



Written by [Charles Scaliger](#) on September 18, 2017

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What Should the Government Do in Times of Disaster?

Americans everywhere expect their government to do something about the tragedy of Hurricane Harvey and its aftermath. President Trump visited the disaster-stricken area and indicated that all needed federal resources would be at the disposal of the state of Texas. Federal government entities, especially the Federal Emergency Management Agency (FEMA), were already on the ground in Houston and Corpus Christi. At no time more than during such epochal natural disasters does the federal government have a greater opportunity to showcase its benevolence. But what exactly should its role be?



On September 8, 1900, a storm very similar in intensity and track to Harvey made landfall on Galveston Island, about 50 miles south of Houston. The “Great Galveston Hurricane,” as it has subsequently become known, utterly destroyed the thriving young metropolis of Galveston and most of its inhabitants. A gigantic storm surge washed over the entire island, sweeping away all but a handful of Galveston structures and claiming as many as 12,000 lives — although the final death toll will never be known. The Galveston hurricane of 1900 remains by far the deadliest natural disaster in American history. While Hurricane Katrina eclipsed Galveston’s economic damage, the 1900 storm killed more people than all of America’s other historical hurricanes combined. In its wake, the survivors were completely cut off from the mainland, and were forced to build makeshift shelters out of the lumber from destroyed buildings. The stench of the thousands of dead made conditions even more unbearable.

Yet in spite of such conditions, postal, water, and telegraph services were restored to Galveston only five days after the storm hit, and cotton was again being shipped from its port only three weeks after the hurricane. The city of Galveston never recovered its pre-hurricane preeminence (one of the nicknames of old Galveston had been “the Wall Street of the Southwest” because of its remarkable prosperity), and Houston became the new commercial center of the Texas Gulf Coast. But the city rebounded to a remarkable degree, building a huge new sea wall to protect against future storm surges.

Remarkably, recovery from the hurricane was accomplished with a minimum of federal government assistance and involvement, with most rescue and rebuilding accomplished by locals and by the state of Texas.

Six years after the Galveston tragedy, the Great San Francisco Earthquake, along with the conflagration that followed, leveled the most prosperous city on the West Coast. This time, the federal government, in the form of local army troops stationed at the Presidio, did pitch in to help keep law and order and to build refugee settlements for the thousands of homeless survivors. But once again, there was no massive infusion of billions of federal dollars to fund the relief effort. As a result, San Francisco sought financing from a variety of private sources for its rebuilding, promising its creditors a business-friendly



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environment rife with opportunities for profit. Impressed by San Francisco's pluck, a wide range of wealthy investors both at home and abroad sent huge sums to San Francisco, including Standard Oil, Andrew Carnegie, the city of London, and the Bank of Canada. More than \$5 million poured into San Francisco within the first few days after the disaster, allowing the city to hold to its determination to rebuild speedily.

In our day, the declaration of federal "states of emergency" and "disaster areas," as preludes to securing large tranches of federal funds and other forms of emergency assistance, have become de rigueur. But as the examples of Galveston, San Francisco, and many other disasters in American history show, local private and public responses are not only capable of, but almost always far more effective at, handling such crises. This is because local agencies are far more familiar with the area and with the needs of the local populace — and are likely to be far more sympathetic to the plight of their own, and less inclined to treat people with the bureaucratic indifference typical of Big Government.

But aside from such practical considerations, most forms of disaster relief are on very shaky constitutional ground. It may be argued with some plausibility that the deployment of military assets to prevent societal breakdown is constitutionally legitimate under the provisions of Article IV, Section 4, whereby the federal government is empowered to protect the states against domestic violence upon application from a state legislature or governor (when the legislature is unable to convene). But nowhere are other sorts of disaster aid — federal loans, grants, and the like — explicitly authorized by the U.S. Constitution.

It has been aptly said that "war is the health of the state," and that the laws tend to fall silent in times of war, because war has a way of silencing dissent and cowing skeptics of government power. War, after all, is a dire emergency, and requires broad popularity to be successfully prosecuted. For this reason, war has always been dear to the hearts of those whose fondest aim is to enlarge the powers of the state at the expense of individual liberties.

Like war, major disasters allow reason to be trumped by emotion; the losses they engender stir in people an understandable impulse to see something done immediately to bring relief to the suffering. When images of devastation and loss crowd our TV screens, few of us are disposed to consider the possible long-term consequences of limitless government power brought to bear on a disaster-stricken city.

In the aftermath of Hurricane Katrina, law enforcement went door to door confiscating firearms from New Orleans residents trying to protect their homes, in just one example of the type of police-state measures for which a disaster can provide political camouflage. We ought therefore to be wary of the role the federal government is allowed to play in dealing with natural disasters, and defer, for the most part, to local and state authorities, who are both legally and practically better-positioned to bring relief to the afflicted.

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