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(Mis)Coordination Among Federal, State, and Local Governments in Disaster Response: The Katrina Case

Hurricane Katrina, and its disastrous effects, had a profound impact on American politics. The storm and, more particularly, the institutional responses to it, affected the national political discourse both immediately and well into the subsequent elections. The disaster changed or exacerbated perceptions of vulnerability and responsibility, inequality and elitism, which were reflected in policy shifts and administrative attempts at reform. It also highlighted the potential political costs of “natural” disasters, bringing to the fore questions of risk and opportunity that had over the previous years been focused on the problematic of terrorism. The impacts continue to be felt not only in New Orleans, but also in disaster preparedness and response across the country, with the repercussions visible during the action and rhetoric surrounding Hurricane Irene in 2011, Hurricane Isaac in 2012, and most recently Hurricane Sandy in 2012.

The response to Katrina provides an example of interactions between different levels of government, a concrete and relatively well-documented case study in the context of the on-going debate about federal, state, and local responsibilities, capacity, and accountability. Disaster responses offer an opportunity to observe administrative functioning under intensified, condensed, and often closely documented conditions. Theoretical divisions of authority often break down or prove inefficient or unworkable in the event of an emergency. Resources are allocated inefficiently and affected by political concerns. Performance targets or standards are unclear and results difficult to measure. The situation is, in short, much like that of any government program, but with a condensed timeframe, higher stakes, and considerably more media attention and documentation. As Roger Congleton notes in *The story of Katrina: New Orleans and the political economy of catastrophe*, “By providing unusual stresses on political institutions, crises often reveal political behavior more clearly than ordinary times.”¹

The theoretical framework for emergency management before Katrina occurred was a model of decentralization. As Schneider (2008) writes in a lucid summary of the process: “The United States’ intergovernmental response to natural disasters is designed to work from the

¹ Congleton, Roger D. The story of Katrina: New Orleans and the political economy of catastrophe. *Public Choice* (2006) 127 p. 25.

bottom up. Disaster response begins at the local level and follows a series of pre-specified steps through the state and, ultimately, to the national government.” Although the state and national governments, if needed, were supposed to provide financial and technical assistance, they were not, “supposed to supersede or replace the activities of the lower levels. Instead, all three levels of government continue to work together while implementing disaster-relief policies” (Schneider 2008).

This is also clear (at least for the federal level; the relationship between state and local is less delineated) in the legal basis for emergency response, the Stafford Act, which describes its intent as “to provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from such disasters” (U.S. Government, 1988).

Federal funding for disaster response is, as Steinberg has shown in his influential *Acts of God: The Unnatural History of Natural Disaster in America* (2000) a relatively recent phenomenon. He describes a process that reached some sort of culmination with the catastrophe of Katrina: a sort of mission creep of federal emergency management that left significant misinterpretations of who was able to accomplish what. As Steinberg recounts, the majority of aid in the late nineteenth century and early twentieth century was mutual aid between cities, and it was largely controlled by business and political elites who wanted to avoid damaging the investment potential of their locality, or allowing the donated funds to even out inequalities.

However, more investment in physical assets meant higher costs of the damage caused by disasters, and with the growing government engagement of the New Deal, localities “turned more to the federal government for relief funds, a common strategy after 1934, when Congress authorized the Reconstruction Finance Corporation to begin making disaster loans to rebuild public facilities” (Steinberg 2000).

Federal engagement in emergency response was not monolithic. Even within the national level of government, emergency management combined (and continues to) elements of executive and legislative powers. Steinberg (2000) points out that “Only in 1950 did Congress pass legislation allowing the president to make disaster declarations to aid state and local governments in repairing public facilities (prior to this it required a special legislative enactment to receive such aid).” The president (or, at the state level and with fewer consequences, the governor) may declare a state of emergency, which makes possible federal assistance; however, beyond a certain level further funding must be approved by Congress, which particularly in recent years has led to acrimonious claims about representatives prioritizing certain regions (their own) while emphasizing budgetary concerns about others. In practice, the systems of checks and balances continues to function, and leads to a great deal of uncertainty.

Another player came into the mix with the establishment of the Federal Emergency Management Agency (FEMA) in 1978 as the bureaucratic and technical arm for implementing elements of response. In some ways this is a natural progression: once the money was mainly federal, the emergence a federal structure for overseeing the use of that money was almost inevitable. However, there was a certain amount of drift or vagueness over time in terms of FEMA’s role. Schneider (2008) writes that “In most major disaster situations, the Federal Emergency Management Agency (FEMA) has the task of mobilizing the broader resources of the federal government” rather than having its own self-sufficient resources, and one of the agency’s main talking points after Katrina was that it was not and never had been a “first responder” (Senate 2006). This line between on the one side coordinating or administrating and on the other providing or implementing seems to have been a confusing one, however, both

within and outside of FEMA. In addition, although the Stafford Act reiterated the primacy of local and state governments (without clarifying their relationship), the control of funding as always meant ceding a certain degree of control.

After the 2001 terrorist attacks on New York the structure changed again. Criticized for lack of information-sharing among agencies and interoperability across emergency responders, the Bush Administration created the Department of Homeland Security (DHS), into which FEMA was incorporated on the theory that whether the cause of an event is terrorism or a natural hazard, the response would involve similar actions. However, this shift reduced FEMA's independence, budget, and power, sparking a series of internal conflicts that weakened the agency and gutted its morale, staff, and institutional capacity.² At the same time the aggressive reaction to the attacks furthered the perception of federal government holds responsibility for public safety at least in cases of attack.

At the same time, as Kerry Foshier describes in *Under Construction: Making Homeland Security at the Local Level* (2009), local and even state agencies were left to interpret the sudden shift in structure and priorities. While states and large cities were starting to mimic the federal structure with their own Homeland Security Offices, roles and responsibilities, and even the definition of "homeland security" were still being worked out (Foshier 2009). Foshier writes that "the lack of consistent policy (or public opinion) opened up spaces for action on the part of local actors." Countering this, however, were the constraints of what Foshier calls "the vagaries of funding" in a "funding structure that was not set up to accommodate this degree of local involvement in national security activities." For example, Foshier writes, "the local homeland security community is critically understaffed. Yet much federal funding cannot be spent on staff, only on equipment and training." More notoriously, the federal government was at this point focusing both attention and grant funding on anti-terrorism activities, with little leftover for natural hazards.

The event known as Hurricane Katrina occurred at this critical point in the development of the politics of crisis management in the United States. Federal engagement in emergency response had both expanded and become more technically varied and complicated. Its role was defined as supporting, but its control over funding dictated greater influence. It also involved multiple agencies and departments, some of which were feuding. Localities, though technically the primary responders, had widely varying capacities, and the increasing potential for federal assistance and reimbursement had generally reduced the incentive to prioritize emergency management within tight budgets. Localities and states were also often in conflict with the federal actors over funding priorities, particularly the issue of anti-terrorism; without alternative funding sources, however, they had little say in the matter.

Even on the more local and particular level, intergovernmental complications are crucial to the story of Katrina. The famous levees which were breached in the storm, leading to the majority of the casualties in New Orleans, were overseen by both the United States Army Corps of Engineers (federal) and local levy boards, with unclear or contested divisions of responsibility (Derthick 2007; Senate 2006).

Katrina quickly exposed the disarray in the emergency management system. The extensive and on-going discussion that has gone on since then in the political, academic, and media arenas has showered blame on almost everyone associated with the storm or the response: from the President, through Governors and Mayors, police departments, the Federal Emergency

² Grunwald, Michael, and Susan B. Glasser, "Brown's Turf Wars Sapped FEMA's Strength," *The Washington Post*, 23 December 2005.

Management Agency (FEMA), the American Red Cross, to the people who failed to evacuate themselves before the storm. While there is certainly a lot of blame to go around, a more nuanced reading of the events, as well as the theoretical structures that framed them, illustrates the complex interplay of interests, obligations, and capacity.

Although the National Response Plan (NRP) had just been introduced, it was shown to be not only largely misunderstood but also inherently ambiguous. While following the traditional bottom-up or pull system approach in which each level of government requests needed assistance from the next level up, NRP also included a provision for shifting to a push system, in which the federal government could proactively step in before being asked. As Schneider (2008) observes, “the bottom-up process collapsed almost immediately. [...] federal officials assumed the normal stance of waiting for requests (i.e., the pull) from lower level governments before they responded. Unfortunately, lower level officials were already overwhelmed in their efforts to deal with the disaster.” More unfortunately, when the federal assistance did arrive, it was largely overwhelmed too (Senate 2006, House 2006).

Even in the best of circumstances, the localities knew that they had to be prepared to respond on their own, at the very least while waiting for their “pull” requests to be filled. Foshier (2009) writes that “Current unofficial planning guidance suggests that towns should be capable of handling an incident for forty-eight to seventy-two hours on their own or with state assistance. [...] locals still face the very real possibility that, in an attack or natural disaster, they may be on their own.” According to the House of Representatives report on Katrina (2006), “Dr. Walter Maestri, the Jefferson Parish Director of Emergency Management, [] understood that FEMA may not provide help until 48-72 hours later—but then he expected help.” In the city of New Orleans, local officials had difficulty managing those first 48-72 hours.

In previous hurricanes, New Orleanians who did not or could not evacuate had generally sheltered in school buildings throughout the city,³ a strategy which would for the most part keep people in their own neighborhoods and among people they knew. By the time of Katrina, however, the city had taken responsibility for emergency management, and the decision was made to designate the Superdome as a shelter of last resort and for special needs patients. This decision is somewhat puzzling given that the stated estimates of the number of people expected to take shelter there, but the cavernous building was selected even though according to the planning only included a couple of thousand people (in the event, between ten and twenty thousand sheltered there).⁴

Although the special needs shelter included some facilities and personnel for supporting those individuals, people who came to the shelter of last resort were expected to bring their own food and water. There seems to have been no planning for the organization or management of the shelter; no registration, no groups or instructions, no means of communication between displaced people and the leadership of the shelter, and in fact no leadership (Senate 2006; House 2006).⁵ In the meantime, the city government was holed up in a hotel, dependent on communications systems that quickly failed (Senate 2006, House 2006) or on direct communications with local

³ Interview, 22 May 2013

⁴ In a recent interview (30 May 2013), the New Orleans Office of Homeland Security and Emergency Preparedness (NOHSEP) indicated that although the focus since Katrina has been more on evacuation, the current plan does identify schools and community buildings as shelters. Unfortunately, there seems to be continued dispute over which agency, the American Red Cross or the Fire Department, will manage them.

⁵ For some perspective on international approaches to and standards for shelter and camp management, see the Norwegian Refugee Council Camp Management Toolkit (<http://www.nrc.no/?aid=9380323>) and the Sphere Handbook Minimum Standards in Shelter, Settlement, and Non-Food Items (<http://www.sphereproject.org>).

responders such as police and fire officials.⁶ A few days into the disaster, the city was desperately appealing for help to the higher levels of government.

But those higher levels of government were highly ineffective. There is continued debate over whether the failure of the federal response was negligence or incompetence; while this is unlikely to be determined with any certainty, some clear strands can be teased from the tangle. Just as the city was attempting to operate at an arm's length from its displaced and its responders, the federal government initially kept its distance and did not prioritize communications from the field, whether they came from the city or from its own locally-based representatives.

This had started long before the storm itself. As much as Katrina, the Superdome was a predicted disaster; the city had requested funding for a feasibility study on upgrading its shelter of last resort capacity from both FEMA and its congressional delegation, but this funding was denied. That pattern is repeated throughout the history of Katrina, with numerous examples contradicting the stated importance of local knowledge. As the Senate report states, "At a minimum, FEMA's denial of the request [in this case for rubber rafts for the Louisiana Wildlife and Fisheries Department, which leads in Search and Rescue at the state level] is an example of the organization's failure to follow its own principle of letting those closest to the situation determine how best to meet needs" (Senate 2006).

Nor is this limited to preparedness or repositioning. During the crisis, requests were reduced unilaterally at the national level. For example, Governor Blanco requested 500 buses from FEMA for the evacuation of the Superdome. Director Brown agreed to send them, and after numerous delays, 36 hours later, FEMA sent the order to the Department of Transportation. However, they requested only 455, not 500. "According to LOHSEP Acting Deputy Director Colonel Jeff Smith, a FEMA official at headquarters had overridden the state's request because that individual had found the request excessive in view of the 'number of people' thought to have been left in the city" (Senate 2006). Similarly, FEMA at the national level ignored local information, such as the National Weather Service reports which were some of the first to report the failure of the levees. According to the Senate report: "When asked about these reports, [Director of the Homeland Security Operations Center] Broderick suggested that they may not have been obtained because they were issued by local NWS stations. He did not know whether anyone at the HSOC was responsible for monitoring local weather stations during a major weather event" (Senate 2006).

This was not a problem only between officials at different levels of government. in Mississippi, where FEMA officials worked closely with the Mississippi Emergency Management Agency (MEMA) (the Senate report quotes the MEMA director as describing himself and the FEMA head in Mississippi as "joined at the hip") there were incidents in which the local FEMA representative was not able to get goods delivered, or even a response from FEMA headquarters on if they might be in the future (Senate 2006).

Part of the distraction for the federal responders may have been their own leadership conflicts. The hostility between FEMA and DHS, which had been a footnote for all but the wonkiest of Washington insiders, came to the forefront as the blame game for the mess of Katrina started to pick up speed. It manifested particularly around the lack of clarity around over the roles of the Federal Coordinating Officer (FCO) and the Principal Federal Official (PFO) within the response structure. The FCO is mandated in the Stafford Act to assess the disaster, establish field offices, and coordinate (U.S. Government, 1988); the PFO is designated in the later National Response Plan which "does not clearly define the role of the PFO or distinguish it

⁶ Interview, 29 May, 2013.

from that of the FCO” although it does say that the PFO will be “the lead federal official” and is to “ensure overall coordination of federal incident-management activities and of resource allocation and serve as a ‘primary, though not exclusive’ point of contact for state and local officials, the media, and the private sector” (Senate 2006). Nonetheless, the Senate report notes, “the NRP also says that the PFO is not to ‘direct or replace’ the incident-command structure, and that the PFO does not have ‘directive authority’ over the FCO or other federal and state officials” (Senate 2006). As the House report explains, “the legal authority to ‘command the battlefield,’ as the Secretary [of DHS] put it, resides with the FCO, not the PFO” (House of Representatives 2006).

For a system that nominally puts a high value on unified command, this unclear division of responsibilities at the top level of field decision-making seems counterproductive, and in the case of Katrina at least it certainly worked out that way. There was extensive criticism of Secretary Chertoff of DHS for delaying the assignment of a PFO until several days after landfall; the Secretary explained this delay by citing the role of the PFO: “Secretary Chertoff testified that he did not appoint a PFO on Saturday, when the President issued the emergency declaration for Louisiana, because the PFO “doesn’t exercise command authority; it is a coordinating authority” (Senate 2006). This proved problematic even after landfall. The first PFO appointed was the Director of FEMA, Michael Brown, which, aside from the fact that the NRP does not allow the PFO to hold any other position (Senate 2006) also worked out badly because Brown had no emergency experience and disagreed with the whole premise of the NRP. However, even when he was replaced with the more decisive Admiral Thad Allen, the lack of “command authority” was considered so debilitating that Allen was made FCO for all three affected states, conflating the two roles and precipitating the resignation of the experienced FEMA operative working as FCO in Mississippi (House of Representatives 2006). Despite the emphasis on coordination in the position descriptions of both the FCO and the PFO, despite the assurances that the federal government would support local authorities rather than overriding them, in practice the powers that were showed far more interest in command and control than in coordination.

A similar story played out around one of the most contentious requests of the response: the calls for military assistance. This became a theme as soon as the situation started to get away from the on-site responders, the city government and the local FEMA officials, but in the United States it is not a trivial thing to use the military domestically. There are legal barriers in the *Posse Comitatus* Act, and cultural barriers particularly in southern states. Nonetheless, this was being urgently requested. The Louisiana FCO told FEMA Director Brown “we need to federalize this or get a massive military invasion in here to get some help,” and Brown passed this request on as the recommendation “that the President invoke the Insurrection Act and place the National Guard under the control of the active-duty forces” (Senate 2006).

Louisiana Governor Blanco was requesting almost exactly the same thing, contacting the President at least three times during the first week of the response to request ““a total of 40,000 federal troops” (Senate 2006). However, she clashed sharply with the FCO, Director Brown, and, famously, with the President on who would be in control of those troops (Senate 2006). Rather than federalizing the National Guard, she wanted the reinforcements of active-duty troops to join the National Guard but maintain the latter under her command, another effective split in the unified command but one which was implemented and which, at least for the short time that it was in effect, did not seem to cause undue problems (Senate 2006). However, there was a key difference between what Brown and Blanco were asking for and what the Department of Defense, in the form of General Honoré, offered them. The General brought only a small

contingent with him to New Orleans, and prioritized helicopters and buses over additional troops (Senate 2006). The mission was completed efficiently based on the General's planning and specifications, suggesting that what both the FEMA director and the Governor were really seeking was the symbolism of command and control, a *means*, as opposed to the *end* of a safe and quick evacuation and the return of law and order.

The record of the Katrina disaster demonstrates a number of patterns in the political system of the United States when faced with crisis. At both the municipal and the national levels, politicians and leaders prioritized elements of command and control over coordination, often ignoring both information and requests from what they saw as further down the hierarchy. The cultivated myth of the omnipotence of the American State and particularly its military bore fruit in the sense of a general belief that the federal level would be able to manage any level of catastrophe; it backfired when this turned out not to be true. As Birkland and Waterman (2008) write, "it is also possible that citizens' expectations are too great, particularly in relation to their apparent unwillingness to take self-protective measures."

Katrina, and the subsequent hurricanes of that destructive season, also had an impact on the political system. The political cost of not taking natural disasters as a serious responsibility was made very clear. Although there were some calls for drastic restructuring of the emergency management system, particularly from the Senate and from the White House report on the disaster, FEMA was not dismantled but was moved up in the hierarchy of DHS. According to someone who works with the Homeland Security and Governance Committee of the Senate, which has oversight on FEMA, said that FEMA has effectively pushed some of the agency resources from Washington, DC, out to regional headquarters and been able to build stronger relationships with state and local emergency managers, although (or because) the lack of direct control over those actors means that those relationships require a lot of coaxing and persuasion.⁷

The response to Hurricane Sandy showed that at least some lessons had been learned. Politicians were very present; President Obama and New Jersey Governor Christie made a grand show of bipartisanship, and New York City Mayor Bloomberg and New York Governor Cuomo were both visible and vocal about response and reconstruction. FEMA Director W. Craig Fugate was a frequent presence on the news, repeating the mantra of "leaning in," and FEMA made outreach efforts to communities. That did not, however, prevent any level of government from receiving significant criticism for not moving quickly or effectively enough.⁸ The reconstruction has been slowed by arguments in Congress over how much money to allocate and where that money should come from, highlighting again divisions within the federal government.

Moreover, the area hardest hit by Sandy – New York City and northern New Jersey – has some of the highest level of resources in the country, in part because of the concentration of large municipalities in a small area, allowing for overlap and mutual aid. One New York City Emergency Medical Services (EMS) worker interviewed stated: "I don't think we were prepared to begin with, I just think that we were not overwhelmed so badly [as New Orleans was in Katrina], and we have such a redundancy in the amount of resources that we have that we were able to shore up the walls."⁹ That analysis leaves the question of whether the system will function if another major crisis hits a weaker state that has less influence with the federal

⁷ Interview, 10 January 2013.

⁸ A New York Times article that implied the semi-anarchist Occupy Wall Street spin-off Occupy Sandy did a better job of relief than FEMA must have been particularly galling. Feuer, 2012.
<http://www.nytimes.com/2012/11/11/nyregion/where-fema-fell-short-occupy-sandy-was-there.html?pagewanted=all>

⁹ Interview, 20 May 2013.

government. Despite the rhetoric about local predominance in emergency response, lack of funds and capacity will continue to make intergovernmental relationships key.

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