

## **2. FEMA and DHS**

### **FEMA Before 9/11**

When the Federal Emergency Management Agency (FEMA) was established in 1979 by President Jimmy Carter's Executive Order 12148, it brought together a range of organizations involved in disaster relief and preparedness, such as the National Weather Service Community Preparedness Program or the National Fire Prevention and Control Administration, and placed them under one umbrella. FEMA took over responsibility for relief and recovery during and after natural disasters from the Department of Housing and Urban Development (HUD). FEMA also took over civil defense operations from the Pentagon. Under President Bill Clinton, the FEMA Director became cabinet-level post tasked specifically with providing relief and recovery oversight, with Clinton naming James Lee Witt as FEMA Director in 1993.

As an independent agency, FEMA had handled such emergencies as the toxic dumping into Love Canal (Niagara Falls, NY) in the 1970s, the partial core breach at the Three Mile Island nuclear reactor in 1978, the Bay Area Earthquake of 1991 and Hurricane Andrew in 1992. In the aftermath of Hurricane Andrew, an interim report by the US Congress called FEMA a "political dumping ground, a turkey farm, if you will, where large numbers of positions exits that can be conveniently and quietly filled by political appointment."<sup>37</sup>

When James Lee Witt took charge of FEMA under Clinton in 1993, he ended political patronage in the organization, and removed unnecessary layers of bureaucracy, and "instilled in the agency a spirit of preparedness, of service to the customer, of willingness to listen to ideas of local and state officials to make the system work better."<sup>38</sup>

The success achieved by 1996 prompted the *Atlanta Journal-Constitution* to remark that "FEMA has developed a sterling reputation for delivering disaster-relief services, a far cry from its abysmal standing before ... 1993."<sup>39</sup> During Witt's term of office (April 1993-January 2001), FEMA handled "approximately 348 Presidential declared disaster areas in more than 6,500 counties and in all 50 states and territories. Witt supervised the response to the most costly flood disaster in the nation's history...the most costly earthquake, and a dozen serious hurricanes."<sup>40</sup>

Recommendation: Congress should pass legislation to ban political patronage within Federal agencies; specifically within FEMA and DHS.

Upon entering office in January 2001, President Bush chose Joe Allbaugh as the new man to head FEMA. Allbaugh had run Bush's 2000 election campaign. The first person hired by Allbaugh was his long-time friend Michael DeWayne Brown, whom he appointed as General Counsel. Political patronage at FEMA was back. Unlike Witt, Allbaugh had no disaster management experience. While the same is widely said of Brown, in his testimony before the Select Committee he protested that he *did* have disaster management experience. As an undergraduate, Brown had served as assistant to the city manager of Edmond, Oklahoma, a 68,000 strong suburb of Oklahoma City where he worked with the emergency operations center to draft the emergency operation plan. Then from 1989 to 2001 Brown served as Judges and

Stewards Commissioner of the International Arabian Horse Association (IAHA). He resigned in the face of multiple lawsuits against the IAHA.<sup>41</sup>

### **Incorporation into DHS**

In June of 2002, FEMA Director Joe Allbaugh resigned immediately upon being told that FEMA was about to be incorporated as one of 22 agencies within the new super-agency, the Department of Homeland Security (DHS), which was being created in response to the terrorist attacks of September 11, 2001. Brown was promoted to—or “slipped through”<sup>42</sup> to become—Undersecretary for Emergency Preparedness in charge of FEMA in January 2003. Although the Homeland Security Act of 2002 tasked FEMA with developing a National Response Plan, FEMA was to be stripped of its control preparedness grants totaling billions of dollars. Brown resisted, and in the ensuing years became a kind of antihero taking up the concerns and “huge angst” of the experienced members of his staff who worried that the new focus on terrorism inside DHS would leave their expertise underutilized. His resistance was not appreciated either within DHS or at the White House. The plan for FEMA under DHS Secretary Tom Ridge was to absorb what remained of FEMA into DHS’s new Emergency and Response Directorate, eliminating the name FEMA entirely.<sup>43</sup> Brown managed to preserve FEMA’s name at least. But over his objections that FEMA already had one, DHS built its own emergency operations command center. “Everybody wants a toy,” Brown grumbled, “fancy screens and all that stuff.”<sup>44</sup>

Morale at FEMA was plummeting, and experienced veterans began to depart from FEMA in droves. FEMA, with a staff of 2,500, was now tasked with preparing for disaster relief in the wake of terrorist attacks and/or the use of weapons of mass destruction, on top of natural disasters. As a series of tornadoes ripped through the Midwest in May of 2003, FEMA personnel who would otherwise have responded were instead preoccupied while being engaged in anti-terror, anti-WMD training exercises.<sup>45</sup>

Ridge had earlier seized control of the Justice Department’s 150-man operation known as the Office of Domestic Preparedness (ODP). Despite plans to merge ODP into FEMA, Ridge decided instead to move it into his office. Then he gave ODP control over the preparedness grants that had formerly been controlled by FEMA.

Ridge and his aides now believed that FEMA should be a response and recovery agency, not a preparedness agency. In an age of terrorism, they argued, preparedness needed a law enforcement component, to prevent and protect as well as get ready to respond.<sup>46</sup>

On September 15, 2003, Brown fired off an angry memo to Ridge, protesting that subsuming FEMA into DHS was ruining morale. He voiced the key concern of his staff, which was that Ridge’s plan would separate preparedness from response, disrupting key relationships with first responders and leading to “an ineffective and uncoordinated response” to another major disaster.<sup>47</sup> In retrospect, these words make Brown look seem like a prophet that a hapless horse judge.

Brown's memo only did more damage. Ridge now reassigned the writing of the National Response Plan (NRP) to Admiral James M. Loy of the Coast Guard, who was also in charge of the Transportation Security Administration. Once completed, the NRP sparked an uproar within FEMA, and "among local, state and rival federal agencies." To FEMA officials it was awful; simplistic and top-down. According to FEMA's union chief: "The gist was: We'll give orders and everybody will jump and say, Sir, yes, sir!"<sup>48</sup> FEMA, which previously reported directly to the President, would now report to a "principal federal officer" under DHS. "It was just another dad-gummed layer of bureaucracy," Brown said.<sup>49</sup>

Indeed, the NRP actually involves *five* layers of bureaucracy. The following diagram, titled "EOCs [Emergency Operations Centers] / Coordination Centers,"<sup>50</sup> shows the levels of multi-agency centers for information sharing under the NPR. What is of concern is the number of offices information would theoretically have to travel through to get DHS in touch with a Local Center.



Hurricane Katrina was the first catastrophic event to be declared an "Incident of National Significance" under the *National Response Plan* (NRP). The NRP was designed using Incident Command System (ICS) management concepts.<sup>51</sup> ICS is a highly effective approach for localized emergencies that can spread rapidly, such as forest fires or epidemics, because it allows for rapid expansion or contraction of command structures. However, an incident with the capacity to wipe out infrastructure, including communications networks and local operations centers, as Hurricane Katrina did, can create a situation where over-reliance on local ops centers that may be compromised or may no longer exist can slow the process of gaining situational awareness at the highest levels of command. When ICS management concepts are clearly understood at all levels, ICS should be able to cope, but when they are not understood, the system becomes ineffective.

This appears to have played a role in the delayed response to Katrina, as the Secretary of DHS did not appear to grasp his role as the primary Incident Commander of the first ever Incident of National Significance, since he delegated that role to the head of the overstretched and under-resourced FEMA, rather than immediately deploying the far greater assets under his own control.

Similarly, because the NRP operates on principles based more in theory than upon past precedent, the challenge of integrating State and Federal forces is made unnecessarily problematic. This was evidenced in Governor Blanco's rejection of a White House proposal to place State and Federal forces under a single "dual status commander." This incident will be treated in detail below. Here, we point to that episode as an example of what happens when one side (the White House) is seeking to apply, incorrectly, abstract ICS concepts whilst the other side (the Governor) is falling back upon long-established precedents that are not sufficiently addressed within the abstract model of the NRP. The White House was applying ICS concepts

incorrectly because it sought to create a two “mutually exclusive chains of command,” which is precisely what ICS practices are meant to prevent.

Recommendation: The National Response Plan should either be overhauled or scrapped. A new plan should be developed that includes: 1) unambiguous command structures for military responders; 2) crystal clear clarification regarding the integration of the work of state and federal armed forces during an emergency to maximize the ability to deploy military assets in a proactive manner; 3) pre-set standard operating procedures for non-military agencies operating in a crisis detailing what operations they can and should initiate without waiting for marching orders from a higher authority; 4) an integrated communications plan that puts all responders on the same page from the get-go, using Interoperable Communications technology.

Recommendation: The National Response Plan is color blind, and any future such national emergency response plans must include sensitivity training for both military and non-military responders so that responders are aware in advance of the specific needs and leadership patterns in communities of color.

Recommendation: Emergency response agencies like FEMA should offer diversity training to their employees, and establish direct working relationships with leadership figures in minority communities living in disaster prone areas such as flood planes so that those relationships are forged and ready to call upon prior to the emergency.

Brown’s warnings that FEMA was falling apart were echoed in March of 2004 by James Lee Witt, who testified before Congress that “the ability of our nation to prepare and respond to disasters had been sharply eroded ... I hear from emergency managers, local and state leaders and first-responders nearly every day that the FEMA they knew and worked well with has now disappeared.” Aside from the issue of cronyism, and the lack of cabinet-level status for FEMA and disaster relief, two additional problems affected FEMA’s ability to be an effective responder. The first of these was money. FEMA’s budget was cut by nearly \$80 million under the Bush Administration, and moreover “in 2005, nearly three of every four grant dollars from DHS to first responders went to programs exclusively focused on terrorism.”<sup>52</sup> One expert calculates the ratio of DHS projects within focused on terrorism and WMD to those focused on hurricanes and natural disasters at over 28:1, commenting: “Surely as government bureaucrats write more documents and as commissions get underway in Washington, someone must recognize the corrosive effect of focusing on terrorism and WMD to the exclusion of more plausible, frequent, and frankly, more realistic scenarios.”<sup>53</sup>

Upon the succession of Michael Chertoff, a man who is credited with authoring the Patriot Act, to replace Ridge as DHS Secretary on February 15, 2005, Brown bombarded Chertoff with memos seeking to undo what damage (in his view) Ridge had done to FEMA. “I don’t box in very easily,” was Chertoff’s cool response.<sup>54</sup> Chertoff proceeded with plans to strip FEMA of its preparedness mission. Chertoff:

agreed with Brown’s bureaucratic rivals that FEMA was too busy responding to daily disasters to focus on the long-term planning needed to prepare for a major catastrophe ... Brown sent one last-ditch memo to Chertoff’s deputy, warning that

under the new plan, ‘FEMA is doomed to failure and loss of mission.’ But his appeal was rejected ... On Sunday, Aug. 28, Brown was supposed to be finalizing his resignation letter. Instead he was on his way to Louisiana for Katrina and chuckling into his BlackBerry.<sup>55</sup>

At least Brown was taking the initiative, one day early.

Recommendation: Congress should re-establish FEMA as an independent Federal agency, removing it from DHS; but give housing oversight back to HUD.

### **Domestic Unpreparedness**

“So far, all we’ve done is shovel money out the door to meet the humanitarian needs. But henceforth we’ve got to be very careful how we spend the money, and that means we’re going to need a plan and somebody in charge.”<sup>56</sup>  
~ Sen. Charles E. Grassley, Chairman of the Senate Finance Committee

“With all due respect to the President, things are not going to bubble up from the bottom. There has to be some leadership here.”<sup>57</sup>  
~ Jack Kemp, former HUD Secretary under Bush Sr.

“The director...of the National Hurricane Center said this was the big one, but when this happened...Bush is in Texas, Card is in Maine, the vice president is fly-fishing. I mean, who’s in charge here?”<sup>58</sup>  
—Rep. Tom Davis, Chairman of the Select Committee

Indeed, Mr. Chairman, so nonchalant were top officials in the aftermath of Katrina that they did not even break from their vacations to attend to the disaster. While Bush, Brown and Chertoff had all been briefed on August 28<sup>th</sup> of the possibility of a levee failure,<sup>59</sup> Secretary Chertoff made a trip to Atlanta to visit the CDC to discuss avian flu on the 29<sup>th</sup>, the day of landfall, and did not become fully aware of the levee failures until mid-day on August 30<sup>th</sup>, some 30 hours after the initial breach. Chertoff did not declare Katrina an Incident of National Significance until August 30<sup>th</sup>, 36 hours after landfall, when he also designated Brown “principal federal officer.” It must be asked why this was not called before the storm struck and whether it contributed to the delay in the response.<sup>60</sup>

Secretary of Defense Rumsfeld was busy taking in a baseball game in San Diego on the night of the 29<sup>th</sup>, in anticipation of Bush’s visit to deliver a speech on the war in Iraq the next day. The President returned to Crawford Texas that night (August 30<sup>th</sup>). The same President who had flown from Crawford to Washington to intervene in Terri Shiavo’s medical case did not visit the devastated areas until his fly-over on September 2<sup>nd</sup>, the fifth day after landfall, delivering the message “I am satisfied with the response. I am not satisfied with all the results” at a press

conference. The next day, apparently forgetting what he had been told at the August 28<sup>th</sup> briefing, Bush stated: "I don't think anybody anticipated the breach of the levees."<sup>61</sup>

For her part, Secretary of State Rice was still taking in the sites on her New York City vacation two days after the storm when she took in a Broadway show, with some audience members booing her when the lights went up. She was reportedly accosted by angry citizens again the next day who found her buying thousands of dollars' worth of shoes. "A fellow shopper shouted, 'How dare you shop for shoes while thousands are dying and homeless!'"<sup>62</sup>

It certainly seems as if the folks over there at the White House have trouble reading:

1. "No one could have imagined them taking a plane, slamming it into the Pentagon... into the World Trade Center, using planes as a missile."  
     –Condoleezza Rice, testifying before the 9/11 Commission, April 8, 2004.

There were multiple and consistent warnings that Osama bin Laden was planning a major terrorist attack against the United States on or around September 11<sup>th</sup>, 2001 and that New York and Washington were likely targets. There had been warnings of threats to use planes as weapons since 1976. Rice actually joined President Bush in Genoa for the G-8 Summit in July of 2001 when Islamic terror groups had threatened to crash an airliner into the summit, prompting the closure of airspace over Genoa during the event.<sup>63</sup>

2. "Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction."  
     –Vice President Dick Cheney, August 26, 2002

Former UN weapons inspectors accurately foretold that they had destroyed 95% and more of Iraq's WMD. US forces occupying Iraq for nearly three years now have not uncovered any conclusive evidence that Iraq continued to possess WMD in 2002.

3. "I don't think anybody anticipated the breach of the levees."  
     –President Bush, September 2, 2005<sup>64</sup>

There had been consistent warnings about the danger of a category 4 or 5 hurricane hitting New Orleans and flooding New Orleans since 1998,<sup>65</sup> and as noted above Bush, Brown and Chertoff were specifically briefed about this on August 28 2005.

The response to Hurricane Katrina by both DHS and the White House has been described as "staggeringly ineffectual" by one commentator writing days later, who pointed out that DHS Director Michael Chertoff seemed proud that only 2,800 National Guardsmen had reached New Orleans 72 hours after landfall, promising that the Army was "building capacity." DHS demonstrated that "it could organize an impressive press conference in Washington ... But on the ground in Louisiana, where it counts ... DHS is turning out to be the sum of its inefficient

parts. The department looks like what its biggest critics predicted: a new level of bureaucracy grafted onto a collection of largely ineffectual under-agencies.”<sup>66</sup>

DHS and FEMA unpreparedness and ineptness in the face of the hurricane-flood disaster was also apparent in the face of offers of international assistance. More than 90 countries and international organizations offered assistance in the first week following the disaster. But nearly all of these offers were “mired ... in bureaucratic entanglements.” Although the State Department announced that no offers of aid were being turned away, a Swedish transport at the ready with water purification systems and a cellular network sat waiting for take-off orders for four days. A Canadian search-and-rescue team sat waiting for directions.<sup>67</sup> Actually, not all offers of aid were accepted. When Cuba volunteered a medical brigade with disaster relief experience in post-tsunami Sri Lanka, White House spokesman Scott McClellan answered with the message that Fidel Castro “needs to offer the people of Cuba their freedom.” But the team members themselves continued to stand at the ready, and team member Dr. Delvis Marta Fernandez, a veteran hurricane responder at age 32, told reporters: “Let’s get going. This is not political. This is a humanitarian emergency. People are dying and they need our help.”<sup>68</sup>

Recommendation: Congress should take international politics out of disaster relief efforts by establishing a policy that no legitimate offers of foreign assistance will be refused.

### **Warnings of Levee Failure Since at Least 1998**

The dramatic testimony of Mama D (Dyan French Cole) before the Select Committee concerning the failure of the levees attracted nationwide attention. She testified that the Seventeenth Street Canal was within a mile of her home and when the levee broke she heard two huge explosions. Reacting to this, major networks ran some rather patronizing stories on how a people who have suffered generations of oppression can develop a certain psychology of paranoia. But Mama D was not the only one who heard the explosions, many residents did.

One such individual is Mr. Joe Edwards, Jr. who was interviewed by *ABC News* anchor and correspondent David Muir. He tells Mr. Muir, ‘I heard something go boom! ...I know it happened. They blew it.’ In addition to local New Orleans residents, like Mr. Edwards, Eugene Robinson of *The Washington Post* said on the September 18th edition of *Meet The Press*, ‘I was stunned in New Orleans at how many black New Orleanians would tell me with real conviction that somehow the levee breaks had been engineered in order to save the French Quarter and the Garden District at the expense of the Lower Ninth Ward, which is almost all black...But these are not wild-eyed people. These are reasonable, sober people who really believe that.’

Commenting, author Cedric Muhammad’s call for openness of mind on this issue:

I think any reasonable and rational person with an open mind – not bound by ideology – would have to conclude that there is justification and various forms of evidence for considering the possibility that the levees were breached and the

Ninth Ward flooded for reasons other than that provided by the mainstream media and local, state and federal government including the Army Corps of Engineers.<sup>69</sup>

Moreover, as Mama D told MSNBC's Tucker Carlson, there were intentional levee breaches in 1927 and in the aftermath of Hurricane Betsy in 1965. In other words, New Orleans residents have historical precedents of intentional levee breaching to point to.

During the Great Mississippi Flood of 1927, which began on April 16<sup>th</sup> of that year, communities on both sides of the Mississippi River knew that their community would be spared if the other side broke. Levee patrols with shoot-to-kill orders were actually set up by both sides to catch any intruders who might be trying to dynamite their side of the levee. This was serious business. In Greenville, Washington County, Mississippi, the flood overtook the town, flooding an area 60 by 90 miles wide. Boaters rescued thousands of mostly poor African-American persons from rooftops and trees. They were deposited at the crown of the river levee. By April 25<sup>th</sup>:

The situation in Greenville is dire. Thirteen thousand African Americans are stranded on the levee with nothing but blankets and makeshift tents for shelter. There is no food for them. The city's water supply is contaminated. The railway has been washed away, and sanitation is non-existent. An outbreak of cholera or typhoid is imminent.<sup>70</sup>

Local cotton magnate LeRoy Percy appointed his son Will to head the relief effort. But when Will arranged for the evacuation of the stranded survivors, the local whites feared that if the blacks were rescued, they wouldn't work the crops come harvest time. The steamboats that came to rescue the survivors removed only 33 whites. Will later tried to save face with the blacks who were stranded by employing them with the Red Cross in its relief effort.

Red Cross relief provisions arrive in Greenville, but the best provisions go to the whites in town. Only African Americans wearing tags around their necks marked 'laborer' receive rations. National Guard is called in to patrol the refugee camps in Greenville. Word filters out of the camps that guardsmen are robbing, assaulting, raping and even murdering African Americans held on the levee.<sup>71</sup>

Later that summer African Americans began leaving, and over half left within the year. LeRoy Percy's cotton empire fell into ruin.

During the flood, as the waters moved south along the Mississippi, the decision was made to save the downtown businesses of New Orleans by blowing a 1,500-foot break in the Poydras levee, flooding St. Bernard and Plaquemines Parishes. According to one expert, race did not play a factor in the decision to blow the Poydras levee, and in fact the decision was made following advice given five years earlier by the Army Corps of Engineers that if the city was ever seriously threatened, the levee should be blown.<sup>72</sup>

Historical memory has a tendency to turn events into legend. Since the flood of 1927 was a turning point for many black families in the south, the bitterness of those experiences are no doubt still associated with the flood, and the flood as we know is associated with the blowing of

the levees. For the mostly white residents of St. Bernard and Plaquemines Parishes who were intentionally flooded, the flood of 1927 was all about the blowing of the levees.

Hurricane Betsy in 1965 overtopped levees and led to the breaching of the Florida Avenue Levee, leading in turn to the flooding of the Lower Ninth Ward and neighboring Chalmette. While the Florida Avenue Levee was initially breached by the storm, it is our understanding that the Corps later intentionally breached some levee points in attempting to manage the drainage process.

Hurricane Katrina surely conjured up the haunting memories of these two events. As in the aftermath of Katrina, residents of the Lower Ninth died in their attics as waters rose above the eaves.

Mama D told the Select Committee said a former military official happened to be in the house at the same time and that he told her that what he had heard were two bombs. Our office has received numerous reports of others who claim to have heard explosions that sounded like bombs. We also were told that two young men reported being asked to step down from the levees so that they could be dynamited, but we were unable to get in contact with them. While one engineer we spoke with stated he could not explain how the levees failed, others we spoke to said that the intensity of the storm surge could certainly overtop the levees and possibly breach them. When asked if they could explain how all the four or more breaches occurred almost at the same time, we were told that uniformity of water pressure across the levee system could have reached critical levels at around the same time for all the levees that breached.

**Dr. Iver Van Heerden**<sup>73</sup> at the LSU Hurricane Center told us he was out at the levee breaches within 24 hours of landfall, taking samples and measurements. He found no evidence of any explosives. According to Van Heerden, researchers from the four separate investigations into the levee breaches that are mentioned in the Select Committee Report have met and have privately concluded that the reason the levees were breached was not due to poor maintenance but poor construction.<sup>74</sup> Specifically, the loose topsoil was not taken into consideration. Thus water was able at several of the sites to push out the loose topsoil under the levees, causing pressure bursts and breaching them starting from underneath. At one site the flood walls slid 45 feet. At each of the sites where there were levee breaches, the noise of the breach would have sounded like a huge explosion.

It is Minister Louis Farrakhan who may have initiated the controversy about intentional breaches. He noted that craters were seen at the breach sites where the walls had been.<sup>75</sup> The cratering he witnessed could have been caused by the water pushing out the earth underneath the levee wall before breaching the entire wall.



Probably the most suspicious fact about the Katrina levee breaches is that their water flow was aimed directly at African American communities (Orleans Parish at the 17<sup>th</sup> Street Canal; the Lower Ninth Ward at the Industrial Canal). As the Congressional Delegation Tour bus stopped on the bridge over the 17<sup>th</sup> Street Canal just up from the breach, we could see that the Jefferson Parish side of the canal, the side that didn't breach, had a built up earthen foundation with only a few feet of wall exposed. But on the Orleans Parish side (see photo, right), there was no earthen foundation surrounding the wall, which stood over 12 feet high from the ground. The thickness of the wall was only 11 inches. Each levee is maintained by the local parish government. The relative wealth of Jefferson Parish, a mostly white community, would have enabled it to invest in a much safer structure than what the Orleans Parish could afford. This would explain why the Orleans Parish side failed first.

One thing is certain about the levee breaches: there was ample discussion of the possibility of a levee failure prior to Katrina. Since 1998, the *Times Picayune* has run articles expressing concern about the possibility of a levee failure:

- October 4, 1998:<sup>76</sup> “[National Hurricane Center Director Jerry Jarrell] has two recurring nightmares of the worst-case hurricane that could hit the United States, and New Orleans is central to both. The first is a category 4 or 5 storm with winds as high as 150 mph that follows a path very similar to [Hurricane] Georges. After slamming into island after island in the Caribbean, creating havoc and killing hundreds of people, it moves northwest and cuts across the Miami metropolitan area, leaving damage similar to that caused by Hurricane Andrew in 1992. After clobbering Tampa Bay on a trek across Florida, it enters the Gulf, where it reintensifies before assailing New Orleans with a storm surge that overwhelms the city’s levee system.”
- June 1, 1999:<sup>77</sup> “New Orleans Office of Emergency Preparedness Director Frank Hijuelos said city residents should try to evacuate in advance of the first official evacuation requests, if they have the ability to leave and a place to go. He said that recommendation is based in part on computer modeling by Louisiana State University engineering professor Joe Suhayda and federal agencies that indicates a slow-moving Category 3, and Category 4 and 5 hurricanes cutting northwest over the metropolitan area will push a wall of water before it that will overtop the area’s hurricane protection levees.”
- June 2, 1999:<sup>78</sup> “The state’s official hurricane emergency plan calls for the Superdome to be a staging area for National Guard and other emergency personnel in the hours after evacuation routes have been shut down and before a hurricane hits. Residents with special needs, such as medical patients with no transportation, are to be moved to the Dome and, if possible, evacuated by air or other means from the city. Once a hurricane is about to hit, the Superdome would be transformed into a ‘refuge of last resort,’ a bare-bones area where people caught on the street downtown could survive until the storm’s fury subsided and they could be evacuated, Purpera said... New Orleans Office of Emergency Preparedness Director Frank Hijuelos said such an assumption by the public could be dangerous. If a major hurricane does hit, Hijuelos said, the accompanying storm

surge could easily top hurricane protection levees, flooding streets with 17 feet of water or more. It could take weeks to remove the water, he said.”

- June 23-27, 2002:<sup>79</sup> In a five part-series, the *Times-Picayune* offered its readers a comprehensive look at the dangers faced by the city. “It’s only a matter of time before South Louisiana takes a direct hit from a major hurricane. Billions have been spent to protect us, but we grow more vulnerable every day.”
- July 20, 2004: “Walt Zileski, warning coordination meteorologist for the National Weather Service’s Southern Region headquarters in Forth Worth, Texas, said Hurricane Pam was fashioned after Hurricane Georges, which in 1998 turned east only hours before it would have followed for Pam... The water would be high enough in parts of New Orleans to top 17-foot levees, including some along Lake Pontchartrain and the Mississippi River-Gulf Outlet, Zileski said. Some of the water pushed into Lake Pontchartrain would flow through a gap in the hurricane levee in St. Charles Parish, flow across land to the Mississippi River levee and be funneled south into Jefferson and Orleans Parishes.”

Additionally, in early 2001, FEMA had published its own report, ranking the possibility of a major hurricane hitting New Orleans as one of the three most likely catastrophes facing the country, alongside a terrorist attack in New York City and a major earthquake in San Francisco.<sup>80</sup> If President Bush did was not aware of the levee issue in New Orleans before he was briefed on the subject on August 28, 2005, somebody at the White House was not doing their job.

### **Not all Hurricanes are Treated Equal**

We have seen above how FEMA’s funding was cut, its staff demoralized and its mission called into question. Yet even in the midst of its being absorbed into DHS, FEMA did continue to have the ability to respond quickly and efficiently to a hurricane. Little more than a year prior to Katrina, Hurricane Charley crossed Florida from West to East on August 12, 2004. By Noon of August 16<sup>th</sup>, less than 4 days since landfall and 24 hours after the Hurricane dissipated off of Cape Cod, the White House website reported that the following resources had been mobilized:

- One hundred trucks of water, 280 trucks of ice, and 900,000 Meals-Ready-to-Eat for Jacksonville.
- 7,000 cases of food for Winter Haven.
- Urban Search and Rescue Teams and Disaster Medical Assistance Teams (DMATs) on the ground and setting up comfort stations, coordinating with FEMA community relations personnel.
- 4,100 National Guard troops in Florida, as well as thousands in nearby states.

- Tarps provided by the Army Corps of Engineers for “tens of thousands of owners of homes and buildings that have seen damage to their roofs.”
- 300 medical personnel to be on standby.
- 1,000 additional community relations personnel deployed to Atlanta “for training and further assignment in Florida.”

Additionally, survivors were notified that:

- “FEMA is coordinating with the Department of Energy and the state to ensure that necessary fuel supplies can be distributed throughout the state, with a special focus on hospitals and other emergency facilities that are running on generators.
- “FEMA is coordinating public information messages with Georgia, Tennessee, Alabama, and North Carolina so that evacuees from Florida can be informed when it is safe to return.”

By August 15th, the White House web site boasted the following:

- “Registering approximately 136,000 assistance applicants;
- “Approving over 13,500 applications for more than \$59 million in housing assistance;
- “Establishing 12 disaster recovery centers, which have assisted nearly 19,000 disaster victims;
- “Deploying medical teams that have seen nearly 3,000 patients;
- “Disbursing 1.2 million liters of water, 8.1 million pounds of ice, and 2 million meals and snacks;
- “Delivering over 20,000 rolls of plastic sheeting and nearly 170 generators; and
- “Treating more than 2,900 individuals through FEMA Disaster Medical Assistance Teams, supporting damaged hospitals”

FEMA appears to have responded in a timely and effective manner three months before an election in Florida, a state governed by Jeb Bush, the President’s brother. ***“Disaster relief checks were in the mail within a week.”***<sup>81</sup> Additionally, after Hurricane Frances, FEMA was “very generous... especially in Miami-Dade [County] giving people money for...broken televisions, washers, driers, whole new wardrobes and rooms full of clothing... [and rooms] full of furniture.”<sup>82</sup>

Let us contrast this with FEMA’s dismal performance in the aftermath of Hurricane Katrina. Two days after landfall:

- White House pressure on FEMA to set up an interagency crisis management group in the days leading up to the storm were chided by FEMA staff. One staffer wrote to Brown: “Let them play their reindeer games as long as they are not turning around and tasking us with their stupid questions. None of them have a clue about emergency management.”<sup>83</sup>
- FEMA regional director Marty Bahamonde wrote in an office e-mail: “The leadership from top down in our agency is unprepared and out of touch... I am horrified at some of the cluelessness and self concern that persists...”<sup>84</sup>

Three days after landfall:

- Secretary Chertoff told *NPR* that he had ““not heard a report of thousands of people in the Convention Center who don’t have food and water,’ even though every television viewer in the country had been hearing of those 25,000 stranded refugees for at least a day.”<sup>85</sup>

Five days after landfall:

- FEMA Director Michael Brown notified an aide by e-mail that “no action from us” to use planes made available by airlines to evacuate victims had been made. But 30 minutes later he was informed that in fact FEMA had been “flying planes all afternoon and evening.” Brown also mused that he wished Jeb Bush were Governor of Louisiana.<sup>86</sup>
- 9 stockpiles of fire-and-rescue equipment that had been “strategically placed around the country to be used in the event of a catastrophe” had still not been pressed into service.<sup>87</sup>

Additionally, FEMA’s contracting was in disarray:

- FEMA had no plan for cleaning up the bodies, which after the storm were left decomposing in homes and on the streets. One week after the storm, FEMA asked Texas firm Kenyon International Emergency Services, Inc. to deliver mobile morgues (the morgue in New Orleans was flooded). But after several days of waiting, Kenyon decided to forget FEMA and signed a contract directly with the state of Louisiana.<sup>88</sup>
- FEMA ordered 1.6 million cases of meals-ready-to-eat (MREs) from the Pentagon, but demand rose to 2 million, but the Pentagon cut them off at 1.6: “We’re happy that we’re able to help the folks, [but]...we have to feed our troops too,” said a Pentagon spokesperson.<sup>89</sup>

With FEMA officials themselves admitting that FEMA was nowhere near ready for Hurricane Katrina, and given Brown’s unsuccessful attempts to protect FEMA’s integrity as the authority on natural disaster response within DHS, FEMA was set up to fail when the big one hit. Nevertheless, we cannot ignore the disparities between the lavish treatment by FEMA of survivors of hurricanes Charley and Frances. FEMA, after all, speaks to a higher power, and that higher power was not only slow on the uptake, but slow on the delivery as well. If the nightmare

were over for Katrina survivors, this would be a matter for policy debate. But the nightmare for the survivors continues.

### **“Duped” by FEMA: The Housing Fiasco**

Many survivors who were aware of what was being offered and what assistance other survivors were receiving from FEMA, found themselves caught up in a second nightmare: the bureaucratic red tape that in many cases made it extremely difficult or even impossible to get assistance.

**Jan Campbell**<sup>90</sup> is a former FEMA employee who worked out of FEMA’s operations center in Hyattsville, Maryland. She worked the phones on FEMA’s regional intake and helpline. With hundreds of experienced employees having left FEMA over previous years, after Katrina hit FEMA was desperate to hire workers who could handle the phones for hundreds of thousands of survivors’ calls. They were offered \$15 per hour. “If you were alive they hired you,” says Campbell. People were hired who later flunked criminal background checks. Well over a hundred in the Hyattsville office alone had already been on the job when they were fired over background checks. During their employment, these individuals had access to social security numbers. Training, which was supposed to take 10 days, was trimmed to 8 hours. Every day employees were threatened with firing. Most of the employees were African-American and many were single mothers.

For survivors who weren’t in a hotel or in a shelter but not in their own home, the policy stated that they were entitled to an initial \$2,000. But thousands of survivors could not access this entitlement because of *duplicate registrations*. Many of the survivors were low income minority persons from extended families, but those families had been split up in the mass evacuation into diaspora. The first thing entered into the computer was the person’s telephone number. But what happened when a family of 2 or 3 or more adults were separated? The first to call in would typically receive the \$2,000 of assistance, but the second or third to call in would give the same telephone number. They found themselves in “dupe status.” Now they were stranded. The Red Cross might offer \$300 and other services, but this would not last for long. Next, this survivor goes to apply for rental assistance. FEMA can’t help them, because they’re in dupe status.

There were other ways for survivors to find themselves in dupe status. The application process was available on the internet. But as often happens with online forms, many survivors were uncertain whether or not their form had been accepted after pressing the send button. So they reloaded the page and hit send a second time. Now they had unwittingly submitted a second application, and this landed them into dupe status.

Over 70,000 applicants landed in dupe status, and over half of these were New Orleans residents. FEMA management discouraged those on the phone from telling survivors why they were not eligible for checks. Five months after landfall, FEMA was still cleaning these applications up. But since the \$2,000 assistance program was terminated in mid Fall of 2005, virtually anyone in dupe status did not receive the check unless their case was solved before the deadline.

Survivors were asked to provide proof of the residence they were living in at the time the hurricane hit. This required a lot of paperwork, especially for people who were far away from their residences. Sixty per cent of residents in the Lower Ninth Ward were illiterate, but no steps were taken to meet their special needs. FEMA employees had no social service background. Campbell's boss was a former warehouse worker. FEMA used satellite imaging to identify homes, but with so many homes destroyed they had to turn to other methods of verification such as checking phone books. If residences could not be verified, then the computer would display the words: "unable to verify," holding the application up. Survivors were not informed if there was a problem, and if they called in, staff could tell them about it, but there was no outreach so if they did not call in they did not know there was a problem. In November, a batch of faxes was lost in the mail system. But management instructed operators not to explain to survivors why their application had not yet been received or processed, but only to say: "Your case is still pending," and to ask them to send it back in.

A climate of suspicion pervaded the office. If someone called in and reported that they were unemployed, the computer showed: "refused to give income," which basically meant that FEMA thinks you are a crook. Office colleagues would hang up the phone proudly declaring "busted another crook." Applicants in the "refused to give income" category were sent to the Small Business Administration (SBA) for an SBA Loan, which requires filling out a 6 page form. Many elderly and disabled persons who did not have an employer found themselves in this situation, and were basically getting cheated out of any assistance. There were "so many ways to put people up a creek."

One man from East New Orleans had helped rescue 800 survivors, but then found himself forced to get on a plane to Tucson. He had no money. He could not get home. Since he could not prove that he lived in New Orleans, he then got hung up in asking for assistance when he was asked to provide proof of residency.

Phone operators were instructed not to spend more than 15 minutes on each call with the "customer." Staff were basically being told: "be quick, answer just what you're asked," and do not go over peoples' applications to be sure they get what they're entitled to. Because 15 minutes was often not enough to help someone solve a problem, unless you took time to go over the application with them, or to ask a Special Matters Expert (SME) for specific assistance, they were unlikely to receive everything to which they were legally entitled.

When rental assistance was obtained, survivors were told that it was good for 18 months. What they often weren't told was that they had to re-apply every 3 months. After the first three months, if they missed a rent payment, many landlords would turn them out in six weeks or less. Many checks were sent to the wrong address. Survivors had to apply for FEMA to reissue the check. ***But FEMA can take up to nine months to reissue a check.***

Finally, people from New Orleans were the last to get trailers. 40,000 or more were needed, but only several thousands were made available. Every day, FEMA phone operators were instructed not to tell anybody about trailers. There was a systemic bias. There were 41,000 trailers along the Mississippi Coast and calls came in all the time from Mississippi residents asking for instructions on how to hook up their trailers. But Louisiana only got 1,700 trailers. [By the end

of January, according to the *Washington Post*, Mississippi had 33,378 trailers, meeting 89% of the demand, whereas Louisiana had only 37% of its trailer needs met.]<sup>91</sup> And there were memos all the time giving phone numbers that survivors of Hurricane Rita in Texas, a hurricane that came a month after Katrina, could call to get a trailer, or get service for their trailer. The staff were grumbling among themselves: “How ‘come these people in Texas are getting Cadillac treatment?”

“Most of the survivors were suffering from post-traumatic stress disorder (PTSD). I tried to help them when I could. We got yelled at routinely for ‘having too much compassion... You’re not here to do casework,’ we were told.” In November, Campbell raised a fuss at a meeting when survivors were about to be evicted from hotels. Staff phones had a button to transfer callers facing eviction to another program. But three quarters of the transfers did not go through, and staff were not provided a number to give directly to the callers who called back in. A day later, the number was provided to staff, but during that 24 hours most transferred calls got cut off.

One day, 20 employees passed out cold on two separate floors of the Hyattsville office. This event got coverage by *CNN*. The official explanation was that a gas can with a paper rag on it on the roof had caused the incident. Campbell didn’t buy it. Campbell’s co-workers told her she had gotten herself into trouble when she called the Hyattsville Fire Department to report that cartloads of paper were blocking exit doors in the building, which was against the fire code. She was terminated in early December because she “talked too long on the phone.” She had shown too much compassion.

Ms. Campbell’s story gives us a peek at the chaos inside of unhappy FEMA. This was not an organization that stood ready to deal with a hurricane of the magnitude of Katrina. This meant that as new policy was needed to cope, it had to be made on the run. That opened the door to all kinds of problems and irregularities, such as out of control spending with credit cards to purchase sleeping bags (\$60,000 for 3,000); flip-flops (\$223,000 worth in one purchase); and golf cart rentals at \$1500 per month.<sup>92</sup> As well, FEMA trailers are said to be priced at up to \$120,000 each in New Orleans, which is more than it would take to renovate an average house. One FEMA employee has been charged with looting from a client survivor.<sup>93</sup> Two others were indicted in scheme where they were taking kickbacks from food services contractors.<sup>94</sup>

But the clearest sign of chaos within FEMA has been its rolling deadline for evictions for tens of thousands of survivors who have been living in FEMA-subsidized hotels: from December 15<sup>th</sup>, to January 7<sup>th</sup>, to February 7<sup>th</sup>, and now to March 1<sup>st</sup>. The expensive hotel scheme itself was a stop-gap measure. But here again, we need to ask why the President or the Secretary of DHS did not step in to take charge. There have been options on the table, such as opening tens of thousands of existing dry housing units in New Orleans to survivors. After five months, FEMA finally announced at the end of January that it was in fact setting up a pilot program to relocate 20,000 survivors into government sponsored, rent-free apartments in New Orleans for 18 months (starting from August 29<sup>th</sup>, the day of landfall).<sup>95</sup> This was welcome news, but will FEMA’s promise hold good? A FEMA official is said to have told the Subcommittee on Housing that the hotel deadline would be lifted altogether, but this did not turn out to be true. William Lokey, a field director for FEMA, told the Select Committee on December 14<sup>th</sup> that all survivors would be

given return tickets to get back to their Gulf Coast homes, but FEMA has published no explicit policy and survivors we've talked to say they cannot access this program.

The other major option open to the government is to provide section 8 housing vouchers for survivors so that they can get established, find work, and start to rebuild their lives. Local and state government along the Gulf Coast needs to re-establish a tax base, but this will be very hard to do if residents don't return.

Tens of thousands of mostly African-American survivors face eviction on March 1<sup>st</sup> with no further promises of assistance.