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REMIXING RIVERSIDE: ENVIRONMENTAL RACISM AND HIP HOP AS A MIRROR OF SOCIETY

CHARLES E. MURPHY¹

Hurricane Katrina struck the coasts of Louisiana, Mississippi, and Alabama in the early hours of August 29, 2005.² Many New Orleans residents could not afford to evacuate the city, so they remained in their homes or sought shelter in the Superdome football stadium and New Orleans Convention Center.³ By 11:00 a.m., Hurricane Katrina's strongest winds tore through the cities of Biloxi and Gulfport, Mississippi.⁴ Lower speed winds, away from the storm's center, demolished the levees in New Orleans' Lower Ninth Ward, Industrial Canal, and 17th Street Canal.⁵ Waters from Lake Pontchartrain flooded New Orleans.⁶ More than eighty percent of the city was underwater by August 31.⁷ The world watched dead bodies floating through the city's streets on the news.⁸ The coverage was rife with racist undertones, labeling white residents as "victims" and black residents as "looters" and "thugs."⁹ The majority of the dead were black.¹⁰ It did not take long for some viewers to wonder if the response would have been different if more of the casualties were white.¹¹

In response to Katrina, NBCUniversal aired "A Concert for Hurricane Katrina," a star-studded philanthropic effort, on September 2.¹² The live event proceeded as planned until it reached a segment featuring comedian Mike Myers and hip-hop artist Kanye West.¹³ Myers and West were

1. Charles E. Murphy is an attorney in Chicago, IL. He would like to thank his family and partner, Megan McDuffie, for their love and support, and Professor andré cummings and the editors of the North Carolina Central Law Review for their guidance during this publication process.

2. Christine Rushton, *Timeline: Hurricane Katrina and the aftermath*, USA TODAY (Aug. 24, 2015), <https://www.usatoday.com/story/news/nation/2015/08/24/timeline-hurricane-katrina-and-aftermath/32003013/>.

3. *Id.*

4. *Id.*

5. WHEN THE LEVEES BROKE (HBO Documentary Films 2006).

6. *Id.*

7. Carl Bialik, *We Still Don't Know How Many People Died Because of Katrina*, FIVETHIRTYEIGHT (Aug. 26, 2015), <https://fivethirtyeight.com/features/we-still-dont-know-how-many-people-died-because-of-katrina/>.

8. *Id.*

9. Madison Gray, *The Press, Race, and Katrina*, TIME (Aug. 30, 2006), <http://content.time.com/time/nation/article/0,8599,1471224,00.html>.

10. Joan Brunkard, Gonza Namulanda & Raoult Ratard, *Hurricane Katrina Deaths, Louisiana, 2005*, in 2 Disaster Medicine and Public Health Preparedness 215 (2008).

11. See generally Maxwell Strachan, *The Definitive History of 'George Bush Doesn't Care About Black People'*, THE HUFFINGTON POST (Aug. 28, 2015, 9:22 AM), https://www.huffingtonpost.com/entry/kanye-west-george-bush-black-people_us_55d67c12e4b020c386de2f5e (supporting the notion that many Americans believed that racism was a leading factor in the inadequate government response and unfair media coverage in the aftermath of Hurricane Katrina).

12. *Id.*

13. *Id.*

scheduled to provide facts about the hurricane's damage and solicit donations from the audience.¹⁴ Moments before the segment, West told Myers, "Yo. I'm going to ad-lib a little bit."¹⁵ Below is a transcript:

MYERS: With the breach of three levees protecting New Orleans, the landscape of the city has changed dramatically, tragically, and perhaps irreversibly There is now over 25 feet of water where there was once city streets and thriving neighborhoods.

WEST: I hate the way they portray us in the media If you see a black family, it says [t]hey're looting. See a white family, it says, [t]hey're looking for food. And you know that it's been five days, because most of the people are black. And even for me to complain about it, I would be a hypocrite because I've tried to turn away from the TV because it's too hard to watch. I've even been shopping before even giving a donation. So now I'm calling my business manager right now to see . . . what is the biggest amount I can give. [A]nd just to imagine if I was—if I was down there and those are my people down there. So anybody out there that wants to do anything that we can help with the set-up, the way America is set up to help the poor, the black people, the less well-off as slow as possible, I mean, this is—Red Cross is doing everything they can. We already realize a lot of the people that could help are at war right now, fighting another way, and they've given them permission to go down and shoot us.¹⁶

MYERS: And subtle, but in even many ways more profoundly devastating, is the lasting damage to the survivors' will to rebuild and remain in the area. The destruction of the spirit of the people of Southern Louisiana and Mississippi may end up being the most tragic loss of all.

WEST: George Bush doesn't care about black people.¹⁷

It was the last statement, "George Bush doesn't care about black people," that stuck with the public.¹⁸ Political pundits debated whether

14. Strachan, *supra* note 11.

15. *Id.*

16. *Id.*; see also MICHAEL ERIC DYSON, COME HELL OR HIGH WATER: HURRICANE KATRINA AND THE COLOR OF DISASTER 114 (2006) (The statement "they've given them permission to go down and shoot us" is a reference to Governor Kathleen Blanco's authorization of National Guard troops to "shoot to kill" New Orleans residents to restore "law and order" in post-Katrina New Orleans. Governor Blanco stated "These troops are fresh back from Iraq, well trained, experienced, battle-tested and under my orders to restore order in the streets. They have M-16s and they are locked and loaded. These troops know how to shoot and kill and they are more than willing to do so if necessary and I expect they will.").

17. See *id.*

18. Strachan, *supra* note 11.

West's statements were accurate or if he was "simply nutty."¹⁹ The public posted and critiqued the segment on YouTube.²⁰ Most importantly, people were inspired.²¹ In an interview with *The Huffington Post*, C.J. Lawrence, a former Mississippi resident attending the Thurgood Marshall School of Law in Houston, Texas in 2005 stated:

I remember driving home one night and seeing a line of, I kid you not, about 10,000 people that were just getting off the buses from Katrina . . . [the victims] didn't have the dollars to wield to influence a Bush or to influence even their local politicians to move in the way that Kanye West could get them to move . . . Hearing Kanye West say what he said in 2005—a lot of us young people felt empowered.²²

President Bush wrote in his 2010 autobiography that hearing West's comments was the "all-time low" of his presidency.²³ In 2015, Progressive radio and web series, *Democracy Now!*, aired a segment titled "'George Bush Doesn't Care About Black People': Reflections on Kanye West's Criticism 10 Years After."²⁴ During the segment, New Orleans-based human rights and environmental attorney Monique Harden elaborated on West's comments:

Once something is declared as a national disaster, [federal disaster relief law] says all decisions . . . are entirely [subject to presidential discretion] and immune from lawsuit [President Bush] let people wait and suffer in flooded cities on rooftops and convention centers and the Superdome without adequate support [and] services . . . caused displacement of so many people, African Americans, in particular . . . and put money in the hands of folks who are not in need of any recovery but are just profiting from the disaster.²⁵

In other words, President Bush's actions during and after Hurricane Katrina were neglectful, insensitive, and wrong, without justification.

In the thirteen years after Hurricane Katrina, the United States government has continued to ignore the effects of environmental disasters on communities of color, particularly during the Flint, Michigan Water

19. Strachan, *supra* note 11.

20. *Id.*

21. *Id.*

22. *Id.*

23. *Id.*

24. "'George Bush Doesn't Care About Black People': Reflections on Kanye West's Criticism 10 Years After," DEMOCRACY NOW! (Aug. 28, 2015), https://www.democracynow.org/2015/8/28/george_bush_doesnt_care_about_black.

25. *Id.*

Crisis²⁶ and in the aftermath of Hurricane Maria in Puerto Rico.²⁷ This paper examines the effects of environmental catastrophes on communities of color, government failures to provide adequate relief, and the role of hip-hop in speaking truth to power. Part I defines environmental racism and provides background information on its history in the United States. Part II analyzes the disparity between government and hip-hop responses to environmental catastrophes. Part III proposes an infusion of hip-hop ethos into government disaster policy to assist communities in preparing for future catastrophes. Nothing can bring back the people who have died due to past mistakes, however policies that reflect empathy and equity may prevent the loss of additional black and brown lives in future environmental disasters.

I: THE ORIGINS OF MODERN ENVIRONMENTAL RACISM IN THE UNITED STATES

A. ENVIRONMENTAL RACISM

Environmental racism is the concept that “environmental risks are allocated disproportionately along the lines of race, often without the input of the affected communities of color.”²⁸ Environmental disasters are the result of many factors, but the natural occurrences are almost always accompanied by some form of human neglect or intentional malfeasance when such disasters reach catastrophic levels.²⁹ The United States Department of Health and Human Services acknowledged the existence of environmental racism in a 2003 report, stating that “responses to disaster . . . fall on a continuum. Persons from disadvantaged racial and ethnic communities may be more vulnerable to problems associated with preparing for and recovering from disaster than persons of higher socioeconomic status.”³⁰ Despite this acknowledgment, the United States government continually fails to protect black and brown communities from the effects of environmental catastrophes. A general understanding of Hurricane Katrina and its aftermath show that the loss of life in New Orleans was the result of

26. See generally Courtney L. Anderson, *Taking Flint*, 17 HOUS. J. HEALTH L. & POL’Y. 107 (2017).

27. See generally Brian Resnick, *Why Hurricane Maria is such a nightmare for Puerto Rico*, VOX (Sept. 22, 2017, 3:36 PM), <https://www.vox.com/science-and-health/2017/9/21/16345176/hurricane-maria-2017-puerto-rico-san-juan-meteorology-wind-rain-power>.

28. Vann R. Newkirk II, *Trump’s EPA Concludes Environmental Racism Is Real*, THE ATLANTIC (Feb. 28, 2018), <https://www.theatlantic.com/politics/archive/2018/02/the-trump-administration-finds-that-environmental-racism-is-real/554315/>.

29. *Id.*

30. U.S. DEP’T. OF HEALTH AND HUMAN SERVS., DEVELOPING CULTURAL COMPETENCE IN DISASTER MENTAL HEALTH PROGRAMS: GUIDING PRINCIPLES AND RECOMMENDATIONS 14 (2003), <https://store.samhsa.gov/system/files/sma03-3828.pdf> [hereinafter DHHS].

a combination of the magnitude of the storm, a lack of preparedness, and inadequate response from local, state, and federal government officials.³¹ The Flint Water Crisis was the direct result of neglect by the government at every level, leading to the poisoning of an entire city's water supply.³² The federal government's neglect of Puerto Rico, before, during, and after Hurricane Maria led to an extended period of suffering that continues to plague the island today.³³ People living in poverty are often forced to live in hazardous areas that are more susceptible to environmental catastrophes.³⁴ Poverty afflicts black and brown communities at rates significantly higher than white communities.³⁵ Middle-class citizens surviving disasters are more likely to have the resources to take appropriate measures in the face of catastrophe, which leads to them being more likely to receive aid than lower-income survivors.³⁶

B. SEGREGATION

Environmental racism in the United States exists as the result of a long history of public and private segregation that continues to create enclaves of black and brown poverty throughout the country. The United States began its first widespread public housing efforts in the 1930s, as part of President Franklin Roosevelt's New Deal.³⁷ These public housing projects were entirely segregated, despite the fact that many cities outside of the South were integrated at the time.³⁸ The United States continued this policy for

31. Teresa Braine, *Was 2005 the Year of Natural Disasters?*, 84:1 BULL. OF THE WORLD HEALTH ORG. 4, 5 (2006), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2626506/pdf/16501705.pdf>.

32. *See generally* Anderson, *supra* note 27, at 124 (supporting the notion that the switch to the Flint River from the previous water system in Detroit was implemented as a cost-saving measure, projected to save the city of Flint \$4 million per year).

33. Resnick, *supra* note 28 (Resnick noted that in the aftermath of the storm there was "no electricity on the entire island—and it could remain that way for months. Whole communities are likely destroyed. It's probable the island saw near-record levels of rain and flooding." These predictions were later supported by a George Washington University study, finding that nearly 3,000 people died as a result of the storm.). *See* Vann R. Newkirk II, *A Year After Hurricane Maria, Puerto Rico Finally Knows How Many People Died*, THE ATLANTIC (August 28, 2018), <https://www.theatlantic.com/politics/archive/2018/08/puerto-rico-death-toll-hurricane-maria/568822/>.

34. *Id.*

35. DHHS, at 30.

36. *Id.*

37. RICHARD ROTHSTEIN, *COLOR OF LAW: A FORGOTTEN HISTORY OF HOW OUR GOVERNMENT SEGREGATED AMERICA* 19 (2017).

38. *See generally* ROTHSTEIN, *supra* note 37, at 21 (discusses the construction of segregated public housing "even where there was no previous pattern of segregation . . . [designating] many neighborhoods as either white or black and then [using] public housing to make the designation come true—by installing whites-only projects in mixed neighborhoods it deemed "white" and blacks-only projects in those it deemed "colored.").

nearly two decades and expanded it with the passage of the 1949 Housing Act.³⁹ The 1949 Act specified that public housing authorities should remain segregated, that new white complexes would only be constructed in otherwise white neighborhoods and that African American complexes would only be constructed in otherwise African American neighborhoods.⁴⁰ As a result, “African Americans became more removed from mainstream society than ever, packed into high-rise ghettos where community life was impossible, where access to jobs and social services was more difficult, and where supervision of adolescents and even a semblance of community policing was impracticable.”⁴¹ The infrastructure of public housing complexes and the surrounding all-black neighborhoods were ignored and quickly began to deteriorate.⁴²

Government officials further supported segregation through racially restrictive zoning ordinances.⁴³ Starting in the early 20th century, a significant black middle class emerged in many Northern cities.⁴⁴ In response, city officials enacted racially discriminatory zoning ordinances—officially dividing cities along racial lines and preventing integration on a block-by-block basis.⁴⁵ The Supreme Court deemed this practice unconstitutional in 1917,⁴⁶ but many cities continued the practice as late as the 1950s.⁴⁷ As the practice of enacting overtly racist zoning ordinances ceased, many cities sought to maintain segregation through economic zoning ordinances that prevented the construction of apartment complexes and other multi-family homes.⁴⁸ Even though these laws were less facially racist, they were still racially discriminatory in their effect.⁴⁹ As historian Richard Rothstein notes, “Frequently, class snobbishness and racial prejudice were so intertwined that . . . it was impossible to disentangle [the motives behind these ordinances and] prove that the zoning rules violated constitutional

39. Rothstein, *supra* note 37, at 31.

40. *Id.*

41. *Id.* at 31-32.

42. *Id.* at 37.

43. James A. Kushner, *Apartheid in America: An Historical and Legal Analysis of Contemporary Racial Segregation in the United States*, 22 HOWARD L.J. 547, 562 (1979).

44. *Id.* at 561.

45. *Id.* at 562.

46. See *BUCHANAN V. WARLEY*, 245 U.S. 60 (1917) (Holding that racially restrictive zoning ordinances were unconstitutional because they interfered with white homeowners’ freedom to contract).

47. Kushner, *supra* note 43, at 562.

48. See generally Rothstein, *supra* note 38, at 48 (discusses how the *Buchanan* decision provoked interest in economic zoning as a way to circumvent the ruling).

49. See generally Rothstein, *supra* note 37, at 48 (Government officials promoted zoning ordinances to reserve middle class neighborhoods for single-family homes that lower-income families of all races could not afford).

prohibitions on racial discrimination.”⁵⁰ The federal government pushed for white families to buy homes, while systemically preventing black home ownership.⁵¹

In the 1930s, the United States government furthered these discriminatory endeavors by instituting a practice known as “redlining.”⁵² Redlining officially began in 1933 when the Home Owners’ Loan Corporation (“HOLC”) began issuing low-interest mortgages to homebuyers.⁵³ HOLC created color-coded maps to show which neighborhoods presented the highest risk for loan default.⁵⁴ Neighborhoods that were deemed the highest risks were colored red on the map, and people applying for mortgages within these zones were almost always denied.⁵⁵ African American neighborhoods, regardless of class makeup, were invariably deemed “high risk” and colored red.⁵⁶ The Federal Housing Authority (“FHA”) continued the redlining process through its loan insurance program.⁵⁷ The 1935 FHA underwriting manual states, “If a neighborhood is to retain stability it is necessary that properties shall continue to be occupied by the same social and racial classes. A change in social or racial occupancy generally leads to instability and reduction in values.”⁵⁸ The FHA partnered with the Veteran’s Administration (“VA”) after World War II to offer no-down-payment mortgages to white veterans and low-down-payment mortgages to white non-veterans.⁵⁹ VA and FHA mortgages were not available to black Americans, regardless of veteran status.⁶⁰ White Americans fled cities, bought land, and built homes in the suburbs in a process that has since become known as “white flight”.⁶¹ Factory jobs and economic growth followed, leaving black Americans behind.⁶² Racial disparities existed prior to suburban white flight, but white flight significantly increased and exacerbated these disparities, creating an

50. Rothstein, *supra* note 37, at 53.

51. *Id.* at 50.

52. *See id.* at 63-64.

53. *Id.*

54. *Id.* at 64.

55. *Id.*

56. *Id.*

57. *See generally id.* at 64-65 (noting that the FHA refused to grant loans for homes in integrated neighborhoods).

58. *Id.* at 65.

59. *Id.* at 69-70.

60. *Id.* at 70.

61. *See id.* (discussing how the FHA had the biggest impact on segregation in communities, in most cases financing entire subdivisions made up on exclusively white residents).

62. Kushner, *supra* note 43, at 569-73.

apartheid-like system that left poor communities of color increasingly vulnerable to environmental catastrophes.⁶³

Segregation was furthered through racially restrictive covenants that were incorporated into land sales contracts.⁶⁴ Racially restrictive covenants were contract provisions that prevented African Americans from occupying property.⁶⁵ These covenants ran with the land, binding all future owners.⁶⁶ In many cases, racially restrictive covenants were included in developer contracts and applied to entire subdivisions.⁶⁷ Trapped in restricted areas with limited housing options, black tenants and homeowners were forced to pay exorbitant rent and mortgage rates.⁶⁸ By the time the Supreme Court struck down racially restrictive covenants in 1948,⁶⁹ the consequences of this practice had already taken hold.⁷⁰

The segregation practices of local, state, and federal governments allowed government officials to funnel resources into affluent white suburbs and cease investing in city infrastructure.⁷¹ According to law professor James A. Kushner, “[t]he near ruins remaining in the central cities were tragic yet predictable: a terminal case of slumping civic centers, surrounded by older city neighborhoods composed of deteriorating housing occupied by the poor, the Black and the elderly, standing the wake of the suburban exodus.”⁷² Black Americans living in cities became increasingly vulnerable to environmental catastrophes because they lacked “healthcare . . . livability . . . quality of life, and accessibility to lifelines (goods, services, emergency response personnel), capital, and political representation.”⁷³ Cities are often unable to adequately prepare for environmental catastrophes because of “[t]he number of large urban hospitals, the dependence on public transportation, and the need for mass sheltering,” but impoverished communities of color are especially vulnerable.⁷⁴

The blatant disregard of the health and safety of communities of color is no better exemplified than by the late 20th century practice of building commercial waste treatment facilities and uncontrolled waste dumps almost

63. Susan L. Cutter, *The Geography of Social Vulnerability: Race, Class, and Catastrophe*, in *DISASTER LAW AND POLICY* 215 (Daniel A. Farber et al. eds., 2d ed. 2010).

64. Kushner, *supra* note 43, at 562-63.

65. *Id.* at 562.

66. *Id.* at 562-63.

67. *Id.* at 562.

68. *Id.* at 564.

69. *SHELLEY V. KRAEMER*, 334 U.S. 1 (1948).

70. Kushner, *supra* note 43, at 562 (noting that some cities continued allowing the enforcement of restrictive covenants, even after the Supreme Court's decision in *Shelley*).

71. *See id.* at 569-70.

72. *Id.* at 572-73.

73. Cutter, *supra* note 63, at 215.

74. *Id.* at 216.

exclusively in and around African American neighborhoods.⁷⁵ One study found that “race was so strong a statistical predictor of where hazardous waste facilities could be found that there was only a one-in-10,000 chance of the racial distribution of such sites occurring randomly, and that the percentage of minorities living near incinerators was 89 percent higher than the national median.”⁷⁶ According to Richard Rothstein:

The racial aspect of these choices was a desire to avoid the deterioration of white neighborhoods when African American sites were available as alternatives. The welfare of African Americans did not count for much in policy making. Oftentimes . . . zoning boards made explicit exceptions to their residential neighborhood rules to permit dangerous or polluting industry [sic] to locate in African American areas.⁷⁷

From the beginning, people of color across the United States have been forced to live in enclaves of poverty with dangerous environmental and health conditions and crumbling infrastructure.⁷⁸ The events of Hurricane Katrina, the Flint Water Crisis, and Hurricane Maria show the devastating effects environmental catastrophes have on poor communities of color.

II: HIP HOP AND ENVIRONMENTAL RACISM IN NEW ORLEANS, FLINT, AND PUERTO RICO

A. HURRICANE KATRINA

Any analysis of environmental racism in the United States should start with Hurricane Katrina, a storm that “unfolded as a tragedy of race and class, of official incompetence and social injustice . . . [and] continues to provide the ideal backdrop against which to examine the racial and class-based dimensions of social vulnerability during and after natural disasters.”⁷⁹ New Orleans is a port city located between the Gulf of Mexico, Lake Pontchartrain, and the Mississippi River.⁸⁰ The French Quarter, the city’s primary business district and tourist destination, is located on the highest ground in the area, while many of New Orleans’ residents live along the city’s outskirts—below sea level and closer to the surrounding bodies of water.⁸¹ The city has several levees along Lake Pontchartrain and the Mississippi River and an elaborate pumping system to lessen flooding during

75. See Rothstein, *supra* note 37, at 54-55.

76. *Id.* at 55.

77. *Id.*

78. See generally Rothstein, *supra* note 37.

79. FARBER ET AL., *DISASTER LAW AND POLICY* 204 (2d ed. 2010).

80. Cutter, *supra* note 63, at 214.

81. *Id.*

heavy rainstorms.⁸² New Orleans, like many cities, has a long history of segregation and white flight.⁸³ In the final years of Jim Crow, as black residents from rural southern towns migrated to New Orleans, white residents fled to the suburbs, taking most long-term and stable employment with them.⁸⁴ New Orleans' majority-black residents were left with service industry jobs catering to tourists.⁸⁵ The transient nature of this employment created instability and low wages throughout the city.⁸⁶ Poverty increased, particularly in black communities, while the city lessened efforts to maintain infrastructure and services.⁸⁷ The most impoverished people of New Orleans were the most vulnerable.⁸⁸ Public housing complexes were built only in the "most undesirable areas—along major transportation corridors, on reclaimed land, or next to industrial facilities."⁸⁹

By 2005, New Orleans' long history of segregation and government negligence rendered the city's black citizens defenseless against the strength of Hurricane Katrina.⁹⁰ As professor Michael Eric Dyson explains:

Before the storm, New Orleans, with a 67.9 percent black population, had more than 103,000 poor people . . . a poverty rate of 23 percent, 76 percent higher than the national average . . . In fact, New Orleans ranks fourth out of 297 metropolitan areas in the country in the proportion of households lacking access to cars . . . among the nation's fifty largest cities with poor black families jammed into extremely poor neighborhoods, New Orleans ranked second.⁹¹

When the storm hit, "80 percent of New Orleans's minority households lived in the flooded area, while the same was true for only 54 percent of the city's white population."⁹² Hurricane Katrina's legacy became the story of poor black citizens of New Orleans "struggling just to survive; options limited by

82. Cutter, *supra* note 63, at 214-15.

83. *Id.* at 215.

84. *See id.* ("[A]s jobs moved outward from the central city to suburban locations, or overseas . . . The most impoverished lived in squalor-like conditions . . . with little or no employment, poor education, and little hope for the future for their children or grandchildren.").

85. Dyson, *supra* note 16, at 8.

86. *Id.*

87. *See generally id.* at 7 (New Orleans experienced a mass exodus from urban centers to suburban communities during the latter half of the twentieth century, and "As the city got blacker, it got poorer.").

88. *See generally id.* at 6-7 (explaining how black people living in poor neighborhoods lacked the resources to evacuate).

89. Cutter, *supra* note 63, at 215.

90. *See generally id.* (discussing how the lack of assistance from the government and lack of resources of New Orleans' poorest citizens made the story of Katrina one of "poor, black, single mothers, young, and old—struggling just to survive; options limited by the ineffectiveness of preparedness and the inadequacy of response").

91. Dyson, *supra* note 16, at 5-6.

92. *Id.* at 31.

the ineffectiveness of preparedness and inadequacy of response” of the local, state, and federal government.⁹³

When Kanye West proclaimed, “George Bush doesn’t care about black people,” he not only confronted the president’s public persona, he confronted the entire American system.⁹⁴ According to Dyson, West’s statements held a mirror to the “lack of political concern by a public figure whose duty it [was] to direct the resources of the nation to those areas that cry out for address . . . [making] a critical judgment about the failure of the government, which George Bush [represented], to take care of, in a timely fashion, those citizens under his watch.”⁹⁵ President Bush all but admitted this governmental failure in his first televised speech after the storm, stating that Katrina’s death toll and damage were a result of “deep, persistent poverty” with “roots in a history of racial discrimination.”⁹⁶ Despite this diagnosis, the Bush Administration continually failed to provide the people of New Orleans with the resources they needed to recover from Hurricane Katrina.⁹⁷ In the aftermath of Katrina, the Bush Administration prolonged the recovery process by fighting for privatization without presenting an adequate recovery plan.⁹⁸ The Bush Administration treated the lives lost during and after Hurricane Katrina as expendable. West’s diagnosis was correct.

It is easy to forget the importance of Kanye West’s 2005 statements. West was not the only hip-hop artist speaking out for the citizens of the Gulf Coast after Hurricane Katrina, but he was the only artist to put his career on the line in the first days after the storm.⁹⁹ Kanye West made his “Concert for Hurricane Katrina” statements shortly after the release of his second album, *Late Registration*.¹⁰⁰ Michael Eric Dyson writes, “What made Kanye West’s defense of the black poor so admirable is that it suggested the willingness of a rich black celebrity to sacrifice his reputation, perhaps even his livelihood, and surely his comfort, to speak out on behalf of his less-fortunate brothers and sisters.”¹⁰¹ While the moral leadership exhibited by Kanye West in the

93. Cutter, *supra* note 63, at 215.

94. Dyson, *supra* note 16, at 28-29.

95. *Id.* at 29.

96. *Id.* at 9.

97. See generally DEMOCRACY NOW!, *supra* note 24 (strongly criticizing the Bush Administration’s inadequate response to Hurricane Katrina, Monique Harden notes that “the same president that adopted the State Department . . . policy for protecting human rights when people are displaced by disaster in foreign countries . . . [ignored] the need for evacuation . . . the need for preparation . . . [and] the tremendous need for recovery” in New Orleans).

98. *Id.* (Criticizing the Administration for turning over recovery efforts to disaster capitalists and causing the displacement of “so many people, African Americans, in particular”).

99. Dyson, *supra* note 16, at 152.

100. Strachan, *supra* note 11.

101. Dyson, *supra* note 16, at 152.

days after Hurricane Katrina has since vanished,¹⁰² it is important to remember that in 2005 West gave a voice to the voiceless at a time when many Americans refused to speak up.¹⁰³

As the local, state, and federal government continued to fail the people of New Orleans in the months after the storm, more hip-hop artists became vocal advocates for relief. T.I. and Twista directly challenged other black artists to donate to the relief efforts.¹⁰⁴ Hip-hop artist, Juvenile lost his home and car in the storm but was far more concerned about those less fortunate, stating “All we lost was our home. A lot of people lost their lives . . . We the smallest city, the highest in poverty. We was [sic] the lowest in the education system . . . The school board system was corrupt. Our police system is corrupt. Our judicial system is corrupt.”¹⁰⁵ Other hip-hop artists, like Lil Wayne, confronted governmental negligence through their music.¹⁰⁶ In “Georgia Bush,” Lil Wayne raps:

So called beef with you-know-who / Fuck it, he just let em kill all of
our troops / Look at the bullshit we been through / Had our n*****
sitting on top of their roofs / Hurricane Katrina, we should’ve called
it Hurricane (Georgia) Bush / Then they telling y’all lies on the news
/ The white people smiling like everything cool / But I know people
that died in that pool / I know people that died in them schools / Now
what is a survivor to do?¹⁰⁷

Despite the pleas from Kanye West, Juvenile, Lil Wayne and others, the United States government continued to neglect the people of New Orleans in the aftermath of the storm.¹⁰⁸ We still do not know how many people died

102. See Ta-Nehisi Coates, *I’m Not Black, I’m Kanye*, THE ATLANTIC (May 7, 2018), <https://www.theatlantic.com/entertainment/archive/2018/05/im-not-black-im-kanye/559763/> (noting that Kanye West’s recent embrace of Donald Trump deserves our condemnation. No matter how much someone loves West’s music—no matter how much someone respects West’s prior acts—“no citizen claiming such a large portion of the public square as West can be granted reprieve. The planks of Trumpism are clear—the better banning of Muslims, the improved scapegoating of Latinos, the endorsement of racist conspiracy, the denialism of science, the cheering of economic charlatans, the urging on of barbarian cops and barbarian bosses, the cheering of torture, and the condemnation of whole countries. The pain of these policies is not equally distributed. Indeed, the rule of Donald Trump is predicated on the infliction of maximum misery on West’s most ardent parishioners, the portions of America, the much, that made the god Kanye possible.”).

103. Dyson, *supra* note 16, at 157. (Dyson applauds West’s willingness to lead, while other people are afraid to stand up).

104. Dyson, *supra* note 16, at 155-56.

105. *Id.* at 156.

106. See e.g., LIL’ WAYNE, *Georgia Bush*, on DEDICATION 2 (101 Distribution 2006).

107. *Id.*

108. *C.f. supra* note 24, DEMOCRACY NOW! (As noted by Monique Harden in her indictment of the Bush Administration, the administration’s response to the storm allowed people to suffer and sought to help those who sought to profit from the disaster, not those who needed the government’s help the most).

as a result of Hurricane Katrina.¹⁰⁹ New Orleans' culture has recovered in many ways, but the poverty that existed before the storm continues today.¹¹⁰ The recovery effort would have been quicker and more effective if the local, state, and federal government were as empathetic and attuned to the needs of the citizens of New Orleans as the artists who rallied after the storm.

B. THE FLINT WATER CRISIS

Unlike Hurricane Katrina, the Flint Water Crisis was not a "natural disaster," but was instead the result of cost-saving measures implemented by the State of Michigan.¹¹¹ Flint, Michigan is the birthplace of General Motors.¹¹² It was once a thriving factory town with a heavy United Auto Workers union presence.¹¹³ Despite a thriving white working class, black residents of Flint never fully enjoyed the benefits of the city.¹¹⁴ Beginning in the 1930s, federal redlining policies ensured citywide segregation—with the poorest communities invariably consisting of majority black residents.¹¹⁵ Most of Flint's white population fled the city in search of more gainful employment when General Motors closed its Flint plant in the 1980s.¹¹⁶ Today Flint's population is 102,000 citizens—57% African American, 41% of whom live below the poverty line.¹¹⁷

The State of Michigan took control of Flint's local government in 2010 in an attempt to rectify long-standing economic issues—a \$25 million debt, yearly double-digit declines in population, and an unemployment rate of 23.4%.¹¹⁸ Governor Rick Snyder appointed an Emergency Manager to oversee Flint's government, removing all decision-making power from city officials and the voters of Flint.¹¹⁹ Michigan's Emergency Management Law grants broad power to emergency managers in order to "facilitate the city's return to financial stability by 'addressing any and all issues' that may hinder [its'] goal."¹²⁰ Emergency Managers are accountable to the governor and have the authority to investigate and restructure city budgets, while local city

109. Bialik, *supra* note 7.

110. *Id.*

111. Anderson, *supra* note 27, at 107.

112. Anderson, *supra* note 27, at 109.

113. *Id.*

114. Anderson, *supra* note 27, at 110-111.

115. Anderson, *supra* note 27, at 11.

116. *Id.*

117. *Id.*

118. Anderson, *supra* note 27, at 115.

119. Anderson, *supra* note 27, at 120 (noting that under the emergency management law, the local government is stripped of all of its' power, "city council is permitted to remain in place, but has no decision-making authority").

120. Anderson, *supra* note 27, at 115.

council has no decision-making authority.¹²¹ It was with this broad power that Ed Kurtz, Flint's second emergency manager, authorized a plan to switch the city's water supply from the Detroit Water and Sewerage Department ("DWSD") to the Karegonondi Water Authority ("KWA") Pipeline in 2013.¹²²

KWA Pipeline construction was scheduled for completion in the summer of 2016.¹²³ Kurtz and Flint city council canceled Flint's contract with DWSD in 2014, choosing to use the Flint River as the city's primary water source in the interim.¹²⁴ The Flint River became the city's primary water source on April 25, 2014.¹²⁵ Treatment of the Flint River was inadequate from the start.¹²⁶ The Michigan Department of Environmental Quality ("MDEQ") did not institute a corrosion-control program, despite the corrosive nature of the Flint River.¹²⁷ This decision caused leaching of the City's iron and lead pipes and led to a buildup of harmful bacteria in the water supply.¹²⁸ Next, the MDEQ authorized the addition of large amounts of corrosion control chemicals to the water to combat the bacteria.¹²⁹ The chlorine levels were eventually increased by such large quantities that the city was forced to issue a warning to residents that "the total trihalomethanes (TTHMs), a disinfectant byproduct, contained in its water exceeded federal limits outlined in the Safe Water Drinking Act."¹³⁰ At this time, DWSD offered Flint's third emergency manager, Darnell Early, the opportunity to reenter the contract and reconnect to its Lake Huron pipeline without a reconnection fee.¹³¹ Early rejected the offer, citing increased costs.¹³²

The Environmental Protection Agency ("EPA") began investigating the Flint Water Crisis in 2015 when a Flint resident named LeeAnn Walters sent

121. Anderson, *supra* note 27, at 119.

122. Anderson, *supra* note 27, at 125. (Kurtz did not make this decision unilaterally. The city council voted on the measure, though Kurtz had the authority to veto the decision if the council had voted differently. There is some contention as to why Kurtz left the decision to the council. According to Courtney Anderson's article, "At least two Flint councilmen have stated that Kurtz punted the water source issue to the city council, with one councilman stating Kurtz's relinquishment of responsibility was because of fear that Governor Snyder would fire Kurtz if he made the final decision.").

123. Anderson, *supra* note 27, at 126.

124. *Id.*

125. Anderson, *supra* note 27, at 127.

126. *Id.*

127. *Id.*

128. *Id.*

129. Anderson, *supra* note 27, at 128.

130. Anderson, *supra* note 27, at 129 (Noting that "Long-term exposure to TTHMs is known to cause liver, kidney, and central nervous system problems and an increased risk of cancer.").

131. *Id.*

132. *Id.* (This rejection was made despite multiple reports of discolored water by Flint Residents.).

lead-contaminated water samples from her home to her regional EPA office.¹³³ The MDEQ assured the EPA that a corrosion control program was “in place” and that the City of Flint’s water was safe.¹³⁴ A later test of Ms. Walters’ water found “lead levels as high as 13,200 ppb”, 7,200 ppb above the level that the EPA considers hazardous waste.¹³⁵ The MDEQ continued to claim that “Flint was in compliance with federal lead and copper rules,” while the State Department of Health and Human Services claimed, “the elevated lead levels of Flint residents were not out of the ordinary and ‘[followed] a seasonal trend.’”¹³⁶ The MDEQ did not order the Flint officials to institute a corrosion control program until August 17, 2015.¹³⁷ The City did not issue a lead advisory to its’ residents until September 24, 2015.¹³⁸ Additionally, Governor Snyder did not announce a recovery plan until October 2, 2015, approximately eighteen months after the crisis began.¹³⁹ The City of Flint reconnected to the DWSD later that month.¹⁴⁰ Governor Snyder declared a state of emergency on January 5, 2016—mobilizing the Michigan National Guard to distribute lead filters and bottled water to Flint’s citizens.¹⁴¹ Later that month, President Obama approved a declaration of federal emergency at the request of Governor Snyder.¹⁴² “On February 3, 2016, the United States House Oversight and Government Reform Committee . . . found that failures at every level of government caused and exacerbated the Flint crisis . . . [including] the EPA . . . [which] was aware of Flint’s high lead levels . . . in April of 2015 but failed to act until January 2016.”¹⁴³ Many of Flint’s residents still do not have safe drinking water today, four years after the crisis began.¹⁴⁴ At least twelve residents died during the crisis and many more suffer from directly related health issues.¹⁴⁵ Governor Snyder stopped distributing free bottled water to Flint residents in early 2018, despite the fact that twenty-eight recent water samples from Flint elementary schools contained high levels of lead.¹⁴⁶

133. Anderson, *supra* note 27, at 133.

134. Anderson, *supra* note 27, at 131.

135. Anderson, *supra* note 27, at 132.

136. Anderson, *supra* note 27, at 133.

137. *Id.*

138. Anderson, *supra* note 27, at 134.

139. Anderson, *supra* note 27, at 135.

140. *Id.*

141. Anderson, *supra* note 27, at 138.

142. *Id.*

143. Anderson, *supra* note 27, at 140.

144. Curt Guyette, *The Flint Water Crisis Isn't Over*, ACLU (April 25, 2018 6:00 pm), <https://www.aclu.org/blog/racial-justice/race-and-economic-justice/flint-water-crisis-isnt-over>.

145. *Id.* at 2.

146. *Id.* at 1-2.

While local, state, and federal officials continue to ignore the citizens of Flint, hip-hop artists repeatedly fight for the city's recovery. Sean "Diddy" Combs donated \$1 million of AQUAhydrate Water, his brand, to the citizens of Flint.¹⁴⁷ Meek Mill donated an unspecified amount of money to the Flint Children and Family Health Department Fund and donated 60,000 bottles of water to Flint residents.¹⁴⁸ Big Sean started Flint's Kids Initiative, donated \$10,000, and helped raise over \$57,000 more.¹⁴⁹ The Game donated \$500,000 and teamed with Avita Water to raise another \$500,000.¹⁵⁰ Pusha T sponsored a group from Virginia that delivered two semi-trucks full of bottled water to Flint residents.¹⁵¹ Timbaland hosted a benefit concert at Detroit's Bleu Nightclub.¹⁵² Flint-based blogger Tia Scott noted that many "hip-hop artists can relate to the issue due to their previous upbringing and surroundings Many of these artists speaking out aren't far removed from poverty, violence, and unfair social and economical [sic] conditions that personally affect them and their families."¹⁵³

Hip hop artist and former Flint resident Jon Connor, raps about the water crisis and the longstanding racial and economic injustice issues in the city in "Fresh Water for Flint":

Everybody in my city and state dying / They wanna act like it ain't happening / Or like I'm just rapping / Like Ima watch y'all kill my city / and you wasn't going to get a reaction / Fuck no! / Every time I go visit for Christmas / It seems like it's more houses is missing / It look like it's more houses that's boarded / Oh and I'm supposed to not say shit / 'bout the fact there's poison / all in our water / it look like population control / but they don't give a fuck / well that's how I call it.¹⁵⁴

Flint's local rappers, artists, and residents continue to uplift the community¹⁵⁵ and show resiliency.¹⁵⁶ According to Connor, "There are people still finding a way to smile [We're] still finding a way to continue on our daily lives

147. William Ketchum III, *New World Water: How Hip-Hop Has Responded to the Flint Water Crisis*, OKAY PLAYER (2016), <http://www.okayplayer.com/news/new-world-water-how-hip-hop-responded-to-flint-water-crisis.html>.

148. *Id.*

149. *Id.*

150. *Id.*

151. *Id.*

152. *Id.*

153. *Id.*

154. JON CONNOR, FRESH WATER FOR FLINT (Aftermath Entertainment 2016).

155. See generally April VanBuren & Maria Braganini, *Faces of Flint: Rapper Mama Sol uses music to uplift community*, Great Lakes Echo (April 12, 2016), <http://greatlakesecho.org/2016/04/12/faces-of-flint-rapper-mama-sol-uses-music-to-uplift-community/> (Article highlights a Flint born and raised artist who uses music to uplift her community).

156. Ketchum, *supra* note 151.

... and stay the resilient Flint I grew up knowing.”¹⁵⁷ Hip hop artists took action in Flint while the government ignored the problem. As noted by the ACLU, “[w]hen everything’s accounted for, the emergency manager’s decision to save \$5 million could easily end up costing taxpayers well over \$1 billion.”¹⁵⁸ The crisis could have been avoided if Michigan officials had considered the lives of Flint’s citizens, rather than caring solely about the bottom line.

C. HURRICANE MARIA

Environmental racism was a blatant contribution to the federal government’s weak response after Hurricane Maria tore through Puerto Rico in September 2017.¹⁵⁹ Puerto Rico is an island territory of the United States. Its citizens are not entitled to vote in federal elections, despite having “U.S. citizenship.”¹⁶⁰ The island’s small size and Caribbean locale make it incredibly vulnerable to hurricanes.¹⁶¹ Its predominately Latinx population makes it a constant target for negligent and overtly racist government policies.¹⁶² Puerto Rico is \$70 billion in debt, largely as a result of the mass exodus of United States manufacturers in 2006, followed by the 2008 global financial crisis.¹⁶³ The majority of this debt is owed to Wall Street banks and consists of “high-risk capital appreciation bonds, which will eventually rack up interest rates ranging from 785 to 1000 percent.”¹⁶⁴ Puerto Rico’s governor declared an economic “state of emergency” in 2009.¹⁶⁵ Congress

157. Ketchum, *supra* note 151.

158. Guyette, *supra* note 148.

159. Phil McKenna, *What’s Happening in Puerto Rico Is Environmental Injustice*, SLATE (September 27, 2017), <https://slate.com/technology/2017/09/puerto-rico-is-experiencing-a-crisis-created-by-environmental-injustice.html> (noting that the crisis in Puerto Rico was “exacerbated by long-standing environmental justice issues facing a poor, underrepresented minority population on an island where climate experts have long warned of the increasing risks of such a catastrophe.”).

160. Frances Negrón-Muntaner, *The Crisis in Puerto Rico is a Racial Issue. Here’s Why*, THE ROOT (October 12, 2017), <https://www.theroot.com/the-crisis-in-puerto-rico-is-a-racial-issue-here-s-why-1819380372> (Negrón-Muntaner notes “[t]he reasons against full citizenship are . . . entangled in racist logic. For some policymakers, the risk was that given their makeup as ‘lesser races,’ the people of Puerto Rico simply could not understand ‘Anglo-Saxon principles.’ For others, the fear was that political incorporation would enable nonwhites to make laws for or govern not only themselves but also the ‘whole American people,’ and even ‘[give] the republic its presidents.’”).

161. Resnick, *supra* note 28.

162. Suma Peesapati, *California’s Next Environmental Frontier: Climate Justice Leadership*, 24 HASTINGS ENV’T L. J. 121 (2018); See also NAOMI KLIEN, *THE BATTLE FOR PARADISE* 25-26 (Haymarket Books 2018) (2018) (These policies include several tests of Agent Orange, napalm, and depleted uranium, as well as government coercion that lead to the sterilization of one-third of Puerto Rican women in the mid-twentieth century).

163. Klein, *supra* note 166, at 47.

164. *Id.* at 44-45.

165. *Id.*

passed the Puerto Rico Oversight Management and Economic Stability Act (“PROMESA”) in 2016.¹⁶⁶ PROMESA mandates that a federal Financial Oversight and Management Board oversee “the liquidation of Puerto Rico’s assets to maximize debt repayments and [approve] all major economic decisions”.¹⁶⁷ The Act ensures that all of the island’s finances are controlled at the federal level, stripping Puerto Ricans of their ability to self-govern.¹⁶⁸ According to journalist and author Naomi Klein, the experiments and abuses that the island suffered at the hands of the U.S. government have “left indelible scars on Puerto Rico’s land and people.”¹⁶⁹ Puerto Rico suffered long before Hurricane Maria—it just took the near destruction of the island for the world to notice.

Hurricane Maria was a Category 4 storm with winds up to 155 miles per hour when it made landfall on September 20, 2017.¹⁷⁰ Puerto Rico was inundated with up to thirty inches of rain in less than a day.¹⁷¹ The island’s electrical grid was destroyed, causing a complete power loss.¹⁷² Eighty percent of the island’s crops were destroyed.¹⁷³ Some areas lost 80 percent of their buildings and several people died within the first twenty-four hours.¹⁷⁴ Local officials and aid organizations were largely ineffective.¹⁷⁵ According to professor Tricia Watendorf, “It [was] very difficult to navigate the impact zone—to know which roads to open and to know what to detour around. It [was] extremely difficult to pre-position supplies, because . . . they might [be] destroyed . . . [local officials were] unable to take their usual roles on.”¹⁷⁶ Many of the roads leading to The Port of San Juan were severely damaged, leaving “10,000 shipping containers full of much needed supplies piled up on docks, waiting to be delivered . . . The lines at gas stations stretched out by the mile . . . nothing about the system worked.”¹⁷⁷ In the days after the storm, President Trump played golf, held political rallies, met with cabinet officials about his travel ban, and criticized NFL players for kneeling during the National Anthem.¹⁷⁸ He rarely mentioned the devastation

166. Klein, *supra* note 166, at 44-45.

167. *Id.* at 45-46.

168. *Id.* at 46.

169. *Id.* at 26.

170. See Robinson Meyer, *What’s Happening with the Relief Effort in Puerto Rico?*, THE ATLANTIC (October 4, 2017), <https://www.theatlantic.com/science/archive/2017/10/what-happened-in-puerto-rico-a-timeline-of-hurricane-maria/541956/>.

171. *Id.*

172. *Id.*

173. Klein, *supra* note 166, at 34.

174. Meyer, *supra* note 174.

175. Resnick, *supra* note 28.

176. Meyer, *supra* note 174.

177. Klein, *supra* note 166, at 5-6.

178. Meyer, *supra* note 174.

in Puerto Rico and did not assist in the recovery effort.¹⁷⁹ The president held his first Situation Room meeting to discuss recovery strategies six days after the storm.¹⁸⁰ He finally sent 7,200 military service people to the island over the next two weeks.¹⁸¹

By September 26, forty-four percent of Puerto Rico's residents did not have drinking water.¹⁸² Department of Homeland Security Secretary Elaine Duke claimed to be "very satisfied" with the federal government's response to the Hurricane, claiming that the relief effort was a "good news story."¹⁸³ San Juan Mayor Carmen Yulín Cruz quickly responded:

When you're drinking from a creek, it's not a good news story. When you don't have food for a baby, it's not a good news story. When you have to pull people down from buildings . . . [w]e are dying here. If we don't get the food and the water into the people's hands, we are going to see something close to genocide.¹⁸⁴

President Trump spent the next day attacking Mayor Cruz on Twitter, stating "Such poor leadership ability by the Mayor of San Juan, and others in Puerto Rico, who are not able to get their workers to help. They want everything to be done for them when it should be a community effort. 10,000 [sic] Federal workers now on [the] Island doing a fantastic job."¹⁸⁵

President Trump visited Puerto Rico for the first and only time on October 3, 2017, thirteen days after the storm.¹⁸⁶ He hurled paper towels at first responders and told a crowd at a San Juan church "Every death is a horror, but if you look at a *real catastrophe* like Katrina . . . and you look at what happened here and what is your death count? Sixteen people, versus in the thousands You can be very proud" (emphasis added).¹⁸⁷ President

179. Meyer, *supra* note 174.

180. *Id.*

181. *Id.* (comparing 22,000 troops and 33 ships that the Obama Administration sent to Haiti after the 2010 earthquake. Meyer notes, "[u]nlike Haiti, Puerto Rico is a U.S. territory; unlike an earthquake, a hurricane is predictable [Yet the U.S.S. Comfort] was not deployed until Tuesday, September 26, six days after landfall; did not leave port until Thursday, September 28, more than a week after landfall; and did not reach Puerto Rico until Tuesday, October 3, 11 days after Maria hit the island.").

182. *Id.*

183. *Id.*

184. *Id.*

185. Meyer, *supra* note 174; *See also* Negrón-Muntaner, *supra* note 164 ("Trump defended himself by invoking century-old racial stereotypes of Puerto Ricans as lazy and ingrates who 'wanted everything to be done for them.'").

186. Meyer, *supra* note 174.

187. *Id.* *See also* Negrón-Muntaner, *supra* note 164 ("Trump's brief visit to Puerto Rico's 'best' neighborhoods also exposes another racial layer. Whereas elsewhere in the U.S., Puerto Ricans are collectively considered non-white, on the island, additional racialized power dynamics apply. Some of the poorest and hardest-hit areas like the municipality of Loiza are predominantly black. Assistance, however, has tended to come faster to less affected but more affluent and whiter cities

Trump's comments were misguided and showed his true lack of understanding of the suffering of the people of Puerto Rico.¹⁸⁸ As journalist David A. Graham noted at the time, "While the official number remains at 16 . . . officials have acknowledged it will end up much higher '[D]ozens' of people are dead, with bodies piling up in morgues, even as the official count has not kept pace."¹⁸⁹ In August 2018, George Washington University released a study estimating that nearly 3,000 people died as a direct result of the storm.¹⁹⁰ The Puerto Rican government later adopted this estimate.¹⁹¹ At a September 2018 press briefing, the President referred to the federal government's response to Hurricane Maria as "an incredible, unsung success".¹⁹² He later tweeted:

3000 people did not die in the two hurricanes that hit Puerto Rico. When I left the Island, AFTER the storm had hit, they had anywhere from 6 to 18 deaths. As time went by it did not go up by much. Then, a long time later, they started to report really large numbers, like 3000 . . . This was done by Democrats in order to make me look as bad as possible when I was successfully raising Billions of Dollars to rebuild Puerto Rico. If a person died for any reason, like old age, just add them to the list. Bad politics. I love Puerto Rico!¹⁹³

President Trump's "love" for Puerto Rico was not reflected in his lackluster response to Hurricane Maria, his dismissal of the dead, or his incessant need to attack anyone who suggested that additional assistance was needed. Professor Suma Peesapati writes:

The sorely inadequate emergency response to [the crisis in Puerto Rico] places a spotlight on the urgent need for stronger climate resilience measures on the back end of the arc of climate justice. While

like Guaynabo. Equally revealing, island politicians and government spokespeople are largely light-skinned Puerto Ricans.").

188. See generally David A. Graham, *Trump's Puerto Rico Visit is a Political Disaster*, THE ATLANTIC (October 3, 2017), <https://www.theatlantic.com/politics/archive/2017/10/trump-puerto-rico-visit/541869/>.

189. *Id.*

190. Newkirk II, *supra* note 33. (Many of the deaths that occurred in the aftermath of Hurricane Maria were the result of island-wide power loss, rendering Puerto Rico's healthcare system inoperative. Newkirk notes, "in terms of the number of Americans dead, Maria was a disaster on the scale of the September 11 terrorist attacks. Those attacks triggered changes in many American systems, from how people board planes to how they can open bank accounts . . . Will news of the most devastating natural disaster in decades change anything in Puerto Rico?").

191. Linda Qiu, *Trump's False Claims Rejecting Puerto Rico's Death Toll from Hurricane Maria*, THE NEW YORK TIMES (September 13, 2018), <https://www.nytimes.com/2018/09/13/us/politics/trump-fact-check-hurricane.html?smid=fb-nytimes&smtype=cur>.

192. Tamara Keith, *FACT CHECK: 'Puerto Rico Was An Incredible, Unsung Success'?*, NATIONAL PUBLIC RADIO (September 12, 2018), <https://www.npr.org/2018/09/12/646997771/fact-check-puerto-rico-was-an-incredible-unsung-success>.

193. Qui, *supra* note 195.

it may be difficult to weigh the relative impact of environmental racism against the political disenfranchisement caused by Puerto Rico's non-voting territory status, the tragic result is the same: profound and preventable human suffering.¹⁹⁴

Once again, hip-hop artists, and the creative community at large, partially filled the void left by the United States government. Jay Z and Fat Joe hosted a relief concert to raise money for supplies.¹⁹⁵ Jay Z lent his private plane to fly the supplies to the island.¹⁹⁶ Pitbull provided a private plane to transport cancer patients from Puerto Rican hospitals to the mainland United States.¹⁹⁷ Jennifer Lopez donated one million dollars to relief efforts.¹⁹⁸ Rihanna attempted to lobby the President through Twitter—tagging him in a series of tweets, featuring news articles and videos about the impact of the storm.¹⁹⁹ In one tweet, containing a *New York Daily News* cover with the headline “American Tragedy: No Food, No Water, No Power, No Medical Care for the Dying . . . Puerto Rico Needs More Help, Mr. President!”, Rihanna wrote “Dear @realDonaldTrump I know you’ve probably already seen this, but I just wanted to make sure! Don’t let your people die like this.”²⁰⁰ Cardi B used Twitter to criticize the President’s slow response, stating “Puerto Rico [is] in [a] crisis now & Donald has not yet visited or talked about it . . . PR is part of the USA you know Don’t [*sic*] forget about the island”.²⁰¹

It is possible that no hip-hop artist put more work into helping Puerto Rico recover from the storm than Lin-Manuel Miranda, who traveled to the island to help rebuild in Maria’s wake.²⁰² In December 2017 the *Hamilton* playwright wrote an op-ed for *The Washington Post*, criticizing the inadequate federal response and urging Congress to provide more aid:

194. Peesapati, *supra* note 166.

195. Peter A. Berry, *Fat Joe and Tidal Join Relief Efforts to Help the People of Puerto Rico after Hurricane Maria Hits*, XXL MAGAZINE (September 29, 2017), <http://www.xxlmag.com/video/2017/09/tidal-fat-joe-relief-puerto-rico-hurricane-maria/>.

196. *Id.*

197. Cherise Johnson, *Rihanna, Pitbull, J. Lo & More React to Hurricane Maria’s Devastation in Puerto Rico*, HIP HOP DX (September 28, 2017, 1:52pm), <https://hiphopdx.com/news/id.44771/title.rihanna-pitbull-j-lo-more-react-to-hurricane-marias-devastation-in-puerto-rico#>.

198. *Id.*

199. *Id.*

200. *Id.*

201. KC Orcutt, *Cardi B Condemns Donald Trump for not visiting or addressing the crisis in Puerto Rico*, REVOLT (September 24, 2017), <https://revolt.tv/stories/2017/09/24/cardi-condemns-donald-trump-visiting-addressing-crisis-puerto-rico-0700f1ecl1a>.

202. *Lin-Manuel Miranda brings help, hope to Puerto Rico*, CBS NEWS (November 12, 2017 9:35am), <https://www.cbsnews.com/news/lin-manuel-miranda-brings-help-hope-to-puerto-rico/>.

The federal government's response to the disaster in Puerto Rico has been painfully slow and not commensurate with the hurricane response in Texas and Florida my friends in the artistic community can continue to do fundraising activities. We can march on Washington. I can write music and dedicate proceeds to Puerto Rico; Americans from all walks of life can continue to donate There's no shortage of compassion and goodwill for Puerto Rico among the American people. But it must be matched by the recognition of our government that the American citizens of Puerto Rico need, demand, and require equal treatment.²⁰³

Despite Miranda's pleas and the efforts of other hip-hop artists and Puerto Rico's citizens, FEMA ceased all assistance to the island in January 2018.²⁰⁴ Nearly 200,000 Puerto Rican citizens have left the island since September 2017.²⁰⁵ The island's Governor has attempted to lure disaster capitalists and turn Puerto Rico into a "visitor economy."²⁰⁶ The people of Puerto Rico are mobilized to fight against the exploitation of their suffering, but they need all of the help that they can get.²⁰⁷

III: THE PATH FORWARD

Private philanthropy is never enough to ensure the recovery of communities suffering from environmental catastrophes. The United States government has a duty to provide adequate care and funding to ensure that no one unduly suffers when tragedy strikes. Federal, state, and local governments need to invest in and maintain infrastructure in communities of color. Government officials must empathetically listen to the voices of the people and strive for equity. They must ask "What lead to Katrina, Flint, and

203. Lin-Manuel Miranda, *This is what Puerto Ricans need from the government. Right now*, THE WASHINGTON POST (December 13, 2017), https://www.washingtonpost.com/opinions/this-is-what-puerto-ricans-need-from-the-government-right-now/2017/12/13/fc03ccca-dfb3-11e7-8679-a9728984779c_story.html?noredirect=on&utm_term=.07f25d815ebb.

204. Nina Godlewski, *Hurricane Maria: Lin-Manuel Miranda Shares Stories of the Storm from Puerto Rico*, NEWSWEEK (March 20, 2018), <https://www.newsweek.com/lin-manuel-miranda-hurricane-maria-date-stories-854267>.

205. Klein, *supra* note 173, at 22.

206. *Id.* at 16. (The governor of Puerto Rico has tried to lure private investors to the island for several years but was unable to fully form his pitch until after the election of Donald Trump, the destruction of the island, and the influx of crypto-currency companies. According to Klein, "The pitch goes like this: You don't have to relinquish your U.S. citizenship or even technically leave the United States to escape its tax laws, regulations, or the cold Wall Street winters. You just have to move your company's address to Puerto Rico and enjoy a stunningly low 4 percent corporate tax rate—a fraction of what corporations pay even after Donald Trump's recent tax cut.").

207. *Id.* at 29. ("Puerto Ricans now know, beyond any shadow of a doubt, that there is no government that has their interests at heart . . . That means that if there is to be a grand new experiment in Puerto Rico, one genuinely in the interest of its people, then Puerto Ricans themselves have to be the ones to dream it up and fight for it.").

Maria and how can these failures be avoided in the future?” Hip-hop artists must apply continual pressure—holding the mirror to society—and challenge government policies that promote racial and economic caste. The people must use hip-hop and other media to ensure that the government stops turning its’ back on communities of color. Environmental racism will only cease if it is acknowledged and combatted. Michael Eric Dyson underlines these issues by quoting Dr. Martin Luther King Jr.’s “Riverside Church Speech”:

On one hand we are called to play the good Samaritan on life’s roadside but that will be only an initial act. One day we must come to see that the whole Jericho road must be transformed so that men and women will not be constantly beaten and robbed as they make their journey along life’s highway. True compassion is more than flinging a coin to a beggar; it is not haphazard or superficial. It comes to see that an edifice which produces beggars needs restructuring.

In other words, Dyson notes, “Charity is no substitute for justice.”²⁰⁸

208. Dyson, *supra* note 16, at 152.

