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## Advancing the human right to housing in post-Katrina New Orleans: discursive opportunity structures in housing and community development

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In post-Katrina New Orleans, housing and community development (HCD) advocates clashed over the future of public housing. This case study examines the evolution of and limits to a human right to housing frame introduced by one non-governmental organization (NGO). Ferree's concept of the *discursive opportunity structure* and Bourdieu's *social field* ground this NGO's failure to advance a radical economic human rights frame, given its choice of a political inside strategy that opened up for HCD NGOs after Hurricane Katrina. Strategic and ideological differences within the field limited the efficacy of this rights-based frame, which was seen as politically radical and risky compared with more resonant frames for seeking affordable housing resources and development opportunities. These divides flowed from the position of the movement-born HCD field within a neoliberal political economy, especially its current institutionalization in the finance and real estate sector, and its dependence on the state for funding and political legitimacy.

**Keywords:** development/revitalization; public housing; legislation/policy

### Introduction

In February 2006, in one of my earliest work experiences in post-Katrina New Orleans, a senior leader in the national housing and community development (HCD) field remarked to my colleagues and me over lunch that the recovery and redevelopment activity we were witnessing on the ground embodied “the next Civil Rights movement.” The inspired if casual remark reflected the frame underlying much of the non-profit and civic commitments to rebuild New Orleans that the storm exposed stark, endemic racial and economic inequality, and that willful government neglect and indifference to urban poverty among communities of color was the chief culprit. My lunch companion was one of many leaders of well-resourced, well-established national organizations including community development intermediaries, labor unions, liberal philanthropies, and policy advocacy organizations putting down roots, dedicating staff, opening up shop, and pledging substantial organizational resources to the recovery and redevelopment of New Orleans after Hurricane Katrina. Many of these leaders had come to power out of movement histories (for example, in labor, Black activism, and immigrant rights),

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and found initial solidarity with local grassroots organizers, non-profit community development entities, social service providers, and social movement organizations responding on the ground. This emerging network of professionals and activists viewed their work as nothing short of a movement to rebuild New Orleans, to reverse unprecedented displacement and act as a counterforce to President George W. Bush's market-driven redevelopment plans.

Yet, in the months and years to come, this network of HCD practitioners, policy advocates, and activists would come together and come apart over the future of low-income communities and affordable housing in New Orleans, especially the fate of about 70 percent of the city's public housing – i.e., the “Big Four” projects slated for demolition by the US Department of Housing and Urban Development (HUD) in June 2006 and demolished in early 2008.<sup>1</sup> The future of public housing and low-income community viability, more broadly, was a particularly fraught issue in the aftermath of Hurricane Katrina given the widespread displacement of poor, mostly Black New Orleanians following the flood.<sup>2</sup> HCD advocates were especially concerned over the return of public housing tenants, given tenants' dependence on HUD to repair and re-open their units and the Housing Authority of New Orleans's (HANO) history of mismanagement, neglect, gentrification, and displacement in New Orleans.<sup>3</sup> Their concern was warranted; under the Bush Administration and a Republican-controlled Congress, HUD sealed off the “Big Four,” and announced that they would be demolishing the approximately 4,500 units and replacing them with 1,600 units of mixed-income housing, of about which one-third would be deeply subsidized (i.e., at public housing levels).

Public housing residents, with the help of civil rights attorneys and activists, filed a class action lawsuit against HUD, citing their “right of return” to and right to participate in the rebuilding of New Orleans under international human rights (HR) law.<sup>4</sup> The “right of return” of displaced New Orleanians was a claim used by a broad range of recovery actors (Luft 2009); for some activists, it opened up a broader slate of rights-based claims, including public housing residents' “human right to housing.”

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<sup>1</sup>The “Big Four” projects included Lafitte, C.J. Peete, B.W. Cooper, and St. Bernard. C.J. Peete was located in Planning District 2, Central City/Garden District; the other three were located in Planning District 4, Mid-City. Planning District 2 includes portions of the “Sliver by the River” – the neighborhoods situated on natural high ground that were relatively unharmed in Katrina's flood waters and have seen their populations expand to more than 100 percent of pre-Katrina numbers. Both these districts were adjacent to the French Quarter and Central Business District (i.e., downtown) and have been the subject of significant redevelopment disputes.

<sup>2</sup>The vast majority of New Orleans was displaced in the immediate aftermath of the storm. Current displacement numbers are difficult to come by, as population estimates don't account for who is a returnee versus a transplant to the city. According to census figures provided by the Greater New Orleans Data Center, as of July 1, 2009, there were approximately 100,000 fewer residents in New Orleans than on July 1, 2005, about two months before Hurricane Katrina. [http://www.gnocdc.org/census\\_pop\\_estimates.html](http://www.gnocdc.org/census_pop_estimates.html). As Desiree Evans reported in *Facing South* on December 10, 2008, activists working with displaced public housing residents estimate that “half of the working poor, elderly, and disabled who lived in New Orleans before Hurricane Katrina have not returned. Because of critical shortages in low-cost housing, few now expect tens of thousands of poor and working people to ever be able to return home.”

<sup>3</sup>The HOPE VI-funded redevelopment of River Garden displaced four out of five former St. Thomas public housing residents.

<sup>4</sup>*Anderson v. Jackson*, 2006. <http://www.nhlp.org/system/files/private/04+Anderson+Complaint+FINAL.pdf>. Retrieved on April 11, 2010.

What follows is a case study of the opportunities, constraints, and evolution of the human right to housing repertoire in post-Katrina New Orleans. I examine the difficulty of one domestic HR organization to advance this claim within the HCD field that espoused the common goal of bringing displaced residents home. Using Ferree's concept of a "discursive opportunity structure" and Bourdieu's concept of a "social field," I will show that the inside strategy this HR organization chose to work within institutional channels in the post-Katrina HCD sector, was doomed to fail as a means for advancing the HR to Housing frame as a legitimate claim to repatriate and re-house displaced public housing residents in New Orleans. I detail the political context and ideological differences that limited activists' success in inculcating this claim within an HCD advocacy network. Although there were some organizational constraints<sup>5</sup> to this non-profit's success in advancing the HR to Housing frame, more importantly for urban scholars to understand is the political resistance within the HCD field to this frame of contention. Fundamental ideological cleavages split the HCD field, such that rights-based repertoires are seen as radical and politically risky when seeking affordable housing resources and development opportunities. These ideological schisms flow from the unique position of the HCD sector within the broader political economy – it is a field that has grown out of urban social justice activism of the 1960s and 1970s (Newman and Lake 2006), and is still governed today by many former social movement activists (Graham 2007), who now develop housing policy, teach housing and urban planning, and lead HCD organizations. But the field has been professionalized and institutionalized within the finance and real estate sector, and has become highly dependent on funding and legitimacy via the state to carry out – and justify (Slater 2009) – market-driven housing policies (see Marwell 2004 on the privatization of community-based organizations). As a result, to maintain funding streams and political access within a political environment that has shifted dramatically to the right via devolution, privatization, and federal retrenchment, the HCD field has refashioned itself – via necessity, some would argue – as an apolitical sector (cf. O'Connor 2001) focused on housing production, job creation, social service provision, and economic development. This shift comes at the neglect of tackling the racial and economic injustice at the heart of poverty and inequality in urban poor communities. Within this operating environment and political context, more radical rights-based frames face formidable obstacles in gaining political and professional support within the sector, especially compared to frames Ferree (2010) would call more "resonant," such as housing "opportunity" and housing "choice."

After outlining my data and methods and introducing the theoretical concepts of discursive opportunity structure and social fields, I present the political context of human rights and public housing and mixed-income housing policy in the US. I then introduce the case of how the human right to housing took root in New Orleans and the strategies HCD advocates used to advance or mitigate this frame. Next, I assess the discursive opportunity structure of anti-poverty and affordable housing politics in the US, and the openings and obstacles towards promoting economic human

<sup>5</sup>Relevant to this case is that the human rights organization (HRO) was sensitive to its status as an "outsider" organization in the post-disaster climate that was rife with "insider" versus "outsider" conflict. HRO frequently deferred to partners' frames and strategies, even when those organizations could also reasonably be considered outsiders. For example, HRO ended up keeping human rights activism within the legislative campaign they joined behind the scenes and operating separately from HR mobilization aimed at their membership.

rights in the HCD field, including how liberal HCD advocates marginalize economic human rights. I conclude with calls for the academy and urban practitioners to commit intellectual and organizational resources towards transforming the discursive and political opportunity structure for affordable housing in the United States.

### **Data and methods**

This research is grounded in a broader ethnographic project undertaken from 2005–2009, deriving from my consulting role to multiple foundations supporting housing and neighborhood recovery in the post-Katrina Gulf Coast.<sup>6</sup> I use a single case study here of the efforts of an international human rights organization (hereafter, “HRO”) to advance the human right to housing frame within the HCD field that organized around federal housing legislation beginning in early 2007. I evaluated HRO for a national foundation from June 2008 through January 2009, conducting two site visits in New Orleans and visiting staff and stakeholders in New York, Washington, DC, and Memphis, TN. I also participated in three key events: an HRO regional membership meeting, a planning conference for an advocacy strategy targeting the 2008 presidential campaign, and a trip to Orleans Parish Criminal Court with one of their public housing resident partners to support a direct action activist not affiliated with the campaign. I conducted 27 interviews with staff, allies, public housing residents, and key HCD stakeholders, using a snowball sample, detailed in Table 1.<sup>7</sup> All identifying details have been changed to protect anonymity.

As an academic ethnographer and professional consultant working with and among housing advocates and activists in post-Katrina New Orleans, I am situated as a participant-observer member of this advocacy community. As such, it is neither possible nor appropriate for me to fully distance myself from this world as I analyze it here. Therefore, I use the pronoun “we” in the discussions that follow later in this analysis concerning the roles and discursive work of housing and community development advocates in post-Katrina New Orleans.

### **Discursive opportunity structures and social fields**

Ferree (2010) introduces the concept of the “discursive opportunity structure” to demonstrate how resonant versus radical frames are “institutionally anchored” to existing power structures within society. In social movement activism, resonant frames, defined here as “mutually affirming” with this institutional structure, are typically advanced by mainstream participants, i.e., those with institutional access whose goals are culturally in line with general values, norms and practices in wider

<sup>6</sup>I began working on post-Katrina responses through MIT’s Dept. of Urban Studies & Planning, and began splitting my time between Boston and New Orleans in January 2006, where I rented a house for the year with colleagues. In 2007, I traveled to the region on average once or twice per quarter, and in 2008 I visited the region three times. I worked for a private philanthropist, two national foundations, one regional foundation, and one humanitarian organization. I also conducted independent research.

<sup>7</sup>HRO designated official partners for its Human Right to Housing initiative, as well as partnered with specific organizations in a regional Campaign focused on federal legislative advocacy and had the informal support of allies in the public housing struggle. In the table, I specify official partners as “Initiative Partners.”

Table 1. Interviewees.

Organizational Affiliation	Organizational Location	Interviewees/Role(s)	Relationship
Human Rights Organization (“HRO”) HRO	New Orleans NYC, DC	2: Program coordinator & manager 8: Campaign, research, government relations, executive staff	Initiative oversight & support
HRO National human rights (HR) umbrella organization/Black-led, grassroots organization	US South Atlanta, GA/ New Orleans	5: Membership 1: Program coordinator/organization leader	Initiative supporters Initiative partner
National civil rights and legal justice organization	Washington DC	1: Staff attorney, public housing residents legal counsel	Initiative ally
“HousingOrg”/International humanitarian organization	Washington DC	1: Program coordinator/policy advisor	Initiative partner
National economic human rights organization/international anti-demolition campaign	New York City	1: Human Right to Housing program manager/campaign participant	Initiative partner
Senator Mary Landrieu’s office	Washington, DC	1: legislative aide	Initiative target
Grassroots anti-demolition, human rights organization	New Orleans	1: organization founder, public housing resident	Initiative partner
Public housing resident	New Orleans	1	Initiative partner
Fair housing agency	New Orleans	1: executive	Initiative partner
The “Campaign”	New Orleans	1: manager	Campaign partner/lead
Civil & HR law firm	New Orleans	1: attorney & founder	Initiative partner
Legal justice organization	New Orleans	1: attorney and founder	No relationship, local expert on public housing crisis
Human rights research organization	Washington, DC	1: program manager	No relationship, expert on domestic human rights activism
Human rights advocacy organization	Washington, DC	2: executive, staff attorney	No relationship, expert on domestic HR activism

society. Yet, achieving resonance is not necessarily the default strategy of movement participants; indeed, many activists will adhere to more radical frames and ideas as a deliberate means to challenge hegemonic power structures. Radicalism here is “mutually contradictory” with this institutional structure; radical frames push for more transformative social change over the longer term.

Resonance and radicalism are dialectical and contentious: “The use of nonresonant frames is by definition radical,” Ferree writes (2010, 347; see also Steinberg 1999). The advancement of resonant ideas necessarily marginalizes more radical alternatives, as well as, by association, their proponents and constituents. Choosing resonant frames also delimits the ability to see social problems from a different angle. Examining this dialectical relationship within social movements or in social “fields” (Bourdieu and Wacquant 1992) – i.e., who chooses and employs resonant frames versus radical ones – reveals the institutionalized power structures within those arenas, as well as the hegemonic ideas, practices, ways of doing and modes of meaning-making. In effect, understanding resonant versus radical aspects of a given social field sheds light on its political dynamics; resonant frames, for example, reinforce existing power structures and mainstream political views. Radical frames challenge them.

Discursive opportunity structures shape and are shaped by what Bourdieu would describe as social fields; the HCD sector is one such field. A “field” is a bounded sphere of collective practices, worldviews and actors. It defines the socially constructed space in which actors’ strategic efforts to create and establish control over social order unfolds and is institutionalized over time (Bourdieu and Wacquant 1992, Fligstein and McAdam 1995, Fligstein 1997, Swartz 1997; see Graham 2010 for a deeper treatment of the HCD “field”). The state plays a central role in guiding field-level action and shaping the overall contours of the field. Organizations have differences in their geographic and political distances to the state (Davis 1999) that result in certain organizations being more institutionally aligned, cooperative or accessible to the state than others. Fligstein and McAdam (1995) characterize powerful organizations as “incumbents” and the organizations that challenge their power or seek to alter the rules and practices of the field as “challengers.”

Fields prove remarkably stable over time, but are subject to instability due to changing socio-political or economic conditions and the shifts in funding priorities that can accompany these evolving structural conditions. These periods of crisis or instability can bring about changes or challenges to the established order within the field; in unsettled times, repertoires, frames and practices will be called into question, and new modes of action may be ushered in. The ingredients of discursive debate, collective action, and organizational strategies are all amplified in unsettled periods, when “new constituencies prove difficult to satisfy through established practices or when larger social institutions are either poorly articulated with one another or undergoing historic transitions” (Suchman 1995, 585). Yet, the landscape of the field is structured such that those with power have a structural advantage over others. As challengers struggle to contest existing power structures and fight for their own survival, incumbents will focus on maintaining their position and authority within the field, including by reinforcing or shoring up their relationships with the state.

Hurricane Katrina posed a “crisis” for the state and HCD field, triggering collaborative and competing responses by HCD advocates in response to what was perceived as illegitimate state action of demolishing structurally sound and desperately needed public housing. For many organizations and activists, the time

appeared ripe to introduce new critiques and challenges to the state's privatization response to Katrina, ranging from righteous political economy critiques of the federal government's failings to protect the city's poorest and most vulnerable from the flood, to introducing new economic human rights frameworks as an organizing and advocacy response to protecting and preserving public housing. HCD advocates shared an overarching collective action "injustice frame" (Goodwin, Jasper, and Polletta 2001), but how they acted on this master frame depended on their organizational position and accompanying action frames, repertoires and resources. For many liberal affordable housing and anti-poverty advocates, despite their outrage at the Bush Administration and desire to seed renewed social movement activism in the post-Katrina Gulf Coast, their institutional positions led them to embrace established, recognizable urban revitalization logics such as "poverty deconcentration" and "communities of choice" that mixed-income housing purportedly reflects (see, for example, Briggs et al. 2005). Organizations pushing relatively more radical frames such as the "human right to housing" found little support for such discursive challenges against the state within the HCD sector that has supported and carried out public housing demolition and mixed-income housing policy for the last two decades.

### **The political context of public housing and human rights in the US**

For the first year after Katrina struck, the GOP controlled the White House and Congress; right-wing think tanks and policy entrepreneurs framed the storm as evidence of the failed welfare state and the need for neoliberal policies of privatization, entrepreneurialism, and containment (Peck 2006). This strident ideological environment severely restricted the potential influence of post-storm Congressional Gulf Coast allies such as the Congressional Black Caucus, who introduced rights-based recovery legislation in fall 2005. The federal government's disaster response mirrored their pre-storm efforts to reduce aid for low-income renters and shrink HUD's role in affordable housing.<sup>8</sup> HUD, the receiver of HANO, used Hurricane Katrina to accelerate pre-storm demolition plans in New Orleans, a decision endorsed in editorials in the nation's major newspapers.<sup>9</sup>

Public housing is highly symbolic, contested, and typically reviled in ongoing public debates over society's and our government's obligation towards the poor (Vale 2000, Venkatesh 2000). It has been labeled a failure, "severely distressed," a place where poverty concentrates and festers. Its demolition and replacement with mixed-income communities in New Orleans embodies the dominant US federal housing policy of the last two decades. Supported by deep federal subsidies via the HOPE VI program, affordable housing providers in partnership with housing authorities, private developers, and community-based organizations, have demolished about 100,000 units of "severely distressed" public housing and replaced them with about 60,000 new units at a range of rental prices.

<sup>8</sup>See, for example, Michael Kelly, "America's Other Housing Crisis," *The Washington Post*, May 24, 2008, accessed on December 1, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2008/05/23/AR2008052302168.html>.

<sup>9</sup>See for example: "Return to New Orleans; Residents should go home to new and better public housing," *The Washington Post*, April 30, 2007, accessed on August 29, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2007/04/29/AR2007042901148.html>.



Support for mixed-income housing reflects advocates' belief in the deconcentration thesis. Deconcentration stipulates that the physical and social isolation of urban poor communities, usually communities of color, limits their exposure to the economic opportunities, role models, and values present in middle-class communities (Greenbaum et al. 2008). Socio-spatial isolation also leads to a "culture of poverty" that is aberrant from mainstream society, demonstrated in the high rates of crime, disorder, violence, drug use, and unemployment in these neighborhoods (Crump 2002, Goetz 2003). Isolated low-income communities are socially disorganized and suffer from a lack of fungible social capital (Briggs 1998).

One deconcentration solution is to bring middle-class residents to dwell in poor communities by converting aged "severely distressed" public housing stock as part of a substantial financial investment in these neighborhoods. Bringing middle-class residents back to central city communities will result in increased political and financial power, role models, and opportunities for these formerly poor neighborhoods. Demolishing public housing and rebuilding expensive new properties to attract market rate tenants is essential to converting these communities from "isolated cauldrons of dysfunction and pathology," as an April 30, 2007 editorial in *The Washington Post* opined about New Orleans public housing, to prosperous, healthy, diverse neighborhoods where low-income residents can thrive, so the argument goes (e.g., Berrey 2005).

After multiple follow up studies of HOPE VI, the largest mixed-income housing initiative in the US, success is heavily qualified, and largely dependent on what is being measured. Joseph, Chaskin, and Webber (2007) review the literature on mixed-income housing and find equivocal results and weak data behind the mainstream enthusiasm for mixed-income housing. They conclude:

... the most compelling propositions are those that do not rely on social interaction across income levels to promote a higher quality of life for residents of mixed-income developments ... the least compelling proposition at this time is that through direct interaction, higher-income residents will promote behavioral change among adult lower income residents ... there is a compelling rationale for mixed-income development that has nothing to do with lifting families out of poverty and is simply based on enabling the private development of valuable inner city real estate. Assuming for the moment that there are a significant number of mixed-income developers for whom poverty alleviation is a goal, more clarity is needed about which pathways of change those developers and their partners intend to promote ... given the multiplicity of partners involved in any single, mixed-income development effort—private and nonprofit developers, public agencies, social service providers, community partners, lenders—there are likely to be a multiplicity of expectations, in some cases contradictory. (Joseph, Chaskin, and Webber 2007, 395–397)

This "multiplicity of expectations" bears out. Anti-poverty and affordable housing advocates are deeply divided on the demolition and mixed-income redevelopment of public housing projects. The combination of high rates of displacement of former public housing residents,<sup>10</sup> the contribution to the overall reduction of affordable housing units, physical improvement in the housing stock in low-income communities, and potential as an economic development trigger in urban poor communities divides the HCD field into camps opposing and supporting

<sup>10</sup>Sixty to seventy percent of tenants never return to former sites, and a portion of residents disappear from housing authorities' rolls entirely (Popkin, Levy, and Buron 2009).

demolition and mixed-income housing policies. Furthermore, policies of mixed-income development and poverty deconcentration are technically race-neutral yet have explicit implications for poor urban communities of color (Joseph, Chaskin, and Webber 2007, Pattillo 2007). Although middle-class pioneers settling in revitalized neighborhoods and housing developments are not necessarily white (see Pattillo 2007 on the role of middle-class African-Americans in gentrifying Black neighborhoods in Chicago), impacted public housing tenants are disproportionately Black and Latino or from immigrant communities of color. Yet, the emphasis on class inherent in the poverty deconcentration thesis obscures this racialized impact of public housing demolition and mixed-income development policy. Practitioners vary in their willingness and ability to speak frankly about such impacts. This “color-blind” rhetoric versus racialized reality of contemporary US housing policy thus opens up space for major disagreement among practitioners engaged in strategic planning and policy advocacy for the displaced poor (cf. Pattillo 2007).

In contrast to general public opposition to public housing, survey data reveal a split in public opinion over the federal government’s role in providing affordable housing (Fannie Mae Foundation 2002) and enforcing human rights (Opportunity Agenda 2007). The ascendancy of rights-based activism is a predominant feature of contemporary political mobilization (Keck and Sikkink 1998). The US has a relatively unknown yet long history of human rights activism, which shares an important political lineage with African-American struggles for rights (Anderson 2003, Cox 2008, Somers and Roberts 2008), dating back to the eighteenth century (Luft 2009). The contemporary period of human rights activism began in the late 1960s and 1970s, growing alongside neoliberalism’s ascension (Chase-Dunn 1999, Cmiel 1999). Martin Luther King, Jr. and Malcolm X both utilized a human rights framework for poor and Black Americans (Daniels 2007, Somers and Roberts 2008) in the years prior to their assassinations. Predominantly white-led and often international non-governmental organizations also pursued HR activism during this era, aiming to halt human rights violations worldwide, mainly against political prisoners (Cmiel 1999). Yet, this HR activity typically prioritized political and civil rights violations.

Economic human rights (EHR) activism is relatively more recent and certainly more radical than established political and civil rights activism. Economic human rights ensure that no individual lives in circumstances that prohibit her ability to meet her basic needs.<sup>11</sup> In the US, economic human rights activism responds to neoliberal policies of privatization, economic polarization, displacement and containment that act as mechanisms of state oppression. Trapping people in persistent urban poverty is one such form of oppression, resulting from neoliberal policies including welfare reform, mass incarceration, and the demolition and privatization of subsidized housing.

Broad public support for human rights is relatively recent. As a nation we tend to believe our democratic institutions, and the Constitution in particular, make the fight for human rights irrelevant (Cox 2008). HR roots, whether in the Black Liberation Movement or international treaties, are unfamiliar to many Americans,

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<sup>11</sup>“What are Economic and Social Rights?” National Economic and Social Rights Initiative. [http://www.nesri.org/economic\\_social\\_rights/index.html](http://www.nesri.org/economic_social_rights/index.html). Retrieved on November 30, 2010. Economic human rights include the right to: health, housing, food, education, work, and social security.

and in the latter's case, often vague and hard to marry to local conditions (Luft 2009). Despite growing public recognition of human rights, HR activism is still considered either niche-oriented (e.g., political prisoners, the death penalty) or marginal, compared with our traditional movement repertoires grounded in civil rights and collective identity claims (e.g., Gay Rights, Women's Rights, Workers' Rights, etc.). Even some social justice activists and funders resist human rights activism in the US, worrying it will distract from or hurt their work (Cox 2008). Nonetheless, today public attitudes demonstrate strong support for (a) human rights, (b) the view that Katrina survivors' human rights were violated, and (c) a human right to housing, in that order (Opportunity Agenda 2007). Yet, public support for the right to housing ranks lowest in a list of economic human rights (such as the right to healthcare or education). Economic human rights are only slowly gaining traction in the public mind, and the rise and fall of poor people's movements in this country is relatively unknown in our collective memory.

Within this national political context, the Deep South is a place where progressive activism, including human rights activism, is at once vibrant but vilified and limited in its influence beyond grassroots mobilization. The GOP enjoys disproportionate voter support in the South, and Southern Senators hold significant seniority in Congress. US resistance to human rights has roots in the South given our history of "racial apartheid" and the historical strength of Southern Democrats in Congress (Cox 2008, 136). Gulf Coast and national human rights activists also described the Bush Administration as one of the worst administrations for human rights, creating a political environment so "tremendously bad" for social justice activists that "traditional" models of activism were rendered ineffective.<sup>12</sup> Furthermore, in the aftermath of Hurricane Katrina, recovery policies coming out of Washington were viewed as an "all out assault" on ravaged communities, with the emphasis on "privatization" of public schools, hospitals and housing in New Orleans particularly impacting the city's poor communities of color, especially public housing residents. HRO representatives and their allies viewed public housing tenants as enduring the "most egregious rights violations" and their potential "permanent displacement" from New Orleans as the most "explicit government action" against local communities and the most "glaring issue" warranting an organized response.<sup>13</sup>

### **From the right of return to the human right to housing**

Luft (2009) documents the use of a human rights framework among social justice activists in post-Katrina New Orleans. She details two foundations for the "right of return" in New Orleans, including international human rights treaties that lay out the basic human right to housing, including specifically for Internally Displaced

<sup>12</sup>Interview with Human Right to Housing campaign program manager at a national economic human rights organization, July 1, 2008; see also Heather Maher, "HRW Calls On Obama To Reverse 'Damage' Of Bush Years," Radio Free Europe Radio Liberty, January 14, 2009, accessed on May 15, 2009, [http://www.rferl.org/Content/HRW\\_Calls\\_On\\_Obama\\_To\\_Reverse\\_Damage\\_Of\\_Bush\\_Years\\_/1370106.html](http://www.rferl.org/Content/HRW_Calls_On_Obama_To_Reverse_Damage_Of_Bush_Years_/1370106.html). Agence France Presse, "Amnesty: New Gitmo Facility Worst," *Arab News*, April 5, 2007, accessed on May 15, 2009, <http://www.arabnews.com/?page=4&section=0&article=94569&d=5&m=4&y=2007>.

<sup>13</sup>Interview with HRO staff member, October 22, 2008.

Peoples.<sup>14</sup> This is the foundation on which HRO built its public housing activism.<sup>15</sup> The “right of return” was adopted far and wide by activists; it became “the motto of the reconstruction movement, used widely within and beyond movement circles” (Luft 2009, 516). Indeed, HUD embraced the concept of the “right of return” in its own post-storm housing efforts.

In my interviews I heard opposing views from activists concerning whether HUD’s adoption should be viewed as a victory or a co-optation of movement rhetoric by the state. One organizer, a mid-career Black community organizer who led a local, grassroots organization representing poor and working-class, mainly Black New Orleanians, and went on to join a national umbrella organization of human rights groups, believed HUD’s incorporation of this key principle was evidence of activists’ success. He saw this acceptance as moving their struggle forward towards actualization of low-income New Orleanians’ right of return, given HUD publicly signaling their commitment to this right. In contrast, a civil rights and racial justice activist who served as an attorney for displaced public housing residents believed HUD had co-opted their movement rhetoric without any plans to honor it. In her view, HUD’s incorporation of the “right of return” gave the agency cover to its agenda of permanently displacing low-income communities of color. Given its power and resources, in her view, the federal agency would have little difficulty packaging superficial, empty efforts at repatriation in this guise of commitment to bringing displaced residents home. A local fair housing agency leader concurred about federal co-optation of the “right of return,” asserting it was particularly vulnerable to abuse given its grounding in non-binding international human rights law.

Nonetheless, the widespread diffusion and acceptance of the “right of return” opened up space for enhanced activism. The challenges for HR activists were to compel HUD and Congress to fulfill the promise of the “right of return” and to situate this right within a broader framework of HR violations brought about by state-sponsored displacement. For some activists, the human right to housing was a natural extension of the right of return in New Orleans. Yet, given the broader political context in which the HCD field operated, the HR to housing claim met strong resistance from HCD policymakers, practitioners and advocates.

### **A legislative campaign to save public housing**

HRO – based domestically in the Northeast – has a long history of advocating for human rights internationally and in the United States. Its membership is mainly

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<sup>14</sup>The right to housing is protected in: Article 25 of the Universal Declaration of Human Rights, Article 11 of the International Covenant on Economic Social and Cultural Rights, Article 27 of the Convention on the Rights of the Child, Article 5 of Convention on the Elimination of All Forms of Racial Discrimination, Article 14 of Convention on the Elimination of All Forms of Discrimination Against Women; and Article 11 of American Declaration on the Rights and Duties of Man. For more on the Human Right to Housing in the US, see the National Economic & Social Rights Organization: [http://www.nesri.org/economic\\_social\\_rights/right\\_housing.html](http://www.nesri.org/economic_social_rights/right_housing.html). Retrieved on April 11, 2010. The Guiding Principles on Internal Displacement also guarantee the right to housing: [http://www.reliefweb.int/ocha\\_ol/pub/idp\\_gp/idp.html](http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html). Retrieved on April 11, 2010.

<sup>15</sup>The other basis for the right of return in New Orleans – not discussed in this paper – was the Black Liberation Movement, in which many older, Black men now leading grassroots coalitions of poor and working-class Black New Orleanians, had activist roots.

young, highly educated, white and middle-class; in recent years it has begun expanding its economic human rights advocacy. Staff from its Southern office pushed for a coordinated response to Hurricane Katrina and, in May 2006, it hosted, together with local and national human rights groups, a day-long conference for Gulf Coast activists interested in learning more about the HR frame and how it might apply to their recovery and redevelopment activism. Thirty-six activists attended the meeting, and the takeaway for HRO was that public housing residents suffered the worst human rights abuses since Katrina, and thus might benefit from a human rights organizing framework, grounded in the Guiding Principles on Internal Displacement that enshrine the rights of internally displaced people worldwide, whether due to disasters or war. The organization determined to try to stop the demolition of public housing, with its major strategy being to partner with local and national organizations and public housing residents to push for favorable federal housing legislation for the Gulf Coast. It aimed to use its size and name recognition to positively influence that process, in part by acting as a liaison between affected residents and Capitol Hill. That is, they hoped to incorporate and represent public housing residents in the post-Katrina legislative advocacy process. They secured funding to launch a two-year initiative that began in April 2007.

HRO relied on its local Gulf Coast coordinator, a white activist from New Orleans hired to lead the project, to select their partners. Key partners included: (a) an advisory committee of public housing resident-activists, (b) a local fair housing organization, (c) a local public interest law firm that focused on human and civil rights, (d) one of the local, Black-led grassroots groups, (e) a national umbrella group of HR organizations based in the South, (f) a national affordable housing advocacy organization headquartered in DC (hereafter, "HousingOrg"), and (g) the US arm of an international humanitarian organization based in the Northeast (hereafter, "GlobalAid"). As HRO was pursuing these partnerships, in August 2007 a regional foundation launched a grassroots-based, federal legislative Campaign (the "Campaign") pushing for equitable and inclusive recovery in the Gulf Coast.<sup>16</sup> HousingOrg and GlobalAid were lead participants in this Campaign, providing financial and political resources, such as access to officials on Capitol Hill. HRO chose to join this Campaign, selecting it as the primary vehicle through which HRO would aim to connect public housing residents with Capitol Hill.<sup>17</sup>

HRO's efforts and the Campaign unfolded within a broader context of intense ideological and strategic conflict among housing advocates in the Gulf Coast involved in the struggle over public housing, reflected in interview language that viewed separate, often incompatible strands of activism unfolding at the "grass-roots" level in New Orleans versus in "policy circles" centered in DC.<sup>18</sup> More concretely, a national non-profit housing developer and its local non-profit social services partner had contracted with HUD to demolish and replace one of the Big

<sup>16</sup>This Campaign was formally spun off as an independent 501c3 in 2009. I use a capital C to distinguish it from campaign activity more broadly.

<sup>17</sup>The Campaign was the main and best route for ongoing legislative advocacy in DC in HRO's local coordinator's view. At the Campaign's convenings, there are typically anywhere from 40 to 100 advocates from LA, MS and AL working together to create a common policy platform and federal advocacy strategy. The Campaign brought advocates to DC in September 2007, April 2008, February 2009, and to the two presidential conventions in 2008.

<sup>18</sup>Interview with HRO staff, August 6, 2008; Interview with Human Right to Housing campaign program manager at a national economic human rights organization, July 1, 2008.

Four projects with a mixed-income development. This national developer is one of the biggest and most well-known HCD organizations working in the Gulf Coast, partnered with one of the most powerful non-profit organizations in the City. Their agreement – reached in late summer 2006 – to contract with the state to redevelop public housing stood in stark contrast to the class action lawsuit against HUD filed by local and national civil rights attorneys earlier that summer on behalf of public housing residents. Both moves were justified as being on behalf of displaced tenants. The CEO of the national developer described the HUD contract as a means to give this non-profit the power to rebuild the development equitably, via one-for-one replacement of all deeply subsidized units, a move HUD opposed (pers. comm., February 2006). This contract versus the lawsuit reflected ideological conflict among advocates who differed on whether working through institutional channels to restore desperately needed housing for extremely low-income displaced residents was a better strategy than protest, legal action, and political organizing and resistance to stop demolition. Supporting phased redevelopment and conversion to mixed-income communities were mainstream, DC-based organizations like HousingOrg; on the far end of the spectrum supporting organizing and resistance were direct action-oriented Marxist activists who demanded public housing be re-opened and tenants re-housed immediately, following basic clean up and repairs.

By allying with public housing residents and local HR organizations, HRO appeared to situate itself closer to the protest/legal action end of the ideological and strategic spectrum. Yet, their participation in the Campaign also suggested that HRO was amenable to the demolition and redevelopment outlined in the aforementioned contract with HUD, as this is what the Campaign supported. As such, HRO awkwardly straddled this ideological and strategic schism that bifurcated the post-Katrina HCD field.

The lawsuit effectively stalled demolition beginning in summer 2006; the return of Democratic control to Congress in November 2006 ameliorated some of the ideological tensions between advocates as the political environment appeared to open up for equitable Gulf Coast recovery. Legislative advocacy turned out to be a reactive but mobilizing and unifying strategy for myriad housing advocacy and social movement organizations in the Gulf Coast. Democratic Representative Maxine Waters of California took a pro-active lead in developing equitable affordable housing legislation for the Gulf Coast, particularly New Orleans. In March 2007, less than one month after being introduced (and developed in partnership with Gulf Coast advocates working with Waters' office), the House passed H.R. 1227, the Gulf Coast Hurricane Housing Recovery Act of 2007, which mandated the "right of return" for displaced New Orleanians and required (a) one-for-one unit replacement for any future housing development, (b) residents' return to their former neighborhoods (if they chose), and (c) resident participation in redevelopment planning. This bill retroactively applied to any HUD redevelopment contracts. All Louisiana delegates supported the bill. As the bill went to the Senate for action, the Gulf Coast housing advocacy community mobilized around getting an equivalent Senate bill passed.

In June 2007, Sens. Mary Landrieu (D-LA) and Christopher Dodd (D-CT) introduced S. 1668, the Gulf Coast Housing Recovery Act of 2007, a companion bill to H.R. 1227 that embodied the spirit of the "right of return" but with fewer binding guidelines for HUD. (Vouchers were acceptable for one-to-one replacement instead of physical units, and residents could be assigned housing in any neighborhood.) In

September, HRO took public housing residents to Capitol Hill for a week of legislative action as part of the Campaign. This trip to DC was one of many tactics HRO used to raise awareness among its membership, the public, and decision-makers about public housing residents' right to housing. Other tactics included ongoing communication with Sen. Landrieu's office, publishing press releases, circulating petitions, submitting reports to the UN, and hosting concerts and other public events.

S. 1668 never made it out of committee; Southern Senators Richard Shelby (R-AL) and David Vitter (R-LA) blocked the Senate bill (in Vitter's case, publicly and vociferously), and their colleagues were resistant to pushing Gulf Coast legislation without their support. Although advocates were also targeting the New Orleans City Council during this period, the Council voted in December 2007 to demolish the Big Four, as demonstrators and police clashed outside. Following a period of demoralization and loss, many advocates regrouped and began targeting the Presidential candidates for equitable redevelopment of the Gulf Coast. Seventy percent of the public housing was gone (Browne-Dianis and Sinha 2008), but the struggle continued for an equitable and humane reconstruction in the Gulf Coast.

HRO was credited by progressive Gulf Coast activists for choosing to join the struggle to preserve public housing when many HCD advocates were supportive of mixed-income redevelopment. Yet HRO also chose an "inside strategy" (pers. comm., November 17, 2008) that tried to promote the human right to housing by working with these mixed-income proponents. The Campaign HRO joined relied on institutional channels to make its case for an equitable and inclusive recovery of the Gulf Coast. As HRO was getting up to speed in the Gulf, national partners, such as "HousingOrg," the DC-based affordable housing non-profit that would come to act as the Campaign's gatekeeper on Capitol Hill, recommended that HRO not restrict its advocacy to public housing (pers. comm., October 31, 2008). In fact, the Campaign neither prioritized New Orleans nor public housing; indeed, its explicit goal was to build a regional coalition advocating for a range of development concerns, including housing, education, environment and health. Many members of this Campaign supported phased demolition and rehabilitation of the developments, as long as it included the "right of return" and one-for-one replacement.

These different priorities and the primacy of an institutional strategy proved extremely limiting to HRO's advancement of the right to housing frame. For example, Senator Landrieu's office asked HRO and their partners not to antagonize Senator Vitter, and the Louisiana delegation at the Republican National Convention did not want to host Gulf Coast advocates if they included representatives from HRO. Partially as a result, the Campaign's leadership was highly resistant to HRO's human rights agenda.

Thus, "messaging" proved to be a "huge challenge" for HRO.<sup>19</sup> It would use international human rights frameworks to design their legislative input before converting this rights-based language to less controversial frames in order to continue working within the Campaign. Constrained by the Campaign and its broad advocacy strategy targeting federal investment in Mississippi Delta communities ravaged by Katrina, HRO believed they needed to adopt a frame other than human rights in its legislative activism because, as they described to me (pers. comm., November 16, 2008), the latter can trigger notions of "liberal do-gooder" and fears

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<sup>19</sup>Interview with HRO staff, October 15, 2008.

of UN “encroachment.” In a planning roundtable within the Campaign, they described the HR framework as one that can be “targeted” to certain friendly groups (like their membership) but should be replaced by less political frames such as “economic recovery” for a broader audience. While this arguably advanced the human rights frame in a “soft” (i.e., implicit) way, it did so under other broad frameworks such as creating “access” or ensuring equal “opportunity” (pers. comm., November 19, 2008). Pragmatic politics drove HRO’s choice of the Campaign as the channel through which to act as a liaison and integrator of low-income, Black public housing residents from New Orleans with the legislative process run out of Washington, DC. Yet, this ultimately required HRO to repackage the human right to housing for smoother consumption not only by a broader public, but by its HCD allies as well.

### **Economic human rights and the discursive opportunity structure in post-Katrina New Orleans**

Economic human rights (EHR) frames are radical frames within the discursive opportunity structure of anti-poverty and affordable housing politics in the US. They have been effective in mobilizing grassroots constituents and activists around economic injustice, poverty, and inadequate housing, healthcare, education, or employment. Yet, as HRO’s actions demonstrate, EHR frames have found little traction beyond grassroots consciousness-raising and mobilization at the margins of anti-poverty and economic justice activism in the US. EHR frames are radical in a number of ways:

- They embrace a concept of “positive” rights (Somers and Roberts 2008), wherein the government must proactively fulfill individuals’ economic human rights to housing, health, education, and employment. Political and civil human rights, which enjoy much more mainstream recognition in the US, are “negative” rights, wherein they exist unless proactively taken away or denied.
- They re-center federal social policy in a global context, demanding that the US government honor international human rights conventions and treaties rather than US laws and social policy legislation, and, by association, invite the United Nations to provide oversight and demand accountability of the US to fulfill these rights.
- They knit different socio-political networks of activism together, by linking poor communities worldwide around a shared conception of their universal human rights to adequate housing, employment, education and health, versus trying to connect poor US communities with “middle-class” and mainstream society through the concept of “moving” low-income residents to middle-class “communities of choice” or integrating market-rate and low-income housing in one place.<sup>20</sup>

In their radicalism, economic human rights frames challenge hegemonic power structures. They demand transformation of mainstream, institutionalized norms and

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<sup>20</sup>EHR frames also re-center marginalized communities’ histories and beliefs as the guiding frameworks for social policy action, as is the case of frames that are rooted in Black Liberation theory.



practices, such as laws enabling the demolition of “shelter of last resort” for the poorest communities in the US, or social policy that encourages the displacement of low-income communities from their homes and neighborhoods via the demolition of public housing and its replacement with mixed-income communities that offer fewer deeply subsidized units and tighter eligibility restrictions for the poorest potential tenants, many of whom previously leased said units.

Economic human rights claims manifested in New Orleans demanded that public housing be re-opened immediately (following modest storm-related repairs), that public housing residents be repatriated in their former homes, and that any planning for public housing sites be led by or centered on the needs and input of tenants, with technocratic professionals playing a supporting or facilitating role. Furthermore, they called for a transformation in the policies governing the provision and maintenance of public housing as well as disaster response, by halting the further integration of public housing into the market, eliminating the treatment of housing as a market-based commodity available only to the deserving (whether by ability to pay or by social sanctioning – e.g., no drugs, no criminal records), and integrating federal disaster response into universal human rights treaties guaranteeing shelter and participation in recovery planning for those internally displaced by extreme events.<sup>21</sup>

Yet, there was no room for explicit economic human rights frames in the institutional channels through which HRO worked, in which powerful mainstream anti-poverty and housing organizations such as HousingOrg or the non-profits charged with redeveloping one of the Big Four projects enjoyed disproportionate financial resources and political access to lawmakers on Capitol Hill, in part by their support for and execution of mixed-income housing policies and programs. HRO staff and their national and local partners in interviews independently characterized this schism as one between the “grassroots” or “community” and the “policy” advocates with whom they collaborated. The grassroots and policy advocates “really had to learn to work together,” one HRO staff member explained.<sup>22</sup> The “policy circles” active after Hurricane Katrina to win federal recovery legislation often had “very little room for the concerns of the community,” said another HR activist, a problem of incorporating community voice into legislative advocacy that was not unique to post-Katrina New Orleans, in this person’s experience.<sup>23</sup> Upon reflection, the HRO coordinator in New Orleans believed that participating in a formal legislative advocacy Campaign in the US South under the Bush Administration created a political climate that was not conducive to human rights messaging. Yet, she maintained that her policy advocacy colleagues were calling for human rights-based recovery without naming it as such, and that fundamentally an end result of good policy recommendations was what mattered.

By joining the Campaign in the Gulf Coast to advocate for equity and inclusion in Washington, HRO acquiesced to the Campaign’s strategy to integrate participant organizations into existing power structures and its willingness to embrace existing social policies, albeit expanded to designate special funding and legislation for the extraordinary disaster that had befallen the Gulf Coast. The Campaign and its powerful allies actively silenced and distanced themselves from HRO’s economic human rights message, believing it damaging to their desired success of securing

<sup>21</sup>HRO and its allies are now focused on reforming The Stafford Act in this manner.

<sup>22</sup>Interview with HRO staff, June 27, 2008.

<sup>23</sup>Interview with HR to Housing campaign program manager, July 1, 2008.

phased redevelopment of public housing and by association, fulfilling the right of public housing residents to return to New Orleans and participate in recovery planning. Campaign leadership also saw public housing activism as only one strand of a broader platform of equitable redevelopment, and therefore believed EHR framing and HRO's representation of public housing residents was potentially distracting and damaging to pursuing this overall legislative agenda. Most importantly, Campaign leaders and powerful organizational participants saw success as occurring through following established institutional paths to power of allying with Senators, supporting their compromises to ensure legislation passed, and accepting the power of HUD to demolish and replace public housing in New Orleans with mixed-income models. Because this was the chosen strategy, emphasizing resonant advocacy frames that "mutually affirmed" existing institutional channels, more radical frames such as economic human rights were actively marginalized and divorced from the Campaign. HRO set itself up for this discordant outcome by trying to marry a radical frame with a resonant, institutional strategy in the larger discursive opportunity structure of post-Katrina, US anti-poverty and affordable housing activism.

### **Human rights, neoliberalism, and liberal urban policymakers**

HRO's efforts in post-Katrina New Orleans were part of a new organizational model of activism emphasizing community leadership and participation, a move away from its more traditional top-down model of mobilization. It viewed its Katrina response as one step in trying to "become more of a movement organization" and planned to use it to inform its future economic human rights work.<sup>24</sup> Yet it found its HR to Housing message stonewalled within the HCD field it entered in post-Katrina New Orleans, forcing HRO to choose between "[trying] to be grassroots" versus pursuing "the policy piece" that might restore the economic human rights of public housing residents.<sup>25</sup>

In thinking about this case, an important question for urban scholars is: Why does this discursive opportunity structure constraining economic human rights exist in New Orleans after Hurricane Katrina, and in the US, more broadly? The institutional actors with whom HRO worked are part of a liberal reform tradition oriented towards program and service delivery that emerged out of urban community development activism of the 1960s and 1970s (Luft 2009, Newman and Lake 2006). In contrast to HRO's internal efforts to become more movement-oriented, these institutional actors have strayed far from their original community development movement roots. Today, nonprofit and private sector housing developers, funders, policy advocates and service providers who take public money and connect it with private dollars to demolish public housing and develop mixed-income communities are key producers of a neoliberal agenda of privatization; state retrenchment and devolution; and rising economic, political and social inequality. As contractors of state-funded services and programs (Marwell 2007, Newman and Lake 2006), our programmatic actions and discursive work are key to advancing neoliberal discursive frames such as "concentrated poverty," which obscure the historical and racialized nature of urban inequality (Crump 2002, Wacquant 1997).

<sup>24</sup>Interview with HRO staff, October 22, 2008.

<sup>25</sup>Interview with HRO staff, August 6, 2008.

That “well-meaning advocates for the poor” (Crump 2002, 593) adopt these frames and contribute to devising neoliberal solutions “lends an aura of social scientific respectability to radical changes in federal housing policy” (Crump 2002, 568; see also Bennett and Reed 1999). It is a radically conservative politics disguised as liberal pragmatism when situated in the practices and authority of the HCD field.

Liberal urban policymakers take a professionalized, reformist approach, aimed at ameliorating urban problems rather than pursuing structural transformation of society (O’Connor 2001). Our work is self-styled as an apolitical, rational, empirically-grounded approach to urban problems in which technical, objective knowledge is applied to reducing poverty, racial segregation, joblessness, and homelessness. Yet, this work is actually deeply political, often viewed by the low-income communities of color we are meant to “help” as the efforts of a “non-profit industrial complex” (Luft 2009) effectively carrying out a radical, neoliberal policy agenda. In New Orleans, “ahistorical” and “deracialized” policies (Crump 2002) disappear the specific history of political corruption, institutional racism, violence and gentrification that fosters the deep distrust of many low-income and Black New Orleanians for structures of political authority (Hirsch and Levert 2009, Nelson, Ehrenfeucht, and Laska 2007). Spatialized solutions such as demolition and mixed-income redevelopment hide the complex socio-political factors contributing to urban inequality (Crump 2002). For us to recognize the “right to housing” in a historical and cultural context like Hurricane Katrina, which triggered substantial, involuntary Black migration and an enormous wealth transfer from the poor to the rich, demands we confront our own complicity in this regime. For most housing advocates, “well-meaning” people who often come out of community-based housing and CD movements but have either succeeded in the HCD field by institutionalizing or leading formalized organizations (or are coming of age in the formal, professional, self-described apolitical HCD environment of today), acknowledging this complicity and “symbolic power” (Bourdieu 1986, 1987, Swartz 1997) is anathema to the community-building, social justice work we see ourselves doing. From our situated social positions (Young 2002), it is very difficult to see the middle-class, “bourgeois project” (Peck 2006) we are constructing around urban poor communities of color.

For example, at one meeting of HCD professionals and policymakers in 2007, a white woman executive of a powerful Beltway affordable housing advocacy organization declared her desire to see the projects in New Orleans transformed to mixed-income communities because they didn’t meet her personal-professional standard, which is that if she doesn’t want her mother to live there, no one should. An executive of a national non-profit developer involved in transforming New Orleans public housing described to me why mixed-income housing in a city where she had previously worked was so successful, and in doing so she employed the theoretical (and unproven) idea that proximity to middle-class residents instills different values and behaviors in low-income residents (see Joseph, Chaskin, and Webber 2007).

In periods of crisis – such as disasters – radical policy changes can be pushed through in a deliberate and carefully crafted manner, relying on strategically developed frames. In the case of Hurricane Katrina, right-wing scholars used skillful rhetoric situating failure with the welfare state to justify post-disaster retrenchment, privatization and containment of services to the “deserving” poor (Peck 2006). Yet,

to make the claim of poor and working-class Black New Orleanians' right to space and participation in Hurricane Katrina recovery is an equally radical act. To demand the "right of return" and the "right to housing" is to confront "neoliberal racial regimes" (Camp 2009), to object to a "politics of disposability" (Giroux 2006) or of "abandonment" (Gilmore 2002, quoted in Camp 2009), and to embrace historical struggles for self-determination, self-governance, human rights and freedom from oppression (Camp 2009, Daniels 2007, Muhammad 2006, Somers and Roberts 2008). Employing human rights frameworks is a discursive strategy of resistance by low-income urban communities of color responding to the discursive regime of "deconcentration" and housing "opportunity" (Pfeiffer 2006). Unfortunately, on the political left, there was no similarly available discursive opportunity structure to mainstream previously radical frames as enjoyed by conservative activists and scholars under the Bush Administration and a Republican-controlled Congress in the wake of Katrina, in part due to HCD advocates' trepidation in explicitly acknowledging the historical racial injustices at the root of Katrina's destruction and of housing inequality more broadly. Thus, it is no surprise that this revolutionary, global, grassroots direct rhetoric of public housing residents' human right to housing should fail to find allies within mainstream HCD legislative advocacy circles.

### Changing the discursive opportunity structure in the HCD field

Social justice rhetoric for the right to housing (and the right to the city) is resurfacing in urban scholarship. Bratt, Stone, and Hartman (2006) recently called for a new social agenda in the US, centered on the "Right to Housing," based on past federal commitments as well as the economic human rights enshrined in the United Nation's Universal Declaration of Human Rights (UDHR) and International Covenant on Economic, Social and Cultural Rights (ICESCR). Slater (2009) presses urban scholars and policymakers to reframe housing as a social justice issue, versus its assessment as a consumer commodity in "policy-relevant" scholarship funded by and thus furthering the project of the neoliberal state.

In New Orleans, the "Big Four" have come down and mixed-income developments are rising in their place, in fits and starts brought on by the current recession. The fights for the "right of return" and right to housing of displaced New Orleanians are on-going.<sup>26</sup> Some struggles have expanded into the "right to the city,"<sup>27</sup> lawsuits continue, and HRO's and others work has shifted to overhauling the Stafford Act, the existing federal legislation that guides governments' disaster response. More broadly, there is emphasis within HCD practice for more deliberative, democratic or participatory processes to better incorporate low-income community stakeholders. Such inclusionary efforts are especially critical in the aftermath of disasters (Nelson, Ehrenfeucht, and Laska 2007, Olshansky 2005). There was also hope among HR and housing advocates alike that the Obama Administration signaled a new moment in the recognition of human rights and the

<sup>26</sup>Nguyen, Tram. "Pushed out and pushing back in New Orleans." *ColorLines*, April 7, 2010. <http://www.colorlines.com/article.php?ID=701&p=1>.

<sup>27</sup>Chen, Michelle. "Democracy begins at home: Public housing tenants without a voice." *RaceWire*, March 4, 2010. <http://www.righttothecity.org/democracy-begins-at-home-public-housing-tenants-without-a-voice.html>.

prioritizing of affordable housing, with some early indication that this was the case (pers. comms., January 23, 2009).

My larger concern echoes that of critical urban theorists (Brenner 2009, Slater 2009), that urban scholarship and practice is complicit in a larger neoliberal project that worsens urban inequality and makes our work exponentially more difficult, by preventing truly transformative change via productive alliances with low-income communities of color. I used this single case of the limits to a rights-based framework in the highly contentious, highly mobilized environment of post-Katrina New Orleans to demonstrate this extremely problematic operating environment.

Several of the activists and advocates I interviewed described New Orleans as the most politically charged and difficult environment they had ever worked in – worse than the “Middle East,” worse than fighting for immigrant rights in the US (pers. comms., October 24, 2008).<sup>28</sup> New Orleans may be exceptional in its contentious neighborhood and racial politics, but it is not “the exception” when it comes to institutionalized racial inequality (Frymer, Strolovitch, and Warren 2006). As urban scholars and practitioners, we need to reintroduce the persistence of racial inequality and racial oppression into our analyses of urban inequality, and devote the effort to address the specific historical and cultural contexts of the urban social problems we seek to solve at the local level. Those of us in academia enjoy a unique intellectual freedom to shift the terms of debate that comprise the discursive opportunity structure. We also need to pursue transformative change in the HCD field, starting by linking our work to broader social movements and mobilizations that confront social exclusion and the rights of the poor to urban space. We need to identify a progressive funding and mass base for this work; we need more cooperative and dense housing forms in order to relieve the costs of housing. We must also push for policies that restore federal funding for housing and community development to at least pre-Reagan levels.

But most important is our need to overhaul the political and policy environment in which housing is produced, designed, funded and built – challenging the notion that housing is a market-based commodity not accessible to every resident of the nation. Ferree (2010) defines a discursive opportunity structure as the power structures that shape discourse by making some frames, repertoires, and ideas institutionally advantaged – what she calls “resonant” – versus institutionally disadvantaged, i.e., “radical.” Although a small number of urban scholars have long been arguing for a more inclusive, rights-based housing policy framework (see Hartman 1998, for example), this work is far from complete and only modestly championed. The task remains within the HCD field to restructure the discursive opportunity structure that marginalizes rights-based repertoires in favor of safer, more resonant frames of housing choice and housing opportunity. We must push to reframe housing as essential to meeting basic needs, and the government’s and our civic obligation to providing it. Policies that incorporate this language and mandate must be developed, introduced and strenuously championed. For those of us who straddle the border between theory and practice, often a disdained space in positivist academic environments, we need to undertake this discursive and ideational work within the academy as well as on the ground. There is work to be done for everyone

<sup>28</sup>See also Sinha, Anita. “Damaged roots in the fight for public housing?” *Poverty in America* blog, Change.org, February 25, 2009. [http://uspoverty.change.org/blog/view/damaged\\_roots\\_in\\_the\\_fight\\_for\\_public\\_housing](http://uspoverty.change.org/blog/view/damaged_roots_in_the_fight_for_public_housing).

along the HCD spectrum, but fundamentally we – especially the next generation of HCD scholars and advocates – owe low-income urban communities a deep, critical and reflective practice and scholarship as we enter an increasingly urbanized, uncertain, and unequal future.

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