165,000 cubic yards of sand to be removed from roads in Carolina Beach alone (Fayetteville Observer 1954j). At this time, the cleanup efforts were in full swing along the coast and the Fayetteville Observer reported on the important role being played by private contractors stating, “Officials had high praise for private construction firms which put men and equipment to work on the beaches at Southport [south of Carolina and Kure Beach] last Saturday” (1954j:1, 12). One resident of Southport stated, “What they did was a lifesaver…it has taken the sting out of our trouble” (Fayetteville Observer 1954j:1, 12).

On October 21st it was reported that all National Guard troops would be relieved of their duty on Sunday, the 24th, while some may leave even earlier (Fayetteville Observer 1954k). The troops from Ft. Bragg began working double shifts in preparation to complete cleanup before they were scheduled to leave on the 25th. Troops had cleared roughly 85 per cent of the sand and 95 percent of the debris in Wrightsville, while only 10 percent of Carolina Beach had been cleared (Fayetteville Observer 1954l). Both the Small Business Administration (which offered loans to businesses and homeowners) and the Farmers Home Administration announced the availability of loans to those suffering from storm damage.
(Fayetteville Observer 1954k). The Washington Post reported on the 21st that nine counties in Maryland were declared disaster areas (1954f). On October 22nd, President Eisenhower sent word to the governor of Pennsylvania that he was allocating federal funds to supplement state and local efforts to clear debris and restore essential services. He also contacted the governor of North Carolina and specified an amount of $550,000 to assist in the state’s cleanup and rebuilding efforts after Hurricane Hazel (New York Times 1954m). On October 25th, the Fayetteville Observer reported that troops from Ft. Bragg had successfully completed Operation Rehab-Hazel and were leaving the area, while the National Guard had left the day before (1954m). In total, it was estimated that the troops had moved over 100,000 cubic yards of sand and debris. The Red Cross estimated that it would remain in the area for another six weeks (Fayetteville Observer 1954m).

On November 14th, 1954 insurance agents estimated at least 400,000 claims would be filed as a result of Hazel (Washington Post 1954g). In February 1955, the New York Times reported that, “Capital Stock fire insurance companies are paying out $92,000,000 for damage resulting from Hurricane Hazel” over an eight state area and that about eighty percent of the existing claims had been paid (New York Times 1955a:37). In April 1955, the White House announced that an additional $1,395,000 in federal aid had been allocated for Hurricane Hazel damage in North and South Carolina (New York Times 1955b). In August 1955, the New York Times reported that the Small Business Administration, responsible for providing government subsidized loans to businesses and home owners in disaster areas, had issued “…376 loans for a total of $2,870,000 to those hit by Hurricane Hazel last year” (New York Times
1955c:5). Additionally, the Army Corps of Engineers announced that it would begin a $1,000,000 study of the behavior of hurricanes with a goal “to cut the loss of life and property damage in the wake of the mighty blows” (Washington Post 1955a). It was stated that in conducting this study, “They will consider how breakwaters, seawalls, dykes, dams and other structures might possibly avert or lessen damage” (New York Times 1955d:5).

Social harm

The first element of state crime is social harm. With a path nearly 2,000 miles long, Hazel brought damage to many locations from Haiti to Canada. In the United States, 82 people were killed, thousands were forced to leave their homes, and destruction was spread across eight states (Washington Post 1954d). Damages caused by Hazel’s continuous high winds and heavy rains were estimated at $50 million in North Carolina (Conklin 1954a), $15 million in Virginia, and $27 million in South Carolina (Barnes 2001). Sections of South Carolina, North Carolina, Maryland, New Jersey, Pennsylvania, and Connecticut, were all reported to have been declared disaster areas and allocated federal funds for recovery (Conklin 1954b, New York Times 1954m).

Actus reus

For the element of actus reus, again, it is necessary to show that the state acted or failed to act in such a way that violates an implied or assigned trust or duty. By 1954, the state had taken on a modest duty to protect citizens from issues related
to flooding and to provide relief to those who were suffering from such disasters. This duty to provide was not as well established as it would be in later years. However, it is clearly illustrated in that physical labor was no longer a requirement for aid as it had been in 1900 after the Galveston Hurricane. The duty to protect citizens from flooding, as established by the 1936 Flood Control Act, was also not as well developed as it would later become, and thus was not especially applicable to the case of Hurricane Hazel, as the only areas affected by the storm that would have been subject to flood control projects were the valleys of the Ohio River and certain parts of Pennsylvania. The majority of damages incurred as a result of Hurricane Hazel did not result from flooding in these areas.

The state did provide protection in other ways by continuously scouting the hurricane, which was the only way of tracking such storms in the 1950s (New York Times 1954i). The Weather Bureau issued a record number of storm advisories regarding Hurricane Hazel, primarily due to the record breaking length of the storm’s path through the United States (New York Times 1954i). Warnings issued more than twenty-four hours ahead of the storm were credited as saving lives in New York (Phillips 1954). One storm survivor in North Carolina stated, “we all had a warning but nobody knew it would be like it was” (Barnes 2001:93). The present day ranking system for hurricanes, the Saffir-Simpson Hurricane Scale, was not introduced until 1973, thus, in 1954 there was really no definitive way of advising how strong a particular storm was, or how much damage was expected. Knowledge of hurricane behavior in 1954 was lacking to say the least. The state, at this point, could have made the same argument, that they too did not know it would be like it was. It is
notable that a $1 million Army Corps of Engineers’ study of hurricane behavior was authorized less than a year after Hurricane Hazel (New York Times 1954q). This study evolved into the National Hurricane Research Project and “the Weather Bureau’s budget, $27.5 million in 1954, jumped to $57.5 million in 1955” (Zebrowski and Howard 2005:59).

Warnings were issued for coastal sections of North Carolina the day before the hurricane struck, and organizations such as the Red Cross and the Salvation Army moved into the threatened areas to establish shelters in advance of the storm (Washington Post 1954b). Additionally, the duty to provide relief to those suffering due to hurricane damages appears to have been met as relief to the aforementioned states was allocated within seven days of the storm, along with second additional allocations to North and South Carolina six months after the storm (New York Times 1954m, New York Times 1955b). Further, the Fayetteville Observer reported on a survey conducted in Wilmington by the North Carolina Relief Committee three days after the hurricane where officials reported that there were surplus food stocks and that, while breaks in communication were possible, there had been no calls for food or medical supplies (Fayetteville Observer 1954e).

Mens rea

The element of mens rea is grounded in determining whether the actions or inactions of the state were perpetrated with knowledge of the impending social harm and if they were the result of the state prioritizing some other goal over its implied or assigned trusts or duties. As stated with regards to actus reus, the duty of the state in
the case of Hurricane Hazel appears to have been met to the best of the state’s ability at the time of the storm. Warnings were issued as early as October 8th, seven days prior to Hazel moving overland in the United States, calling Hazel a serious storm and stating that it was “too violent for the Navy’s hurricane hunting airmen to penetrate” (New York Times 1954b). Relief was provided through federal allocations and the Red Cross, although the Red Cross is not a governmental organization. *Mens rea* does not appear to be present in this case as there would seem to be no harmful actions or failures to act on behalf of the state.

Sanctions

The fourth element of sanctions requires that we look to the victims of the disaster and to the attitude of the general public. In the case of Hurricane Hazel there seems to be no outcry by the victims or the public alluding to wrongdoing on behalf of the state. None of the archives accessed in the course of this research indicated negative victim or public perceptions of the government, or its actions or inactions in response to the threat posed by, or damage caused by, Hurricane Hazel. Thus, this particular case lacks the presence of a social audience that is willing to formally or informally sanction the state. Many of the stories relayed by the victims of Hurricane Hazel mention the ample warnings. One such example is the resident of Wrightsville Beach who stated, “All persons living on the beach and Harbor Island were warned of the storm by radio and law enforcement officers who knocked on every door” (Fayetteville Observer 1954g). Even the statement, “we all had a warning but nobody knew it would be like it was” made by one survivor alludes to sufficient
warning (Barnes 2001:93). As we will see in comparison to later cases, the absence of public and media criticism of the government and its response to Hurricane Hazel further supports the lack of willingness to sanction.

Conclusion

Compared with the 1900 Galveston Hurricane, Hurricane Hazel occurred during a time when the government had an obligatory relationship with American citizens. These obligations came about through the four central institutions of the post-World War II SSA: Pax Americana, capital-labor accord, capitalist-citizen accord, and the containment of inter-capitalist rivalry. The capitalist-state-citizen accord is the most important institution for this analysis because it details the relationship between the state and citizens in that the state had taken at least a modicum of responsibility for the welfare of its citizens. The state scouted and predicted the hurricane to the best of its abilities, provided adequate warning of the storm, and swiftly allocated relief funds to the damaged areas.

In contrast to the Galveston Hurricane, the only requests for private aid to victims came from the Red Cross, a far cry from the pleas by government officials that the American people shoulder some of the burden and do what’s right to assist their fellow countrymen. Aid given to the affected states for cleanup and repairs came directly from the federal government upon condition that state and local expenditures would accompany it. The federal government also provided subsidized loans through the Small Business Administration and the Farmers Home Administration. Furthermore, victims of the storm were not required to work in
exchange for any potential aid as they had been in the Galveston case. These changes illustrate the differences in the monopoly and post-World War II SSAs. During the monopoly SSA the state had no obligation toward citizens, or businesses for that matter (although it was oriented toward promoting capital when possible), and thus was not expected to provide direct aid to either. In the aftermath of the Galveston Hurricane, the aid provided by the federal government was limited to tents and rations for victims and troops to prevent the looting of dead bodies and generally uphold the law. While the aid offered after Hazel was significantly different, one constant thus far in the state’s response is this provision of troops to aid in the disaster response (here entailing mostly cleanup but later search and rescue), maintain order, prevent looting, and protect private property.

To recap, in the case of Hurricane Hazel, we find plenty of social harm, however empirical evidence for any of the remaining three proposed elements of state crime is lacking. In light of these findings it is the assertion of this researcher that Hurricane Hazel was not a state crime. The following chapter explores the changes in legislation and the capitalist-state-citizen accord in the years between Hurricane Hazel and Hurricane Camille. It then examines the case of Hurricane Camille in 1969, with the goal of identifying the proposed four elements of state crime.
CHAPTER VII

WAS THERE EVIDENCE OF STATE CRIME IN HURRICANE CAMILLE?

The fifteen years between Hurricane Hazel and Hurricane Camille brought many changes in the economy, social relations, and legislation. The economic prosperity facilitated by the Post-World War II SSA slowed down and the SSA entered its first decay phase. This decay phase was characterized not only by economic downturn, but by challenges to the core institutions that comprise the post-World War II SSA. The Civil Rights Movement and the Women’s Movement made it clear that a significant number of people had been excluded from the capital-labor accord and the capitalist-citizen accord. As these groups made it known that they would no longer settle for being overlooked, the capitalist-citizen accord was altered so as to regain legitimacy for the state. Programs such as Medicaid and Medicare were created, the Aid to Families with Dependent Children (AFDC) was expanded, the Civil Rights Act was passed, and environmental movement resulted in passage of the 1960 Clean Air Act and Clean Water Act.

In the years since Hurricane Hazel, the federal government continued to shift responsibility for disaster relief to various agencies. The Office of Civil and Defense Mobilization was established in 1958 to handle federal relief and response efforts. In 1961, another new agency, the Office of Emergency Planning (renamed the Office of Emergency Preparedness), was formed within the Executive Office of the President to take over these efforts (Schneider 1995). While this seemingly constant reorganization made it hard to determine who was in charge of disaster relief, legislation passed in the 1950s and 1960s “expanded the scope national governmental
responsibility in disasters” (Schneider 1995:20). The National Plan for Emergency Preparedness was passed in 1964. This act jointly addressed potential disasters caused by war as well as nature. Pampel explains, “By focusing on preparation for disasters from both nuclear war and natural hazards, this legislation gives new federal attention to natural disasters” (2008:119). This is certainly a change from the piecemeal approach to federal aid that was utilized prior to 1964 and, while states appreciated the help, many complained that this new legislation only added confusion in dealing with the federal government (Pampel 2008).

Aside from these changes in how federal relief for disaster areas should be handled, other legislative changes extended assistance to specific groups and made new forms of relief available. In 1968, congress passed the National Flood Insurance Act and created the National Flood Insurance Program (NFIP) (Pampel 2008). The NFIP was designed to address the inability of private insurers to cover costly damages caused by flooding, as well as avoid extremely high rates being charged to homeowners by insurers who attempted to provide such coverage. Communities were allowed to join the NFIP, agreeing to limit future development on floodplains, enabling residents to obtain low-cost flood insurance directly from the government. The NFIP, however, was initially not as successful as was hoped due in part to disagreements over limiting future development (Pampel 2008).

Reviewing the literature on disaster legislation at this particular point in history leaves one with the impression that the changes just discussed, while important, were only the beginning of a major transformation in the way natural disasters were viewed at the federal level. This impression is an accurate one, and,
occurring in 1969, Hurricane Camille served as the impetus for many of these changes. In fact, one scholar states,

At the time of Hurricane Camille, the federal government viewed its responsibility in natural disasters as limited to issuing regional alerts to populations that were in projected paths of storms and, after disaster struck, assisting in emergency recovery efforts for people exposed to health hazards and other threats to personal safety. Hurricane Camille marked the beginning of an era when the U.S. federal government recognized that its responsibility ran deeper than the traditional emergency food kitchens and temporary shelters it had previously provided (Silverstein 1992.ix).

While many of the legislative changes occurring after Hurricane Camille may indeed have to do with the government realizing a larger role in preparing for and responding to disasters, Camille exposed the fact that many groups had initially been left out of the capitalist-state-citizen accord. The struggles of these groups to take part in aid being offered by the federal government after Hurricane Camille made it painfully obvious that the capitalist-state-citizen accord needed to be reworked if it was to maintain the legitimacy of the state.

Hurricane Camille

Thanks to relatively new technology, including weather satellites, there had been major advances in monitoring hurricanes in the fifteen years between Hurricane Hazel and Hurricane Camille. By 1969, there were five functioning satellites recording weather images. Thanks to them, Hurricane Camille became the first hurricane to be photographed from birth to death. It is worth noting that, while the Weather Bureau now had the advantage of satellite imagery, this does not mean that
they knew exactly what to do with it. The images were helpful in locating storms, but did not assist in predicting their paths (Zebrowski and Howard 2005).

The first official advisory concerning Camille was issued on August 14th, 1969. The advisory stated that Camille, then a tropical storm, was located 290 miles south of Havana, Cuba moving northwest at about 13 miles per hour with winds of 50 to 60 miles per hour. The advisory warned that Cuba, the Florida Keys, and the Yucatan Channel should stay alert and added,

> While it is too early to determine what further land areas may be affected by this storm, the steering currents indicate the likelihood of a turn to a slightly more northerly course Friday. This would carry Camille’s center into the east central Gulf of Mexico this weekend. While Camille is a very small storm at present, conditions are favorable for further development (Zebrowski and Howard 2005:55).

Camille became a hurricane on August 15th and quickly gained power with wind speeds reaching 115 miles per hour. At 6 p.m. that evening Camille moved over the western tip of Cuba bringing torrential rains and slowing the storm’s winds to 92 miles per hour. The advisory issued at 11 p.m. that night included the statement, “A hurricane watch will probably be issued for a portion of the coastal area of the northeast Gulf by or prior to noon Saturday” (Zebrowski and Howard 2005:55).

Sure enough, at 8 a.m. Saturday, August 16th, Robert H. Simpson, director of the National Hurricane Center (NHC), issued a hurricane watch for the Gulf Coast extending from Biloxi to the eastern end of the Florida panhandle. Everyone seemed to be waiting for Camille to turn toward Florida. Around noon that day, Simpson even issued a hurricane warning for the Florida panhandle advising of possible storm tides between five and ten feet (Zebrowski and Howard 2005). However, Camille was about to become even more uncooperative. Zebrowski and Howard write,
In Advisory No. 11, issued at 5:00 p.m. CDT on Saturday, August 16, the NHC reported that Camille was stalled about 380 miles south of Fort Walton, Florida, with winds of 150 miles per hour. In the same advisory, Simpson raised the storm surge estimate slightly, to the range of five to twelve feet. Most bets remained that, when the hurricane did start moving again, it would veer away from Louisiana and Mississippi and toward the Florida panhandle (2005:64).

With winds at 150 miles per hour, Camille was designated the “second most dangerous hurricane of the century,” next to the Labor Day Hurricane of 1935 (*New York Times* 1969a:65, *Times Picayune* 1969a). Camille emerged from a standstill in the gulf with winds of 160 miles an hour, located 325 miles south of Pensacola, Florida and began moving north northwestward at about twelve miles per hour (Zebrowski and Howard 2005). The advisory issued at 11 p.m. on Saturday reiterated that a warning was issued for the Florida panhandle with a watch extending as far west as Biloxi, Mississippi and announced that tides of up to fifteen feet could be expected in the area where the center of the hurricane made landfall (*Times Picayune* 1969a, Zebrowski and Howard 2005).

By 5 a.m. on Sunday, August 17th, it became evident that the storm was not turning to the north as was expected, and hurricane warnings on the coast were extended from the Florida panhandle to Biloxi, Mississippi (*New York Times* 1969b, Zebrowski and Howard 2005). At the same time, a hurricane watch was extended to New Orleans and Grand Isle, Louisiana, including the lower Mississippi River delta. At this time it was predicted that Camille would strike land near Mobile, Alabama (Zebrowski and Howard 2005). A storm surge between five and twelve feet was forecast (*New York Times* 1969b). Later that morning it again became apparent just
how uncooperative Hurricane Camille was and forecasts were again adjusted.

Zebrowski and Howard write that at 9 a.m.,

The NHC released Advisory No. 14. Camille was holding on a steady course at 12 miles per hour, with winds of 160 miles per hour near the eye and gale-force winds extending out 200 miles in all directions. The advisory stated further, ‘Present indications are that the center of Camille will pass close to the mouth of the Mississippi and move inland on the Mississippi coast tonight.’ Hurricane warnings, for the first time, now included all of the Mississippi coast and southeastern Louisiana, including New Orleans and Grand Isle, with gale warnings extending west to Morgan City, Louisiana (2005:88-89).

In 1969, newspaper reports still lagged behind actual events and in the case of Camille just how far they lagged becomes more evident. The New Orleans Times Picayune reported on the 17th that the hurricane was forecast to strike the Florida coast around 2 a.m. on the 18th and that the Weather Bureau stated it posed no threat to the immediate area (Times Picayune 1969a). The last flight into the hurricane on Sunday the 17th revealed that Camille’s winds had strengthened to 190 miles per hour (New York Times 1969c, Zebrowski and Howard 2005).

At 3 p.m. a new advisory was issued stating that Camille was now moving toward the United States at 15 miles per hour and thus would make landfall earlier than previously expected. The predicted site of landfall was again adjusted further west to Gulfport, Mississippi (Zebrowski and Howard 2005). Also at this time the advisory read,

The following tides are expected tonight as Camille moves inland…Mississippi coast Gulfport to Pascagoula 15 to 20 feet…Pascagoula to Mobile 10 to 15 feet…east of Mobile to Pensacola 6 to 10 feet. Elsewhere in the area of the hurricane display east of the Mississippi River 5 to 8 feet (Zebrowski and Howard 2005:92).
It was estimated that 200,000 people fled the Mississippi coast in advance of the storm, “The Red Cross reported that 394 evacuation shelters had been set up in the storm area” and that “44,541 refugees were in the shelters by late [Sunday night] with more coming” (New York Times 1969c:1, 22). The New York Times article elaborated on the conditions at shelters, reporting that “officials said nearly all refugee centers had run short of food and water before the storm arrived” (New York Times 1969c:1, 22).

Late Sunday night, August 17th, Camille struck the Gulfport, Mississippi area bringing high tides and spawning tornadoes (New York Times 1969c). Camille reportedly crossed land around midnight behind a 20 foot tide carrying with it 8 to 10 inches of rain (New York Times 1969d). Even though the hurricane had not hit New Orleans, it was reported that water from the storm surge leaped over the levees there. At Buras, Louisiana, located in Plaquemines Parish south of New Orleans, water had overtopped a 15 foot river levee and left the town standing in 12 to 14 feet of water (New York Times 1969c, Times Picayune 1969b). As Camille passed by the mouth of the Mississippi River, her intensity was enough to reverse the flow of the mighty river for a distance of about 120 miles (Zebrowski and Howard 2005). The New York Times reported that the defense secretary authorized military equipment for use in the disaster, and that the National Guard had been called up in Louisiana (New York Times 1969c). The Times Picayune reported that National Guardsmen were also on standby in Mississippi, and that the governor of Mississippi had received an offer of federal assistance from Vice-President Agnew (Times Picayune 1969b).
On Monday, August 18th, the Red Cross announced a $6 million campaign to provide hurricane relief (New York Times 1969h). Late Monday, President Nixon declared three coastal counties in Mississippi federal disaster areas, making them “eligible for an initial $1 million in federal disaster assistance” (Doucet 1969:1, 2).

On Tuesday, August 19th, the death toll from Camille stood at 100 with thousands homeless and fires burning out of control in Bay St. Louis, Mississippi as firefighters could not reach them (New York Times 1969e). Damage to streets and bridges in Gulfport, Mississippi prevented travel and the area was without water and other utilities. Hotels, universities, and even NASA’s Mississippi test facility opened their doors to storm victims. Reportedly, medical supplies and ice were being delivered to the Gulfport area Monday afternoon by airplane and truck. New Orleans avoided major damage, although the Ninth Ward experienced flooding due to breeches in the Industrial Canal Levees (Doucet 1969). Areas of Louisiana south of New Orleans fared far worse in the storm. Slidell, Bogalusa, and low lying towns and marshlands located in Plaquemines Parish suffered severe damage from Camille. A ten-mile strip of land between Buras and Fort Jackson in Plaquemines Parish was completely gone and damage there was described as “unbelievable,” with “more than 95 percent of the buildings (homes, businesses, marinas and other structures) gone” (Caire 1969:1, 3). The New York Times quoted one survivor as reporting, “there is no more Buras, it’s all gone, flattened, nothing, just nothing” (New York Times 1969f: 24).

The remains of Hurricane Camille were forecasted to move across the country over the next week bringing torrential rains to the lower Ohio and middle Mississippi
valleys (New York Times 1969g). As the week progressed, more stories of the devastation in Alabama, Mississippi, and Louisiana were reported. In Pascagoula, Mississippi “large numbers of poisonous cottonmouth snakes entered the town from the marshes” (Reed 1969a:1, 24). Half of the town of Pass Christian, Mississippi was reportedly completely wiped out (Caire 1969). The high water mark in Pass Christian was between 22.6 and 24.6 feet above sea level (Zebrowski and Howard 2005). Repairs to phone and power lines in Gulfport were delayed due to the amount of debris in the streets. Insurance losses were estimated at $100 million, but for many damage from any flooding would not be covered as only one community in the affected area qualified for flood insurance (Cole 1969a). On August 19th, President Nixon declared Louisiana a disaster area, again allocating a sum of $1 million in aid to the state (Cole 1969a, Doucet 1969). The Vice President and the secretary of Housing and Urban Development prepared to tour the affected areas by helicopter (Doucet 1969). The death toll was raised to 170 and limited martial law was imposed on the coastal strip of Mississippi (New York Times 1969i, Minor 1969). The New Orleans Times Picayune reported that state representatives were happy with the reaction of the federal government. Representative Herbert from Louisiana stated, “The coordination between the White House, the governor’s office and the officials of St. Bernard and Plaquemines Parishes could not have been improved upon” (Doucet 1969:1, 2).

By August 20th, it became clear that Camille was not going to go away quietly. Even while damage in the Gulf Coast area was still being reported, the remains of the storm were wreaking havoc in Virginia. Heavy rains brought severe
flooding to the state, and initial reports claimed 38 dead and 32 missing with flood waters in Buena Vista, Virginia as high as 30 feet. The New York Times reported “Hundreds of families were driven from their homes, businesses were wrecked, industrial plants inundated and highways blocked. Rescuers said the death toll might rise once waters receded” (New York Times 1969j:26). It would be days before more details of the storm’s damage in Virginia were known.

Meanwhile, in Louisiana, 20 busses organized by a local Red Cross shelter carried some of Camille’s victims back to their homes in Plaquemines Parish (Nordheimer 1969a, Zebrowski and Howard 2005). Upon reaching the parish, the damage was so bad that the busses turned around and headed back to the shelter without even stopping. One victim remarked, “I didn’t get to see my home, what I saw was the spot where my home used to be” (Nordheimer 1969a:26). In Mississippi, concerns over the threat of an epidemic were high as gas leaks resulted from broken pipes, water quality was questioned and disposal of garbage remained a challenge. Martial law was tightened in Mississippi in response to sightseers and looting. Vice President Agnew completed a helicopter tour of the area and remarked “Conditions were worse than I had expected to find them. What I saw was equivalent to 100 tornadoes. The damage was so high that Federal assistance will run higher than ever before” (New York Times 1969k:1).

On Thursday, August 21st, many were still searching for bodies in the rubble but efforts in Mississippi reportedly shifted to clean up, and food and water were made available to survivors for the first time since the hurricane struck on Sunday. The New York Times reported, “There were complaints that the emergency effort
lacked skillful organization, but there were signs that the military and civilian authorities were slowly overcoming some basic problems that impeded a speedier recovery” (Nordheimer 1969b:26). By this time, the chief of the National Hurricane Center declared that Camille was the greatest storm to affect the nation. He conservatively estimated winds at or above 200 miles per hour and was quoted as saying, “By very conservative measurements, the high water reached a level of 31 feet above high tide marks, and this is 50 per cent higher than we ever have measured in any storm before” (New York Times 1969l:19). It was announced that a “seven-member House special committee will leave tomorrow for a three-day inspection trip to the Mississippi, Alabama, and Louisiana areas battered by Hurricane Camille” (New York Times 1969n:18). This committee was headed by the chairman of the House Public Works Subcommittee on Flood Control (New York Times 1969n).

August 22nd brought news of 100 additional bodies discovered in Mississippi as well as more details on the flooding in Virginia. The death toll stood at 46 in Virginia and 2 in West Virginia, with over 100 people still missing. While many in Virginia had already been affected by flooding, efforts were still being made to erect sandbag levees to protect homes and businesses from the spreading water. The New York Times reported,

The James River, normally a placid stream from 100 feet to a few hundred yards wide above Richmond, had become a sprawling wet plain a mile wide in places. Twenty bridges on major highways were washed out and 60 bridges on secondary roads were swept away (New York Times 1969m:1, 20).

The governor of Virginia declared the James River basin and sections extending to West Virginia disaster areas and requested federal grants for recovery (New York
Focusing on the Gulf Coast, the Red Cross reported that more than 4,717 homes had been completely destroyed, and that about 200,000 people were believed to be temporarily homeless (New York Times 1969o). It was also reported that two oil slicks had formed in the Gulf of Mexico as a result of a ruptured tank and a leaking well. One slick, in Bretton Sound, Louisiana was described as 50 to 100 feet wide and 8 to 10 miles long. The other, in Venice, Louisiana “runs for five or six miles between two parallel levees a few hundred yards apart” (Reed 1969b:20). These oil slicks added to concern about the state of the oyster and shrimp industry along the coast (Reed 1969b).

On Saturday, August 23rd, more details on the severity and effects of the flooding in Virginia began to appear in newspapers. In one area, the Tye River swelled with water from high in the mountains and washed out entire villages. The New York Times reported,

> The water seems to have come upon a population that had no inkling of the danger. Residents said that the weather forecasts they heard before going to bed Tuesday night called for showers ending by morning. Between 11 P.M. and 5 A.M., Massies Mill—and dozens of other towns—were flooded. The water appeared to crest here between 4 and 5 A.M., when it apparently reached a height of 12 feet…Only today, a circuitous and hazardous auto route beyond Roseland was open. Until then, Army, Navy, and Marine helicopters were the only link between Massies Mill and its neighbors and the communities spared by the flood (Smith 1969:16).

Massies Mill was located in Nelson County, the hardest hit county in Virginia, with 44 people reported dead and 100 missing. Flood waters crested in Richmond, Virginia, at a high water mark of 28.6 feet which was 19.5 feet above flood stage. Surprisingly, this was well below the forecast crest of 34 feet (New York Times 1969q, Times Picayune 1969c). State officials in Virginia estimated $87 million
worth of damage, including 90 washed out bridges in the state. Officials were still waiting for President Nixon’s response to their request for aid (New York Times 1969p, Times Picayune 1969c).

On Sunday, August 24th it was reported that the waters of the James River had begun to recede and victims of the flooding began returning to their homes. The death toll in Virginia had reached 65, with 110 people listed as missing. Civil Defense Coordinators speculated that many of the bodies would never be found. The New York Times reported “Many of those killed or missing were swept down mountain sides in the resulting landslides. Others were washed away as normally placid creeks and rivers bolted their banks” (New York Times 1969s:39). President Nixon declared Virginia a major disaster area and allocated $1 million in federal aid (New York Times 1969s).

On this particular day there was also speculation on protecting a city like New Orleans from the effects of a direct hurricane hit. The New York Times reported, “The Army Corps of Engineers is trying to prepare the city better. The Corps has been working for two years on a complex of improved levees, concrete and steel flood walls, locks and gates” (Reed 1969c:E5). The article stated that these improvements were part of a $182 million project, of which only $12.5 million had been appropriated with an expected $6 million in the following year. They admitted that, at this rate, the completed project was years away (Reed 1969c). The one week anniversary of the storm also brought news of the discovery of several families in Mississippi who had been stranded in their homes. National Guardsmen were airlifted into the area to help with the rescue (New York Times 1969r). In response to
increased awareness of the damage caused by Camille in the United States, the Red Cross revised its request for $6 million to $15 million in order to meet the need for emergency aid and recovery (New York Times 1969s, 1969u).

On August 25th, newspapers reported that the flooding in Virginia had mostly receded. The New York Times reported, “Civil defense officials announced that the floods, whose impact was greatest in the western mountain foothills, left at least 74 dead and 109 missing and caused property damage of more than $132.4 million” (New York Times 1969t:39). Back on the Gulf Coast, director of federal disaster operations for Hurricane Camille stated that he thought the area would be “back to normal” in about a month, but that it would take two years to get things back to the way they were before the storm (New York Times 1969w:58).

August 26th brought with it a call from President Nixon for improving weather-disaster warnings. The president expressed concern for what was described as “Federal failure to forecast the intensity of Hurricane Camille” and “directed immediate steps [Tuesday] to improve advance warning of weather disasters” (New York Times 1969v:45). The Vice President stated that the government had found that the Navy’s storm planes had better meteorological equipment, but were no match for Camille’s winds, while the Air Force had better planes but lacked such equipment. Vice President Agnew

[A]lso called for better coordination between Federal, state, and local disaster relief services, although he said he had ‘nothing but praise for officials in stricken Louisiana and Mississippi.’ He said there was a need for faster reaction to the disaster threat on some levels (New York Times 1969v:45).
The Federal Reserve Board authorized Federal Reserve banks to relax penalties for member banks that fail to meet the required reserve balances. The *New York Times* reported, “The Federal Reserve said credit should be made available to the banks hit by the hurricane ‘to help them meet the unusual and exigent circumstances in their areas’ under the provisions of the Federal Reserve Act, applicable to emergency conditions” (*New York Times* 1969w:58). Additionally, Social Security officials announced that they would advance the delivery of monthly benefit checks to those living in the affected areas of Louisiana and Mississippi, with checks slated to arrive on September 1st as opposed to September 3rd (*New York Times* 1969x). On September 3rd, it was reported that President Nixon had declared the southern and eastern regions of West Virginia major disaster areas after they too experienced flooding associated with Camille. He allocated $220,000 in federal funds to replace or repair public property in the regions (*New York Times* 1969y).

On September 6th, President Nixon ended a month long vacation at the “Western White House” in San Clemente, California. The *New York Times* referred to this as an “experiment in Presidential management, Western-style” and stated, “His month here has aroused more controversy than he or anyone else in his entourage expected. Editorials and political opponents have accused him of running the Presidency by remote control” (Semple Jr. 1969:1, 44). The article went on to describe some of the criticisms levied against the President and the major complaint related to Hurricane Camille was the debate over federal recovery funds being used in segregated schools in Mississippi and Louisiana. The official position set forth on the schools came through Vice President Agnew who was authorized “to say that the
shattered schools would be helped and that matters of desegregation would be attended to later” (Semple Jr. 1969:1, 44). Before getting back to the White House, President Nixon toured some of the affected areas by plane (Reed 1969d).

On September 12th, it was reported that 120,000 people had evacuated in advance of the storm in Mississippi and that most had returned to the coastal area. Many of those who returned were staying with friends and family, while 5,000 trailer homes were to be brought in by the government to provide some housing. The Mississippi Civil Defense office estimated that 41,000 families returned to find their homes heavily damaged or destroyed, and that approximately 25,000 people were believed to be homeless (Reed 1969d). Speaking to the ongoing recovery efforts in the state, the New York Times reported,

Government becomes particularly visible after a disaster. The list of government agencies helping to restore the Mississippi coast and the heavily damaged areas of southeast Louisiana is seemingly endless—the Office of Emergency Preparedness, the Army Corps of Engineers, the Public Health Service, pollution control agencies at all levels, housing agencies, the Small Business Administration, the Navy Seabees, the National Guard, the State Highway Patrol (Reed 1969d:45).

Water and natural gas had been restored to most of the affected areas at this time (Reed 1969d).

On October 5th, President Nixon allocated additional disaster relief funds in the amount of $3 million for Louisiana and $5 million for Mississippi, as well as $15 million for the state of California which suffered from severe flooding earlier in the year (New York Times 1969z). On October 12th, the New York Times reported that free legal aid was being offered to victims of Camille. This legal aid was made possible by volunteer lawyers and a grant from the Office of Economic Opportunity.
A majority of the victims that sought legal aid did so regarding insurance claims and settlements. Lawyers associated with the project stated that no cases had gone to court yet and that, in many instances, the involvement of the lawyers was enough to increase insurance settlement offers (Delaney 1969).

On November 2\textsuperscript{nd}, it was reported that the Small Business Administration was making disaster loans to those affected by Camille at a rate of $5 million a week. It was speculated that the SBA loans would total about $200 million (\textit{New York Times} 1969aa). On November 15\textsuperscript{th}, reports called Camille “the most costly tropical storm to ever hit the United States” (\textit{New York Times} 1969ab:95). Total estimates of the damage caused by Camille stood at $1.49 billion (\textit{New York Times} 1969ab).

\textit{Social harm}

The social harm associated with Hurricane Camille is easy to establish. By today’s standards, Camille would have been a category five hurricane, the strongest rating given to such storms. The hurricane brought with it a storm surge that was 50 percent higher than any previously measured storm surge, topping out at a conservative 31 feet above high tide marks (\textit{New York Times} 1969l). In addition to winds near 190 miles per hour and a storm surge powerful enough to reverse the flow of the mighty Mississippi River, Camille also spawned several tornados in Mississippi (\textit{New York Times} 1969c, Zebrowski and Howard 2005) Camille left close to 300 dead on the Gulf Coast (\textit{New York Times} 1969i, 1969m; Minor 1969), while in Virginia the flooding by Camille left at least 74 dead and over 100 missing (\textit{New York Times} 1969t).
Entire towns like Buras, Louisiana disappeared under more than 12 feet of water and some never were rebuilt (Zebrowski and Howard 2005). Over 120,000 people from the Mississippi area alone had evacuated prior to the storm. An estimated 41,000 families returned to find their homes destroyed or heavily damaged, and 25,000 of these people were believed to be homeless (Reed 1969d). The Red Cross estimated that along the Gulf Coast about 200,000 people were believed to be temporarily homeless (New York Times 1969o). Counts of structural damage in Louisiana and Mississippi based on numbers from the Red Cross include 5,662 homes destroyed, 13,915 homes with major damage, 33,933 homes with minor damage, 1,082 mobile homes destroyed, 621 mobile homes with major damage, 775 farm buildings destroyed, 2,289 farm buildings with major damage, and 679 small businesses destroyed or majorly damaged (Pielke et al. 1999).

In Virginia, residents had no reason to evacuate or seek shelter. Residents woke in the morning to floods 12 feet deep in some places and 30 feet deep in others (New York Times 1969j, Smith 1969). Creeks and rivers had swelled past their banks and were powerful enough to wash out homes, buildings, bridges and even entire towns. The flooding knocked out communication lines and made it impossible to warn residents living downstream and “large uprooted trees acted as battering rams, crashing through houses and overturning automobiles” (Pielke et al. 1999). The final count of 74 dead and 109 missing in Virginia likely brought no closure to residents who realized the missing would likely never be found as “many of those killed or missing were swept down mountain slides in the resulting landslides” (New York Times 1969s:39). Aside from the loss of life and home, Camille was estimated to be
the most costly hurricane to strike the United States with total damages estimated at $1.49 billion (New York Times 1969ab).

**Actus reus**

The element of *actus reus* requires evidence that the state acted or failed to act in such a way that violates an implied or assigned trust or duty. In the fifteen years between Hurricanes Hazel and Camille, the federal government continued to be influenced by the ever-growing duty to protect citizens from issues related to flooding and to provide relief to those who were suffering from such disasters, even establishing a federal program for flood insurance. However, as was the case in most of the initial programs to come out of the New Deal (and the beginning of the post-World War II SSA in general), many of the programs designated to provide aid to victims excluded specific groups of the population. In the interest of applying this element I will examine what the federal government did leading up to and in response to Hurricane Camille.

Meteorologists from the Weather Bureau and the National Hurricane Center (NRC) dutifully tracked Hurricane Camille using state-of-the-art technology and photography (Zebrowski and Howard 2005). Meteorologist Bob Simpson, director of the NRC and one half of the namesake of the soon to be created Saffir-Simpson Hurricane Scale, was extremely active in tracking the storm, however Camille was an extremely unpredictable storm to say the least. Initially aimed at the Florida coast, it wavered on its path even coming to a complete stop with regards to forward motion and stalling in the Gulf of Mexico for hours. Despite the best efforts and numerous
storm warnings and bulletins, Hurricane Camille remained unpredictable. Zebrowski and Howard write,

Un fortunately, until almost the last minute, nobody figured that Camille was destined to strike Bay St. Louis of all places. The official advisories and bulletins had assured everyone that the storm would strike considerably to the east (2005:70).

In light of the capricious nature of Hurricane Camille, states along the Gulf Coast attempted to prepare the best they could for the storm’s landfall.

Interestingly enough, residents of the areas near Plaquemines Parish, Louisiana began preparing on their own long in advance of any storm bulletin. These residents had a long standing distrust in their state and federal governments and knew enough about their geographic location to know that the farther west Camille made landfall, the worse their potential situation would be. The residents of this rural area in southeast Louisiana were just one of the groups excluded from the capitalist-state-citizen accord. Instead of relying on official warnings from the NHC, these residents took their cues from the off-shore oil industry. Upon seeing the helicopters bringing workers in off the rigs, a parish commissioner decided evacuation was the only option for residents. Zebrowski and Howard write, “By that afternoon, deputies were cruising the parish neighborhoods, their loudspeakers blaring the news of local evacuation preparation announcements” (2005:73). All told, an estimated 17,800 residents successfully evacuated the rural birds foot delta in advance of Camille, some ten hours before the first watch was issued for the area. Further, the authors speculate,

Had the locals waited for the feds’ official hurricane warning, they would have had only four hours or less to drive as far as seventy-five miles on a single clogged road, and hundreds or even thousands would
have drowned in their cars when the storm-driven Mississippi River backed up and overflowed its west levee (Zebrowski and Howard 2005:73).

Official estimates suggest that 81,000 out of 150,000 people located in the identified evacuation areas were moved to safety (Pielke et al. 1999).

Even if predictions had been more accurate there were still other complications. For example, Pielke et al. (1999) explain that residents of the town of Pass Christian, badly damaged in the storm, usually watched or listened to news from New Orleans as opposed to Biloxi. The Biloxi news stations were relaying a plea for residents to leave while the news stations in New Orleans (yet to be included in the storm warnings) were merely providing the general forecast. Additionally, radio stations replayed earlier warnings even after new warnings had been issued (Pielke et al. 1999). Obviously the confusion in forecasting and in relaying those forecasts to the public was an obstacle for all levels of government. President Nixon was clearly dissatisfied with what he called a “Federal failure to forecast the intensity of Hurricane Camille” as he immediately called for improvements to weather warning systems (New York Times 1969v:45).

After the storm, all levels of government were involved in aid and recovery although, Vice President Agnew commented that “there was a need for faster reaction to the disaster threat on some levels” (New York Times 1969v:45). Private aid organizations were also in the area, although many of the shelters they established had reportedly run out of food and water before Hurricane Hazel even made landfall (New York Times 1969c). The federal government issued disaster declarations that allocated federal aid to state and local response efforts, and the U.S. Department of
Health, Education, and Welfare provided cots, blankets, vaccines, and other medication, while the Community Relations Service (a branch of the U.S. Department of Justice) served as a go-between for victims and concerned family members by placing calls and re-connecting families. The U.S. Office of Emergency Preparedness coordinated cleanup efforts with the U.S. Department of Defense and other agencies. The Department of Defense was also integral in delivering food and supplies and searching for survivors. The U.S. Department of Agriculture was brought in to address the inundation of pests such as mosquitoes, flies, and fire ants that occurred in the aftermath of the storm. The U.S. Department of the Treasury established emergency offices to assist with the administration of rehabilitation loans. The U.S. Department of Housing and Urban Development provided approximately 5,000 mobile homes to survivors of the storm (Pielke et al. 1999). Mississippi Governor John Williams even signed a contract with the Office of Emergency Planning to pay those whose employment was interrupted by Hurricane Camille. The Times Picayune reported,

> Workers in 29 south Mississippi counties will be eligible for the claims through the State Employment Security Commission if they were prevented from obtaining employment as a result of Hurricane Camille (Times Picayune 1969d:6).

Additionally, the Small Business Administration provided disaster assistance loans to survivors (New York Times 1969aa).

> While it is true that the federal government appeared to be present and in full force after Hurricane Camille, response operations did not necessarily go smoothly. The Times Picayune originally reported the exchange of praise between some
government actors as Representative Herbert from Louisiana stated, “The coordination between the White House, the governor’s office and the officials of St. Bernard and Plaquemines Parishes could not have been improved upon” (Doucet 1969:1-2). However, the president and vice president’s disparaging remarks came less than ten days after the storm (New York Times 1969v). Other complaints took a while to surface but by the end of the year the Small Business Administration (also responsible for providing loans for private home repairs) was being accused of racial discrimination, as was the Red Cross (New York Times 1970b). Further controversy stemmed from the racial composition of the relief committees established to administer federal aid in the affected states (New York Times 1970a).

It would appear that, in the case of Hurricane Camille, the state worked to meet its obligations to the citizens who were privileged enough to be included in the capitalist-state-citizen accord, and that the response given to them may have been poorly organized and not as prompt as expected. However, Camille served as an all too perfect example that minorities and lower class citizens had been excluded from this set of state obligations (further details of the controversies centering on race will be discussed momentarily). What is relevant to the element of actus reus in this case is the state’s failure to provide equal amounts of aid and relief to all citizens regardless of race or class.

Mens rea

The element of mens rea requires an examination of whether the actions or inactions of the state were perpetrated with knowledge of the impending social harm
and if they were the result of the state prioritizing some other goal over its implied or assigned trusts or duties. Here it is important to review the element of *actus reas* for actions taken or not taken by the state that violate some implied or assigned trust or duty based on the capitalist-state-citizen accord. What we see in the case of Camille is that duties to some citizens were met while other citizens were seemingly disregarded.

Despite criticism from the president, the weather forecasting technology in 1969 may explain some of the failures to issue adequate warnings in the days before the storm. At the very least, it would seem that the state lacked real knowledge of impending social harm (the following chapter will provide an example of explicit knowledge of impending social harm). The storm remained unpredictable until extremely close to landfall and even meteorologists had trouble envisioning the damage that would accompany it as Camille was the strongest hurricane to strike the United States.

Likewise, the failures to act identified in the element of *actus reus* do not appear to be the result of the government prioritizing some other goal over its trusts or duties, but simply that these trusts and duties had not yet been extended to all groups. Even civil rights activist Aaron Henry stated the actions [and failures] “may have been the product of unconscious social habit instead of deliberate racist policies of the state administration” (Nordheimer 1970a:26). Thus the element of *mens rea* in the case of Camille orients any potential state crime to the implicit end of the complicity continuum of state crime developed by Kauzlarich et al. (2003).
Sanctions

For the fourth element of sanctions, I again turn to the victims of the disaster, as well as the general public when applicable, and their attitudes towards the government and its response. By December of 1969, it appears that there was significant controversy surrounding the federal government’s response to the disaster as victims of Camille were invited to testify before a Senate Public Works Subcommittee in January on the effectiveness of federal disaster aid (New York Times 1969ac). Controversy became much more apparent in the news articles at this point.

The New York Times reported on complaints concerning the racial makeup of the governor-appointed Storm Relief Unit in Mississippi on January 1st. The Emergency Council, created by Governor Williams, was charged with control of all federal funds for the redevelopment of the Mississippi gulf coast. Initially the committee consisted of only white members, but after pressure from civil rights organizations and an “urgent recommendation” by the White House, the Governor appointed three Black members (New York Times 1970a:43). A coalition of 20 civil rights and poverty organizations alleged,

[T]hat the Governor had systematically excluded Negroes and the poor from the council ignoring the low-income residents of the disaster area and placing unusual control of the Federal agency money in the hands of 10 conservative white business men (New York Times 1970a:43).

Adding to the charges of discrimination, the chairman of the Governor’s Emergency Council admitted that it “had not held public hearings in the disaster area to assess the mood of the public directly” (New York Times 1970a:43). Controversy in this matter was not directed solely at the state of Mississippi but also at the federal government. The New York Times reported, “[t]he President’s directive to all Federal agencies to
clear hurricane recovery funds with the Governor’s Emergency Council had been made after the racial composition of the council was known” (*New York Times* 1970a:43).

Even more controversy surrounded the disaster loans made by the Small Business Administration, as discrimination against African Americans was alleged. The loans extended by the SBA were made available to victims to restore homes or businesses damaged or destroyed by Hurricane Camille. The head of the SBA, Hilary Sandoval, “denied that racial discrimination was involved in the approval of loans, although he said that 95 per cent of the approved loans were made to whites” (*New York Times* 1970b:43). In an effort to explain this discrepancy Sandoval stated, “that the Negro neighborhoods, farther inland, had not ‘been hit as hard as the white community’” (*New York Times* 1970b:43). With the initial offering of loans to the area a “special minority team” led by an African American looked into the damaged areas “to insure against discriminatory loan treatment” (*New York Times* 1970b:43). This individual stated “in some towns a railroad levee provided some protection from the storm for Negro homes. He also said that few Negroes owned beachfront property” (*New York Times* 1970b:43). Based on these observations the SBA denied any racial bias in the loans.

Authors Zebrowski and Howard (2005) tell a much different story, maintaining that Camille’s destruction was not limited to whites. They write,

Black were hard hit in Mississippi, not because they lived in any of the upscale homes near the beach, or even in the second-tier middleclass homes, but because Camille’s monstrous flood had surged up the inlets, bays, and bayous, circling in behind the coastal towns. Most of the black community on the backside of Biloxi, for instance, was
inundated by four to six feet of floodwater (Zebrowski and Howard 2005:217-218).

The authors also point out the deeply racist attitudes in the south in 1969. Indeed, until 1968, only one year before Camille, African Americans were not even allowed on public beaches in Mississippi. A wade-in was staged in 1960, and it took eight years for African Americans to gain access to the beaches. These eight years were long and torturous as those who participated in the wade-in were threatened, beaten, and had their homes fire-bombed. Even those who sympathized with the participants were fired from jobs and subject to violence. Zebrowski and Howard state, “The state-sanctioned culture of racism and intimidation of blacks ran so deeply in Mississippi in 1969 that few blacks would have felt comfortable telling reporters about their hurricane experiences” (2005:142).

During the hearings of the Senate subcommittee in January of 1970, the leader of the Mississippi branch of the National Association for the Advancement of Colored People, Aaron E. Henry, spoke of alleged racial discrimination. The *New York Times* reported,

> The civil rights leader had testified that state agencies practiced discrimination during several phases of the recovery from the storm, starting as early as the segregated evacuation of refugees from the disaster area on the coast three days after the storm had struck last August (Nordheimer 1970a:26).

Mississippi Governor Williams interrupted the hearings to deny racial bias in the government’s response. Mr. Henry replied by acknowledging that the acts “may have been the product of unconscious social habit instead of deliberate racist policies of the state administration,” but that they were nonetheless unfair (Nordheimer 1970a:26).
Mr. Henry also asked for a federal investigation of the Red Cross stating that their disaster relief policies “are replete with racial segregation” (Nordheimer 1970a:26).

Zebrowski and Howard discuss the actions of the Red Cross in Mississippi stating that aid was provided differentially according to the victims’ social status: if they had an outhouse before, they got a new outhouse after; if they shopped at used clothing stores before, they got used clothing after; but if they bought everything new before, then the Red Cross gave them vouchers for new clothes and furniture (2005:217).

Other complaints about the Red Cross included that the organization unnecessarily limited food supplies to African American victims and was interested more in publicity than helping victims of the storm. Zebrowski and Howard write, “Although the Red Cross would later admit to the validity of some such criticisms, and would make corresponding adjustments in its operating practices, for many Camille survivors the reputation of that organization was badly tarnished” (2005:216).

Further complaints against the SBA and the Red Cross came to light in the final day of the Senate subcommittee hearings. An African American physician from Biloxi, who happened to be one of three black men appointed to the Governor’s Emergency Council, testified that, “The most dehumanizing, denigrating, humiliating, and bureaucratic demon to appear on the Gulf Coast after Camille [was] the American Red Cross” (Nordheimer 1970b:26). The same witness also testified regarding the discrimination in loaning practices by the SBA. He referred to the SBA as “a master in devising ingenious methods to prevent black folks from obtaining loans” (Nordheimer 1970b:26). Many of the claims of bias also involved class distinctions which are, even today, still closely associated with race (Nordheimer
1970c). In summing up the three days of hearings, one of the senators on the subcommittee stated that he was convinced of the need “during a time of emergency for an agency that ‘will cut red tape and coordinate all relief programs that come into play during a disaster’” (Nordheimer 1970b:26). Further,

He said neither the Red Cross nor existing Federal agencies— principally the Office of Emergency Preparedness and the Office of Civil Defense—possessed the capacity to act as the coordinating agent, as demonstrated in the fragmented response to Hurricane Camille (Nordheimer 1970b:26).

While subcommittee members said that they would demand a response to the charges against the SBA and the Red Cross, the purpose of the subcommittee was to “formulate legislation to deal with future natural disasters based on the lessons learned here” (Nordheimer 1970b:26).

Jackson Balch, the manager of the Mississippi NASA Test Facility, which had served as a shelter for 1200 evacuees prior to and during the storm, gave a lengthy and damning testimony to the Senate subcommittee (Zebrowski and Howard 2005). Mr. Balch began his testimony as follows, “Mr. Chairman, I can do one of two things. I can read a sanitized statement which has been approved for me to read, or I can give you a picture from being a participant of [my own] experience about what the story is” (United States Senate 1970:379). The committee answered that they would include the sanitized statement in the final report and invited Balch to give his account of the experience to which he replied “When I leave this room my boss may not like it, but I will go ahead and say it like it is” (United States Senate 1970:388). Balch’s testimony continues for thirteen pages as he describes his horror at days spent trying to locate and deliver supplies to victims in Pass Christian. At one point he tells
of National Guard soldiers who refused to help him deliver water to the town, insisting that their orders were to stand guard at the entrance to a bridge that had been badly damaged. He delivered the water to the Pass Christian High School where nearly 1,500 victims had sought shelter and described the scene as such, “The mud was left by the water and was about 2 inches deep, full of human excrement and urine, and things like that, with babies crying with high fever. It was an unbelievable sight” (United States Senate 1970:392). Contrary to the allegations of bias, Balch praised the efforts of the Red Cross once they arrived in Pass Christian on Tuesday. Of the relief efforts in general Balch stated, “I can cite hero after hero but it was all so disorganized” (United States Senate 1970:394). Balch argued multiple times that having the National Guard on the scene to prevent looting was a misuse of their time and resources when there was work to be done. Balch also expressed discontent with the length of time that elapsed before trailers arrived to house storm victims citing families living in the back of cars and in their damaged homes while they waited (United States Senate 1970).

Zebrowski and Howard (2005) further detail some of the issues regarding the trailers that were provided for victims from the U.S. Department of Housing and Urban Development (HUD). The authors write,

A number of low-income victims had apparently been advised that they needed to have their own lot and pay for their own utility connections if they wanted HUD to rent them a mobile home for a year. In fact, the official policy was that, if they owned a private lot, then HUD expected them to provide their own utility hookups; otherwise, the rental unit would be set up on municipal property and HUD would connect the utilities (Zebrowski and Howard 2005:213).
HUD officials also complained about the process of procuring these trailers, stating that they were made to complete paperwork and purchase the trailers directly from manufacturers while dealers much closer to the disaster areas had hundreds of new trailers sitting on their lots. Without these purchasing agreements, homes could have been provided within weeks as opposed to months (Zebrowski and Howard 2005). The controversy reported in the newspapers and the transcripts of the Special Subcommittee on Disaster Relief (United States Senate 1970) leave little doubt that there was public outcry of wrongdoing, at least on behalf of the victims.

Conclusion

The problems with the government’s response to Camille seem to be indicators of larger problems within the state itself at this time, as well as disaster response specifically. The victim and public outcry in the case of Camille was largely based on race. This is significant because Camille occurred at a time in history when the post-World War II SSA was entering a decay phase. For our purposes, this decay is indicative of problems within the capitalist-state-citizen accord, specifically that certain populations had previously been excluded from this accord. Larger social movements such as the Civil Rights and Women’s Movements illustrate this on a larger scale, showing that these populations had reached a point where they would no longer stand for being excluded. While there may have been issues with the timeliness and orderliness of the relief that was provided after Camille this alone was not the source of most of the controversy. Discontent aimed at the state in this instance was not specifically for failure to provide relief and assistance;
rather it revolved around biases in distributing said relief and assistance. That all citizens should have equal access to any aid offered by the federal government is an implied trust under the U.S. Constitution.

Evidence of the state’s increased role in the response to natural disasters as established by legislation passed since Hurricane Hazel can be seen in the discussion of the state’s response to Hurricane Camille, as far more state agencies were on hand to administer aid. In comparison to the Galveston Hurricane and Hurricane Hazel, victims of Camille, not only were not required to work for the aid they received, but (depending on their race) were eligible for more aid than in past years including potential unemployment claims due to the storm. Perhaps it is this increased role of the state which allows us to more clearly see the exclusion of African Americans and the disadvantaged lower classes. One consistency throughout the state’s response to all the hurricanes examined in this dissertation is the use of military personnel to prevent looting, protect private property, maintain order, distribute supplies, and (in the cases of Hazel and Camille) to assist with cleanup and debris removal.

Based on the review conducted here of the four elements of natural disasters as state crimes, I conclude that the state’s response to Hurricane Camille was a state crime of an omission-implicit nature. In its response, the state failed to provide equal access to relief both at the individual level as evidences by the discriminatory practices of the SBA, and at the institutional level when African Americans were excluded from committees designated to handle the distribution of relief. While these failures are evident, they do not appear to be the result of the state prioritizing some other goal over the rights of citizens, which is what establishes the implicit nature of
this state crime of omission. Additionally, it is worth noting that the bias and
discrimination shown by the Red Cross in response to Hurricane Camille is itself a
case of organizational deviance.

The following chapter explores the changes in legislation and the capitalist-
state-citizen accord in the years between Hurricane Camille and Hurricane Katrina.
Additionally, I examine the case of Hurricane Katrina in 2005, with the goal of again
identifying the proposed four elements of state crime.
CHAPTER VIII

WAS THERE EVIDENCE OF STATE CRIME IN HURRICANE KATRINA?

Hurricane Camille and the reports of bias in the relief provided afterwards acted as a motivation for the federal government to address disaster relief once again. Spurred by these events, President Richard Nixon signed the Disaster Relief Act of 1969 (Pampel 2008). The act was designed to improve the government’s response to natural disasters by creating a new position, the federal coordinating officer. This officer was to be in charge of coordinating and managing disasters under the authority of the president. The act also made provisions for certain types of federal aid that are usually made available after disasters, thus beginning to standardize the decreasingly piecemeal approach to aid. The act allowed the federal government “to grant modest disaster benefits for housing, education, unemployment, and small-business recovery” (Pampel 2008:24). The act also provided access to aid for temporary housing, the cost of debris removal, and food coupons for those with low incomes. This was significant as it is the first time monetary relief and other aid after a natural disaster is viewed as a citizenship right. The following year brought more changes in the form of the Disaster Relief Act of 1970. According to Pampel, “The new law incorporated many of the efforts that had been authorized in previous legislation but added more assistance for temporary housing, legal services, unemployment insurance, and individual needs” (2008:24).

Hurricane Agnes in 1972, however, highlighted the need for still more disaster legislation as the storm surpassed Camille as the most costly disaster to strike the United States (Pampel 2008). Within two years, more fundamental changes occurred
in federal disaster policy through the Disaster Relief Act of 1974. The 1974 act was the first to introduce and institutionalize the role of the federal government in the prevention of harm and disaster preparedness in addition to responding to disasters (Schneider 1995). Recognition of the importance of preparation did not stop at the federal level as the act required local and state agencies to develop strategies designed to prevent future disasters as well (Schneider 1995). In addition to the emphasis placed on preparation, the 1974 act “made assistance from the government available to individuals and families as part of the Individual and Family Grant Program” (Pampel 2008:25). In order for aid to be given, the president had to make an official disaster declaration, declaring either a major disaster or an emergency. Each type of declaration activated a different response. Emergency declarations called for more limited aid along with specific relief goals and less federal support, while major disaster declarations activated the full relief efforts of the federal government. The act also stated that in the case of a major disaster the Federal Disaster Assistance Administration would be the agency responsible for leading relief efforts (Pampel 2008).

Despite the advances made by these earlier disaster relief acts, federal relief efforts were still fragmented due to congressional laws, executive orders from the president, and the mere existence of over 100 federal agencies designed to take part in some way in various disaster preparation and response efforts. By 1979 the government had reached a plan to consolidate the activities of these numerous separate agencies. President Jimmy Carter created the Federal Emergency Management Agency (FEMA) (Pampel 2008). According to their website,
Among other agencies, FEMA absorbed: the Federal Insurance Administration, the National Fire Prevention and Control Administration, the National Weather Service Community Preparedness Program, the Federal Preparedness Agency of the General Services Administration and the Federal Disaster Assistance Administration activities from HUD. Civil defense responsibilities were also transferred to the new agency from the Defense Department's Defense Civil Preparedness Agency (FEMA 2010).

As an agency, FEMA had three main responsibilities—mobilizing federal relief efforts, coordinating federal efforts with state and local government efforts, and managing efforts of the public and private sectors during disaster response (Schneider 1995).

Immediately after it was created, FEMA faced new types of disasters including the Three Mile Island nuclear disaster and the Love Canal contamination. These disasters stressed the importance of FEMA and clearly demonstrated why the agency should be prepared to deal not just with natural disasters. The agency’s first director, John Macy designed an Integrated Emergency Management System with the goal of handling all types of disasters from weather events to war (Pampel 2008, FEMA 2010). Again, despite the consolidation of agencies and the continued efforts to define response and relief activities, the agency struggled with fragmentation. One specific issue was location. Many of the agencies absorbed by FEMA were still housed in their original offices which meant that FEMA offices were now scattered across Washington D.C. Further complicating matters was the fact that, because FEMA was responsible for so many types of disasters, its activities were overseen by different congressional committees. Pampel states, “FEMA had the tricky job of answering to 23 committees and subcommittees in Congress. As a result, FEMA lacked the tightly linked organization it needed to be effective” (2008:26).
The 1980s brought few disasters, and new presidential administrations saw different roles for the agency. Under President Reagan and the atmosphere of the Cold War, FEMA focused on preparing for a nuclear war. This emphasis had the effect of directing the agency’s resources away from planning and preparing for natural disasters. Pampel writes, “between 1982 and 1991, FEMA spent 12 times as much money preparing for a nuclear attack as it did for a natural calamity” (2008:27). Perhaps because of the relatively few disasters faced by the agency during this time, it seemed as though the role of the agency had been lost. During the 1980s and 1990s, the agency experienced scandal over missing money, conflict with state and local partners over spending priorities, and poor leadership as few in the upper ranks had any experience whatsoever with disaster planning and response (Pampel 2008, PBS.org).

Congress, however, had not given up on the need for disaster response planning. In 1988, it amended the Disaster Relief Act of 1974 by passing the Stafford Disaster Relief and Emergency Assistance Act (Schneider 1995). The Stafford act maintained the focus on preparedness that should occur before a potential disaster strike. It also refined the definition of an ‘emergency’ as opposed to a ‘disaster.’ Schneider writes, “In addition, the Stafford act established a process to guide when and how the government would become involved in disaster situations” (1995:22). The act stipulated that disaster response should move from the local level to the state and then to the federal government. Specifically, the act required state governors to make a formal request to the president before FEMA could lead response efforts (Pampel 2008). While the Stafford Act granted FEMA more power, this did not
mean that the agency was taken any more seriously under the next president’s administration. President George H. W. Bush made no effort to address the problems within FEMA, and it was a low enough priority for him that he even waited nineteen months after his inauguration to appoint a new director (Pampel 2008).

Unfortunately, the apparent decade-long reprieve from serious natural disasters was now over, and the problems within FEMA would become hard to ignore. Hurricane Hugo in 1989 devastated North and South Carolina, and the Loma Prieta earthquake that same year caused major damage in San Francisco, California. FEMA performed the worst in response to the earthquake as “after six weeks, some 50,000 people, many homeless, had not received assistance” (Pampel 2008:28). Even more inadequacies in FEMA were made clear when Hurricane Andrew struck Florida in 1992. Andrew, a category five hurricane, was forecast to strike Miami, but instead moved south and struck a much less populated area, specifically the town of Homestead and surrounding areas. Andrew left 200,000 people homeless, 1.3 million people without power, and caused $30 billion in damage (Pampel 2008). While it is beyond the scope of this dissertation to fully detail the failures of FEMA during and after Hurricane Andrew, Pampel provides a concise description,

Food, shelter, clean water, and medical assistance were scarce. For the first three days of the disaster, however, FEMA did not appear. Once there, FEMA acted slowly in bringing in water, food, and medical supplies to the victims—most federal aid did not reach victims until six days after the storm. Those in need relied on army troops and private organizations for relief rather than the federal agency in charge (2008:29).

In response to the immense criticism of the agency in the aftermath of Andrew, President George H. W. Bush appointed a special hurricane task force to
deal with the disaster. Perhaps illustrative of his own lack of faith in FEMA, Bush chose the secretary of transportation (as opposed to a FEMA official) to head this task force (Pampel 2008, PBS.org 2005). Once the task force was in operation, relief and recovery efforts were completed much more smoothly. Investigations into the failures during Andrew followed and, while some called for the elimination of FEMA altogether, others focused on the logistical problems of how an agency was supposed to be pro-active when it had to wait for a formal request from state officials and a major disaster declaration from the president before it could act.

The next presidential administration would bring even more changes, this time positive, for the agency. Clinton took office in 1993, the same year Congress amended the Stafford Act to extend federal relief. Upon taking office, Clinton appointed James Witt as the new director of FEMA. Witt was officially the first FEMA director who had previous experience with disaster planning and emergency management (FEMA 2010, Pampel 2008, PBS.org 2005). According to FEMA’s own website, Witt “initiated sweeping reforms that streamlined disaster relief and recovery operations, insisted on a new emphasis regarding preparedness and mitigation, and focused agency employees on customer service” (FEMA 2010). Specifically, he reorganized FEMA so that jobs were given to people with actual qualifications rather than used as rewards for political supporters (Pampel 2008, PBS.org 2005).

In a further show of support for the reinvented agency, President Clinton elevated FEMA to cabinet status in 1996. Along with this, Witt and FEMA took lessons from the response to Andrew and, under the broader authority of the revisions
to the Stafford Act, FEMA started the practice of moving into a potential disaster area when warning was given instead of waiting for the disaster to occur. The agency even worked informally with state and local officials prior to the submission of the formal request (Pampel 2008). These changes brought with them success for the agency as it performed reasonably well in the Great Midwest Flood of 1993 and the Northridge earthquake in California near Los Angeles in 1994. Additionally, the agency even received praise for its handling of the Oklahoma City Bombing in 1995 and Hurricane Floyd in 1999.

President George W. Bush took office in 2001 and appointed a new director of FEMA, again with little emergency experience—his former national campaign manager to be exact (Pampel 2008). Not even nine months after taking office the Bush administration and FEMA were tested by the terrorist attacks of 9/11. Given the scope and nature of the attacks, FEMA again performed reasonably well. However, the attacks drastically changed the focus of disaster response away from natural disasters, a move that would have dramatic impacts on the future of the agency. Less than a month after the attacks, President Bush began the process of creating the Department of Homeland Security (DHS). With DHS established, FEMA was demoted from its cabinet position and placed within this new agency. The public and politicians alike debated this move, and many FEMA employees who were against it left the agency blaming loss of independence and low morale (Pampel 2008). Further, in 2003, the director of FEMA left and was replaced by another Bush appointee (again, with no previous disaster experience), Michael Brown. Hurricane Katrina provided the first big test of the agency under these new conditions.
Hurricane Katrina began as the twelfth tropical depression of 2005. On August 23rd, the National Hurricane Center (NHC) issued its first advisory concerning the storm that would become known as Katrina, and “initial estimates placed the developing hurricane in the eastern Gulf of Mexico within four days” (New York Times 2005f:A25(L)). On Wednesday, August 24th, the NHC warned that Katrina, now a tropical storm, would likely pass over Florida and emerge into the Gulf of Mexico to re-strengthen before a second landfall. Katrina became a category one hurricane on August 25th. Governor Jeb Bush declared a state of emergency in Florida a day before Katrina’s inevitable encounter with the state so as to expedite state and later federal aid (New York Times 2005f).

On Friday, August 26th, the NHC warned that Katrina’s timing was such that after her pending sweep over Florida she would likely directly encounter the warm loop current in the Gulf of Mexico, “which is like adding high-octane fuel to the fire” (New York Times 2005d:A13(L)). Just before 7 p.m. on August 26th, with winds at 80 miles per hour and gusts up to 92 miles per hour, Hurricane Katrina struck the coast of Florida between North Miami Beach and Hallandale Beach. Locals described the storm as a minor event and there were no reports of heavy damage. Katrina moved across Florida northwest of Miami with winds that slowed to 75 miles per hour, just barely maintaining hurricane status. As a category one hurricane, Katrina caused hundreds of thousands of dollars in damages and left seven dead.
During the night, Katrina entered the warm waters of the Gulf of Mexico and more than regained her strength (*New York Times* 2005a).

By the afternoon of the 27th, Katrina’s winds had reached 100 miles per hour and it was speculated they could increase to 150 miles per hour with meteorologists suggesting she could become a category four hurricane. Early forecasts expected the storm to turn north and head toward the Florida panhandle for a potential second strike in the state (*New York Times* 2005b), while later forecasts placed Katrina’s second landfall in southeastern Louisiana (*New York Times* 2005f). The National Weather Service warned that while it was too soon to predict the exact location of landfall,

Southeast Louisiana certainly has a good chance of landfall or at least feeling the effects of Katrina. If it's that intense, certainly you'd have very strong winds, well in excess of 100 m.p.h., and a storm surge that could be quite damaging ... There could be some topping of levees (*Times Picayune* 2005c).

The New Orleans *Times Picayune* reported that St. Charles and Plaquemines Parishes had issued mandatory evacuations, but that Jefferson Parish and St. Bernard Parish had yet to do so (*Times Picayune* 2005a, *Times Picayune* 2005b). Louisiana Governor, Kathleen Blanco, forwarded a letter to President Bush asking him to declare a state of emergency in Louisiana. She wrote,

I have determined that this incident is of such severity and magnitude that effective response is beyond the capabilities of the State and affected local governments, and that supplementary Federal assistance is necessary to save lives, protect property, public health, and safety, or to lessen or avert the threat of a disaster (*Times Picayune* 2005d).

The NHC director warned New Orleans Mayor Ray Nagin that Katrina was a very serious storm stating, “This is really scary” (Schleifstein 2005). Along with this
warning, the *Times Picayune* also reported that “Ivor van Heerden, a scientist at the LSU Hurricane Center, said he's also concerned that the waves atop the surge in Lake Pontchartrain could weaken levees and cause additional overtopping” (Schleifstein 2005). Before the day was over, President Bush, presumably in response to Governor Blanco’s request, declared a state of emergency in Louisiana effectively “clearing the way for immediate federal aid” (*New York Times* 2005c:A1(L)). The governor of Mississippi also declared a state of emergency (*New York Times* 2005f).


In addition to the dangerous winds, Mr. Nagin said, Hurricane Katrina could bring 15 inches of rain and a storm surge of 20 feet or higher that would ‘most likely topple’ the network of levees and canals that normally protect the bowl-shaped city from flooding (*New York Times* 2005c:A1(L)).

Mayor Nagin urged residents without cars to find rides out of the city with neighbors, friends, or family. The New Orleans *Times Picayune* reported that “Regional Transit Authority buses were scheduled to ferry people to the dome from 12 locations around the city beginning at noon today” and that in an effort to spread the news of the mandatory evacuation “Nagin said that police and fire crews would be driving through neighborhoods Sunday with bullhorns, directing people to leave” (*Times Picayune* 2005e). The National Weather Service issued a special statement outlining the damage that could come from Katrina striking New Orleans as a category five storm. The statement focused on wind damage and warned that the area would be uninhabitable for “weeks, perhaps longer” and that “At least one-half of well-constructed homes will have roof and wall failure. All gabled roofs will fail, leaving
those homes severely damaged or destroyed” (Times Picayune 2005f). Further, the statement warned, "The blown debris will create additional destruction…Persons, pets and livestock exposed to the winds will face certain death if struck” (Times Picayune 2005f). St. Bernard and St. John Parishes declared a curfew, as did the city of New Orleans (Times Picayune 2005g, 2005h, 2005i). Mayor Nagin warned people in New Orleans to get off the streets immediately and stated that police and emergency service departments would provide assistance only until winds exceeded 45 miles per hour (Times Picayune 2005i).

President Bush, though still on vacation, spoke by telephone with the governors of Louisiana, Mississippi, Alabama, and Florida and declared states of emergency in the latter three states (New York Times 2005c, 2005f). As residents began evacuating New Orleans and surrounding areas, FEMA sent food, water, and other supplies to staging centers in Georgia and Texas. The New York Times reported “Louisiana state officials said that at one point during the evacuation of New Orleans on Sunday, more than 18,000 cars an hour were leaving the city” (New York Times 2005c:A1(L)). As those who could left, residents unable to evacuate the city begin showing up at the New Orleans Superdome, designated as a shelter of last resort, and waited in long lines for admittance to the shelter as officials searched everyone entering for drugs, weapons, and other contraband. The New York Times reported,

The Federal Emergency Management Agency, whose director, Michael D. Brown, flew to Baton Rouge on Sunday, was waiting to determine where the agency would need to deploy supplies and specialized personnel. A spokeswoman said FEMA had mobilized several hundred specialists, including about 20 medical teams and a smaller number of urban search and rescue teams (2005c:A1(L)).
The *Times Picayune* reported that 26,000 people had already taken shelter at the Superdome Sunday night, and that the Louisiana National Guard had delivered enough water and MREs (meals ready to eat) to supply 15,000 people for three days (*Times Picayune* 2005j). Five thousand National Guard troops were called in over the weekend before the storm and 3,500 Louisiana National Guard troops were on active duty to provide security and food distribution (*New York Times* 2005e).

At 3 a.m. on Monday, August 29th, “the eyewall of a slightly weakened Hurricane Katrina [now a category 4 hurricane] was beginning to cross [the] Southwest Pass at the mouth of the Mississippi River on its way due north at 15 mph,” placing the storm about three hours from New Orleans (*Times Picayune* 2005k). Katrina was reported to have maximum sustained winds of 150 miles per hour and waves were cresting in the Gulf at 47 feet. At this time, tornado watches for the area were extended until noon and rain totals of 15 inches were predicted in some areas (*Times Picayune* 2005k). Many areas near New Orleans and further south in Louisiana including St. Tammany Parish, Morgan City, St. Bernard Parish, St. Charles Parish, and Belle Chasse lost power around 6 a.m. (*Times Picayune* 2005l). The loss of power and communication abilities severely hampered the reporting of damages with only bits and pieces of information about the effects of Hurricane Katrina appearing in the *Times Picayune* on Monday the 29th. The Superdome, which was serving as a shelter of last resort and was also without power, suffered damage as the storm took with it two sections of the roof exposing those inside to heavy rains (*Times Picayune* 2005m).
In a radio interview Monday morning, Mayor Nagin stated that, “water was coming over the levee system in the Lower 9th Ward, especially in the Florida Avenue area” and that the Florida Avenue pumping station was not working (Times Picayune 2005n). In a separate teleconference that morning, emergency preparedness officials in Southeast Louisiana reported,

In New Orleans, water topped a levee along the Industrial Canal. The city's 911 emergency system was out of service and Charity Hospital was on emergency power and windows had been blown out on five floors. The Police Department was operating on a backup power system. Three to four feet of water was reported on St. Claude Avenue at Jackson Barracks. And a 20-foot tidal surge knocked out four pumping stations; only one was able to get back into service (Times Picayune 2005o).

By noon, President Bush had declared both Louisiana and Mississippi major disaster areas, making available federal financial assistance to individuals, businesses, and local governments (Times Picayune 2005p). He also issued a statement aimed at victims of Hurricane Katrina, “I want the folks there on the Gulf Coast to know that the federal government is prepared to help you when the storm passes” (Times Picayune 2005q).

By early afternoon on Monday, the Office of Emergency Preparedness reported that they had received over 100 calls from people in distress in the Lower 9th Ward and eastern New Orleans. They also confirmed that the 17th street canal levee had been breached and water was spilling into the Lakeview neighborhood (Times Picayune 2005r). The Office reported that they could not get to those who were stranded as they had to wait for wind speeds to drop below 50 miles per hour (Times Picayune 2005r). One reporter who ventured into the Lower 9th Ward told of three adults and three children he saw clinging to a porch in an attempt to stay above
water. He stated, “They were really scared. They said they had been clinging to that porch since 8 a.m.” (Times Picayune 2005s). At a 3:30 p.m. briefing, state officials said that twelve boats had been deployed to begin rescuing stranded residents in eastern New Orleans, the Lower 9th Ward, and St. Bernard Parish. Those rescued, as well as patients from one of the nearby hospitals which was experiencing power trouble and had the windows blown out on five floors, were to be taken to the Superdome to await further evacuation (Times Picayune 2005t). The Times Picayune reported that some individuals were stranded on elevated portions of I-10 and interstate 610 running through the city (2005u, 2005v). There were also reports of houses on fire and an unofficial statement from the fire department was that they were blocked from reaching the homes by six to eight feet of water (Times Picayune 2005w). By evening the flooding in the Lower 9th Ward was referred to as ‘awful,’ and the Times Picayune reported that, “for stretches of square miles only rooftops poked out from beneath the waters” (2005x). Rescuers in a limited number of boats worked into the night, and by 8 p.m. had already rescued 100 people from the water and off of rooftops. The state Wildlife Secretary reported he could hopefully have 200 boats out by dawn (Times Picayune 2005y).

Late Monday night, the Times Picayune reported that the I-10 bridges spanning Lake Pontchartrain had been severely damaged in both directions. A spokesman for the Department of Transportation and Development stated that several sections of the bridges were “either missing or shoved aside” and that they were unsure if the pilings remained in place or not (Times Picayune 2005z). The matter was to be further inspected the following day. The article also reported,
Federal Emergency Management Agency Director Mike Brown called Katrina one of the worst disasters he has seen, exceeded only by California wildfires. "This is a catastrophic storm," he said. "People will not get back to their homes for several weeks - if not longer" (Times Picayune 2005z).

A spokesman for the Office of Homeland Security and Emergency Preparedness stated, “at least 31,000 evacuees were still hunkered down in shelters in south Louisiana, and 917,000 households were without power in 23 south Louisiana parishes” (Times Picayune 2005z).

Tuesday morning, August 30th, Jefferson Parish emergency management officials had no idea why water levels in the city were continuing to rise. The Times Picayune reported that Walter Maestri “told WWL-Radio that parish officials have given engineers the next ‘three to four hours’ to determine the cause of rising water” (2005aa). The power company, Entergy, responsible for the region advised that the damage was bad enough they would have to begin a potentially month-long rebuild and that all of their customers, 750,000 people, in the New Orleans area would remain without power (Times Picayune 2005ab). By noon on Tuesday, New Orleans Mayor, Ray Nagin, gave an update on the conditions in the city, for the first time providing a more complete picture of the damage and conditions in the city. The Associated Press reported,

Mayor Ray Nagin said Tuesday that the city might need to set up a temporary morgue to deal with the death toll in a city that's 80 percent flooded, food and water are scarce and an atmosphere of lawlessness has set in as police and other emergency resources are dedicated to rescuing people still stuck in their homes after Hurricane Katrina...Three levees have been broken, flooding areas of the city that appeared to survive the storm. A 50-inch water main under City Park is cut. And power is running out at the Superdome, where some 15,000 to 20,000 people took refuge at the "shelter of last resort"...He estimated it would take as long as two weeks to clear out the
floodwaters once the U.S. Army Corps of Engineers fixes the levees...looting has become so widespread that it's sometimes taking place in full view of police and other emergency workers who are busy searching for any survivors in need of rescue. Drug addicts have been looting pharmacies, Nagin said. There are no official death tolls, but it's expected to be steep. At this point, "Rescue workers are not even dealing with dead bodies. They're just pushing them to the side, Nagin said (Associated Press 2005a).

State Insurance Commissioner Robert Wooley predicted that insurance losses for the state from Katrina would be somewhere between $7 billion and $12 billion, and that nationally they were expected to reach $26 billion (Anderson 2005).

Louisiana Senator David Vitter viewed the area from a plane and called it ‘heart-breaking.’ Offering his opinion on the federal government’s response Vitter said,

We just have horrible conditions to deal with. For instance, every route into the city except one is flooded and obviously we are using air assets, but it is tough. They are moving things into the city, diesel fuel, water, ice food etc. as fast as they can (Alpert 2005).

Vitter also described the current situation with the levees, stating he “could see three breaches in the levees, including a 200 feet hole in the 17th Street Canal, as well as two separate gaps encompassing a total of about 500 feet in the Industrial Canal on the St. Bernard side” (Times Picayune 2005ac). At this time, Army Corps of Engineers officials said that they had not yet figured out a way to fill the holes in the levees (Times Picayune 2005ac). State of Louisiana officials pleaded with the federal government, asking that it waive federal rules that the state pay for a portion of the cleanup. The official request was for FEMA to pay 100% of the cleanup costs associated with Katrina as it had done in the wake of several 2004 Florida hurricanes. The request stated, “Louisiana sits at a perilous crossroads, this incident is of such
severity and magnitude that effective response is beyond the capabilities of the state. Without your direct intervention, we will not receive this much-needed assistance” (Times Picayune 2005ad).

The Times Picayune also began reporting that there was now as much as three feet of water in the previously dry Uptown area of the city, in addition to eastern New Orleans, the Lower 9th Ward, and the Lakeview, Mid-City, Carrollton, Gentilly, and City Park neighborhoods (2005ae, 2005af). Lakeview residents described initial feelings of relief at having made it through the storm, but by noon those feelings subsided as their homes began taking on water. The Times Picayune reported their stories, “We were good until the Canal busted. First there was water on the street, then the sidewalk, then water in the house” and “The hurricane was scary. All the tree branches fell, but the building stood. I thought I was doing good. Then I noticed my Jeep was under water” (2005af). In light of all the flooding, officials asked anyone with a boat to volunteer to help in the rescue (Times Picayune 2005ag).

Also on Tuesday afternoon, hotels in downtown New Orleans that had taken on guests and stayed open through the storm began closing as they took on more and more water. Hotels advised their guests to make their way to the Superdome, and the National Guard estimated that at least 60,000 people were now seeking shelter there (Times Picayune 2005ah). By 5 p.m. the director of Homeland Security for New Orleans said a helicopter had dropped 3,000 pounds of sand bags on the levee breach along the 17th Street Canal although they were unclear what affects these efforts had (Times Picayune 2005ai). A spokesman for President Bush announced Tuesday evening that the President would be cutting his vacation short and returning to
Washington on Wednesday to address the Gulf Coast recovery efforts (Times Picayune 2005aj). The White House also stated that they had been able to begin moving in emergency medical teams and trucks with food and water (Times Picayune 2005aj).

At 6:30 p.m., Mayor Nagin issued a bulletin warning that attempts to stop the flooding at the 17th Street Canal breach site had failed and the water would rise again, assuredly overwhelming and shutting down the closest pumping station (Times Picayune 2005ak). The Department of Transportation and Development was working with the Army Corps of Engineers into the night on Tuesday in an effort to plug this breach. The Times Picayune reported,

A convoy of trucks carrying 108 15,000-pound concrete barriers—like those used as highway construction dividers—was en route to the site Tuesday night. Once there, Lambert [DOTD spokesman] said, helicopters would hook up the barriers, and drop them into the hole in the canal. Lambert said another 50 sandbags, each weighing 3,000 pounds, are also being maneuvered into place to stop the breach (Times Picayune 2005al).

The spokesman did not mention what, if anything, was being done to stop the breach along the Industrial Canal, which was responsible for flooding the Lower 9th Ward (Times Picayune 2005al). In fact, discussion of attempts to close the breeches in the Industrial Canal are notably absent in the media’s coverage of the state’s response to Hurricane Katrina. Another article published later Tuesday night in the Times Picayune revealed that the sandbags reportedly dropped earlier at the 17th Street Canal had in fact not been delivered. Mayor Nagin was reportedly looking into this matter and stated, “I thought everyone understood this morning that that was the
highest priority. It didn't get done. Now there's nothing to slow down the pace of the water” (Thevenot 2005a).

The same article from late Tuesday night indicated frustration among storm victims as one resident stated, “The storm is long gone, we suffered through the wind and the rain and survived the flood. It's ridiculous that we can't get the help we need from the government to keep the city intact. That's sad” (Thevenot 2005a). Those who had been out in the city reported widespread looting, people stranded on overpasses, and dead bodies floating in the water. Some commented that rescue staging areas brought to mind a Third World refugee camp (Thevenot 2005a). This article was not the only one to take a critical view of the response efforts thus far, in a separate article authors open with the statement, “No one can say they didn’t see it coming” (Walsh et al. 2005). This article went on to say that officials had been warning of the precarious location of the city and its vulnerability for years. They credited the early emergency declaration from Bush with allowing food and medical supplies to be stock-piled in advance but wrote,

Still, the level of devastation from a storm that everyone agreed was not a "worst-case scenario" has focused attention on whether policymakers took the much-heralded threat seriously and whether adequate plans are in place for future natural disasters…Disaster and emergency experts have warned for years that governments, especially the federal government, have put so much stress on disaster response that they have neglected policies to minimize a disaster's impact in advance (Walsh et al. 2005).

The authors further discussed the federal government’s unwillingness to send money to the area, denying funds for both the rebuilding of Louisiana’s quickly eroding coastal wetlands and hurricane protection projects. The authors state, “In its budget, the Bush administration had also proposed a significant reduction in funding for
southeast Louisiana's chief hurricane protection project. Bush proposed $10.4 million, a sixth of what local officials say they need” (Walsh et al.2005). Walsh et al. (2005) also point out that Katrina constituted the biggest test of FEMA since being moved to its new position within the Department of Homeland Security, while a former FEMA director under the Clinton administration commented that the new system was “very confusing to state and local governments.”

Amid reports of severe looting and a general atmosphere of lawlessness, the state Attorney General’s office clarified rumors and reports that martial law had been called in parts of southeast Louisiana, saying there was no such thing as martial law in the state’s laws. They did say that under the governor’s declaration of a state of emergency, authorities had “widespread latitude to suspend civil liberties as they try to restore order and bring victims to safety” (Times Picayune 2005am).

Around 10 p.m. Tuesday night, Governor Blanco called for the evacuation of the Superdome, although she offered no timetable or details about such an evacuation. This call was reportedly based on two visits to the Superdome she made earlier in the day. The Times Picayune reported,

“It's a very, very desperate situation,” Blanco said late Tuesday after returning to the capital from her visit, when she comforted the exhausted throngs of people, many of whom checked in over the weekend. “It's imperative that we get them out. The situation is degenerating rapidly” (Scott 2005a).

The governor also stated that, in addition to having taken on water from the holes in the roof, the dome was without power and functioning toilets. The same article also advised of an additional confirmed levee breach on the Inner Harbor Canal which had contributed to the flooding in St. Bernard Parish. This particular breach was no
longer a critical matter as water had begun flowing back into the canal once the water
in the canal lowered (Scott 2005a).

On Wednesday morning, August 31st, Governor Blanco announced that
evacuation buses were on their way to New Orleans and that everyone needed to
leave due to worsening conditions. An article by the Associated Press stated, “Army
engineers struggled without success to plug New Orleans’ breached levees with giant
sand bags, and the governor said Wednesday the situation was worsening and there
was no choice but to abandon the flooded city” (Associated Press 2005b). The death
toll from Katrina in Mississippi was estimated at 110, but Louisiana had not released
any speculation on their death toll, stating that they were putting dead bodies aside at
the time to focus on finding those still in need of rescue. An estimated 80 percent of
the city was below water. There was speculation that it could take up to a month to
get all of the water out of the city (Associated Press 2005b). Mayor Nagin
commented on the conditions in the city as well saying, “We are looking at 12 to 16
weeks before people can come in, and the other issue that’s concerning me is we have
dead bodies in the water. At some point in time the dead bodies are going to start to
create a serious disease issue” (Associated Press 2005b). Blanco stated that she
wanted the Superdome evacuation completed within two days, although at the time
officials did not know where evacuees would be taken (Associated Press 2005b). It
was not until later in the morning it was announced that evacuees would be bussed
(using 475 busses provided by FEMA) to the Astrodome in Houston, Texas (Times
Picayune 2005an).
The Associated Press article summarized the activities of the past day reporting,

All day long, rescuers in boats and helicopters plucked bedraggled flood refugees from rooftops and attics. Louisiana Lt. Gov. Mitch Landrieu said 3,000 people have been rescued by boat and air, some placed shivering and wet into helicopter baskets. They were brought by the truckload into shelters, some in wheelchairs and some carrying babies, with stories of survival and of those who didn't make it (Associated Press 2005b).

The article went on to provide some insight into personal experiences of some victims, reporting,

“Oh my God, it was hell,” said Kioka Williams, who had to hack through the ceiling of the beauty shop where she worked as floodwaters rose in New Orleans' low-lying Ninth Ward. “We were screaming, hollering, flashing lights. It was complete chaos” (Associated Press 2005b).

The article also described extreme cases of looting throughout the city. Supposedly this looting was so widespread that it was taking place in front of police and National Guardsmen (Associated Press 2005b).

The Times Picayune recounted the story of one victim whose husband had died earlier in the day. She placed her husband’s body on a door that had come off of their home and attempted to float his body to Charity Hospital as she trudged alongside him through the flood waters (Times Picayune 2005ao).

By mid-morning on Wednesday, Jefferson Parish Director of Emergency Management Walter Maestri advised that the breach at the 17th Street Canal was causing the once dry eastern parts of the parish to flood. At the same time he stated that Jefferson Parish officials were dealing with an influx of evacuees from New Orleans. The Times Picayune reported “Maestri said the population at three west
bank shelters was increasing by 200 people per hour” (*Times Picayune* 2005ap). The dire situation in the city and immediate surrounding areas was not lost on this high ranking official as less than an hour later the *Times Picayune* reported,

>The normally unflappable Jefferson Parish Emergency Management Director Walter Maestri broke into tears as he broadcast a call to help for anyone who could offer food or water to officials at the parish's emergency operations center in Marrero (*Times Picayune* 2005aq).

President Bush viewed the damage in the Gulf Coast area by plane on his way back to the White House on Wednesday and stated, “It’s devastating; it’s got to be doubly devastating on the ground” (*Times Picayune* 2005ar). Around noon on Wednesday, the secretary of Health and Human Services declared a federal public health emergency and said the agency was working to create as many as 40 emergency medical shelters for evacuees in the region (*Times Picayune* 2005as).

Amidst the devastation was a small ray of hope, as it was announced at a midday briefing that the water level in Lake Pontchartrain had dropped and “equalized” with the water level in the city, meaning that, excluding the period of high tide later in the evening, water would begin to flow back into the lake at an expected rate of a half-inch an hour (*Times Picayune* 2005at). The head of the Corps of Engineers was hopeful the break in rising waters would finally allow them to temporarily plug the breach in the 17th Street Canal levee, a feat workers had yet to accomplish. The *Times Picayune* reported on the general’s briefing,

>“It should take a minimum of 30 days to get the water out of the system,” he said. “Then of course after that there's quite a lot of sediment and debris and a lot of material to be removed, and it will take much longer to get that,” he said (*Times Picayune* 2005at).
Almost as if to counter-balance the good luck of the equalizing water levels, it was reported that emergency generators at two city hospitals had run out of fuel that morning, and about 350 patients would have to be evacuated along with more than 1,000 doctors, nurses, and other evacuees who had been sheltering at the hospitals (Moller 2005a). This was unwelcome news for officials who had begun work Wednesday morning evacuating about 1,000 patients from another New Orleans hospital (Moller 2005a).

In the early hours of Thursday morning, September 1st, the first of many busses carrying evacuees arrived at the Astrodome in Houston. Originally thought to be part of a caravan of busses transporting evacuees from the Superdome, the first two busses to arrive in Houston were termed “renegade busses” as officials discovered that the evacuees were from New Orleans Parish, but not specifically the Superdome. The Red Cross accepted the evacuees nonetheless due to the bad shape they were in (Times Picayune 2005au). As it turned out, it would be quite some time before those at the Superdome would make the almost six hour trip to Houston, as it was announced that the caravan to the Astrodome had been suspended for unknown reasons (Times Picayune 2005av). The Times Picayune reported on the situation at the Superdome saying,

At around 10 a.m., the anger among many of those cooped up in the Superdome—many of whom had been there since Sunday—had hit the boiling point. Driven outside by the unspeakable stench, chaos and general misery inside, a sea of refugees filled up the wide apron between the Dome and the New Orleans Centre, through which they would have to pass to get to buses waiting to take them to Houston (Russell 2005).
Rumors had begun circulating about fights, shootings, and rapes in the Superdome, and the evacuees voiced their discontent with the further evacuation efforts calling it disorganized, poorly planned, and without leadership. Despite reporting instances of looting and armed car-jackings, the same article stated that “Order began to return later in the day as most of the evacuees had been evacuated, and soldiers and police began roaming the streets and patrolling the skies in military helicopters” (Russell 2005).

No further articles commented on the delay with the busses but by noon on Thursday it was reported that more than 70 busses had left the Superdome headed for Houston (Times Picayune 2005aw). While evacuees were being sent out of the city, 7,500 National Guard soldiers were reportedly on their way to New Orleans to assist and relieve the 3,000 National Guard soldiers from Louisiana who had been running search and rescue operations since Monday (Times Picayune 2005aw). Soldiers were not the only people on their way into the area as city officials welcomed U.S. Marshals, state wildlife and fisheries officers, and police from around the country to help with relief efforts and prevent looting and other lawlessness (Thevenot 2005b). The show of force appeared to have the intended effect as,

Neighborhoods that had been populated by bands of wanderers and armed thieves looked nearly empty, save for police patrols that were non-existent a day earlier. In Uptown, the Central Business District and the French Quarter, substantially smaller crowds of refugees and potential looters found themselves surrounded by ever increasing numbers of National Guard troops and police officers (Thevenot 2005b).

By noon on Thursday, Louisiana and Mississippi officials received an anxiously awaited for response from President Bush declaring that the federal
government would heed their request that it pick up the entire tab for rescue and recovery efforts along the Gulf Coast. The White House announced that they would waive the contribution requirements for state and local governments for 60 days, retroactive to Monday (Walsh 2005a).

Not all news was good news, however, as the Department of Transportation and Development and the Corps of Engineers released a statement on the 17th Street Canal breach (Times Picayune 2005ax). Workers had still not been able to close the (500 ft.) gap in the levee and had come up with a new plan requiring more time, work, and coordination. As it turns out this new plan required the raising of three bridges so that barges loaded with raw materials needed for the repair at the site of the breach could get through. After previous attempts to close the gap had failed, the corps announced plans to construct a dam out of sheet piling blocking the entrance to the canal itself. Once they could prevent additional water from entering the canal, workers could again attempt to repair the breach (Times Picayune 2005ax).

Despite the start of the evacuation process and the appearance of some restoration of order in the city, other reports hinted at a different experience. A Times Picayune article from late afternoon on Thursday stated,

The stench of death. The shouts of frustration after waiting for rescue crews that haven’t come. Rampant rumors of riots and armed gangs running amuck. A body being dragged along on a luggage dolly. Many of those left behind in New Orleans are just dissolving (Varney 2005a).

The article gave details of some victims’ experiences,

“You’ve got no organization here. It’s mass confusion,” said Paul Davis, 54, who rode out the storm at the Guste high rise and was brought to the Convention Center by police. “Psychologically,
everybody’s emotions are high. There’s no water. There’s no food. They didn’t do anything to prepare for Katrina” (Varney 2005a).

No further details on the progress of the evacuation efforts were given Thursday.

Seemingly just as frustrated as the victims, Mayor Nagin gave a radio interview on Thursday afternoon (Walker 2005). The mayor had a critical stance on relief efforts thus far in the city. He stated that he was “pissed” and that the federal government had not come through on its promises. He said he needed reinforcements, busses, and troops just to start with. The *Times Picayune* recounted an exasperated Nagin,

“They're thinking small, man, and this is a major, MAJOR deal,” Nagin said. “God is looking down on this and if they are not doing everything in their power to save people, they are going to pay the price. Every day that we delay, people are dying, and they're dying by the hundreds, I'm willing to bet you” (Walker 2005).

He went on to criticize the efforts to plug the breach at the 17th Street Canal saying that when he flew over it late Wednesday it was in the same shape as immediately after the storm. He pointed out that a lot of the looters were simply desperate people trying to find food and water, and not as violent as they were made to seem. In another burst of frustration directed toward the federal government Nagin demanded, “Don’t tell me 40,000 people are coming here. They’re not here. It’s too doggone late. Get off your asses and let’s do something and let’s fix the biggest goddamn crisis in the history of this country” (Walker 2005).

Late Thursday night the *Times Picayune* reported that federal welfare and unemployment benefits were being made available to hurricane victims. Federal Disaster Unemployment Assistance “will be available to residents or workers in 31 parishes if they can prove that they lost their jobs or self-employment income as a result of Katrina” (Times Picayune 2005ay). Qualified applicants had 30 days to file
claims. In addition to the unemployment assistance, “the state Department of Social Services has received federal permission to establish an emergency food-stamp program for people displaced by the hurricane” (*Times Picayune* 2005ay).

The morning of Friday, September 2\textsuperscript{nd} brought more news of the evacuations as it was reported that 100,000 evacuees had made their way to Houston, four times the number expected and predicted by Louisiana officials. The influx of evacuees was more than the city could handle,

After locking the gates to the site of the Astrodome Thursday night, a move that left busloads of evacuees on the street, officials reopened the Reliant Park and made plans to house a total of some 30,000 evacuees at the site of the Astrodome, an arena and an exhibition hall and a football stadium (Peter 2005).

It was estimated that more than 50,000 of the evacuees were staying in hotels in the city, and a few thousand with friends in the area. Late Friday night it was reported that the last of the patients and staff at the hospitals in New Orleans had been evacuated (*Times Picayune* 2005az).

Also on Friday, President Bush toured the area on land for the first time since Katrina’s landfall (Stevenson 2005). Before leaving the White House for his trip the President stated that the relief efforts thus far were “not acceptable,” however, this statement seemed to contradict others he made later in the day. Perhaps the most memorable contradiction came in Bush’s congratulatory remarks to FEMA Director Michael Brown, whom he said was doing a “heck of a job” (Stevenson 2005:A14(L)). Bush met with state and local officials, and viewed much of the devastation in the Gulf Coast including the site of the 17\textsuperscript{th} Street Canal breach in New Orleans. The reporter for the *New York Times* commented that this view of President Bush
provided a sharp contrast with the confident and assertive image of him at the World Trade Center site during his visit there three days after 9/11 (Stevenson 2005). In New York City, Bush grabbed a bullhorn to offer praise to rescue workers, while he “steered clear of the streets of New Orleans, whose stricken population could not be counted on to hail him with open arms” (Stevenson 2005:A14(L)). Saturday details were released that the President’s trip to the area had prevented the delivery of food to victims Friday afternoon due to the ban on air traffic during his visit (Krupa 2005a). By Sunday, the *Times Picayune* reported that, although Bush’s trip was initially blamed for the delay in delivering supplies, it was instead the result of a miscommunication between federal officials (*Times Picayune* 2005aad).

Saturday morning, September 3rd, Army officials said it could take up to 36 days to drain the city of all the flood waters resulting from the storm and levee breaches (*Times Picayune* 2005 aaa). Also on Saturday, another Louisiana politician took aim at the federal government. Senator Mary Landrieu openly criticized FEMA for multiple failures in providing relief. The *Times Picayune* recounted her statements,

“I understand that the U.S. Forest Service had water-tanker aircraft available to help douse the fires raging on our riverfront, but FEMA has yet to accept the aid. When Amtrak offered trains to evacuate significant numbers of victims—far more efficiently than buses—FEMA again dragged its feet,” Landrieu said. “Offers of medicine, communications equipment and other desperately needed items continue to flow in, only to be ignored by the agency” (*Times Picayune* 2005aab).

She also spoke about her disappointment in efforts to repair the breach in the 17th Street Canal levee. She said that, while touring the area on Friday with the President,
she really believed that the agencies in charge were genuinely giving it their full attention and that progress was being made. However, she stated Saturday,

Flying over this critical spot again this morning, less than 24 hours later, it became apparent that yesterday we witnessed a hastily prepared stage set for a presidential photo opportunity; and the desperately needed resources we saw were this morning reduced to a single, lonely piece of equipment. The good and decent people of southeast Louisiana and the Gulf Coast—black and white, rich and poor, young and old—deserve far better from their national government (*Times Picayune* 2005aab).

By Saturday, a section of I-10 had become a “refugee camp” as thousands gathered there waiting to be evacuated (Grissett 2005). A *Times Picayune* reporter spoke with many of the victims. One man described his journey,

Two days along the highway, another at University of New Orleans and four days on the roof of his house. “I can't go no more,” he said, holding his palms up and out in a gesture many of the refugees used to express their dwindling hope. “Nobody wants us. Nobody wants to help New Orleans” (Grissett 2005).

Two women on the overpass described some of the awful things they had seen in the last several days including “a paraplegic woman they couldn't drag from a roof, a father with a dead baby under each arm and a 2-week-old infant crushed when her mother lost grip of her during a stampede at the Morial Convention Center” (Grissett 2005). Evacuations from the overpass had begun that morning and were completed shortly after 1 p.m. Late Saturday night officials announced that all evacuations of victims sheltering at the Superdome and the Convention Center had been completed, but that people were still arriving there on foot to be transported out of the city (*Times Picayune* 2005aac). They estimated that 19,000 people had been evacuated from the Convention Center where people started gathering a few days after the storm. The article also stated that “law enforcement agencies fielded about 1,000 distress 911
calls Saturday from people still trapped in attics of buildings surrounded by water” (Times Picayune 2005aac).

On Sunday evening, September 4th, officials reported that they had closed the breach in the 17th Street Canal levee using about 700, 3,000 pound sand bags (Darby 2005). With the breach closed, workers could now shift their attention to draining the remaining water from the city.

On Tuesday, September 6th, Mayor Nagin estimated that it would take three weeks to clear all the water from the city, and another six to eight weeks to get electricity restored to all parts of the city (Times Picayune 2005aae). Amid growing concern for victims who were still refusing to leave their homes, Nagin issued a second mandatory evacuation order for the city on Tuesday. The order stipulated that anyone not involved in the rescue effort had to leave the city and further, it gave official rescuers the option to forcibly remove individuals who refused to leave voluntarily. Specifically, the order stated that official rescue workers were,

Hereby instructed and authorized to compel the evacuation of all persons from the City of New Orleans, regardless of whether such persons are on private property or do not desire to leave, unless such persons are determined by such public safety officers to be specifically engaged by the City, the State or the U. S. Government in providing assistance in the remediation and recovery effort (Times Picayune 2005aaf).

Other updates were flowing out of the area as FEMA announced that already more than 315,000 households in Louisiana had applied for state or federal assistance due to Katrina (Times Picayune 2005aag). An official death toll for New Orleans stood at 71 but was expected to rise into the thousands (Times Picayune 2005aac).
On Wednesday, September 7th, President Bush asked Congress to approve an additional $51.8 billion for recovery and relief efforts and the administration expected that it would have to ask for more before all was said and done (Walsh 2005b). Most of the money would reportedly be given to FEMA, although $400 million was slated for the Army Corps of Engineers and $1.5 billion to the Department of Defense (Walsh 2005b). On Thursday, the official death toll in Louisiana had increased to 118 with bodies being housed in makeshift morgues and refrigerated trucks (Times Picayune 2005aah). Between Wednesday and Thursday, the National Guard helped 650 additional residents of the city out of their neighborhoods, and crews estimated that body retrieval efforts might begin on Friday or Saturday (Nolan 2005). On Friday, however, National Guard forces were still using helicopters to perform rescues from homes, a task that by now seemed never-ending (Purpura 2005). Also on Friday, FEMA Director Michael Brown, tasked with overseeing the recovery efforts in New Orleans and across the Gulf Coast, was abruptly replaced by Coast Guard Vice Admiral Thad Allen (Moller 2005b).

On Sunday, September 11th, official numbers relating to the government’s relief efforts were released; 364,000 households had received FEMA aid through direct deposit, checks, or debit cards totaling $758 million, 49,700 rescues had been performed, and an estimated 141,000 people were currently housed in shelters (Times Picayune 2005aai). By Sunday, the death toll for Louisiana had increased to 197 (Times Picayune 2005aaj). In the following days the only thing that seemed to grow as fast as the death toll was the political controversy and blame for what most state,
local, and federal officials were themselves calling an inadequate initial response to
the storm.

By Monday, September 12th, officials reported the death toll had reached 279
(*Times Picayune* 2005aak). President Bush returned to the city on Monday to tour the
area further with state and local officials (*Varney* 2005b). Also on Monday, FEMA
announced that, in an unprecedented undertaking, it was working on a plan to
construct camper cities to house 200,000 for a period of three to five years (*Darce*
2005). On Tuesday, after a debate over whether body removal was an issue for state
or federal agencies, the state of Louisiana contracted with a private company to
continue removing remains from the city (*Krupa* 2005b). Meanwhile, the death toll
for the state increased to 423 (*Krupa* 2005b). By Sunday, September 18th the death
toll had reached 646 (*Times Picayune* 2005aal). Neither state and local nor federal
officials were about to get a break, however, as Sunday brought news of Tropical
Storm Rita, thought to be a danger to the already severely weakened Gulf Coast
(*Times Picayune* 2005aam).

On Wednesday, September 28th, almost a full month to the day since Katrina,
Mayor Nagin announced that residents of certain parts of the city (identified by zip
code) could re-enter in the first phase of his plan. Those allowed in under the first
phase would not be allowed to stay in the city until phase two. The second phase
would begin Friday, September 30th, and the “final phase will occur Oct. 5 when
residents in all other areas of the city—except the Lower 9th Ward —can visit their
properties, but cannot stay. The Lower 9th Ward will remain closed until further
notice because it is flooded” (*Scott* 2005b). On October 11th residents of the Lower
9\textsuperscript{th} Ward were finally allowed into the neighborhood under a “look and leave” visitation plan (\textit{Times Picayune} 2005aan).

\textit{Social harm}

In the case of Katrina, the social harm manifests itself in several areas and seems to trickle down endlessly. In some cases, the amount of harm inflicted by Katrina is difficult to disentangle from the effects of subsequent Hurricanes Rita and Wilma. Much of the data available on government allocations and spending for relief is a combined total for the three storms. In the year after Katrina, Rita, and Wilma, $109 billion in was allocated to the recovery efforts by the federal government (Fellows and Liu 2006). According to the Department of Homeland Security (DHS 2008), “More than 1.5 million people were directly affected and more than 800,000 citizens were forced to live outside of their homes – the largest displacement of people since the great Dust Bowl migrations of the 1930s.” Following the three storms, DHS reports that 24,273 people were rescued by air and boat crews. Nearly 100,000 people made their way to the Superdome and the New Orleans Convention Center (both of which were ill-prepared to provide food and shelter) where they waited for up to six days to be evacuated. Only the Superdome had been designated a shelter of last resort, showing that officials were not prepared for the deluge of victims, nor the length of their stay. Given that the amount of food and water they had stocked ahead of the storm was only enough to feed 15,000 people for three days, supplies quickly ran out (Dyson 2006). The shortage of food and water only exacerbated the miserable conditions at the Superdome as rain from the storm fell
through two holes in the roof on those taking shelter inside. The storm and resulting flooding also left many residents of the city trapped in attics, on roofs, in hospitals, and stranded on bridges and overpasses for several days.

As bad as these conditions were, an even worse fate was in store for a whole other group of people in New Orleans, the prisoners in the Orleans Parish Prison (OPP) system. A report by the National Prison Project of the American Civil Liberties Union details conditions during and after Katrina. OPP consists of 12 buildings and, on an average day, pre-Katrina, OPP housed close to 6,500 men, women, and children. The report states, “Most of the prisoners at OPP at the time of Hurricane Katrina were pre-trial detainees, meaning they had not been convicted of any crime” (NPP ACLU 2007:83). The OPP, like many prison systems, suffered from overcrowding, however, it consistently took on prisoners from other locations, and at the time of Katrina was housing nearly 2,000 prisoners for the Louisiana Department of Corrections. On Sunday, August 28th, the day before Katrina struck the coast, the sheriff announced that the OPP would not be evacuated. The OPP buildings lost power in the storm and prisoners remained locked in their cells for days with little to no food or water, no access to toilets, and unsure of whether deputies were still on duty. Many prisoners reported water at least four to five feet deep in their cells, with conditions made even more unbearable by the heat. On Thursday evening (three full days after the hurricane) officers began evacuating the OPP by boat. From the OPP prisoners were taken to an overpass where they remained for days. Reports of abuse accompany the stories of their evacuations. Eventually,
prisoners were dispersed to many facilities across the state where they waited for any word concerning court dates and trials (NPP ACLU 2007).

Unfortunately for some prisoners, the worst was not over. At one particular correctional center, evacuees were kept on a field surrounded by a fence and “pre-trial prisoners arrested on public intoxication charges were held side-by-side with convicted felons” (NPP ACLU 2007:88). Violence was heightened by the conditions, and prisoners were fed by guards throwing bags of sandwiches over the fences. Some prisoners detailed in the report were made to endure these unbearable conditions for four months, after having been arrested on failure to pay fines as small as $100 (NPP ACLU 2007). While prison populations are not generally viewed sympathetically in the eyes of the public, it is important to consider the social harm inflicted upon them by decisions not to evacuate the OPP. Arguably, the goal of prison is for those who have broken the law to settle their ‘debt with society,’ but in this case they were made to pay with their dignity and human—as well as legal—rights.

Officially, the state of Louisiana has reported 1,464 Katrina-related deaths (LDHH 2006). There are, however, some who would argue that, by combining direct and indirect deaths associated with Katrina, the death toll is much higher (see Foster 2007). Arguments in this vein take into account the increase in deaths in New Orleans in the year following Katrina, and connect this to severely decreased access to healthcare and mental healthcare after Katrina. Some contend that deaths resulting from stress, suicide, and pollution should be included in the death toll. While the inclusion of these victims in the official death toll will likely never happen, these instances certainly reflect the immense social harm inflicted on victims.
Additional social harm can be found in the government’s response to Katrina with regards to the mobile homes provided to victims by FEMA. FEMA established camper cities after Katrina, designed to house victims for anywhere from three to five years. Health complaints by victims living in FEMA trailers reached official sources as early as the spring of 2006. In July of 2007, after a year of no response, the U.S. Congress conducted a hearing on FEMA’s failure to respond to the reports of dangerous levels of formaldehyde in its trailers. The committee reviewed some 5,000 FEMA documents and heard testimony from current and former residents of FEMA trailers, the administrator of FEMA, an industrial hygienist, and a pediatrician on behalf of the American Academy of Pediatrics. A report stemming from this hearing states, “documents revealed that FEMA had recognized the presence and danger of formaldehyde as early as March 2006” (U.S. Congress 2007a:1). Despite this recognition, FEMA, at the urging of its General Council, took no action. In his opening statement to the committee, Chairman Henry Waxman stated,

The nearly 5,000 pages of documents we’ve reviewed expose an official policy of premeditated ignorance. Senior FEMA officials in Washington didn’t want to know what they already knew because they didn’t want the moral and legal responsibility to do what they knew had to be done. So they did their best not to know (U.S. Congress 2007b:1).

As illustrated by these examples, the social harm caused by Katrina is widespread and can be argued to include many facets of the government’s actions/inactions at all levels.
Actus reus

*Actus reus*, commonly conceived as a voluntary act by the suspect, can, in the case of state crime, refer to the actions or inactions by the state. In the case of Katrina, this corresponds to the state’s failure to act prior to the storm to prevent damage, as well as the state’s slow response in the aftermath of Katrina, and even reappears in some of the efforts to address the needs of the victims (see above discussion of formaldehyde in trailers).

Even in the days immediately following Katrina, media speculated that officials had been warned about the dangers of such a storm. It has now been well established that federal, state, and local governments, as well as other agencies within the state, were aware of the potential dangers regarding nature and infrastructure in New Orleans. As early as 2001, a FEMA report recognized the possibility of a strong hurricane hitting New Orleans as one of the most likely disasters facing the United States (Bourne 2004, Berger 2005, Dyson 2006). Popular media caught on, and between 2001 and 2005 several local and national media outlets, including *Popular Mechanics* (Wilson 2001), *Scientific American* (Fischetti 2001), the *Houston Chronicle* (Berger 2005), the New Orleans *TimesPicayune* (McQuaid and Schleifstein 2002), *National Geographic* (Bourne 2004), and *Nova*, ran stories detailing the potential dangers of such an event. These articles provide well-known scientific facts about coastal Louisiana with regards to the deterioration of the wetlands. Due to the placement of levees, oil pipelines, and especially the Mississippi River Gulf Outlet (MRGO) shipping channel, the Mississippi River is unable to redeposit necessary sediment that has in the past strengthened and maintained the delta. Additionally, the
influx of salt water from the Gulf of Mexico to the fresh water wetlands through the above mentioned alterations has killed various grasses and trees whose roots previously held together the fragile sand and silt that makes up the delta. Fischetti (2001) notes that an acre of land disappears from the delta every 24 minutes. Several of these stories also note the reluctance of federal and even state governments to invest money in a restoration project (Fischetti 2001, Wilson 2001, Bourne 2004). In the days immediately following Katrina, reporters frequently recalled these articles.

While every one of these aforementioned news stories details the precarious placement of New Orleans as a city below sea-level with eroding natural barriers, this excerpt from the National Geographic story, “Gone with the Water,” written in 2004, predicts a scenario eerily similar to the reality of Katrina,

> As the whirling maelstrom approached the coast, more than a million people evacuated to higher ground. Some 200,000 remained, however—the car-less, the homeless, the aged and infirm… The water crept to the top of the massive berm that holds back the lake and then spilled over… A liquid brown wall washed over the brick ranch homes of Gentilly, over the clapboard houses of the Ninth Ward… As it reached 25 feet over parts of the city, people climbed onto roofs to escape it (Bourne 2004).

In “Washing Away,” an extensive five-part series published by the New Orleans TimesPicayune in June of 2002, authors McQuaid and Schleifstein examined in detail every aspect of the potential disaster from the wetlands and various environmental issues, to evacuations and shelters, to the role of the Army Corps of Engineers, to suggestions for prevention and preparation. McQuaid and Schleifstein point out the contradictory role of the Army Corps of Engineers in that they are charged with both protecting the wetlands, as well as the many towns and cities along the river in southern Louisiana, while simultaneously facilitating the economic growth of the
region. They remind readers that while the Corps constructed the levees as flood protection, they are also responsible for constructing MRGO and the miles and miles of oil pipelines that now cut through and destroy the fragile delta.

The Corps’ complicated role is also recognized as constituting a conflict of interest in that by facilitating economic gain they are undermining the flood protection system. McQuaid and Schleifstein write,

They [levees] were built with the understanding that they would be buffered from winds and storm surge by 40 to 50 miles of protective swamp and marsh, corps and state officials say. But today the Gulf has moved north, threatening the levees and the communities they protect with higher storm surges and stronger wind-driven waves (2002).

This is certainly not the only instance of a contradiction between economic and environmental interests. As van Heerden and Bryan note, “wetlands loss is not a zero-sum game. There are no winners. Every single interest in this part of the state—economic, environmental, and cultural—stands to lose” (2006:168).

One would think that this amount of concern and interest covered by popular media would have influenced the government, however, there was considerably more work being done on this front by scientists and academics. LSU scientist Ivor van Heerden was just one of many researching the inevitability of a storm like Katrina striking the Gulf Coast. He and fellow researchers tried for years to get government agencies to pay attention. In such an attempt to increase awareness, van Heerden was interviewed for the special aired on Nova in 2004. He too spoke of the devastation that would result from such a storm, stating that this was more than the state government could handle and that it would “require the full resources of the federal government” (Nova 2004).
Following Katrina and the failure of the levees, the Corps led an investigation into its own flood-protection system overseen by the American Society of Civil Engineers’ External Review Board. According to Warrick and Whoriskey (2006), claims that the levee failures were the result of greater than expected force are unfounded; “In a letter to Lt. Gen. Carl A. Strock, the Corps’ commander, the civil engineers cited three previous Corps studies that predicted precisely the chain of events that caused the city's 17th Street Canal flood wall to fail.”

In his apologetic dismissal of a 2008 lawsuit filed against the United States for the Corps’ role in the failure of the levees, Judge Duval, Jr. identifies many times when the Corps’ own documents and tests showed that the levees would not protect against what they categorized as a “standard project hurricane.” Duval states,

[T]he failure of Congress to oversee the building of the Lake Pontchartrain and Vicinity Hurricane Protection Plan and the failure to recognize that it was flawed from practically the outset—using the wrong calculations for storm surge, failing to take into account subsidence, failing to take into account issues of the strength of canal walls at the 17th Street Canal while allowing the scouring out of the canal—rest with those who are charged with oversight (p. 44-45).

Despite these failures, the court found that it had no choice but to dismiss the case noting, “There is no provision in the law which allows this Court to avoid the immunity provided [by the Flood Control Act of 1928]; gross incompetence receives the same treatment as simple mistake” (Duval 2008:44).

Even if government officials ignored popular and academic sources, as well as the Corps’ own findings, the fictional Hurricane Pam exercise contracted by FEMA in 2004 signified awareness of potentially catastrophic damage to the area. Even van
Heerden was hopeful about the prospects of gaining the full attention of the government. In his pre-Katrina interview with *Nova* (2004) he stated,

In July of this year [2004] we had an exercise called the Hurricane Pam exercise, where all the federal agencies got together with state agencies. We did a simulation of what would happen, and then these agencies got together and tried to decide how they would deal with a flooded New Orleans. So there is some recognition now, especially by the Federal Emergency Management Agency, that this is a catastrophe that’s right on the horizon.

However promising the participation of federal agencies might have been, even this exercise seemed to lack the full backing of the government as funding was cut before the second part of the simulation, focusing on evacuation and emergency housing, could be completed (Dyson 2006). Additionally, a news story published after Katrina argues that even if all previous attempts to alert the government of potential serious dangers failed, the Department of Homeland Security itself warned of disaster hours before the hurricane. Walsh (2006) writes,

As Hurricane Katrina approached the Gulf Coast, President Bush’s top disaster agency warned of the likelihood of levee breaches that could leave New Orleans submerged “for weeks or months”… Those remarkably accurate predictions were in a 40-page “Fast Analysis Report” complied by the Department of Homeland Security on Aug. 28. Documents show that the report was sent by e-mail to the White House Situation Room at 1:47 a.m. on Aug. 29, hours before the deadly storm made landfall.

Further, every warning released by the National Weather Service, from 4 p.m. August 28th until Katrina made landfall on the 29th, included the phrase “some levees in the greater New Orleans area could be overtopped” (NWS 2005).

Not only should the government have been aware of the inevitable failure of the levees, but many of these reports and news stories (as well as the Hurricane Pam simulation) detailed exactly who would be left behind in the flooded city. New
Orleans was a city with above average poverty. While the national poverty rate was 13.1 percent in 2005, the poverty rate in New Orleans pre-Katrina was 23 percent, with pockets of concentrated poverty as high as 36 percent in areas like the Lower 9th Ward (Dyson 2006). Not unexpectedly, many New Orleans residents also were without access to a car. Dyson writes, “New Orleans ranks fourth out of 297 metropolitan areas in the country in the proportion of households lacking access to cars” (2006:5). Increased instances of disability are commonly correlated with poverty and New Orleans was no exception in this respect. While the national average for elders with disabilities is 39.6 percent, the rate for pre-Katrina New Orleans was 57 percent (Dyson 2006). The Hurricane Pam exercise as well as many pre-Katrina articles predicted that the poor, aged, and infirm would make up the majority of victims left stranded in the city by the flood waters (Berger 2001, McQuaid and Schleifstein 2002, Bourne 2004, Nova 2004, Dyson 2006, Walsh 2006).

This evidence shows the existence of a vulnerable population prior to Hurricane Katrina. Green and Ward make the point that “[t]he increase in deaths, injury, displacement and economic damage that we have seen as a result of natural disasters is a direct consequence of the rise in population vulnerability” (2004:58). When making this point Green and Ward also recognize that a majority of natural disasters occur in the developing world. Green and Ward assert three conditions which increase “a population’s vulnerability to natural disasters: poverty, corruption and political authoritarianism” (2004:59). The case of Katrina in the United States importantly shows that vulnerable populations can and do exist even (and perhaps especially) in advanced capitalist democracies. *Actus reus* in the case of Hurricane
Katrina lies in the state’s multiple failures, and thus orients any potential state crime at the omission end of the complicity continuum of state crime identified by Kauzlarich et al. (2003).

**Mens rea**

The *mens rea* element of traditional crime is taken to mean a guilty state of mind or criminal intent. Within the realm of state crime it is necessary to examine whether actions/inactions by the state are related to furthering the goals of the state. What this means in the case of crimes of omission is that the state fails to act in one situation because its goals and priorities are focused elsewhere. As has been shown, the state had adequate awareness of the impending harm that would be visited upon residents of the Gulf Coast, yet very little was done to prevent such harms. The absence of action, in and of itself, can be interpreted as evidence that the state’s goals lie somewhere else. In the case of Katrina, we may be able to discern where these goals did lie.

Katrina hit the Gulf Coast in 2005, almost four years after the attacks on 9/11 and three years after the United State’s invasion of Iraq, and the beginning of the “War on Terror.” In that time the Department of Homeland Security was created and FEMA was demoted from its cabinet-level position. Sterngold writes, “As a measure of the Bush administration’s priorities in the war on terrorism, it has spent about $3 in Iraq for every $1 committed to homeland security” (2004). The amount of money spent on military engagements in the years leading up to, and directly following, Hurricane Katrina serve as evidence of the goals of the state pre-Katrina. Weisman
(2006) notes that spending on the Iraq war continued to rise “from $48 billion in 2003 to $59 billion in 2004 to $81 billion in 2005 to an anticipated $94 billion in 2006.” At the same time, Azulay (2005) notes that spending on the Army Corps of Engineers for hurricane protection projects was down 44 percent from 2001.

Additionally, Azulay stated that “FEMA workers had been warning that the emphasis on cutting costs and farming out tasks to private contractors had the potential to slow response times in emergency situations” (2005). The diversion of funds away from flood control projects and homeland security with an emphasis on funding for the Iraq war illustrate that prevention of harms caused by natural disasters at home was not a priority, even when there was significant evidence regarding the likelihood of such a catastrophic event. Since evidence exists that the federal government was indeed prioritizing other goals over its duties of preparation for, and prevention of, damages from natural disasters, the state crime committed here falls on the explicit end of the complicity continuum of state crime as proposed by Kauzlarich et al. (2003).

Sanctions

The typical requirement that a written law be violated, alone, is not a reasonable criterion for state crime. Due to the power imbued in the state to make and enforce law, it is rare that a state’s own actions/inactions would ever violate this criterion. Certainly, previous research on state crime has shown that the state does, on occasion, overtly break the law, however, we must not rely on this criterion alone.
In lieu of this requirement I defer to the presence of an audience willing to sanction the state for wrong doing.

The media coverage immediately following Katrina provides some evidence in favor of the public’s willingness to sanction. Victims and the media began criticizing the government’s response to Katrina as early as Tuesday, one day after the storm (Thevenot 2005a, Walsh et al. 2005). By Thursday, government officials joined in their criticisms, and Mayor Nagin’s statements during a radio interview seemed to epitomize the frustration experienced by local government (Walker 2005). State level officials also criticized the response efforts as illustrated by Senator Landrieu’s comments on Saturday (Times Picayune 2005aab). Although President Bush’s statements proved contradictory, it would seem that even he was unhappy with the response (further evidenced by the eventual firing of Michael Brown) (Stevenson 2005).

Despite the well-documented discontent on behalf of government officials, this is not the audience most relevant to establishing a willingness to sanction. Instead, I argue that efforts to establish a willingness to sanction must focus on the victims and the general public. Previous research by Faust and Kauzlarich (2008) and Faust and Carlson (2011) speaks directly to the issue of social audience reaction and willingness to hold the state accountable, as do the existence of grassroots political organizations and court filings.

In a series of 13 qualitative interviews with victims, Faust and Kauzlarich (2008) found that the majority of victims in the sample viewed the state as being at least partially responsible for the disaster resulting from Katrina. Four of the
respondents reported that they felt their victimization was due solely to the government, while seven respondents saw their victimization as a combined effort on behalf of the government and the storm. Only two respondents denied any blame toward the government by stating that they felt victimized by the storm alone. Additionally, Faust and Kauzlarich (2008) present results of national opinion polls published in the wake of Katrina indicating that the majority of Americans thought the government had not done enough with regards to mitigating potential destruction by Katrina’s flood waters or responding to the disaster. Faust and Carlson (2011) furthered this research through an original analysis of victim survey and public opinion poll data. Main findings from this study indicate that among the general population, the majority of respondents disapproved of President Bush’s response, and among victims, only 7.7% approved of the response by all three levels of government (local, state, and federal).

Additionally, the existence of organizations such as levees.org, Mister Go Must Go, and The Lower 9th Ward Center for Sustainable Engagement and Development speaks to grassroots movements geared toward holding the state or particular government institutions accountable. On their website, levees.org provides an overview of facts about the flooding after Katrina, frequently asked questions about the disaster, a petition to call for an independent investigation of the disaster, updates of post-Katrina activities and occurrences in New Orleans, and a donations page. Yet another indicator that social audiences are willing to hold the state accountable are the thousands of law suits filed against local, state, and federal governments (Greene 2009). While most of these law suits have been dismissed due
to the immunity granted to the government by the Flood Control Act of 1928, their mere existence illustrates that social audiences are unhappy with the government and wish for some sort of accountability.

Not all cases have been dismissed, however. One case in particular has had success by claiming that the flooding in their area was caused, not by the failure of a flood control project, but rather by conditions caused by the MRGO shipping channel. In November of 2009, a U.S. District Court judge ruled in favor of the plaintiff and the ruling subsequently was appealed. On March 2\textsuperscript{nd}, 2012 the U.S. Fifth Circuit Court of Appeals upheld the ruling that the Army Corps of Engineers was “responsible for flooding portion of the Lower 9th Ward and St. Bernard Parish during Hurricane Katrina because of its failure to maintain the Mississippi River-Gulf Outlet” (Schleifstein 2012). It remains to be seen whether the rulings will be upheld by the U.S. Supreme Court. The significance of these rulings, however, cannot be overlooked as many other lawsuits are contingent upon similar claims. Schleifstein notes

The ruling also clears the way for a September trial by other Lower 9th Ward residents over whether the corps and the Washington Group, a contractor who dug holes in the Industrial Canal as part of a lock replacement project, contributed to the failure of floodwalls along the canal during Katrina. Those actions also would not be subject to Flood Control Act immunity, as they also were not part of a flood control project, the appeals court found (2012).

Thus, in addition to an overwhelming willingness to sanction, it appears that a limited number of victims may have even found an avenue for legal redress.
Conclusion

The years between Hurricane Camille and Hurricane Katrina saw many significant changes in the role of the state with regards to preparing for and responding to natural disasters, as well as the types and scope of the aid that was available to victims. The requirement that victims work in exchange for aid was long gone, and between 1969 and 2005 we saw both the rise and fall of FEMA. Immediately after Camille, the government intensified its role in the preparation for and response to natural disasters by passing the Disaster Relief Act of 1969. This act was significant in that for the first time monetary relief and other aid after a natural disaster was seen as a citizenship right. The act allowed the federal government “to grant modest disaster benefits for housing, education, unemployment, and small-business recovery” as well as providing aid for temporary housing and food assistance for low income victims (Pampel 2008:24). Shortly thereafter we see the creation of FEMA and watch it struggle to obtain efficiency and legitimacy, which it does only briefly under the Clinton administration. By the time Hurricane Katrina arrived in 2005, FEMA had not only been restored to its pre-glory days, but it had been structurally demoted and placed under the control of the Department of Homeland Security. However, despite efforts to dismantle the state-citizen accord, the state’s obligation to citizens in the time leading up to and after a natural disaster remained.

In the case of Hurricane Katrina, there is more than sufficient evidence to establish all four proposed elements of a natural disaster as a state crime. Simply put, the state had an obligation to act both in preparation for, and in response to, Hurricane
Katrina which was undermined by efforts to direct spending within the Department of Homeland Security toward the “War on Terror.” Government officials had knowledge of the threat such a hurricane posed, and who would be most adversely affected, as well as adequate warning of Katrina’s landfall. The state’s failure to live up to these obligations resulted in massive amounts of social harm. Thus, it is the conclusion of this researcher that Hurricane Katrina does constitute a state crime. Further, state crime in the case of Hurricane Katrina appears to be of the omission-explicit nature in that the state’s failures were the result of prioritizing some other goal over its obligations to citizens. Throughout the four cases examined here in detail we can see a decreasing dependence on private charity and aid as well as an increasing dependence on the federal government for relief and aid. One common theme in all four cases is the use of military forces to maintain order, prevent looting, protect private property, assist in cleanup efforts and, most notably in the case of Katrina, perform search and rescue operations. The following chapter will review and compare the findings across the case studies, discuss the theoretical and policy implications of the research, detail the limitations of this study, and make suggestions for future research.
CHAPTER IX
DISCUSSION AND CONCLUSION

The first main question posed in this research is ‘when are the injuries, deaths, and destruction of the built environment during and in the aftermath of a natural disaster a “state crime” versus merely a result of natural causes?’ Following this question, I am further compelled to ask ‘is state crime historically contingent?’ I have attempted to answer these questions through the analysis of four separate natural disasters employing a political economic theory of the state and proposing specific elements of state crime which may or may not be present in any given natural disaster. After reviewing the cases presented here, one can easily make the observation that while there may be some points of commonality (for example the utilization during all four hurricanes of military forces for maintaining order and preventing looting), the state performs different functions with respect to natural disasters today than in 1900. Likewise, as citizens, we expect the state to play a different role in natural disasters today than in the past. Utilizing the political-economic lens of social structure of accumulation theory allows for a more detailed explanation of how the state’s relationship to citizens changed over time.

As stated previously, during the monopoly SSA the state’s only relationship was with capital and not citizens. This relationship is not one that carried with it specific obligations to capital, rather it was a laissez-faire relationship, and thus characterized by a hands-off approach with respect to the market, while at the same time giving precedence to concerns with capital accumulation. As limited a relationship as this was, at the time the state was even more limited in its duties to
citizens. The advent of the post-World War II SSA saw the establishment of the institution known as the capitalist-citizen accord which expressly consisted of the obligation of the state to provide some sort of protection and at least a modest safety net. Throughout the years following the establishment of the capitalist-citizen accord, we can see the state’s duties to citizens grow immensely. This change was quite drastic in that victims of the 1900 Galveston Hurricane were made to work in exchange for even meager aid such as tents and rations, while the Disaster Relief Acts of 1969, 1970, and 1974 established citizens’ rights to various forms of relief, including temporary housing, unemployment benefits, education assistance, food coupons, and legal services.

Grounding the research in SSA theory, I chose the worst (most costly and deadly) hurricane from each of the identified phases (consolidation, decay, and exploration) of the post-World War II SSA as well as one hurricane from the monopoly SSA to be analyzed. In accordance with SSA theory, I hypothesized that there would be more evidence of hurricanes occurring during the post-World War II SSA as state crimes since the two SSAs stand in sharp contrast to one another with regards to institutionalized relationships. While this first hypothesis compares the state across the two SSAs discussed in this dissertation, the second hypothesis compares the state across the three phases of the post-World War II SSA. The three phases of any SSA include exploration, consolidation, and decay. Exploration begins in the decay phase of the previous SSA as capitalists search for a new way of organizing the relations between capital, labor, citizens, and the state to restore capital accumulation. Consolidation occurs once the institutions of the new SSA take hold.
and begin to facilitate capital accumulation producing a period of time when the institutions are operating at prime capacity. The decay phase of an SSA can be prompted by the decay of one or all of the central institutions of the SSA. This decay may be the result of failures by the state to sustain the conditions necessary for capital accumulation, however it can also result from certain groups challenging the state upon realization that they have been left out of the capitalist-citizen accord.

During periods of decay the state struggles not only with fulfilling its capital accumulation function, but also issues of legitimacy. The pressure to maintain both capital accumulation and legitimacy drive capitalists to alter public policy and legislation, and test out different relationships with capital, labor, and citizens which leads into the exploration phase for the next SSA. Given the characteristics of each phase within an SSA, I hypothesized that I would find more evidence of hurricanes occurring within the decay phases as state crimes. To restate, I first hypothesized that any of the three hurricanes from the post-World War II SSA would show more evidence of state crime than the 1900 Galveston Hurricane, and second that Hurricane Camille would show more evidence of state crime than Hurricane Hazel, and Hurricane Katrina would show more evidence of state crime than any of the previous hurricanes.

To assist in answering the question ‘when are the injuries, deaths, and destruction of the built environment during and in the aftermath of a natural disaster a “state crime” versus merely a result of natural causes?’ I proposed and applied four elements of a definition of natural disasters as state crimes—social harm, actus reus, mens rea, and sanctions. While social harm can be fairly objective and stands alone,
the application of the other elements to potential instances of state crime are contingent upon the implied or assigned trusts and duties of the state. As presented here, *actus reus* consists of the state failing to act in a given circumstance, when there is an implied or assigned trust or duty for it to act, or acting in a way that violates implied or assigned trusts or duties. In traditional crimes, *mens rea* is regarded as the presence of a guilty mind and is usually seen as criminal intent. It bears mentioning that crimes of certain types do not require actual intent, resulting in the differences between charges of murder versus involuntary manslaughter as just one example. Just as individuals can be charged with criminal negligence, it is the assertion of this research that the state can be culpable without intent. What is integral to the element of *mens rea* proposed here is whether or not the state acted, or failed to act, due to prioritizing other goals and/or with knowledge of the impending social harm.

Sanctions, or a willingness of social audiences to sanction the actions/inactions of the state, are used in lieu of violations of written law. I will now review and summarize the four case studies in relation to each hypothesis.

The 1900 Galveston Hurricane remains to this day the most deadly hurricane to strike the United States with a death toll of more than 6,000 (Larson 2000, Weems 2002). In addition to causing an extraordinary number of deaths, the hurricane destroyed the majority of buildings on the island and left an estimated 15,000 citizens homeless (*Oregonian* 1900d). At this point in history, the federal government had no designated role in disaster mitigation or response, weather forecasting was in its infancy, and scientists relied on research which largely suggested the impossibility of a hurricane striking Texas. While the goal of
supporting capital accumulation was central to the actions of the government with regards to banning Cuban weather transmissions and restricting the use of ‘threatening’ weather terms such as hurricane, there is also a certain naiveté in that there were no indications of the type of damage such a disaster could cause.

After the hurricane’s devastating landfall, military personnel were sent to the area to prevent the looting of dead bodies and maintain public order. Able-bodied victims were expected to assist with the gruesome task of disposing of the dead in exchange for federal aid, which came in the form of tents and rations. Individuals who refused to work were made to do so at gunpoint. Politicians pleaded with the general public for private aid even remarking that assisting their fellow countrymen in Galveston was the morally right thing to do. No further government aid was offered to citizens or businesses. For these reasons it is hard to find much convincing evidence for actus reus or mens rea in the case of the 1900 Galveston Hurricane. Additionally, I was unable to find evidence of sanctions in the wake of this hurricane. Not a single article criticized any aspect of the state’s response (or lack of response), and one even stated, “The National Government was properly asked to give its aid and properly has done so” (New York Times 1900e:1). Therefore, based on this lack of evidence, I conclude that the 1900 Galveston Hurricane was not a state crime. This conclusion supports my hypothesis in that the Galveston Hurricane would be the least likely hurricane to show evidence of state crime.

Hurricane Hazel in 1954 occurred during the consolidation phase of the post-World War II SSA. By 1954, the state had formalized its role in disaster response through federal legislation, and there had been considerable advances in meteorology
and forecasting capabilities. Hurricane Hazel caused damage in eight states, killed 82 people, and caused over $90 million in combined damages (Conklin 1954a, Barnes 2001). Given the path taken by Hazel through these eight states, it seems notable that relatively few people died. Early and continuous warnings were credited with saving lives, as the Weather Bureau issued a record number of alerts (Phillips 1954). Further lack of evidence of state crime in Hurricane Hazel is that the federal government appears to have lived up to its newly established role in providing disaster relief as it was reported that aid was allocated in a timely manner (New York Times 1954m). Just like Galveston, military personnel were brought to the area in the days after the storm to prevent looting and maintain order. However, troops were also used for cleanup and debris removal in the case of Hurricane Hazel. Indeed there were no newspaper articles reiterating unanswered cries for aid, and most articles detailed the ample warnings prior to the storm. Again, based on the lack of evidence, I conclude that Hurricane Hazel was not a state crime. This finding provides preliminary support for my hypothesis that out of the three post-World War II hurricanes, Hazel (occurring during the consolidation phase) would be least likely to show evidence of state crime.

In the years between Hurricanes Hazel and Camille, the post-World War II SSA entered a decay phase signified by an economic downturn as well as challenges to the core institutions of the SSA in the form of the Civil Rights Movement and the Women’s Movement. As it became clear that these challenges to the capitalist-citizen accord were not going away, the state began implementing new policies and enacting legislation aimed at incorporating those who had previously been excluded
from the accord. By way of attempting to maintain these core institutions and repair them, the state extended its role in disaster preparedness and response. Hurricane Camille in 1969 was an important step in exposing that these groups had been excluded from the capitalist-citizen accord. The outcome of Camille significantly contributed to the restructuring of the capitalist-citizen accord in relation to formerly excluded groups. Hurricane Camille caused severe damage along the Gulf Coast and in Virginia, killing perhaps upwards of 400 people. Amidst a wide array of damage, Camille left around 200,000 people along the Gulf Coast temporarily homeless (New York Times 1969o). The hurricane resulted in total damages estimated at $1.49 billion (New York Times 1969ab). Meteorology had advanced enough by this time that the state was well aware of the damage potential for Gulf Coast hurricanes, and flood control projects were already underway in New Orleans. Technological advances had paid off in a big way in the ability of the Weather Bureau to forecast Hurricane Hazel in 1954, and despite continued advancements between the two, Hurricane Camille behaved erratically from initial sighting to landfall. With due note of the difficulty in predicting Camille’s path, some still criticized the shortsightedness of the forecasts leading up to Camille, and President Nixon called for improvements to the weather warning system (New York Times 1969v:45).

Complaints about forecasting were compounded by the fact that large groups of people living in the areas affected by Camille were lacking access to televisions and other news sources, making last minute storm warnings worthless. Other general complaints associated with Camille were that relief efforts were reportedly extremely disorganized and that this disorganization led to delays. More specific complaints
accused the federal government, through the SBA, and one of the largest charity organizations, the Red Cross, with racial discrimination. After reviewing the evidence of state crime in Hurricane Camille I concluded that Camille was a state crime of the omission-implicit type. This conclusion supports my hypothesis that Camille, occurring during the first decay phase of the Post-World War II SSA was more likely to be a state crime than Hurricane Hazel.

Occurring during a second decay phase of the post-World War II SSA that can be argued to be moving into exploration, Hurricane Katrina stands in stark contrast to the other case studies in this dissertation in that there is overwhelming evidence for this natural disaster as a state crime. Since Camille, the state had furthered its expansion into disaster preparedness and response with the creation of the Federal Emergency Management Agency and the passing of the Stafford Act. By 2005, federal, state, and local governments were charged with various aspects of preparing for, preventing damage from, and responding to natural disasters. Hurricane Katrina caused 1,464 deaths and more than 800,000 citizens were forced to live outside of their homes (DHS 2008). Combined with aid for two other hurricanes that struck the same year, federal money for Katrina topped out at $109 billion (Fellows and Liu 2006).

In the case of Katrina, there was evidence of knowledge of the specific dangers of such a hurricane strike made salient by multiple popular news outlets, scientific and academic research, the Army Corps of Engineers’ own observations, and government commissioned hurricane simulations. Further, when we examine the state’s goals at the time of Katrina, we see that even in light of knowledge regarding
the damaging potential of a New Orleans hurricane, such a disaster was not a high priority as illustrated by funding allocations within the Department of Homeland Security. Additional evidence of state crime in the case of Katrina is present in the number of lawsuits filed and grassroots organizations for social change created in the wake of the storm. Based on this evidence I concluded that Katrina was an omission-explicit state crime. This finding supports my hypothesis in that Katrina, occurring during a decay SSA phase, was more likely than Hurricane Hazel to be a state crime. As both Camille and Katrina occurred during periods of decay (one deemed decay/exploration), I had no hypothesis comparing the two directly, and while both were found to be state crimes, they were, notably, different types of state crime—omission-implicit state crime in the case of Camille, omission-explicit state crime in the case of Katrina.

The comparative historical approach taken in this dissertation has allowed for the examination of multiple cases spanning both time as well as differing formations of the state. This research has illustrated the shift from a state that had no obligation towards citizens for the provision of aid after a natural disaster and that even required work as a condition of such aid, to one that acknowledged a duty to citizens and gradually took on an increasing number of obligations towards citizens. Out of the four case studies presented in this research, the state’s response to Camille is the first time that extremely large allocations were issued from the federal government to states for use in response efforts and relief programs. One consistent response by the state throughout all hurricanes examined in this research is the use of military
personnel to prevent looting, maintain order, cleanup, and search and rescue when necessary.

This research contributes to existing literature on state crime in several ways, one of which is a more thorough examination of the state. The focus of this dissertation was informed by and is in line with, Michalowski’s (2010) call for a more historical and comparative approach to state crime. He points out the changing nature of states and the need to ask ‘which state?’ He writes “there is significant need for more explicitly comparative work in the area of state crime. To date, most state crime analyses have focused on single incidences of state crime within single states” (Michalowski 2010:27). While the research in this dissertation was conducted within a single nation, it does span different formations of the state within this nation and offers more than one incidence of state crime.

An additional question raised by Green and Ward’s (2004) research was whether state corruption and authoritarian forms of government are necessary characteristics of natural disasters as state crimes. While studies by Faust and Kauzlarich (2008) and Faust and Carlson (2011) seem to indicate that they are not, no one has yet to examine multiple instances of natural disasters under the conditions of capitalism and the various forms of the U.S. state under capitalism. This research has successfully shown that the label of state crime should not be applied only in instances of developing countries or authoritarian states, in fact natural disasters can and do constitute state crime here in the United States under the conditions of advanced capitalism and democracy.
Additionally, this research proposes four elements to establish natural disasters as state crimes. Studies of state crime are still marginalized within the much larger field of criminology, and one reason for this is that many mainstream criminologists have difficulty seeing anything that does not violate statutory or common law as crime. State crime scholars themselves differ insofar as how they define state crime using simply juridical definitions, deviance definitions, or social injury definitions. Conceptually being the furthest from juridical definitions, social injury definitions, according to Michalowski, require some legwork on behalf of the researcher. Because this approach is the least structured, “it requires the analyst to clearly establish that actions and outcomes selected for scrutiny are indeed equivalent in gravity to juridical crimes” (Michalowski 2010:21). In this vein, I hope that the four elements of a definition of natural disasters as state crime which I have proposed in this research will provide some sort of standard for more efficiently identifying natural disasters as state crimes. I believe that these elements will hold up under scrutiny and that this dissertation was an excellent first test of this definition in that it allowed for multiple outcomes and even allowed for the identification of variations in types of state crime.

This research also contributes to the existing empirical research on state crime. First, it reaffirms Hurricane Katrina as a state crime (following Faust and Kauzlarich 2008 and Faust and Carlson 2011) and goes a step further to classify Katrina as an omission-explicit state crime. Second, it adds Hurricane Camille to the proverbial list of known natural disasters as state crimes and illustrates that Katrina was not an anomaly. Not only is Camille established as a state crime, but I was able
to discern that it is an omission-implicit state crime. I believe that the findings in the cases of the Galveston Hurricane and Hurricane Hazel are also important contributions as they may serve as the basis of future comparisons and, as with any definition, it is helpful to know the bounds of that definition.

No study is without limitations, and here those limitations include the focus exclusively on hurricanes as natural disasters. While this was done for the sake of consistency, it does pose a potential problem with applying the definition proposed herein to other types of natural disasters. Hurricanes (thanks to advances in technology) as a standard differ significantly in their ability to be forecast than most other natural disasters. Since fires, earthquakes, tornadoes and volcanic eruptions can occur without warning, it may be more difficult to discern issues regarding the element of mens rea. Additionally, the types of aid expected and/or given in response to these other types of natural disasters may differ in some qualitative ways from that for hurricanes.

Another limitation to this study results from the choice to focus exclusively on hurricanes in that hurricanes only strike certain regions of the United States. Additionally, the search for the worst (costliest and deadliest) hurricanes in each SSA phase accounts for further bias toward the Gulf Coast region, as hurricanes entering the Gulf of Mexico frequently intensify due to water temperature. The resulting geographic focus almost exclusively on the Gulf Coast (with the exclusion of Hurricane Hazel) is important to note as various geographic regions may have a history of strained relationships with the federal, state, or local governments as is the case of southern parts of Louisiana. These strained relationships may not be known
to researchers and could contribute to negative opinions in the aftermath of a natural disaster. Upon further research it was revealed that these negative relationships toward federal and state governments was the result of previous failures of the state to make good on promises made in the midst of previous disasters.

One further limitation to this study is the inability to travel to the site of each of these hurricanes to examine on-site archives (if they exist) and to attempt to gain an understanding of locals’ perceptions of the disaster and resulting state response. The research conducted here was as thorough as possible given the time and travel constraints of a doctoral candidate. For example, since no news sources local to the area hit by Hurricane Hazel were available online, I did my best to obtain as local a source as possible, the *Fayetteville Observer*, when in the state for another purpose.

Yet another result of the time restrictions involved in this type of research is that, while this dissertation does cover multiple instances, only one hurricane is examined from each phase. This allows for the possibility that the one hurricane may not be typical of the SSA phase overall.

To address these limitations, more in-depth case studies could be done on each of the hurricanes examined here, including visits to the sites and interviews with survivors or their relatives. As a means of establishing further support for SSA theory, it would also be helpful to analyze multiple hurricanes from each identified phase. Expanding this research to include other types of natural disasters would not only provide the opportunity to more thoroughly test the elements of the proposed definition of natural disasters as state crime, it would also allow for analysis of natural disasters from more varied regions of the United States. Based on these
suggestions for future research, it is clear that quite a bit of research must be done to gain a more thorough understanding of natural disasters as state crimes. It is my hope and belief that this research moves the study of state crime at least a few steps closer to this goal.
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