

Tuesday Report, August 18, 2015

"In digital era, privacy must be a priority. Is it just me, or is secret blanket surveillance obscenely outrageous?" ~ Al Gore

Almost a decade after Hurricane Katrina, New Orleans' Lower Ninth Ward is desolate. Distorted press, bad politics and prejudice combined to keep the community, once host to thousands of black homeowners, a ghost town. See the first two articles below.

The AT&T has partnered with the National Security Agency to share thousands of communications, a practice that tests the boundaries of the Fourth Amendment. See "AT&T helped the National Security Agency spy on the Internet on a vast scale," page 20.

The week's policy-related articles are attached below.

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U.S. civil rights leader Julian Bond dies at 75

Housing and Land Use

Why the Lower Ninth Ward Looks Like the Hurricane Just Hit

The neighborhood's stalled recovery is the self-fulfilling prophecy of political leaders who wrote it off from the start.

By Gary Rivlin *The Nation* August 13, 2015

<http://www.thenation.com/article/why-the-lower-ninth-ward-looks-like-the-hurricane-just-hit/>

A block and a half separate Henry Irvin's house from the bayou that serves as the northern border of the Lower Ninth Ward in New Orleans. Modest single-family homes used to line both sides of the street, before Hurricane Katrina hit in 2005. Today, it's all but empty. Irvin, a 79-year-old widower with two bad knees, has no neighbors between him and the bayou. Facing in the other direction, Irvin stares into a similar solitude: There's a falling-down house two lots away and a small Baptist church at the end of his block, but otherwise Irvin—a man often called the “mayor of the Lower Ninth Ward,” even by the city's current mayor—lives here alone. One block over, on Tricou Street, there are six occupied homes, a veritable metropolis in this corner of the community. In whatever direction Irvin points his red truck, he traverses entire blocks choked with vegetation, devoid of both houses and people.

Ten years have passed since a series of catastrophic levee breaches caused the Lower Ninth Ward, along with most of New Orleans, to flood. The city, state, and federal governments have invested more than \$600 million in the Lower Ninth, a relatively compact community that measures 20 by 25 blocks. Foundations have contributed tens of millions of dollars to the area. Brad Pitt alone has raised nearly \$50 million through the Make It Right Foundation. Tens of thousands of volunteers have done work in the community. All of which raises the question: Why do large stretches of the Lower Ninth still look as if the levees failed only a year ago?

Simple economics has played a big part. Prior to Katrina, the Lower Ninth—a community sometimes referred to as “Backatown”—was home to many of the housekeepers, kitchen workers, and others who kept the tourism industry going in New Orleans. Another large share of its people were retirees who, like Irvin, lived on a fixed income. The average resident survived on \$16,000 a year, and more than one in every three residents lived below the poverty line.

But more than economics is at play in the stalled recovery of this community, which was more than 98 percent black at the time of Katrina. The Lower Ninth has always been a place apart from the rest of New Orleans, a small village rather than one neighborhood among many. Much of that is geography. The community is downriver from Uptown and the French Quarter—as downriver as it is possible to be while remaining in New Orleans. The only way to get there is by bridge. The community's personality before the storm felt more Mississippi Delta than big-city jazz. Residents raised chickens in the yard. They grew vegetables and fished for dinner. They tended to be country folks who went to bed a lot earlier than their city kin. “Before Katrina,” Irvin says, “I could tell you the name of everyone all the way from the bridge on down.”

While this separation made the Lower Nine, as residents tend to call their neighborhood, a distinct and vibrant place, it also left it vulnerable when disaster struck. The shame is that a mix of misperceptions and racially informed myths about the Lower Ninth Ward set the stage for one misguided policy choice after another, at all levels of government. Despite the well-meaning efforts of thousands of volunteers and hundreds of millions of dollars in private donations and public aid, the desolation of Henry Irvin's community today is a self-fulfilling prophecy.

Just two weeks after Katrina, with 80 percent of New Orleans still underwater, the city's emergency-operations director, Terry Ebbert, told a New York Times reporter as they flew over the Lower Ninth in a Black Hawk helicopter: “There's nothing out there that can be saved at all.” Two main streets bisect the neighborhood, Claiborne and St. Claude avenues. The slice north of Claiborne, nearest to the levee breach, was decimated. But the part between Claiborne and St. Claude looked a lot like the rest of New Orleans, and the part between St. Claude and the Mississippi River (a community of historic houses called Holy Cross) looked better than many other sections of the city. Yet Ebbert and other key players in the recovery were already writing off the neighborhood. Around the same time that Ebbert was up in the Black Hawk, Alphonso Jackson—who, as President George W. Bush's secretary of housing and urban development, would play a central role in the city's redevelopment—offered his own death sentence. After a meeting with then-mayor Ray Nagin, Jackson reported to the press: “I told him I think it would be

a mistake to rebuild the Ninth Ward.”

Home ownership in the Lower Ninth was high before Katrina—higher than in most other parts of the city. I once thought that neighborhood advocates had a tendency to repeat this fact with an exasperating redundancy, but then I sat down in 2013 with Ryan Berni, the press secretary for New Orleans Mayor Mitch Landrieu, who came to office in 2010. More than seven years after Katrina, Berni told me that a “lack of home ownership in the community” was the main reason the Lower Ninth was still suffering.

The community was certainly hardscrabble, a home to the working poor. But it was also home to strivers like Irvin, a college-educated son of the Lower Ninth who worked as a shop supervisor at a federal facility that built fighter jets. Yet in the days after the levees failed, the community was cast as though it were little different from a run-down slum on the edge of some city in the developing world. “We weren’t even given the credit of being working-class people,” said Ronald Lewis, a retired streetcar repairman whose home was flooded, in an interview with NPR’s Debbie Elliott.

At least Kathleen Blanco, the white Democrat serving as Louisiana governor when Katrina hit, didn’t single out the Lower Ninth as a lost cause. But she was the architect of a recovery effort called Road Home, a federally funded program whose failures go a long way toward explaining the current state of the neighborhood, and of other parts of black New Orleans that are still far from a full recovery. Whether or not by design, this nearly \$10 billion plan, billed as the largest housing-recovery program in the country’s history, favored the middle class over the working class, and white communities over black ones.

Blanco also engineered the state’s takeover of most of the city’s public schools, which made the governor responsible for another big policy failure after Katrina: neglecting to reopen the schools in many New Orleans communities, including the Lower Ninth—a basic prerequisite for families to return home.

Jenga Mwendo, who was raised in the Lower Ninth, described it all as a “horrible snowball effect” that ensured her community would struggle to revive itself. Mwendo had bought a home in the Lower Ninth a month before Katrina. “The city said the Lower Ninth wasn’t coming back, so then it was, ‘Why bother rebuilding the schools there?’” she said. “Businesses don’t want to come here, because how can they make money when there’s so few people living here? But people don’t want to come back because there’s no businesses. It was this crazy downward spiral.”

Elevation is destiny in New Orleans. That never seemed more obvious than in the months after Katrina, when the city openly debated the wisdom of converting some of its lowest-lying communities back to swampland. “Shrink the footprint,” the outside experts advised. A city once home to more than 600,000 people, and which had already lost more than a quarter of its population in the decades of white flight that preceded the flood, needed “rightsizing.” Invariably, the Lower Ninth Ward was the first community mentioned—and sometimes the only example offered—by anyone believing that New Orleans needed to reduce its urban footprint.

Yet the Lower Ninth isn’t particularly low-lying. Its name dates back to the construction, in the 1920s, of a shipping channel that cleaved the Ninth Ward in two, creating an Upper Ninth and a Lower Ninth. Large stretches of New Orleans are situated on land with a lower elevation; by contrast, much of the Lower Ninth is above sea level and outside the danger zones delineated on Federal Emergency Management Agency flood maps. Lakeview, for instance, a prosperous white community that flooded after Katrina, has many areas with a lower elevation than the Lower Ninth. So, too, does New Orleans East, home to a large portion of the city’s black middle and upper classes. But the Lower Ninth was a less affluent black community at a time when city officials were worried that New Orleans didn’t have the resources to survive. Even Nagin made sure that everyone would assume the worst about the Lower Ninth when he said, erroneously, shortly after Katrina: “I don’t think it can ever be what it was, because it’s the lowest-lying area.” This false assumption—that the Lower Ninth was too vulnerable to rebuild—seemed to inform a series of policy decisions. Long after other flooded communities were reopened, the Lower Ninth’s residents were barred from returning even to assess the damage. The city reopened Lakeview and New Orleans East approximately one month after the flood, while armed troops continued to stand guard at the bridges into the Lower Ninth. Three more months passed before

the troops were ordered to stand down and residents were allowed to visit their homes. A few weeks later, the city announced that it would start bulldozing in the Lower Ninth, sparking a legal battle that dragged on for months. Locals recognized that many homes needed to be demolished, but these people were also scattered across the country in the wake of the storm and wanted time to at least pick through the remains in search of mementos that might have survived. The Lower Ninth was also the last neighborhood in New Orleans to have its electricity restored. It was the last place in New Orleans to have drinking water. The first FEMA trailers didn't arrive in the area until around June—more than six months after people in other communities got theirs, allowing them to start working on their homes. By that point, people all over the city had already been meeting for months to set priorities in rebuilding their flooded neighborhoods. “It was the people with means who got back to the city first,” said Greta Gladney, a local policy advocate whose roots in the Lower Ninth extend back four generations, “and they were the ones making the decisions.”

* * *

Katrina was a major disaster, but people saw opportunity in the ruins—including those eager to remake the city's public schools. Two years earlier, the state had created a Recovery School District (RSD) to take over failing schools around Louisiana. But a body intended to serve as temporary custodian over a few schools at a time was given control of most of the district's more than 100 schools shortly after Katrina. “The storm gave us the perfect opportunity to rebuild the school system from the ground up,” former governor Blanco told me. “And I was intent on seizing that opportunity.”

This meant placing a white-majority board based in Baton Rouge in charge of a district that was 94 percent black at the time of Katrina. The new superintendent had been an elementary-school teacher in Baton Rouge and didn't seem to know the city, so Hilda Young, an administrator in the Orleans Parish School District (at least until she and every other district employee were fired en masse), offered to give her a driving tour. “She knew nothing about the city, so I wanted to at least show her where the schools were,” Young said. “But there was no interest.” Nor was there any public debate about whether to rebuild any schools in the Lower Ninth Ward, Young added—only a shrugging disregard whenever local school officials approached someone in Baton Rouge. Neighborhood organizers were left trying to open the schools themselves. Less than two months after Katrina, the principal of the Lower Ninth's Dr. Martin Luther King Jr. Elementary School, Doris Hicks, and her staff were already plotting their return in time for the start of the next academic calendar. Their old school sat derelict on Claiborne Avenue, a half-dozen blocks from the levee breach. They appealed to the state for an alternate site while they refurbished the old one. The RSD assigned them to a moldy building with peeling paint, in such lousy shape that it had already been shuttered before the storm (“The rodents were probably saying, ‘You moving into our school?’” Hicks joked), so King Elementary held its first day of classes on the school's front steps. “Teachers had lessons, gave homework,” said Hicks, who grew up in the Lower Ninth. “Hot breakfast every day, hot lunch. I wanted the world to see: We're ready to educate our children of color. But we seemed to be the only ones who cared about really doing that.” An outside engineering firm had deemed the school's original building structurally sound, but that didn't seem to matter to education officials in Baton Rouge: The Recovery School District declared the building a hazard and ordered it razed. “Their attitude was, ‘The mayor is going to green-space the neighborhood anyway,’” said Young, who was helping Hicks revive King Elementary. “That's when we realized they didn't want us to open. That's when we realized they didn't want any of the schools in the Lower Ninth to reopen.” Rather than accept the state's verdict, Hicks reached out to Common Ground, a group founded immediately after the storm by Malik Rahim, a former Black Panther who lived in a part of the city that had not flooded. Common Ground mobilized the volunteers needed to clean and gut the school. Two police officers were standing in front of the school on the day that 250 volunteers showed up, but Hicks had the support of the local sheriff. “We just cut those big padlocks off all the doors, and everybody got to work,” she said. The next fight—over a new high school for the area to replace the one that had been destroyed—would stretch on for years.

Henry Irvin lives north of Claiborne, in the hardest-hit section of the Lower Ninth. His solidly built

brick house was nearly 20 blocks from the levee breach, but it was still in the flood zone. “This here is the lowest-lying part of the neighborhood,” Irvin says. “You can’t see it with the human eye, but water’ll show you when it rains.”

Irvin is a light-skinned black man with blue eyes, a gravelly voice, and a penchant for telling the truth even if people don’t want to hear it. (Of one local politician, for instance, he quips: “Light, bright, and wants to be white.”) Irvin’s family first moved to the Lower Ninth when he was a teenager. He’s an Air Force veteran with degrees in accounting and business administration from Dillard University, a historically black college in New Orleans. He made a good living working first for Boeing and then for Lockheed Martin, but he was a married father of three, always hustling to make extra money. “I did anything legal to make a dollar,” Irvin says. After a janitor friend taught him how to strip and buff a floor, he bought a buffer and earned extra money for years doing floors at night and on weekends.

Irvin was fortunate: Unlike many in the Lower Ninth, he carried flood insurance and had money in the bank. Confident that he had enough money to rebuild, he asked FEMA to deliver a trailer to his property. Irvin claims he was told that the government wasn’t placing any trailers in his corner of the Lower Ninth, so instead he shared a 300-square-foot FEMA trailer with his son in another part of the city while a crew worked on his home. He moved back into his house in March 2008, on what would have been his 51st wedding anniversary. (His wife died in 1993.)

Theoretically, Irvin’s neighbors should have started moving back by then, too. The federally funded, state-run Road Home program had been designed to make stricken homeowners financially whole—to help people who might have gotten some insurance money, but not enough to rebuild. However, the program was undermined by the fact that payouts were determined by the pre-Katrina value of a home, not the post-Katrina rebuilding costs.

As designed, Road Home paid as much as \$150,000 to a homeowner to make up the difference between a home’s appraised value and the insurance payments. For example, a Lakeview couple who received a \$200,000 insurance check on a 2,000-square-foot home valued at \$350,000 would get the full \$150,000 difference from Road Home, while a Lower Ninth Ward couple who received a \$40,000 insurance check on a 1,200-square-foot home valued at \$70,000 would receive \$30,000 from Road Home. But rehabbing a house cost roughly \$100 a square foot in post-Katrina New Orleans, whether in Lakeview, where home prices were high, or in the Lower Ninth, where they were low. So it would cost our Lower Ninth couple somewhere around \$120,000 to rehabilitate their home—nearly double the money from insurance and Road Home combined.

Ironically, Road Home also turned the Lower Ninth’s history of home ownership against it. It was a community in which homes had been passed down over generations, from grandparents and great-grandparents. Yet qualifying for a Road Home payment meant enduring an arduous and rigid bureaucratic process that required applicants to demonstrate clear proof that they owned a property—something many families could no longer easily produce. And without a paper trail proving ownership, a homeowner received nothing.

Charging that Road Home discriminated against African-American homeowners, housing advocates sued both the federal government and the state in 2008. To pressure the government into settling, a federal judge announced in 2010 that he was inclined to rule in favor of the plaintiffs. By that point, however, the state had spent all but \$500 million of the program’s more than \$10 billion. In 2011, the Obama administration settled the suit, and the state agreed to pay out an additional \$62 million to some homeowners.

The first volunteers descending on the Lower Ninth proved critical in helping a neighborhood that many didn’t see as worth saving. Legions of Common Ground volunteers, nearly all of them out-of-town whites, helped locals gut more than 3,000 homes and churches in the Ninth Ward. Solidarity, not charity, declared a sign spray-painted with the group’s motto. A row of empty lots in the Upper Ninth was converted into a one-stop hurricane-relief center, where volunteers handed out bleach to help homeowners kill the mold that had become a menace in flood-damaged houses, and established a tool-lending library that included sledgehammers, crowbars, and respirators.

Over time, nonprofits began setting up shop in the Lower Ninth, aided by the outside cash that rained down on New Orleans after Katrina. “There was this giant wave of philanthropy rushing to

town,” said Carey Shea, who was working for the Rockefeller Foundation at the time, “and a lot of it ended up in the Lower Ninth.” Willie Calhoun, a resident who was involved in the fight to bring more schools to the area, counted 52 nonprofits working there. Organizations formed to help fight for better food access in the area; groups were created to house volunteers. Others focused on reclaiming the bayou, a once-thriving wetland that now looks like a stagnant swamp, or funded those seeking to create art or performances that pointed the way to a more healthy recovery. The rapper Lil Wayne, a New Orleans native, and the philanthropic arm of Mountain Dew contributed money to open a skateboard park.

Yet despite this outpouring, precious little of the outside money was used to address the community’s biggest, most basic needs: housing and schools. Common Ground tried getting into the home-building business. “Drive around—we still need thousands of houses,” said Thom Pepper, the group’s executive director. But Common Ground would build only 10 houses in the Lower Ninth before shifting its focus to job training, wetland restoration, and the legal clinic it operates in the neighborhood. “It’s important for an organization to figure out its strengths,” Pepper said.

From the start, Brad Pitt, a self-described “architecture junkie,” was focused on building houses. The actor started showing up regularly after Katrina, offering the promise of green homes (all certified “platinum” by the US Green Building Council’s LEED program) that would never cost a resident more than 30 percent of his or her income. Under pressure from locals, Pitt agreed to focus his attention on the streets closest to the levee breach, where few houses had been left standing. He threw in \$5 million of his own money and then started hitting up his rich friends. In March 2008—the same month that Henry Irvin moved back home—former president Bill Clinton showed up for a groundbreaking ceremony for the first of Pitt’s Make It Right houses. Until then, Pepper said, city officials wouldn’t even commit to bringing streetlights or street signs to the area.

This is not to say that Pitt’s houses haven’t stirred up criticism. Residents living in a Make It Right home tend to feel something like love, but Henry Irvin is among those not impressed with the strangely shaped, pastel-colored shotgun homes. “They’re the ugliest houses I’ve ever seen,” Irvin says.

But the main complaint voiced about the Make It Right houses is economic rather than aesthetic. People roll their eyes at the spread between home prices in the Lower Ninth and Make It Right’s costs. The first houses that Pitt’s group built cost more than \$400,000 each to construct, in a neighborhood where home prices are closer to \$100,000. The group claims it has gotten the cost per home down to between \$180,000 and \$220,000, but that doesn’t include the organization’s considerable overhead. By contrast, in Gentilly, a black middle-class neighborhood also devastated by flooding, a nonprofit set up by Barnes & Noble mogul Len Riggio has built more than 150 homes for \$30 million, or \$200,000 a home, including overhead.

The Lower Ninth is safer today than it was 10 years ago. The federal government has closed the Mississippi River–Gulf Outlet Canal, or MR-GO, an underused, 76-mile waterway built 40 years earlier to spare ships from navigating the twists of the Mississippi River to get through southern Louisiana. Two federal judges have ruled that MR-GO was in part responsible for the flooding of the Lower Ninth and St. Bernard Parish. The US Army Corps of Engineers spent roughly \$1 billion on a 1.8-mile surge barrier that should help fortify the Lower Ninth from future flooding. Even so, Irvin is taking no chances. He still has no carpeting, and the art and pictures on his walls are hung with tape or tacks. “You could say I’m feeling a little skeptical about our government and the promises they make,” he says.

Yet he has seen progress in the last few years. The city finally opened a new FEMA-financed fire station in the Lower Ninth, and in May, dignitaries were again in the neighborhood to celebrate the opening of a community center on Claiborne, also paid for with FEMA money. A new high school is expected to be ready next year. Even the roads promise to improve: In 2011, Mayor Landrieu dedicated \$45 million from the city’s FEMA Recovery Roads Program to street repairs in the Lower Ninth. The Lower Ninth Ward Homeownership Association has created a “House the 9” program to help locals get their fair share of a little more than \$100 million in Road Home–related

money that's still available.

The Holy Cross corner of the Lower Ninth is doing relatively well today. But that's partly because newcomers, many of them white, are moving in: Holy Cross has regained an estimated 75 percent of its pre-Katrina population count, according to the New Orleans Data Center. Yet 10 years after the storm, the rest of the Lower Ninth has only 36 percent of its pre-Katrina population. Maybe the miracle is that there's even a Lower Ninth Ward to speak of today, Irvin says: "They never wanted us to come back."

Misleading reports of lawlessness after Katrina worsened crisis, officials say

National guard coordinator and ex-governor say tales of violence and looting – which hampered rescue work and led to quasi-militia groups – were exaggerated

***The Guardian* August 16, 2015**

<http://www.theguardian.com/us-news/2015/aug/16/hurricane-katrina-new-orleans-looting-violence-misleading-reports>

Misinformation during hurricane Katrina over how lawless New Orleans had become made the situation far worse, according to both the man who was in charge of the troops on the ground during the disaster and the state governor.

Lieutenant General Russel Honoré coordinated around 300 national guardsmen sent in to keep order in the aftermath of the hurricane which devastated the region 10 years ago this month.

While television images did capture people grabbing electronics and other valuable goods from local retail outlets, the majority of looters were hunting for bare essentials such as food, water, diapers, and medicine, he said.

In one incident at the time on Danziger bridge, two unarmed civilians were shot dead by local police.

In a Guardian interview, Honoré, now retired, said: "It was way over-reported. People confused looting with people going into survival mode. It'll happen to you and I if we were just as isolated." Honoré says once the military took hold of the city, he had to deal with "a constant reaction to misinformation ... Some of the [media] were giving information that wasn't correct ... Much of it was uncorroborated information probably given with the best of intentions." One such story came from within the ranks: Chris Kyle, the late navy Seal portrayed in the Clint Eastwood film American Sniper, claimed he sat atop the Superdome and picked off 30 looters.

Honoré describe claims by Kyle as "war story bullshit". "I was at the Superdome and would know if there was a rifle up there shooting. I can tell you there were no navy Seals operating as snipers in New Orleans."

Fear of looting also prompted local officials to overreact, he said. In a midweek press conference, Louisiana governor Kathleen Blanco warned looters that local troops "have M16s and they're 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."

Many took her words as a declaration of martial law, although Blanco told the Guardian that was never the intent. "I did not declare martial law. It was not legal," she said. Honoré said he disagreed with Blanco about the statement, telling her: "I don't think you want to put that out. Because while the local press may make you perceive you have civil disorder, you don't. Just because a reporter sees some dude in waist-deep water with a TV on his back is not a reason to shoot."

Blanco said her statement was intended to "stop the noise" and send the message, not just to looters but to everyone else, that things were under control.

Hyped stories were difficult to verify because of circumstance. Since the flooding confined the media largely to one area downtown, journalists could not report with depth what was happening in the neighborhoods, which created an information vacuum. Gunshots fired in the air, for example, intended to attract attention from rescuers were often translated as attacks upon helicopters.

Blanco said the media amplified stories of widespread violence it could not verify, which impacted rescue operations. For example, she said school bus drivers refused to drive their vehicles into New Orleans to help in the evacuation because of the dangerous situation they heard about on

television. Blanco enlisted the national guard to drive the buses instead.

“We knew there would certainly be some criminal element, but this rampant violence that was reported was definitely out of proportion to the reality. But in those moments, when we had so much work to do, the reports were frightening the rescuers. It just became very unnerving.”

At the time, fear of looting led to the formation of quasi-militia groups, primarily made up of white residents or local police, who guarded areas in and around New Orleans, leading to racially motivated violence that would take years to prosecute. One of the most serious cases involved members of the New Orleans police department who, six days after the hurricane hit, stormed a local canal bridge and fired upon a group of unarmed civilians, killing two men and wounding several others. Ronald Madison, one of the men killed, was mentally disabled. Court testimony show police shot him in the back with a shotgun and then stomped on him as he lay dying. A federal jury convicted five officers in 2012 of charges related to civil rights violations and obstructing justice, but due to prosecutorial misconduct, the convictions were overturned and a new trial is pending.

Other militia groups formed in and around Algiers Point, a primarily white enclave located across the Mississippi River from downtown New Orleans. Fear of looters led to the formations of barricades and guard posts in an effort to keep people seeking refuge at bay. Henry Glover, an unarmed black man, was shot and burned by local police officers, after he was discovered prowling a local strip mall looking for baby supplies. Gregory McRae, the officer convicted of burning Glover's body, is serving a 17-year federal sentence, while a federal jury acquitted David Warren, the second officer, saying Warren fired in self-defense, mistakenly believing Glover was armed. Two other officers were also acquitted.

In April, New Orleans coroner Jeffrey Rouse ruled that Glover died in a homicide, a reversal of a ruling from his predecessor who first ruled that the cause of death was accidental and then concluded that it was “undetermined”. It is not clear whether the new ruling will lead to new charges.

In 2012, current New Orleans mayor Mitch Landrieu announced the results of a consent decree between the city and the civil rights division of the US Justice Department in an effort to reform the police department. At the time, police superintendent Ronal Serpas said the reforms will help his department get “closer to becoming more of the NOPD we want to be” and will create “a model police department in the near future”. The Guardian requested a current response from the police department but had not received one at the time of publication.

Local police in Gretna, a predominantly white suburb on the city's West Bank, set up barricades on the Crescent City Connection, a federal bridge crossing the Mississippi River, refusing residents entry to their side. “Lots of these people were poor who were caught into something that was bigger than everybody,” said Leo Boeche, 61, a sergeant with the California National Guard who was leading a battalion into the city. When people started streaming across the bridge seeking shelter on foot and in buses, Boeche said, the local police started “pumping all their shotguns into the air” and told them to go back where they came from. They were working under the order of police chief Arthur Lawson, who ordered the federal bridge closed even though he did not have the authority to do so. “He was turning everybody back,” Boeche said.

Eighty per cent of New Orleans was submerged that first week, which sent thousands of people to the Superdome and the Ernest N Morial Convention Center, two large-scale facilities in the city's downtown that served as vestiges of last resort for people who had little means to evacuate the city days before.

Early news stories reported rapes and shootings in both facilities. In July 2006, the National Sexual Violence Resource Center reported that a total of 47 rapes took place during both Katrina and hurricane Rita, three weeks later. Thirty-one per cent took place in some kind of emergency shelter. The data is not from police reports but a result from an emailed survey sent to victim advocacy, criminal justice, and medical organizations that dealt with survivors.

New Orleans was in desperate need of a military presence because local police were undermanned due to flooded precinct buildings and officers not showing up for work because, like many in New Orleans, they were helping their families evacuate. Nearly 2,000 national guardsmen were sent from different states to engage in search-and-rescue missions that were performed door-to-door.

The guardsmen set up base in a middle school in the city's Uptown neighborhood, where they

searched houses for survivors by foot and by boat, using a platoon of boats they would find in backyards and garages. Mike Kelly, 60, a former sniper in Iraq who was shipped to New Orleans with the national guard, said people they encountered were often afraid of being forced to leave their houses.

"I would tell them: 'All you have to do is show me you have food and water and your animals have food and water and you can stay,'" he said. His battalion cleared 1,034 homes.

The most dangerous element in the early days of the flood consisted of drug addicts who were unpredictable, especially if armed, he said. They represented the majority of looters who were stealing in order to stock up on goods to pay for their habits. The Guardsmen often found stash houses filled with electronic goods intended for future sale.

Kelly says he also had to chase away another unpredictable form of looter: New Orleans police officers found rummaging through the local Walmart. He says his team discovered several officers grabbing sporting goods and clothing from the store, which had its doors ripped off their hinges. After an initial confrontation, the officers left. "I own this town. You don't. Now get the [expletive] out of here," Kelly said he told them.

In 2006, four New Orleans police officers were cleared of allegations of looting by the department, but each was suspended for 10 days without pay.

Many of the guardsmen arrived in New Orleans fresh from yearlong tours in Iraq. What they encountered during Katrina was eerily similar. Alan Miranda, 43, a national guardsman from San Diego and a corporal in Iraq in 2004, says because of the power outage, nighttime Humvee patrols were conducted in complete darkness. "It was about as close to a police state as you could get," he said.

When they arrived, they dealt with chasing looters and dodging potshots, but within a week, things had stabilized and the violence died down. However, encountering dead bodies in the water became common. Oftentimes, guardsmen were ordered to note the bodies' location for later pick-up. If the water was moving fast, they would be forced to tie the body to a permanent object. Many of the bodies Miranda said he discovered had obvious gun wounds, suggesting they "did not die of natural causes".

"There were a lot of grudges settled at that time," he said.

Kelly says most of the dead bodies he found had belonged to elderly people, including a man he found in a front yard whose right arm was apparently stuck in a hedge. "What bothered me is that someone ran out and left them," he says. "It broke my heart."

Occasionally there were brief signs of hope. On the second floor of an abandoned hospital, Kelly's team heard noise and found a litter of pit bull puppies, two of them dead. He found an empty trashcan and gently placed the surviving dogs inside, including the mother. He carried them back and handed them off to a local shelter.

Ten years later, the memory still burns. "It's the happy things you try to hang onto," he said.

America's Biggest Problem Is Concentrated Poverty, Not Inequality

Addressing income inequality is important, but worsening economic segregation has far more compounding effects.

By Richard Florida *CityLab* August 10, 2015

<http://www.citylab.com/housing/2015/08/americas-biggest-problem-is-concentrated-poverty-not-inequality/400892/>

Thanks to New York Mayor Bill de Blasio, economist Thomas Piketty, and, of course, the Occupy Movement, inequality is firmly on the national agenda. While income inequality has worsened considerably over the past couple of decades, America and its cities face a far deeper problem of increasing racial and economic segregation, along with concentrated poverty. Urban sociologists like Harvard's Robert Sampson and NYU's Patrick Sharkey have shown how concentrated neighborhood poverty shapes everything from higher crime rates to limited social mobility for the people—and especially the children—who live in these neighborhoods.

As my Atlantic colleague Alana Semuels has detailed, a new Century Foundation study from Paul Jargowsky, director of the Center for Urban Research and Urban Education at Rutgers University, reveals the devastating growth of geographically concentrated poverty and its connection to race

across America. To get at this, Jargowsky used detailed data on more than 70,000 Census tracts from the American Community Survey and the decennial Census to track the change in concentrated poverty between 1990 and 2013. Concentrated poverty is defined as neighborhoods or tracts where 40 percent or more of residents fall below the federal poverty threshold (currently \$24,000 for a family of four). The study looks at this change across the nation as a whole and within its major metropolitan areas.

The Statistics

The number of people living in concentrated poverty has grown staggeringly since 2000, nearly doubling from 7.2 million in 2000 to 13.8 million people by 2013—the highest figure ever recorded. This is a troubling reversal of previous trends, particularly of the previous decade of 1990 to 2000, where Jargowsky's own research found that concentrated poverty declined.

Concentrated poverty also overlaps with race in deeply distressing ways. One in four black Americans and one in six Hispanic Americans live in high-poverty neighborhoods, compared to just one in thirteen of their white counterparts.

The table below shows the percentage of inhabitants in high-poverty neighborhoods by age, as well as race and poverty status. Jargowsky finds that poor children are even more likely to live in high-poverty neighborhoods than poor adults. Poor black children under six years of age demonstrate the widest gap in poverty concentration (28 percent). In contrast, poor white children were less likely to live in high-poverty neighborhoods than poor white adults, and saw only a 6.2 percent gap in poverty concentration.

The report delves deeply into the geography of concentrated poverty. The Midwest (or North Central region), hard hit by deindustrialization and the economic crisis, has seen by far the largest increases in concentrated poverty, as the graph below from the report shows. Jargowsky notes that concentrated poverty more than tripled in Detroit, where the number of high poverty neighborhoods or tracts grew from 51 in 2000 to 184 by 2013. Over this time, concentrated poverty spilled out of the city and into the suburbs.

Housing Reform and More

As Jargowsky sees it, the rise of concentrated poverty is the consequence of deep and fundamental changes in the spatial organization of America, and the sorting of its population across cities and suburbs. As he explains it:

"Suburbs have grown so fast that their growth was cannibalistic: it came at the expense of the central city and older suburbs. In virtually all metropolitan areas, suburban rings grew much faster than was needed to accommodate metropolitan population growth, so that the central cities and inner-ring suburbs saw massive population declines. The recent trend toward gentrification is barely a ripple compared to the massive surge to the suburbs since about 1970."

He then adds, "Public and assisted housing units were often constructed in ways that reinforced existing spatial disparities."

As a consequence, the geography of concentrated poverty is no longer the exclusive province of the urban core, but has spread to the suburbs as well. The geography of concentrated poverty also reflects the rise of an increasingly spiky and uneven geography of economic growth, with small and medium-sized metros in the Midwest and parts of the Sunbelt being left furthest behind. Jargowsky notes that concentrated poverty is not inevitable, but rather the result of "choices" our society makes. To deal with it, he suggests two broad changes. On the one hand, he urges higher levels of government to implement controls over suburban development that can ensure that new housing construction is in line with the growth of a metro population. On the other, he suggests that these controls also ensure that new housing development matches the income distribution in the metropolitan area as a whole. "To some, this suggestion may seem like a massive intervention in the housing market," Jargowsky writes. "In fact, exclusionary zoning is already a massive intervention in the housing market that impedes a more equitable distribution of affordable housing."

In addition to these critical housing reforms, I would add three things. First, we not only need to build more housing, but to build affordable housing in increasingly unaffordable urban centers—something that is in line with Jargowsky's suggested reforms. Second, we need to act on the income side of the affordability equation by raising the minimum wage to reflect local living costs, while working hard to upgrade the wages and working conditions of the nation's more than 60 million poorly paid service workers. And third, we need to invest in transit to connect

disadvantaged areas in both the urban center and the suburbs to areas of jobs and opportunity. In short, concentrated poverty is deepening. Far more troubling than simple income inequality, our nation is being turned into a patchwork of concentrated advantage juxtaposed with concentrated disadvantage. The incomes and lives of generation after generation are being locked into terrifyingly divergent trajectories. Now more than ever, America is in need of new 21st century urban policy.

A family in public housing makes \$498,000 a year. And HUD wants tenants like this to stay.

By Lisa Rein *Washington Post* **August 17, 2015**

<http://www.washingtonpost.com/blogs/federal-eye/wp/2015/08/17/a-family-in-public-housing-makes-nearly-498000-a-year-and-hud-wants-tenants-like-this-to-stay/?hpid=z1>

A family of four in New York City makes \$497,911 a year but pays \$1,574 a month to live in public housing in a three-bedroom apartment subsidized by taxpayers.

In Los Angeles, a family of five that's lived in public housing since 1974 made \$204,784 last year but paid \$1,091 for a four-bedroom apartment. And a tenant with assets worth \$1.6 million — including stocks, real estate and retirement accounts — last year paid \$300 for a one-bedroom apartment in public housing in Oxford, Neb.

In a new report, the watchdog for the Department of Housing and Urban Development describes these and more than 25,000 other “over income” families earning more than the maximum income for government-subsidized housing as an “egregious” abuse of the system. While the family in New York with an annual income of almost \$500,000 raked in \$790,500 in rental income on its real estate holdings in recent years, more than 300,000 families that really qualify for public housing lingered on waiting lists, auditors found.

But HUD has no plans to kick these families out, because its policy doesn't require over-income tenants to leave, the agency's inspector general found. In fact, it encourages them to stay in public housing.

“Since regulations and policies did not require housing authorities to evict over income families or require them to find housing in the unassisted market, [they] continued to reside in public housing units,” investigators for Inspector General David Montoya wrote.

The review, conducted in 2014 and 2015 at the request of Rep. Phil Roe (R-Tenn.), found that 45 percent of the 25,226 public housing tenants with incomes higher than the threshold to get into the system were making \$10,000 to \$70,000 a year more. About 1,200 of them had exceeded the income limits for nine years or more, and almost 18,000 for more than a year.

HUD sets the low-income limits at 80 percent and very low-income limits at 50 percent of the median income for the local area. The agency sets “fair market rents” every year based on incomes, housing demand and supply. In Los Angeles, for example, the threshold was \$70,450 for a family of five. In Oxford, Neb., it was \$33,500 for an individual.

New York, Puerto Rico and Texas had the most over-income families in public housing, while Utah, Idaho and Wyoming had the fewest, investigators found.

About 1.1 million families in the country live in public housing. The over-income tenants represent 2.6 percent of the system. Based on these numbers, HUD officials said the inspector general was “overemphasizing” the problem. But the watchdog didn't buy it.

“Although 25,226 over income families is a small percentage of the approximate 1.1 million families receiving public housing assistance, we did not find that HUD and public housing authorities had taken or planned to take sufficient steps to reduce at least the egregious examples of over income families in public housing,” the audit said. “Therefore, it is reasonable to expect the number of over income families participating in the program to increase over time.”

The watchdog estimated that taxpayers will pay more than \$104 million over the next year to keep these families in public housing, money that should be used for low-income people.

But under HUD regulations, public housing tenants can stay as long as they want, no matter how much money they make, as long as they are good tenants. The agency is only required to consider a tenant's income when an individual or family applies for housing, not once they're in the system. This is different from the housing choice voucher program that used to be called

Section 8, which gives families subsidies for rentals in private apartment buildings. That program has an annual income limit; tenants who go above it get less money.

Tenants can wait years to get into both programs.

HUD tweaked its policy on high-earning tenants in 2004, encouraging the thousands of housing authorities in the system to move families out of public housing if they earn more than the income limit for their area. While HUD gives money to the housing authorities, they're run by states and local governments.

But the 15 authorities investigators looked at told them they had no plans to evict these families, because if they did, poverty would continue to be concentrated in government-subsidized housing. The goal, they said, was to create diverse, mixed-income communities and allow tenants who are making good money to serve as role models for others.

HUD officials repeatedly objected to the audit, saying that evicting over-income families could "negatively affect their employment and destabilize properties."

"There are positive social benefits from having families with varying income levels residing in the same property," Milan Ozdinec, HUD's deputy assistant secretary for public housing and voucher programs, wrote in a lengthy rebuttal to the inspector general.

"Forcing families to leave public housing could impact their ability to maintain employment if they are not able to find suitable housing in the neighborhood," Ozdinec wrote. "Further, for families with children, it may be more difficult to find affordable child care, and it may impact school-age children's learning if they are forced to change schools during a school year."

The watchdog said it didn't believe that HUD should kick out every family that earns more than the income threshold. But at the very least, the agency should create "limits to avoid egregious cases."

Renting in America Has Never Been This Expensive

By Prashant Gopal *Bloomberg Business* August 13, 2015

<http://www.bloomberg.com/news/articles/2015-08-13/renting-in-america-has-never-been-this-expensive>

Americans living in rentals spent almost a third of their incomes on housing in the second quarter, the highest share in recent history.

Rental affordability has steadily worsened, according to a new report from Zillow, which tracked data going back to 1979. A renter making the median income in the U.S. spent 30.2 percent of her income on a median-priced apartment in the second quarter, compared with 29.5 percent a year earlier. The long-term average, from 1985 to 1999, was 24.4 percent.

While mortgages remain relatively affordable, landlords have been able to increase rents because demand for apartments remains strong. The U.S. homeownership rate fell to the lowest level in almost five decades in the second quarter, as strict lending standards and tight inventories keep many families in the rental market.

Rental affordability worsened from a year earlier in 28 of the 35 largest metropolitan areas covered by Zillow. Rents were least affordable in Los Angeles, where residents devoted 49 percent of monthly income to rent. The share in San Francisco was 47 percent, 45 percent in Miami, and 41 percent in the New York metro area.

Meanwhile, historically cheap mortgage rates are keeping the cost of homeownership low. Buyers in the U.S. devoted 15 percent of their income to mortgage payments, which is less than the historical average of 21 percent. Exceptions include the Silicon Valley area in California, where homeowners and renters each devote 42 percent of income to housing costs.

RECA report on affordability blames city, neighbors

By Jo Clifton *Austin Monitor* August 13, 2015

<http://www.austinmonitor.com/stories/2015/08/reca-report-affordability-blames-city-neighbors/>

As the city struggles to provide development review services needed to ensure that its many regulations are being followed, the Real Estate Council of Austin reports that "Austin is steadily losing ground in its efforts to become a 'beacon of sustainability, social equity, and economic

opportunity' as Imagine Austin envisioned. The necessities of life, especially housing, are less affordable and accessible to the majority of Austin residents than ever before."

That's the problem as laid out in a RECA white paper titled *Affordable Austin: Why Can't We Build the Supply We Need*. The real estate group has eight recommendations for ameliorating the problem, starting with major policy changes it says are necessary to encourage more housing in a wider range of prices throughout the city.

In addition, RECA recommends that the city simplify and eliminate redundancies in city processes. For example, it says the site plan requirement for small projects on infill sites should be eliminated. According to one city staff member, the site plan process normally takes three to six months but can take as long as a year.

Walter Moreau, executive director of Foundation Communities, a nonprofit that builds affordable apartment units with federal funding, sees the city's process as a big problem for developers trying to finish projects on a tight deadline. Moreau, who is quoted in the report, says, "All of our recent affordable apartments have been perilously close to losing federal funds because of timing deadlines. We had \$11 million in federal funding at risk on Capital Studios, and we are currently racing to complete Homestead Oaks Apartments by a federal deadline. Despite best staff efforts and expedited SMART Housing reviews, the permit process has taken 10 months, which leaves very little time for construction without being at risk of finishing late. As a nonprofit we cannot afford to take this timing risk anymore to build new affordable housing."

Heidi Gerbracht, RECA vice president of public policy, notes that "right now we have 10 departments that have responsibility for some level of review. Management could absolutely say – and this is in the Zucker Report – you affiliated departments will develop the standards by which Development Review will process and complete the reviews, so that the responsibility for meeting the time frame lies solely with" the Development Review Department. That would be in contrast with what happens now, she said; for example, the reviewer in the Fire Department will take the project, and the person responsible in the Development Review Department loses control over it. RECA recommends investing more money for the Development Services Department and redefining success for members of that department. The group also wants to require that neighborhood plans either be updated and made consistent with Imagine Austin – in other words, allowing for more density – or repealed.

Like Imagine Austin, RECA calls for significantly denser development in the central city. But the density that RECA sees as necessary for encouraging a compact, connected and diverse city is exactly what Mary Ingle, president of the Austin Neighborhoods Council, does not want to see. Ingle said Wednesday, "They're bringing forward a false argument that increasing density equals affordability." She cited a study done by the city in 2012 that she said indicated there were "enough entitlements on the ground right now to double our population. We haven't used those entitlements. For example, in West Campus there's enough entitlements for the next 75 years. ... It's all about RECA saying we want it, we need it. Basically they want our land, and they want it cheap – especially the central city." Entitlements are approvals allowing a developer to build a specific type of development on a property.

Ingle may also be reacting to the section of the white paper that squarely places blame for the city's lack of affordable housing on groups like the Austin Neighborhoods Council. "Austin's dysfunctional code and development approval process were not created in a vacuum," the report says. "They are the product of decades of effective lobbying among powerful constituencies determined to fight growth and change at every turn with antidevelopment policies that only worsen the very problems they seek to solve."

According to RECA, skyrocketing home values, which result in higher and higher taxes, are caused by lack of development, not new development. RECA also points out that neighborhood groups may represent homeowners to the detriment of renters, who make up a majority of the city's population. Additionally, it says, "neighborhood business interests are also rarely considered."

As a result of disparate neighborhood plans, Austin has a patchwork of standards that are "difficult to enforce and a major obstacle to builders trying to lower costs through efficiencies of scale on missing middle (income) product throughout the city," the report notes.

In addition to changing land use policies, RECA says, "We need to commit as a community to having the will to address challenges to affordability at every opportunity."

RECA also recommends that the Council begin to listen to feedback through avenues other than citizen testimony, such as email, phone calls, texts and tweets.

For Ingle, however, "They (developers) want the whole urban core, and if people knew this, I think they'd be up in arms. ... It's just the greed factor. ... Austin has the opportunity – we're the capital of Texas – to set the bar. We could actually plan and design our city beautifully. ... We're in such a rush for density, density, density.

HBO's Show Me a Hero turns the long, grinding work of government into gripping television

Vox August 17, 2015

<http://www.vox.com/2015/8/17/9164123/show-me-a-hero-review-hbo>

Early in Show Me a Hero, HBO's towering new miniseries from several alumni of The Wire that debuted August 16 and airs over three weeks, one government official says that he's fine with the construction of housing projects, but, "Not in my backyard."

The others gathered chuckle knowingly at what he's just said, how he's invoked the idea of NIMBY directly, in the very words it stands for. It's a wink from the show to all of the wonks in its audience — we're on your side. We know this stuff backward and forward, and you can trust in us.

But it's also an indication of the miniseries' approach to storytelling in general. As its central topic, Show Me a Hero has taken the idea of housing desegregation — a hot-button issue in the late 20th century that almost never comes up today — and it casts its net so wide that in later episodes, it feels like everybody in the city of Yonkers, New York, is one of its characters.

All of this should contribute to a miniseries that suffers from dullness and bloat, but Show Me a Hero always feels thrillingly alive and attuned to the way that all politics is personal. "Not in my backyard" stops being a concept and becomes something driven by raw, human emotion, and that makes it all the more powerful when wounds begin to heal. Later in the series, one character tells another that "votes aren't love," but it's not hard to see why these people can get confused on the matter. They put everything they have into these seemingly tiny, local issues, and when they come out the other side, they're different — at once more hopeful and more beaten down. Here are the five elements that combine to make Show Me a Hero one of the year's very best TV programs.

David Simon is best known as the creator of The Wire (on which William F. Zorzi also worked), but he's also terrific at the miniseries form, having previously worked on The Corner and Generation Kill for HBO. Both were big, epic stories about corners of American policy (the war on drugs; the Iraq War) that television rarely dared explore. Simon's gift for finding the human story amid the bureaucracy served all of these projects well.

What Simon and Zorzi have done in Show Me a Hero is perhaps even more impressive. They've taken a gigantic, sprawling case with few clear heroes or villains, based on an issue few Americans think about anymore, and made it immediate and piercing. The city of Yonkers spent much of the 1980s attempting to avoid building affordable housing for the city's lower-income residents, even though the federal government had ordered the city to do so.

When Show Me a Hero begins, the city has run out of stall tactics and has to simply start putting up the units — but public opinion is fiercely opposed to the new houses, and politicians have never met a divisive issue they couldn't exploit.

Simon and Zorzi's gift for boiling down gigantic topics serves them well here. You might not always be clear on just where the city stands in regards to the projects, but you always understand the emotional toll the constant, wearying fight is having on the series' main characters, particularly young Mayor Nick Wasiczko (Oscar Isaac — more on him in a moment). Most stories are about people who are trying to get something done. Show Me a Hero is about a bunch of people pushing either with or against an inevitability as it slowly rolls downhill. That should be stultifying, but Simon and Zorzi make it electrifying.

Paul Haggis gets ridden down a lot for directing *Crash*, an undeserved Oscar Best Picture winner if ever there was one. But his other work in television and film has been mostly superlative, and *Show Me a Hero* is no exception. There are sequences in this miniseries as well-directed as anything in his career, especially when city council meetings threaten to turn into full-scale riots as the housing projects move forward and the people of Yonkers make their displeasure known. In particular, pay attention to how often Haggis frames shots so that characters seem hemmed in by the other objects in their space. Their only choices are a bunch of bad ones, and they can't find a way forward that doesn't involve struggle, pain, and heartache. Haggis also makes elegant, brilliant use of close-ups, particularly in the series' final two hours, which focus constantly on Isaac's face as he seizes at every opportunity that comes his way but can't seem to stop spiraling into despair.

Haggis also uses a unique mirroring structure that depicts characters coming apart in early installments, then shows — in similar shots, no less — those same characters coming back together. The healing of Yonkers has to begin in living rooms and private conversations, not in city council chambers. Haggis highlights this, both as a way for the story to reach its conclusion and as a way for us to understand how healing can happen in our own world.

3) Oscar Isaac is one of the best actors working today

Anything you throw at Isaac, he can play. Whether he's the coulda-been folk music star and misanthrope at the center of *Inside Llewyn Davis* or a tech genius with a dark secret in *Ex Machina*, Isaac makes that character feel full-fledged and completely human. Given six hours to work with here, he turns Nick Wasicsko into a walking examination of how some driven people use their work to stand in for the big, central questions about themselves that they've never dared answer or even ask.

It's not hard to learn about the arc of Nick's career. (Indeed, you can read all about it on Wikipedia.) Isaac's gift is the way he simultaneously plays to those who know this story well and to those who have no idea. In his hands, Nick becomes somebody who's driven by demons even he barely understands until he has no choice but to stare them in the eye.

Nick is always at the center of *Show Me a Hero*, but he's not always the story's most important character. Isaac turns this potential flaw into an asset, as he keeps trying to throw himself back toward relevance, only to learn that things have passed him by. And, finally, he leaves open the question of just who Nick — who ran for mayor on a platform of stopping the housing projects from happening, then grudgingly threw them his support when he realized the city had no other options — is and just how "heroic" he was. *Show Me a Hero* argues that most of our American heroes are just people who were pragmatic enough to support important social change slightly before public opinion did. The "Great Man" theory of history is a misnomer. It's more like a series of people who realize which way the wind is blowing and start heading that direction.

4) The rest of the cast is pretty great, too

Everywhere you look in *Show Me a Hero*, there's another ringer (or two or three). The always great Catherine Keener stops in as a woman virulently opposed to the housing projects who finds herself beginning to soften as she meets some of the people who will be living in them. Winona Ryder is here as one of Nick's best friends in local government, while Alfred Molina plays his greatest political foe. Wire veteran Clarke Peters pops up in a pivotal role in later episodes. But it's just as important to note the many actors here who aren't as well known, like Dominique Fishback as a young mother struggling with the proper role her children's father should play in her life, or LaTanya Richardson Jackson as a blind woman living in the projects and struggling to keep her head above water.

One of the very best things about *Show Me a Hero* is the way it keeps pulling back to reveal new layers to its story and new characters worth caring about in every episode. This isn't just a story about the lawmakers. It's also a story about their constituents, and the people who will be helped by the new housing, and their friends and family. It's a story not about a bunch of politicians, but about the city they serve.

5) The surprisingly optimistic tone genuinely believes in government's ability to do good "Show me a hero, and I'll write you a tragedy," goes the F. Scott Fitzgerald quote that gives the miniseries (and the Lisa Belkin book it's based on) its name. And that certainly applies to various figures within *Show Me a Hero*. But the overall tone of the miniseries is optimistic — and deeply certain of government's ability to do good for the people it serves if it wants to badly enough.

The simple fact of the matter is that the projects in Yonkers end up being a good thing. They bring together a community riven by division, and they cause those who might look upon each other with suspicion to see with new eyes. And that's even before you consider the affordable, livable housing they provided to people who desperately needed just such a thing.

Simon and Haggis's past work has been marked by an occasional pessimism about America's ability to do anything worth doing, but *Show Me a Hero* argues, at the end, that sometimes it's as simple as sitting down with another person on common ground, to talk more about what you have in common than what divides you. And, the series argues, there is no greater task of government than this — to come to the people it represents, hat in hand, and ask, "How can we help?"

Join me at noon Eastern for our weekly culture chat. Leave questions for me in comments.

We can talk about *Hero* or any other cultural topics of note! Did you see and love any movies this weekend? What are you reading? What's your album of the moment? Let's talk.

Show Me a Hero airs Sundays at 8 pm Eastern through August 30 on HBO. You can watch the first two installments on HBO Go and HBO Now

Wages, Welfare, Health and Education

Fact Check: Is It Obama's Fault That Poverty Has Grown?

By Danielle Kurtzleben NPR August 17, 2015

<http://www.npr.org/sections/itsallpolitics/2015/08/17/432578282/fact-check-is-it-obamas-fault-that-poverty-has-grown>

Jeb Bush is fond of pointing out that the number of people in poverty has gone up by 6 million since President Obama took office. He brought up the figure in the GOP debate, and he repeats it often on the campaign trail. It's not a new criticism — Mitt Romney hurled similar criticisms at Obama in the 2012 campaign.

By their very nature, talking points get repeated over and over in campaigns, so get ready to hear this one a lot in the run-up to the 2016 primaries. But meantime, here's a look at what Bush is saying: Is it true? And if so, does it mean Obama has failed America's poor?

The numbers

Bush is right, if you allow him a little bit of creative rounding. The most recent official count from the Census Bureau put the number of Americans in poverty at 45.3 million as of 2013 (the most recent year for which the census has measured poverty). That's not quite 5.5 million more people in poverty than there were in 2008, just before Obama took office. So there are somewhere in the neighborhood of 6 million more people in poverty now than there were before Obama took office. Of course, the number that makes more sense to compare is the poverty rate — after all, while the number of Americans in poverty has grown, so has the total number of Americans. Even then, the numbers aren't in President Obama's favor — 13.2 percent of Americans were in poverty in 2008. As of 2013, it was 14.5 percent.

Still, it's worth pointing out that the number of Americans in poverty fell substantially between 2012 and 2013 — by nearly 1.2 million. The poverty rate is also falling. The latest figure — 14.5 percent in 2013 — was down from 15.1 percent in 2010. The next poverty estimates from the Census Bureau will be out in September. If poverty continued its decline last year, Bush will have to change his numbers.

Was it Obama's fault?

Bush is mostly right on the numbers, but he's also clearly implying that President Obama is responsible for the increased number of Americans in poverty.

That's a tough case to make. Poverty was already on the upswing when Obama took office as the economy hurtled toward recession. Before George W. Bush took office, the poverty rate was 11.3 percent. When he left, it was 14.3 percent. So it's not as if Obama interrupted a rapidly improving poverty rate. In fact, as stated above, the trajectory of poverty has turned around under Obama, and it now appears to be falling.

But still. Poverty did grow under Obama. So what did he do about it? He expanded a lot of programs that most directly affect the poorest Americans' lives, and, according to one expert, he did an admirable job.

"Obama did a good job in a really tough situation. Poverty would have increased a lot more

without what he did," says Timothy Smeeding, professor of public affairs at the University of Wisconsin, Madison and former director of that school's Institute for Research on Poverty. "The American Recovery and Relief Act [more commonly known as the 2009 stimulus] did a great job helping our bottom end [of earners]."

The recession caused the big upswing in poverty under Obama, and the \$830 billion stimulus package was his biggest effort to stop the economy's freefall. That's maybe the best place to examine his anti-poverty efforts.

For one thing, the stimulus package created millions of jobs. The nonpartisan Congressional Budget Office has repeatedly found that the package created millions of jobs, saving people from unemployment — even today, there's still a small boost from the 2009 stimulus package. Not only that, but top economists agreed in a 2014 survey that the benefits of the stimulus outweighed the costs.

That law didn't make up for all of the jobs lost in the recession, but it did soften the blow and keep people from going without work ... which would have easily put them into poverty.

Moreover, the stimulus package also expanded lots of programs that disproportionately help lower earners: the earned income tax credit, unemployment insurance, SNAP (also known as food stamps).

Digression: Our definition of "poverty" is pretty awful

Several social safety net programs paid out more benefits as a result of the stimulus, but they didn't all help improve the poverty rate. That's because the formula that determines who is in poverty only takes certain programs into account.

Income from unemployment and Social Security, for example, counts toward bringing a person over the poverty line. SNAP and EITC, however — despite giving people tax breaks and money for food — have no effect on the poverty rate. So even if Obama and Congress decided in the stimulus package to give all low-income Americans \$200 extra per month for groceries, those people would still be in poverty. But if that same money went to, say, unemployed people, some of those people would be lifted out of poverty.

This is just one way that the poverty rate is a truly terrible indicator, with a formula that today looks pretty arbitrary, as it's based on the cost of food in 1963. For your throwback early-00s thrill of the day, here's a banter-riffic West Wing explanation:

So even though lots of Obama's policies may have been aimed at the poor, they didn't improve the poverty rate itself.

But seriously, how did Obama's policies affect poverty?

Clearly, many of his policies targeted the lowest-income Americans, and there's evidence that he succeeded in helping a lot of people. As the liberal Center on Budget and Policy Priorities found in a 2009 analysis, the stimulus at the time was responsible for keeping 6 million people out of poverty and improved the fortunes of 33 million more.

But then, poverty is still high — 14.5 percent — compared to its recent low of 11.3 percent in 2000. Not only that, but even if you use the supplemental poverty measure — an alternative (read: more logical) poverty metric that takes programs like SNAP and EITC into account — the poverty rate is still up over the Obama presidency.

So Obama's recession-era policies made life better for America's poor and prevented poverty from growing even more than it did, but poverty still is a big problem in America.

So could he have done more?

Lots of people argue that he could have done more, but arguably, there wasn't the political will — from the White House or from Congress — to actually pass those policies.

On the one hand, there's the argument that he could have amped up his policies to alleviate poverty even more. Many have argued (including Nobel winner Paul Krugman and former President Bill Clinton, for example) that the stimulus wasn't big enough — Obama adviser Christina Romer in fact initially estimated the bill should be worth \$1.2 trillion. But of course, getting even \$800 billion in stimulus funds through Congress was hard enough.

Beyond that, Obama's record is mixed. For example, early in 2014, he signed nearly \$9 billion in cuts to the SNAP program into law, a move that angered some congressional Democrats.

But then, he has called for universal pre-K education — a program that wouldn't immediately reduce poverty but could set poor kids up to keep pace with their richer peers in the future.

However, that proposal has gone nowhere in the years since he introduced it.

A higher minimum wage could likewise boost some people out of poverty, but many in Congress oppose raising the wage floor out of concern it will cost jobs.

"I would say it's accurate that not much has been done under Obama to reduce poverty except during the recession, but he tried some things that did not pass," says Ron Haskins, senior fellow at the left-leaning Brookings Institution. (Haskins adds, however, that Obama "did a tremendous amount during the recession, and it was effective.")

Republicans, meanwhile, have had their own ideas about how to fight poverty. Most notably, Rep. Paul Ryan released a poverty-fighting plan in 2014, but it relied on ideas that tend to be nonstarters among Democrats, like block granting food stamps and welfare.

Part of the problem is that reasonable people can (and do) disagree about the best way to bring poverty down. You could alter existing anti-poverty programs to incentivize work, for example. Or you could make those programs more generous. (Or both.)

There are a few policies that have at least some small hope of passing — expanding the EITC for childless workers is one proposal with some bipartisan support. Though it wouldn't directly bring the poverty rate down, the EITC could incentivize work, which could help shrink poverty.

Likewise, there was some bipartisan support for a bill to encourage employers to hire the long-term unemployed, which could have also helped low-income Americans. But that bill, like many others in the past few sessions of congress, never made it far.

The point is that plenty more could have been done to help low-income Americans during the Obama presidency. But that would require Obama and Congress agreeing on policy. That kind of agreement rarely happens these days.

Environment and Transportation

Scientists Say We Could Be Heading Into 'Godzilla El Niño'

By Scott Neuman NPR August 13, 2015

<http://www.npr.org/sections/thetwo-way/2015/08/13/432099022/scientists-say-we-could-be-heading-into-godzilla-el-ni-o>

This year's El Niño is shaping up to be a whopper — potentially surpassing the one in 1997, which was the strongest on record, the National Weather Service says.

That could be good news for drought-stricken California, but not-so-good for places such as the Philippines and Indonesia, which typically experience below-normal rainfall or drought conditions during El Niños.

NWS' Climate Prediction Center said today that all of its computer models are now predicting a strong El Niño, or warming in the Pacific, that will peak in the late fall or early winter. The announcement confirms signs that have been around for weeks telegraphing that this El Niño Southern Oscillation (ENSO), as it is officially known, would be a particularly strong one.

"This definitely has the potential of being the Godzilla El Niño," Bill Patzert, a climatologist with NASA's Jet Propulsion Laboratory in La Cañada Flintridge, says, adding that the signal from the Pacific Ocean "right now is stronger than it was in 1997," the year of the most powerful El Niño on record.

Climatologists say there's a greater than 90 percent chance that El Niño will continue through the Northern Hemisphere winter 2015-16 and around an 85 percent chance it will last into early spring 2016.

"If this lines up to its potential, this thing can bring a lot of floods, mudslides and mayhem," he said.

El Niño is marked by a 1.5 degree Celsius or greater temperature rise in the equatorial Pacific Ocean, which causes a stalling of trade winds and a shifting of a subtropical jet stream "that normally pours rain over jungles of southern Mexico and Central America toward California and the southern United States," according to The Los Angeles Times.

El Niño brings drier weather to the western Pacific. It also tends to suppress hurricane formation in the Atlantic and increase it in the eastern and central Pacific.

According to Mike Halpert, deputy director of the Climate Prediction Center in College Park, Md., peak anomalies in the Pacific could exceed 2 degrees Celsius this year.

"It looks like it will be one of the three or four strongest events on record. Whether it matters if it's

1, 2, 3 or 4 is debatable," he was quoted by The San Diego Union Tribune as saying. The Tribune reports: "Some climate models show that anomalies in the equatorial Pacific's surface temperatures will rise above 3 degrees Celsius during the coming winter. If that plays out, it would be an unprecedented phenomenon."

The L.A. Times writes:

"Already, El Niño is being blamed for drought conditions in parts of the Philippines, Indonesia and Australia, as occurred in 1997-98.

"Drought is also persistent in Central America. Water levels are now so low in the waterways that make up the Panama Canal that officials recently announced limits on traffic through the passageway that links the Atlantic and Pacific oceans.

"El Niño also influenced the heavy rainstorms that effectively ended drought conditions in Colorado, Texas and Oklahoma."

Fifteen states seek to block EPA carbon rule

**State attorneys general argue the EPA has overstepped its regulatory authority
Fifteen state attorneys general filed a court petition in Washington on Thursday to block the Environmental Protection Agency's new rules to curb carbon emissions from power plants, in the first of several expected legal challenges to the Obama administration measure.**

Reuters August 13, 2015

<http://america.aljazeera.com/articles/2015/8/13/fifteen-us-states-seek-to-block-epa-carbon-rule.html>

States from Alabama to West Virginia that oppose the Obama administration's Clean Power Plan filed for the stay in the U.S. Court of Appeals for the D.C. Circuit and asked for a ruling by Sept. 8, one year before states need to submit compliance plans to the EPA.

"This rule is the most far-reaching energy regulation in the nation's history, and the EPA simply does not have the legal authority to carry it out," said West Virginia Attorney General Patrick Morrisey.

The Obama administration unveiled the final version of the Clean Power Plan on Aug. 3, which aims to lower emissions from the country's fleet of power plants by 32 percent below 2005 levels by 2030. President Barack Obama called the rule the biggest action the United States had taken to date to address climate change.

Under the proposal, each state needs to submit a plan to the EPA detailing how it intends to meet the target the agency set for it. States, particularly those that have relied on coal for electricity, have vowed to fight the rule, arguing the EPA has overstepped its regulatory authority.

"The Clean Air Act was never intended to be used to create this type of regulatory regime, and it flies in the face of the powers granted to states under the U.S. Constitution," said Morrisey.

Alabama, Arkansas, Florida, Indiana, Kansas, Kentucky, Louisiana, Michigan, Nebraska, Ohio, Oklahoma, South Dakota, Wisconsin and Wyoming joined West Virginia in requesting the stay.

Shell Oil accidentally spills hundreds of thousands of pounds of toxic gas in Deer Park

By Dylan Baddour Houston Chronicle August 13, 2015

<http://www.chron.com/news/houston-texas/houston/article/Shell-Oil-accidentally-spills-hundreds-of-6438343.php>

On Sunday morning, hundreds of thousands of pounds of toxic gas were accidentally released from the Shell Oil facility in Deer Park.

According to reports from the Texas Commission on Environmental Quality, 326,166 pounds of butadiene escaped through an open valve on a spherical tank between 10:40 am and 11:35 am. Neil Carman, a chemist with the Sierra Club of Texas and a former power plant inspector for the TCEQ, said that butadiene is a known human carcinogen, but that its molecular structure allows it to dissipate quickly in the hot summer air. The chemical is commonly expelled in car exhaust, but Carman said the quantity in the Shell incident was concerning.

"This release is huge," he said. "Even 10% of 326,000 is big for butadiene."

Shell spokesperson Ray Fisher said the company is investigating the cause of the release.

Meanwhile, data from nearby monitors did not exceed TCEQ odor or health-based screening levels during the incident.

"To the best of our knowledge, there were no adverse impacts on the community," Fisher said. According to the U.S. Environmental Protection Agency, long-term exposure to butadiene has been linked to increased likelihood of cardiovascular disease and leukemia.

Shell gets final permit to drill for oil in Arctic Ocean

Associated Press August 17, 2015

<http://my.chicagotribune.com/#section/545/article/p2p-84226782/>

The federal government on Monday gave Royal Dutch Shell the final permit it needs to drill for oil in the Arctic Ocean off Alaska's northwest coast for the first time in more than two decades.

The Bureau of Safety and Environmental Enforcement announced that it approved the permit to drill below the ocean floor after the oil giant brought in a required piece of equipment to stop a possible well blowout.

The agency previously allowed Shell to begin drilling only the top sections of two wells in the Chukchi Sea because the key equipment, called a capping stack, was stuck on a vessel that needed repair in Portland, Oregon.

Because the vessel arrived last week, Shell is free to drill into oil-bearing rock, estimated at 8,000 feet below the ocean floor, for the first time since its last exploratory well was drilled in 1991.

"Activities conducted offshore Alaska are being held to the highest safety, environmental protection, and emergency response standards," agency Director Brian Salerno said in a statement Monday. "We will continue to monitor their work around the clock to ensure the utmost safety and environmental stewardship."

The Polar Pioneer, a semi-submersible drilling unit that Shell leases from Transocean Ltd., began work July 30 at Shell's Burger J site. It completed what's called a mud-line cellar, a 20-by-40-foot hole at the top of the well that will hold a blowout preventer, and continued drilling into rock above the petroleum-bearing zone.

"It's possible we will complete a well this summer but we're not attaching a timeline to the number of feet drilled," Smith said.

Safe operations will determine progress, he said.

Environmental groups oppose Arctic offshore drilling, saying industrial activity will harm polar bears, Pacific walrus, ice seals and threatened whales already vulnerable from climate warming and shrinking summer sea ice. They say oil companies have not demonstrated that they can clean up a spill in water choked by ice.

Sierra Club executive director Michael Brune said in a statement that President Obama's decision to grant Shell the final drilling permits goes against science, the will of the people and common sense.

"Granting Shell the permit to drill in the Arctic was the wrong decision, and this fight is far from over," he said. "The people will continue to call on President Obama to protect the Arctic and our environment."

The U.S. Geological Survey estimates that U.S. Arctic waters hold 26 billion barrels of recoverable oil, and Shell is eager to explore in a basin that company officials say could be a game-changer for domestic production.

Shell bid \$2.1 billion on Chukchi Sea leases in 2008 and has spent upward of \$7 billion on exploration there and in the Beaufort Sea off Alaska's north coast.

Shell hopes to drill two exploration wells during the short 2015 open-water season. It has until late September, when all work must stop. It has two drill vessels and about 28 support vessels in the Chukchi Sea.

The permit to drill deep into the ocean hinged on the arrival of a capping stack, which is a roughly 30-foot device that can be lowered over a wellhead to act like a spigot to stop a blowout. The government requires Shell to have the device ready to use within 24 hours of a blowout.

The capping stack sits on a 380-foot icebreaker that suffered hull damage July 3 as it left Dutch Harbor, a port in the Aleutian Islands. The vessel named the Fennica was repaired in Portland, Oregon, and briefly delayed from leaving July 30 by Greenpeace protesters in climbing gear hanging from a bridge over the Willamette River.

The Fennica reached the drill site 70 miles off Alaska's northwest coast on Aug. 11.

Tax and Legal issues

AT&T helped the National Security Agency spy on the Internet on a vast scale

By Julia Angwin, Charlie Savage, Jeff Larson, Henrik Moltke, Laura Poitras and James Risen *New York Times* **August 15, 2015**

<http://www.dallasnews.com/news/local-news/20150815-att-helped-the-national-security-agency-spy-on-the-internet-on-a-vast-scale.ece>

The National Security Agency's ability to spy on vast quantities of Internet traffic passing through the United States has relied on its extraordinary, decades-long partnership with a single company: the telecom giant AT&T.

While it has been long known that U.S. telecommunications companies worked closely with the spy agency, newly disclosed NSA documents show that the relationship with Dallas-based AT&T has been considered unique and especially productive. One document described it as "highly collaborative," while another lauded the company's "extreme willingness to help."

AT&T's cooperation has involved a broad range of classified activities, according to the documents, which date from 2003 to 2013. AT&T has given the NSA access, through several methods covered under different legal rules, to trillions of emails as they have flowed across its domestic networks. It provided technical assistance in carrying out a secret court order permitting the wiretapping of all Internet communications at the U.N. headquarters, a customer of AT&T. The NSA's top-secret budget in 2013 for the AT&T partnership was more than twice that of the next-largest such program, according to the documents. The company installed surveillance equipment in 17 of its Internet hubs on U.S. soil, far more than its similarly sized competitor, Verizon. And its engineers were the first to try out new surveillance technologies invented by the eavesdropping agency.

One document reminds NSA officials to be polite when visiting AT&T facilities, noting, "This is a partnership, not a contractual relationship."

The documents, provided by former agency contractor Edward J. Snowden, were jointly reviewed by The New York Times and ProPublica. The NSA, AT&T and Verizon declined to discuss the findings from the files. "We don't comment on matters of national security," an AT&T spokesman said.

It is not clear if the programs still operate in the same way today. Since the Snowden revelations set off a global debate over surveillance two years ago, some Silicon Valley technology companies have expressed anger at what they characterize as NSA intrusions and have rolled out new encryption to thwart them. The telecommunications companies have been quieter, though Verizon unsuccessfully challenged a court order for bulk phone records in 2014.

At the same time, the government has been fighting in court to keep the identities of its telecom partners hidden. In a recent case, a group of AT&T customers claimed that the NSA's tapping of the Internet violated the Fourth Amendment protection against unreasonable searches. This year, a federal judge dismissed key portions of the lawsuit after the Obama administration argued that public discussion of its telecom surveillance efforts would reveal state secrets, damaging national security.

The NSA documents do not identify AT&T or other companies by name. Instead, they refer to corporate partnerships run by the agency's Special Source Operations division using code names. The division is responsible for more than 80 percent of the information the NSA collects, one document states.

Fairview is one of its oldest programs. It began in 1985, the year after antitrust regulators broke up the Ma Bell telephone monopoly and its long-distance division became AT&T Communications. An analysis of the Fairview documents by The Times and ProPublica reveals a constellation of evidence that points to AT&T as that program's partner. Several former intelligence officials confirmed that finding.

A Fairview fiber-optic cable, damaged in the 2011 earthquake in Japan, was repaired on the same date as a Japanese-American cable operated by AT&T. Fairview documents use technical

jargon specific to AT&T. And the Fairview program carried out the court order for surveillance on the Internet line, which AT&T provides, serving the U.N. headquarters. (NSA spying on U.N. diplomats has previously been reported, but not the court order or AT&T's involvement. In October 2013, the United States told the United Nations that it would not monitor its communications.)

The documents also show that another program, code-named Stormbrew, has included Verizon and the former MCI, which Verizon purchased in 2006. One describes a Stormbrew cable landing that is identifiable as one that Verizon operates. Another names a contact person whose LinkedIn profile says he is a longtime Verizon employee with a top-secret clearance.

After the terrorist attacks of Sept. 11, 2001, AT&T and MCI were instrumental in the Bush administration's warrantless wiretapping programs, according to a draft report by the NSA's inspector general. The report, disclosed by Snowden and previously published by The Guardian, does not identify the companies by name but describes their market share in numbers that correspond to those two businesses, according to Federal Communications Commission reports. AT&T began turning over emails and phone calls "within days" after the warrantless surveillance began in October 2001, the report indicated. By contrast, the other company did not start until February 2002, the draft report said.

In September 2003, according to the previously undisclosed NSA documents, AT&T was the first partner to turn on a new collection capability that the NSA said amounted to a "'live' presence on the global net." In one of its first months of operation, the Fairview program forwarded to the agency 400 billion Internet metadata records - which include who contacted whom and other details, but not what they said - and was "forwarding more than 1 million emails a day to the keyword selection system" at the agency's headquarters in Fort Meade, Maryland. Stormbrew was still gearing up to use the new technology.

In 2011, AT&T began handing over 1.1 billion domestic cellphone calling records a day to the NSA after "a push to get this flow operational prior to the 10th anniversary of 9/11," according to an internal agency newsletter. This revelation is striking because after Snowden disclosed the program of collecting the records of Americans' phone calls, intelligence officials told reporters that, for technical reasons, it consisted mostly of landline phone records.

That year, one slide presentation shows, the NSA spent \$188.9 million on the Fairview program, twice the amount spent on Stormbrew, its second-largest corporate program.

After The Times disclosed the Bush administration's warrantless wiretapping program in December 2005, plaintiffs began trying to sue AT&T and the NSA. In a 2006 lawsuit, a retired AT&T technician named Mark Klein claimed that three years earlier, he had seen a secret room in a company building in San Francisco where the NSA had installed equipment.

Klein claimed that AT&T was providing the NSA with access to Internet traffic that AT&T transmits for other telecom companies. Such cooperative arrangements, known in the industry as "peering," mean that communications from customers of other companies could end up on AT&T's network. After Congress passed a 2008 law legalizing the Bush program and immunizing the telecom companies for their cooperation with it, that lawsuit was thrown out. But the newly disclosed documents show that AT&T has provided access to peering traffic from other companies' networks.

AT&T's "corporate relationships provide unique accesses to other telecoms and ISPs," or Internet service providers, one 2013 NSA document states.

Because of the way the Internet works, intercepting a targeted person's email requires copying pieces of many other people's emails, too, and sifting through those pieces. Plaintiffs have been trying without success to get courts to address whether copying and sifting pieces of all those emails violates the Fourth Amendment.

Many privacy advocates have suspected that AT&T was giving the NSA a copy of all Internet data to sift for itself. But one 2012 presentation says the spy agency does not "typically" have "direct access" to telecoms' hubs. Instead, the telecoms have done the sifting and forwarded messages the government believes it may legally collect.

"Corporate sites are often controlled by the partner, who filters the communications before sending to NSA," according to the presentation. This system sometimes leads to "delays" when the government sends new instructions, it added.

The companies' sorting of data has allowed the NSA to bring different surveillance powers to

bear. Targeting someone on U.S. soil requires a court order. When a foreigner abroad is communicating with an American, the government can target that foreigner without a warrant. And when foreigners are messaging other foreigners, the government can collect such emails in bulk without targeting anyone.

AT&T's provision of foreign-to-foreign traffic has been particularly important to the NSA because large amounts of the world's Internet communications travel across U.S. cables. AT&T provided access to the contents of transiting email traffic for years before Verizon began doing so in March 2013, the documents show. They say AT&T gave the NSA access to "massive amounts of data," and by 2013 the program was processing 60 million foreign-to-foreign emails a day.

Because domestic wiretapping laws do not cover foreign-to-foreign emails, the companies have provided them voluntarily, not in response to court orders, intelligence officials said. But it is not clear whether that remains the case after the post-Snowden upheavals.

"We do not voluntarily provide information to any investigating authorities other than if a person's life is in danger and time is of the essence," Brad Burns, an AT&T spokesman, said. He declined to elaborate.

30 Percent of California's Forest Firefighters Are Prisoners

About 4,000 inmates battle blazes in the Golden State's woodlands.

By Julia Lurie *Mother Jones* August 14, 2015

<http://www.motherjones.com/environment/2015/08/40-percent-californias-fires-are-fought-prison-inmates>

Here's a kind of crazy stat: Between 30 and 40 percent of California's forest firefighters are state prison inmates. The state has become a tinderbox of sorts from a four-year drought, and roughly 4,000 low-level felons are on the front lines of the state's active fires. Here's what's going on: Why are prisoners fighting fires? For years, California's prison system has operated a number of "conservation camps," in which low-level felons in the state prison system volunteer to do manual labor outside, like clearing brush to prevent forest fires or fighting the fires themselves. A handful of other states have similar programs, but California's program is by far the largest, with roughly 4,000 participants. At its best, the program is a win-win situation: Inmates learn useful skills and spend time outside the normal confines of prison, and the collaboration with Cal Fire saves the state roughly \$80 million a year.

Participants make \$2 per day in the program and \$2 an hour when they're on a fire line. That may sound paltry, though it's not bad by prison standards: Many prison jobs bring in less than \$1 per hour. In addition, for each day they work in the program, the inmates receive a two-day reduction from their sentences.

So these are convicted felons? Yes—the prisoners are typically low-level felons, all of whom have volunteered to participate in the program and have demonstrated good behavior in prison. Some convictions exclude prisoners from applying, like arson (surprise, surprise) or sex crimes. One benefit of the program is that it often breaks down racial barriers: "When people are incarcerated they tend to segregate by race," says Hadar Aviram, a law professor and criminologist at the University of California-Hastings. "The fire camps are not like that. People who do not associate with each other inside a prison are willing to be friends when they're at a fire camp."

As California reforms its prison system and more low-level offenders are sent home sooner, the state may have to entertain the idea of including more violent offenders in the firefighting ranks. Are prisoners the ones flying the helicopters that drop flame retardant? Nope. Career firefighters do things like flying in helicopters and driving bulldozers; inmate firefighters use hand tools, like chainsaws, axes, and rakes, to contain the fire by clearing out the vegetation around it. The prisoners participate in a four-week training process—the same process that other state firefighters go through—proving that they're fit enough to work through brush in the heat of a fire while carrying up to 100 pounds of gear. They work in teams of about 15 people, supervised by a fire captain. When there's a big fire blazing, the teams work in shifts of 24 hours, followed by a 24-hour break. When not tending fires, the inmates do other conservation work, often clearing brush to prevent future fires.

There are no prison guards out on the front lines with the firefighters, but Daniel Berlant, a spokesman for Cal Fire, says escape attempts are exceedingly rare. "This is a reward for many of

these individuals," he says. "They're outside the walls, doing good work, learning a skill that they may not get behind bars. They don't want to screw up."

How dangerous is the work? Teams are often working on the edge of fires with flames over 100 feet high; falling branches and other debris pose the most immediate risk. "You can't deny how dangerous this work is," says Bill Sessa, a spokesman for the state's Department of Corrections and Rehabilitation. But Sessa says there have been only "two or three" serious injuries and no deaths among inmate firefighters over the past two years.

Where do they sleep? The inmates stay in one of 44 "fire camps," barracks-style sleeping quarters sprinkled across the state, often in the middle of the forest. The camps are guarded by prison staff but have a very different feel from typical state prisons; they're sometimes surrounded by just a chain-link fence, and the prisoners eat better (and more) food since they're burning so many calories.

Sounds great. Any problems with the program? Prison reform advocates have raised concerns that the state is so reliant on the cheap labor of inmate firefighters that policymakers may be slow to adopt prison reforms as a result. The concern was magnified last fall, when lawyers for state Attorney General Kamala Harris argued that extending an early prison-release program to "all minimum custody inmates at this time would severely impact fire camp participation—a dangerous outcome while California is in the middle of a difficult fire season and severe drought." Harris has since said she was "troubled" by the argument, and the state has ruled that minimum custody inmates, including firefighters, are eligible for the program so long as it proves not to deplete the numbers of inmate firefighters.

Hood County clerk's refusal to issue same-sex marriage license cost taxpayers \$43,000

By Robert Wilonsky *Dallas Morning News* August 18, 2015

<http://thescoopblog.dallasnews.com/2015/08/hood-county-clerks-refusal-to-issue-same-sex-marriage-license-cost-taxpayers-43000.html/>

It has been a month since Joe Stapleton and Jim Cato finally got the marriage license Hood County Clerk Katie Lang denied them because of her religious beliefs. It only took a federal lawsuit to get it.

Today that suit was settled, and according to the attorneys representing Stapleton and Cato, Lang's refusal to issue the license ended up costing Hood County \$43,872.10 in attorney's fees. They will now move to dismiss the suit.

"It is a shame that Hood County Clerk Katie Lang refused to follow the rule of law, causing our clients to go through the difficulties of hiring lawyers and filing a federal lawsuit to obtain the marriage license to which they are constitutionally entitled," says attorney Pat O'Connell, one of Stapleton and Cato's attorneys. "And it is sad that the taxpayers of Hood County have to pay the price for their elected official's misconduct."

According to Austin attorney Jan Soifer, who also represented the couple, the Hood County Commissioners agreed to settle the suit "to save [Lang] from dealing with the additional expense and significant financial exposure her actions caused the taxpayers of her county."

Messages have been left for Hood County Attorney Lori Kaspar, and we attempted to get a comment from Lang, but the county clerk's office in Granbury is closed at this hour. Lang's statement concerning her refusal to issue the marriage license [remains on the county website](#).

"I am grateful that the First Amendment continues to protect the sincerely held religious beliefs of public servants like me," it reads in part. "As Justice Kennedy stated, 'it must be emphasized that religions, and those who adhere to religious doctrines, may continue to advocate with utmost, sincere conviction that, by divine precepts, same-sex marriage should not be condoned.'"

In a brief statement released this afternoon, Cato said, "We are overjoyed that justice was done, and grateful to our lawyers for forcing the county clerk to follow the law, something she was unwilling to do before our lawyers stepped in to represent us. We are very happy that we finally received our marriage license and were able to celebrate our marriage at our home in Granbury."

Border Issues

U.S. court throws out Arizona sheriff's immigration policy challenge

By Lawrence Hurley Reuters August 14, 2015

<http://www.reuters.com/article/2015/08/14/us-usa-court-immigration-idUSKCN0QJ1I920150814>

A U.S. federal appeals court on Friday threw out a lawsuit brought by an Arizona sheriff who argued that President Barack Obama's executive actions on immigration were unconstitutional.

The U.S. Court of Appeals for the District of Columbia Circuit upheld a district court judge's finding that Maricopa County Sheriff Joe Arpaio did not have grounds to sue.

Arpaio claimed his office had been injured by Obama's November 2014 orders that were designed to ease the threat of deportation for about 4.7 million undocumented immigrants.

"We are pleased that the D.C. Circuit did not allow Sheriff Arpaio's lawsuit to stand in the way of commonsense measures to advance public safety and bring greater accountability to our immigration system," Eric Schultz, a White House spokesman, said.

Arpaio's lawyer, Larry Klayman, said he would seek Supreme Court review of the ruling. He described the decision as "intellectually dishonest.

Klayman had argued that Arpaio would be harmed by the immigration action because there would be more crime as a result.

But the court found Arpaio did not have legal standing. To prove standing, plaintiffs must show they have been directly harmed by the challenged action.

Judge Nina Pillard, writing on behalf of a three-judge panel, said Arpaio's predictions of higher crime rates and an increase in the jail population "rest on claims of supposition and contradict acknowledged realities."

The Obama administration provisions would give temporary legal status and work permits to eligible immigrants.

Arpaio, a longtime Republican firebrand on immigration, has had several actions stymied by the courts this year.

In April, he admitted to civil contempt charges in a Phoenix court after failing to comply with several court orders banning his police force from racially profiling immigrants.

In June, the Supreme Court upheld a 2014 appeals court ruling that struck down an Arizona law that denied bail to illegal immigrants charged with certain felonies.

Obama's executive actions are currently on ice, after a Texas judge ruled against his administration in February.

That more substantive challenge brought by 26 states, led by Republican bastion Texas, will be heard by the 5th U.S. Circuit Court of Appeals in July and could ultimately be decided by the Supreme Court.

Republicans have brought a swath of lawsuits against administration officials on immigration and Obama's signature healthcare law over the past year, aiming to curb what they view as executive overreach.

War Watch

Spate of bombings kill 24 across Baghdad

Reuters August 15, 2015

<http://www.reuters.com/article/2015/08/15/us-iraq-blast-idUSKCN0QK0K820150815>

A spate of bombings across Baghdad killed at least 24 people on Saturday, two days after the deadliest attack in the Iraqi capital since Prime Minister Haider al-Abadi took office one year ago.

The deadliest attack took place in the Shi'ite district of Habibiya, where 15 people were killed when a car bomb exploded near an open area where cars are displayed for sale.

"The investigation, based on footage from a surveillance camera, showed a man parking a white car and sneaking into a nearby tea kiosk. Five minutes later the car exploded," said police officer Murtatha Abid Ali at the scene of Saturday's explosion, which wounded a further 35 people.

Habibiya is near Sadr City, where more than 70 people were killed in a massive truck bomb blast claimed by Islamic State on Thursday.

Two more people were killed and 7 wounded in a bomb blast targeting vehicle repair shops in Taji

to the north of the capital. Other blasts in busy commercial streets and markets in Jisr Diyala, Madaen and Iskan killed seven. Security forces and militia groups are fighting Islamic State in Anbar province, the sprawling Sunni heartland in western Iraq. In Baghdad, Abadi has proposed sweeping reforms aimed at reducing corruption and patronage, the biggest changes to the political system since the end of U.S. military occupation.

The Battle for Hearts and Minds

An Iowa surprise: Donald Trump is actually trying to win

By Phillip Rucker and Robert Costa *Washington Post* **August 13, 2015**

http://www.washingtonpost.com/politics/an-iowa-surprise-donald-trump-is-actually-trying-to-win/2015/08/13/564a9f50-4142-11e5-8e7d-9c033e6745d8_story.html?hpid=z1

DES MOINES — For five days, the royal-blue bus rumbled through miles of cornfields alongside a popular annual bicycle trek across Iowa. It showed up at a country music concert in Cherokee and at a bacon festival in Ottumwa.

And when the hulking vehicle with thick white block letters that spell “TRUMP” pulled into a Wal-Mart parking lot in Fort Dodge this week, people flocked to it. It didn’t matter that Donald Trump wasn’t inside. The bus alone — with the “Make America Great Again!” slogan extending across its sides — created an irresistible oasis of celebrity politics amid a desert of minivans and shopping carts.

“One hundred people showing up for a staffer? I’ve never seen anything like it,” said Chuck Laudner, a veteran Iowa organizer who oversees Trump’s efforts here. “They kept saying the same thing: They want something different.”

For many Americans, the Trump presidential campaign amounts to a billionaire talking endlessly, and entertainingly, on television. But here in Iowa, it’s another story. Trump is trying to beat the politicians on their turf, building one of the most extensive organizations in the Republican field. The groundwork laid by Trump’s sizable Iowa staff, with 10 paid operatives and growing, is the clearest sign yet that the unconventional candidate is looking beyond his summer media surge and attempting to win February’s first-in-the-nation caucuses.

This is becoming a cause of concern for rival campaigns.

“I see them as a major threat to all the other campaigns because of the aggressiveness of their ground game,” said Sam Clovis, an Iowa conservative who leads former Texas governor Rick Perry’s campaign.

“You cannot swing a dead cat in Iowa and not hit a Trump person,” Clovis continued. “It’s unlike anything I’ve ever seen. . . . Every event we go to — the Boone County Eisenhower Social, the Black Hawk County Lincoln Dinner, the boots-and-barbecue down in Denison — the Trump people are everywhere with literature and T-shirts and signing people up. “The Trump bus will pull into an empty parking lot and just be there on the main drag, like the little town of Le Mars, the ‘Ice Cream Capital of the World.’ . . . People will pull over, go sign up. They’ll get 50 people in an hour and go to another town. That happens all over the state.”

Iowa Gov. Terry Branstad (R), in an interview Thursday, said of Trump: “I think he’s got a real campaign here. Whether he’s willing to devote the time to go to as many places as some of the other candidates are going is the question.”

Backers of former congressman Ron Paul’s presidential campaigns, which were well organized in Iowa, see Trump appealing to Paul’s base here despite the competing candidacy of Paul’s son Rand, Kentucky’s junior U.S. senator.

“He’s catching on with the average Americans who have had it with foreign wars, our trade policies and a stalled economy,” said Drew Ivers, Ron Paul’s 2012 Iowa campaign chairman. Trump’s colorful assault on the political establishment and strident opposition to illegal immigration has propelled his candidacy to the lead here and nationally. A CNN-ORC poll on Wednesday showed him in first place in Iowa, with 22 percent, followed by retired neurosurgeon Ben Carson in second with 14 percent. Wisconsin Gov. Scott Walker, who is counting on the caucuses, fell to third at 9 percent.

Trump will make a theatrical return to Iowa on Saturday. He plans to touch down in Des Moines by private helicopter, landing at a field just outside the Iowa State Fairgrounds, and then visit the famed butter cow, according to Republicans familiar with the campaign. He also plans to huddle with activists.

Candidates traditionally give a speech and take questions at the fair's Des Moines Register Soapbox, but Trump is not planning to do so. He is in a feud with the Register; after the newspaper's editorial board called on him to withdraw, Trump slammed the newspaper and began barring its reporters from covering his events.

Other candidates are building solid networks here as well. Former Florida governor Jeb Bush, whose Iowa operation has nine paid staffers, announced campaign chairs in 22 of Iowa's 99 counties on Wednesday, with more to come. Walker, who has four staffers and two consultants here, unveiled a 65-member Iowa leadership team last week that includes lawmakers, mayors, sheriffs, county treasurers and party stalwarts.

But Trump is taking a different approach. His state director is Laudner, a highly regarded grass-roots tactician and confidant of Rep. Steve King (R-Iowa), who is a powerful force on the hard right. This time four years ago, Laudner drove Rick Santorum around the state in his pickup truck, guiding the former senator from Pennsylvania to a come-from-behind victory in the 2012 caucuses.

"I've told people from the beginning: Never underestimate Donald Trump," said Bob Vander Plaats, president of the Family Leader, an influential social-conservative group here. "He has been very successful for a reason. He knows how to market and specifically he knows how to market himself very well. He also understands what the customer wants."

It is an open question, however, whether Trump's singular brand of politics will stay in vogue until the February caucuses. And there are doubts that Trump can win enough votes from evangelical Christian conservatives, who are being courted heavily by Sen. Ted Cruz (R-Tex.), former Arkansas governor Mike Huckabee and others.

Last month at the Family Leader's candidate summit in Ames, Trump, a Presbyterian, caused unease when he said he had never asked God for forgiveness and spoke casually about Holy Communion, according to several attendees.

"When I drink my little wine — which is about the only wine I drink — and have my little cracker, I guess that is a form of asking for forgiveness," Trump said.

Iowa talk radio host Steve Deace said he would be "very surprised" if Trump wins here.

"Whatever chance he had to get evangelicals to coalesce around him went out the window at the Family Leader," he said. "Everyone was paying attention, especially those who are fed up with the Republican Party, but he didn't sell them."

Trump is trying to defy conventional wisdom about the caucuses by creating a broad coalition. It has become a punch line among party insiders that Trump's Iowa co-chair is Tana Goertz, a political neophyte best known for being a runner-up on Trump's NBC show "The Apprentice." But others on the Trump team are experienced political hands. Co-chair Richard Thornton is a lawyer plugged into state legislative politics, and deputy state director Chris Hupke is a former head of the South Dakota Family Policy Council known for his field organizing. Another top aide is Ryan Keller, who ran congressional campaigns and the Republican Party in Polk County, Iowa's largest.

Trump has made only occasional campaign stops in Iowa, and he eschews the small retail appearances that other candidates make.

Making up for his absence is the "TRUMP"-emblazoned bus. The campaign advertises on the Web when the bus will be in a town. Residents turn out to get Trump yard signs, Trump pins and Trump T-shirts. More important, they leave their names and contact information and take home kits explaining how to become caucus captains in their precincts, distribute bumper stickers and write letters to the editors of local papers.

Political organizing in Iowa requires sophistication because of the state's unique system. Voters gather at a designated time with their neighbors and advocate for their preferred candidates before ballots are cast.

Turnout in Iowa caucuses is historically low. In 2012, only 121,000 of the state's roughly 600,000 registered Republican voters participated. In 2016, strategists expect turnout to increase to 140,000 or higher.

The Trump campaign is targeting voters who may not have participated in a caucus before, modeling its strategy on Barack Obama's 2008 Iowa campaign, which mobilized tens of thousands of new caucus-goers.

"We're reaching people that the Republican apparatus doesn't even know exist," Laudner said. "The other day, one woman came up to say, 'Hello, a lifelong Iowan.' Her first question to us was, 'What's a caucus?' After we told her, she wanted to help. . . . Politics has not been the biggest thing in a lot of these people's lives. They've got lots of stuff going on with their jobs or families. But they feel Donald Trump is what this country needs."

Carson also is trying to use his political-outsider status to attract new voters into his camp. The challenge for both candidates will be getting people to show up on a cold night in February.

"It's these nontraditional candidates, Carson and Trump, who are going out there really trying to bring new people into the process," said Craig Robinson, editor in chief of the Iowa Republican. "If motivated, sure these people will caucus."

On a Saturday in late July, Trump swept into Oskaloosa, a town of about 11,000, where he addressed an overflow crowd at the local high school as his bus sat parked outside. Wearing a salmon-pink tie and dark suit, he gushed about the state.

"Whoa! Beautiful, beautiful," Trump said. "It's a terrific place, Iowa. Terrific! We just got in, and I'm driving through these beautiful fields. I want to grab that corn like you've never seen. So rich, so beautiful."

Signs of the Times

U.S. civil rights leader Julian Bond dies at 75

Reuters August 16, 2015

<http://www.reuters.com/article/2015/08/16/us-people-julianbond-idUSKCN0QL06720150816>

U.S. civil rights leader and former head of the NAACP Julian Bond, who also held elected office in Georgia for two decades, died on Saturday aged 75.

Bond died in Fort Walton Beach, Florida, the Southern Poverty Law Center announced in a statement. Bond was the civil rights organization's first president.

"Julian was a visionary and tireless champion for civil and human rights," SPLC said of its former president who held the post from 1971 to 1979.

From 1998 to 2010 Bond was chairman of the National Association for the Advancement of Colored People.

The son of a university president and a librarian, Bond helped co-found the Student Nonviolent Coordinating Committee and was its communications director for five years in the early 1960s, canvassing the U.S. South to organize civil rights and voter registration drives and lead anti-segregation protests.

In 1965 he was one of several African Americans elected to the Georgia House of Representatives after the new Civil Rights Act and Voting Rights Act opened voter registration to blacks. Bond served four terms in Georgia's House and six terms in its Senate.

After losing a bid for the U.S. House of Representatives, Bond taught at several colleges and universities and became a published author. In later years he was a regular commentator for "The Today Show," and even hosted NBC's late night comedy show, "Saturday Night Live."

Bond was divorced and had five children, SPLC said. It did not give a cause of death.

The attached articles were collected during the past week from the web sites of 19 Texas newspapers and 21 major national and international newspapers and web sites. The articles are circulated freely by request to individuals who represent a broad political spectrum in hope that they will supplement your regular reading and offer context for assessing current events. If you desire additional information concerning an article, please contact me directly. References

and sites tips are welcome.

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If you appreciate the Tuesday Report and have a few bucks to spare, The Blackland Community Development Corporation that I chair is building a new community complex of apartments and a community center and sorely needs funds to match our elbow grease. Our little neighborhood non-profit has accumulated 48 housing units and rents them to families earning less than 60 percent of the average for Austin. We're in a heavily gentrified area and these four lots and ten houses will probably be our last major project -- very little land left to develop. You can find out more about the Blackland CDC at Blacklandcdc.org. Contributions can be sent to Blackland CDC, 22nd Street Project, 2005 Salina Street, Austin, Texas 78722 or on our Pay Pal account on the web site.

Thanx a bunch,

Bo McCarver