

# APPENDIX 1

## GLOSSARY OF ACRONYMS AND ABBREVIATIONS

|         |  |
|---------|--|
| AAMC    | Association of American Medical Colleges                               |
| AAMS    | Association of Air Medical Services                                    |
| ACI     | Advanced Contracting Initiative  |
| ADAMS   | Atlas and Database of Air Medical Services                             |
| ADHS    | Alabama Department of Health Services                                  |
| AEMA    | Alabama Emergency Management Agency                                    |
| AEOC    | Alabama Emergency Operations Center                                    |
| AEW     | Airborne Early Warning   |
| AFB     | Air Force Base   |
| AGR     | Active Guard and Reserve   |
| AMA     | American Medical Association   |
| AMR     | American Medical Response  |
| ANG     | Alabama National Guard   |
| APCO    | Association of Public-Safety Communications Officials                  |
| ARC     | American Red Cross   |
| ARES    | Amateur Radio Emergency Services                                       |
| ARF     | Action Request Form  |
| ARNG    | Arkansas National Guard  |
| ARW     | Air Refueling Wing   |
| ASAC    | Assistant Special Agent-in-Charge                                      |
| ASCE    | American Society of Civil Engineers                                    |
| ASDHD   | Assistant Secretary of Defense for Homeland Defense                    |
| ASH     | Assistant Secretary for Health   |
| ASPHEP  | Assistant Secretary for Public Health Emergency Preparedness (HHS)     |
| ATCS    | Air Traffic Control Squadron   |
| AVCRAD  | Aviation Classification and Repair Depot                               |
| ATF     | Bureau of Alcohol, Tobacco, Firearms and Explosives (DOJ)              |
| BAH     | Board of Animal Health   |
| BOP     | Bureau of Prisons  |
| BORSTAR | Border Patrol Search Trauma and Rescue                                 |
| BORTAC  | Border Patrol's Tactical Unit  |
| BRAC    | Base Realignment and Closure   |
| BTS     | Border and Transportation Security (DHS)                               |
| CAS     | Client Assistance System   |
| CBC     | Construction Battalion Command   |
| CBCS    | Combat Communications Squadron   |
| CBMU    | Construction Battalion Maintenance Unit                                |
| CBP     | United States Customs and Border Protection (DHS)                      |
| CBRNE   | Chemical, Biological, Radiological, Nuclear, and High Yield Explosives |
| CCP     | Citizen Corps Programs   |
| CCRF    | Commissioned Corps Readiness Force                                     |

|       |  |
|-------|--|
| CDC   | Centers for Disease Control and Prevention (HHS) |
| CDT   | Central Daylight Time                            |
| CEM   | Comprehensive Emergency Management               |
| CEMP  | Comprehensive Emergency Management Plan          |
| CERT  | Community Emergency Response Teams               |
| CEO   | Chief Executive Officer                          |
| CG    | Coast Guard                                      |
| CIM   | Clinical Information Management                  |
| CIMG  | Crisis Incident Management Group                 |
| CIMRT | Critical Incident Management Response Team       |
| CIMST | Critical Incident Management Support Team        |
| CIP   | Critical Infrastructure Protection               |
| CIRG  | Critical Incident Response Group                 |
| CIS   | COPS in Schools                                  |
| CJIS  | Criminal Justice Information Services Division   |
| CNU   | Crisis Negotiation Unit                          |
| CO    | Contracting Officer                              |
| COG   | Continuity of Government                         |
| CONOP | Concept of Operations                            |
| COOP  | Continuity of Operations                         |
| COLTS | Cells on Light Trucks                            |
| COPS  | Community Oriented Policing Services             |
| COW   | Cells on Wheels                                  |
| CP    | Command Post                                     |
| CPO   | Chief Procurement Officer                        |
| CRAF  | Civil Reserve Air Fleet                          |
| CRS   | Congressional Research Service                   |
| CST   | Civil Support Team                               |
| CS    | Civil Support                                    |
| CSEPP | Chemical Stockpile Emergency Preparedness Plan   |
| DCAA  | Defense Contract Audit Agency                    |
| DCO   | Defense Coordinating Officer                     |
| DEA   | Drug Enforcement Administration                  |
| DHH   | Department of Health and Hospitals               |
| DHS   | United States Department of Homeland Security    |
| DMAT  | Disaster Medical Assistance Team                 |
| DMH   | Department of Mental Health                      |
| DMORT | Disaster Mortuary Operational Response Team      |
| DOC   | United States Department of Commerce             |
| DOD   | United States Department of Defense              |
| DOE   | United States Department of Energy               |
| DOJ   | United States Department of Justice              |
| DOSR  | Daily Operations Summary Reports                 |
| DOT   | United States Department of Transportation       |
| DPS   | Department of Public Safety                      |
| DRF   | Disaster Relief Fund                             |

|          |  |
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| DRS      | Department of Rehabilitation Services-Vocational Rehabilitation                    |
| DTAC     | Disaster Technical Assistance Center   |
| DUSM     | Deputy United States Marshall  |
| DVD      | Digital Versatile Disc   |
| DWI      | Disaster Welfare Information   |
| ECRV     | Emergency Communications Response Vehicles   |
| EEO      | Explosive Enforcement Officers   |
| EHO      | Environmental Health Officer   |
| ELT      | Evacuation Liaison Team  |
| EMA      | Emergency Management Agency  |
| EMAC     | Emergency Management Assistance Compact  |
| EMEDS    | Expeditionary Medical Support System   |
| EMPG     | Emergency Management Performance Grant   |
| EMWG     | Emergency Management Working Group   |
| EMS      | Emergency Medical Services   |
| EMT      | Emergency Medical Technician   |
| EO       | Executive Order  |
| EOC      | Emergency Operations Center  |
| EOP      | Emergency Operations Plan  |
|          | Executive Office of the President  |
| EPA      | United States Environmental Protection Agency                                      |
| EPR      | Emergency Preparedness and Response  |
| ERRS     | Emergency and Rapid Response Services  |
| ERT      | Emergency Response Team  |
| ERT-A    | Emergency Response Team Advance Element  |
| ERT-N    | National Emergency Response Team   |
| ERV      | Emergency Response Vehicles  |
| ESAR-VHP | Emergency System for Advance Registration of Volunteer Health Professionals        |
| ESF      | Emergency Support Function   |
| ESF-1    | Emergency Support Function #1 – Transportation Annex                               |
| ESF-2    | Emergency Support Function #2 – Communications Annex                               |
| ESF-3    | Emergency Support Function #3 - Public Works and Engineering Annex                 |
| ESF-4    | Emergency Support Function #4 - Firefighting Annex                                 |
| ESF-5    | Emergency Support Function #5 - Emergency Management Annex                         |
| ESF-6    | Emergency Support Function #6 - Mass Care, Housing, and Human Services Annex       |
| ESF-7    | Emergency Support Function #7 - Resource Support Annex                             |
| ESF-8    | Emergency Support Function #8 - Public Health and Medical Services Annex           |
| ESF-9    | Emergency Support Function #9 - Urban Search and Rescue Annex                      |
| ESF-10   | Emergency Support Function #10 - Oil and Hazardous Materials Response Annex        |
| ESF-11   | Emergency Support Function #11- Agriculture and Natural Resources Annex            |
| ESF-12   | Emergency Support Function #12 - Energy Annex                                      |
| ESF-13   | Emergency Support Function #13 - Public Safety and Security Annex                  |
| ESF-14   | Emergency Support Function #14 - Long-Term Community Recovery and Mitigation Annex |
| ESF-15   | Emergency Support Function #15 - External Affairs Annex                            |
| FAA      | Federal Aviation Administration  |
| FAMS     | Federal Air Marshal Service  |

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| FAR     | Federal Acquisition Regulation                              |
| FBI     | Federal Bureau of Investigation                             |
| FCI     | Federal Correctional Institution                            |
| FCC     | Federal Correction Complex                                  |
|         | Federal Communications Commission                           |
|         | Federal Coordination Center                                 |
| FCO     | Federal Coordinating Officer                                |
| FDA     | United States Food and Drug Administration (HHS)            |
| FDOCC   | Forward Deployed Operations Command Center                  |
| FEMA    | Federal Emergency Management Agency (DHS)                   |
| FEOC    | Federal Emergency Operation Center                          |
| FEL     | Federal Explosive License                                   |
| FFL     | Federal Firearms License                                    |
| FHWA    | Federal Highway Administration (DOT)                        |
| FIRE    | Assistance to Firefighters Program                          |
| FMA     | Flood Mitigation Assistance                                 |
| FMCS    | Federal Medical Contingency Stations                        |
| FMS     | Facilities Management Services                              |
|         | Federal Medical Shelter                                     |
| FORSCOM | United States Forces Command                                |
| FRP     | Federal Response Plan                                       |
| FPS     | Federal Protective Services                                 |
| FSS     | Federal Supply Service                                      |
| FTE     | Full-time Employees   |
| GAO     | United States Government Accountability Office              |
| GETS    | Government Emergency Telecommunications Service             |
| GIS     | Geographic Information System                               |
| GSA     | United States General Services Administration               |
| HAZMAT  | Hazardous Material  |
| HCS     | Health Care System  |
| HD      | Homeland Defense  |
| HEAR    | Hospitals Emergency Alert Radio                             |
| HF      | High Frequency  |
| HHS     | United States Department of Health and Human Services       |
| HIPAA   | Health Insurance Portability and Accountability Act of 1996 |
| HLT     | Hurricane Liaison Team                                      |
| HMGP    | Hazard Mitigation Grant Program                             |
| HQ      | Headquarter   |
| HRT     | Hostage Rescue Team   |
|         | Health Response Team  |
| HSA     | Homeland Security Act of 2002                               |
|         | Alabama Homeland Security Act of 2003                       |
| HSC     | Homeland Security Council                                   |
| HSEEP   | Homeland Security Exercise and Evaluation Program           |
| HSGAC   | Senate Homeland Security and Governmental Affairs Committee |
| HSOC    | Homeland Security Operations Center                         |

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|--------|--|
| HSOP   | Homeland Security Overtime Program                               |
| HSPD   | Homeland Security Presidential Directive                         |
| HUD    | United States Department of Housing and Urban Development        |
| IAFIS  | Integrated Automated Fingerprint Identification System           |
| IAEM   | International Association of Emergency Managers                  |
| IA TAC | Individual Assistance Technical Assistance Contracts             |
| ICE    | United States Immigration and Customs Enforcement (DHS)          |
| ICS    | Incident Command System  |
| ICU    | Intensive Care Unit  |
| iDEN   | Integrated Digital Enhanced Network                              |
| IEM    | Innovative Emergency Management, Inc.                            |
| IHP    | Individuals and Households Program                               |
| IIMG   | Interagency Incident Management Group                            |
| I/O    | Interoperability   |
| IMT    | Incident Management Team   |
| IPET   | Interagency Performance Evacuation Team                          |
| INS    | Incident of National Significance                                |
| IRS    | Internal Revenue Service   |
| ISO    | Information Security Officer                                     |
| IT     | Information Technology   |
| JAG    | Judge Advocate General   |
| JCAHO  | Joint Commission on Accreditation of Healthcare Organizations    |
| JDOMS  | Joint Director of Military Support                               |
| JFCOM  | Joint Forces Command   |
| JFO    | Joint Field Office   |
| JIC    | Joint Information Center   |
| JIOC   | Joint Information Operations Center                              |
| JOC    | Joint Operations Center  |
| JTF    | Joint Task Force   |
| JPATS  | Justice Prisoner and Alien Transportation System                 |
| KDHAP  | Katrina Disaster Housing Assistance Program                      |
| LANG   | Louisiana National Guard   |
| LDPSC  | Louisiana Department of Public Safety and Corrections            |
| LE     | Law Enforcement  |
| LECC   | Law Enforcement Coordination Center                              |
| LES    | Law Enforcement Services   |
| LETPP  | Law Enforcement Terrorism Prevention Program                     |
| LFA    | Lead Federal Agency  |
| LHA    | Louisiana Hospital Association                                   |
| LIHEAP | Low-Income Home Energy Assistance Program                        |
| LIMS   | Logistics Information Management System                          |
| LNHA   | Louisiana Nursing Home Association                               |
| LNO    | Liaison Office   |
| LO     | Liaison Officers   |
| LOHSEP | Louisiana Office of Homeland Security and Emergency Preparedness |
| LRC    | Logistics Readiness Center                                       |

|        |  |
|--------|--|
| LSP    | Louisiana State Police                                 |
| LSU    | Louisiana State University                             |
| LSUHSC | Louisiana State University Health Sciences Center      |
| LTG    | Lieutenant General                                     |
| MA     | Mission Assignment                                     |
| MARS   | Military Affiliate Radio Service                       |
| MASH   | Mobile Army Surgical Hospital                          |
| MBP    | Mississippi Board of Pharmacy                          |
| MCI    | Mass Casualty Incident                                 |
| MCLNO  | Medical Center of Louisiana at New Orleans             |
| MCT    | Mission Critical Team                                  |
| MDAC   | Mississippi Department of Agriculture and Commerce     |
| MDEQ   | Mississippi Department of Environmental Quality        |
| MDT    | Maintenance Down Time                                  |
| MEF    | Marine Expeditionary Force                             |
| MEMA   | Mississippi Emergency Management Agency                |
| MEOP   | Mississippi Emergency Operations Plan                  |
| MERS   | Mobile Emergency Response Support                      |
| MERV   | Major Emergency Response Vehicle                       |
| MET    | Mobile Enforcement Team                                |
| MG     | Major General  |
| MHz    | Megahertz  |
| MMD    | Mississippi Military Department                        |
| MMRS   | Metropolitan Medical Response System                   |
| MMWR   | Morbidity and Mortality Weekly Report                  |
| MOU    | Memorandum of Understanding                            |
| MP     | Military Police  |
| MRC    | Medical Reserve Corps                                  |
| MRE    | Meals Ready to Eat                                     |
| MR-GO  | Mississippi River-Gulf Outlet Canal                    |
| MSCA   | Military Support to Civil Authorities                  |
| MSDH   | Mississippi State Department of Health                 |
| MSNG   | Mississippi National Guard                             |
| MST    | Management Support Team                                |
| MSY    | Louis Armstrong New Orleans International Airport      |
| MTSA   | Maritime Transportation Security Act                   |
| MVMA   | Mississippi Veterinary Medical Association             |
| NAS    | Naval Air Station                                      |
| NASA   | National Aeronautics and Space Administration          |
| NBC    | Nuclear, Biological and Chemical                       |
| NCC    | National Coordinating Committee                        |
|        | National Coordinating Center for Communications        |
| NCG    | National Coordination Group                            |
| NCH    | Natural and Cultural Resources and Historic Properties |
| NCPA   | National Community Pharmacists Association             |
| NCS    | National Communications System                         |

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| NCT          | National Coordinating Team                                |
| NDMS         | National Disaster Medical System                          |
| NEMA         | National Emergency Management Association                 |
| NEMIS        | National Emergency Management Information System          |
| NENA         | National Emergency Number Association                     |
| NERPP        | National Emergency and Regional Response Plan             |
| NG           | National Guard  |
| NGB          | National Guard Bureau                                     |
| NGBJOC       | Joint Operations Center at National Guard Bureau          |
| NGO          | Non-Governmental Organizations                            |
| NHS          | National Hurricane Service                                |
| NIH          | National Institutes of Health (HHS)                       |
| NIMS         | National Incident Management System                       |
| NIOSH        | National Institute for Occupational Safety Health         |
| NIRT         | Nuclear Incident Response Team                            |
| NOAA         | National Oceanic and Atmospheric Administration (DOC)     |
| NOMIC        | New Orleans Maritime Interoperable Committee              |
| NOOEP        | New Orleans Office of Emergency Preparedness              |
| NOPD         | New Orleans Police Department                             |
| NORAD        | North American Air Defense Command                        |
| NORTHCOM     | United States Northern Command                            |
| NRCC         | National Response Coordination Center                     |
| NRP          | National Response Plan                                    |
| NRP-CIA      | National Response Plan - Catastrophic Incident Annex      |
| NRP-CIS      | National Response Plan - Catastrophic Incident Supplement |
| NRT          | National Response Team                                    |
| NSF          | National Science Foundation                               |
| NSSE         | National Special Security Event                           |
| NVOAD        | National Voluntary Organizations Involved in Disaster     |
| NWS          | National Weather Service                                  |
| OBP          | Office of Border Patrol                                   |
| ODP          | Office of Domestic Preparedness                           |
| OEP          | Office of Emergency Preparedness                          |
| OFO          | Office of Field Operations                                |
| OFRD         | Office of Force Readiness and Deployment                  |
| OIG          | Office of Inspector General                               |
| OIO          | Office of International Operations                        |
| OMB          | Office of Management and Budget                           |
| OMT          | Operational Management Teams                              |
| OPM          | Office of Personnel Management                            |
| OPLAN MSSTAD | Mississippi National Guard Operations Plan                |
| OSD          | Operations Support Division                               |
|              | Office of the Secretary of Defense                        |
| OSG          | Office of the Surgeon General                             |
| OSHA         | Occupational Safety and Health Administration             |
| OTD          | Operational Technology Division                           |

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| OTU       | Operational Training Unit                                      |
| OVP       | Office of the Vice President                                   |
| PACOM     | United States Pacific Command                                  |
| PDM       | Pre-Disaster Mitigation  |
| PSAP      | Public Safety Answering Point                                  |
| PFO       | Principal Federal Official                                     |
| PHS       | United States Public Health Service                            |
| PMU       | Portable Morgue Units  |
| POC       | Point of Contact   |
| POD       | Plans of the Day   |
| PPR       | Prevention, Preparedness, and Response                         |
| PSAP      | Public Safety Answering Points                                 |
| RCPI      | Regional Community Policing Institute                          |
| RCT       | Regional Coordinating Team                                     |
| RDD       | Reportable Disease Database                                    |
| RED HORSE | Rapid Engineer Deployable Operational Repair Squadron Engineer |
| RETCO     | Regional Emergency Transportation Coordinator                  |
| RFA       | Request for Assistance   |
| RFP       | Request for Proposal   |
| RRCC      | Regional Response Coordination Center                          |
| RTA       | Regional Transit Authority                                     |
| SAC       | Special Agent-in-Charge  |
| SAMHSA    | Substance Abuse and Mental Health Services Administration      |
| SAR       | Search and Rescue  |
| SATERN    | Salvation Army Amateur Radio Communications System             |
| SBA       | United States Small Business Administration                    |
| SCO       | State Coordinating Officer                                     |
| SCHIP     | State Children's Health Insurance Program                      |
| SEOC      | State Emergency Operations Center                              |
| SERT      | State Emergency Response Team                                  |
|           | Secretary's Emergency Response Team (HHS)                      |
| SFLEO     | Senior Federal Law Enforcement Officers                        |
| SHARES    | Shared Resources High Frequency Radio Program                  |
| SHSGP     | State Homeland Security Grant Program                          |
| SLGCP     | State and Local Government Coordination and Preparedness       |
| SLOSH     | Sea, Lakes and Overland Surges from Hurricanes                 |
| SMAC      | Statewide Mutual Aid Compact                                   |
| SMS       | Short Message Service  |
| SNS       | Strategic National Stockpile                                   |
| SOG       | Special Operations Group                                       |
| SOP       | Standard Operating Procedure                                   |
| SOU       | SWAT (Special Weapons and Tactics) Operations Unit             |
|           | Statement of Understanding                                     |
| SPEARR    | Small Portable Expeditionary Aerospace Rapid Response          |
| SRT       | Special Response Team  |
| SSA       | Social Security Administration                                 |

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| SSHP     | Service Supplemental Hurricane Plan                       |
| SHSS     | State Homeland Security Strategy                          |
| SWAT     | Special Weapons and Tactics                               |
| TAG      | The Adjutant General                                      |
| TANF     | Temporary Assistance to Needy Families                    |
| TARU     | Technical Advisory Response Unit                          |
| TDD      | Training and Development Division                         |
| TDY      | Temporary Duty  |
| TERT     | Telecommunications Emergency Response Taskforce           |
| TMICC    | Transportable Multi-mission Communications Center         |
| TOC      | Tactical Operations Center                                |
| TOPOFF   | Top Officials   |
| TRANSCOM | United States Transportation Command                      |
| TSA      | Transportation Security Administration                    |
| TSP      | Telecommunications Service Priority                       |
| TVA      | Tennessee Valley Authority                                |
| UASI     | Urban Areas Security Initiative                           |
| UHF      | Ultra High Frequency                                      |
| UHP      | Universal Hiring Program                                  |
| UHS      | Universal Health Services, Inc.                           |
| UMC      | University of Mississippi Medical Center                  |
| USACE    | United States Army Corps of Engineers                     |
| USAID    | United States Agency for International Development        |
| USAR     | United States Army Reserve                                |
| USCG     | United States Coast Guard                                 |
| USDA     | United States Department of Agriculture                   |
| USMS     | United States Marshals Service                            |
| USNS     | United States Navy Ship                                   |
| USP      | United States Penitentiary                                |
| USPS     | United States Postal Service                              |
| USS      | United States Ship  |
| VA       | United States Department of Veterans Affairs              |
| VAMC     | Department of Veterans Affairs Medical Center             |
| VFC      | Vaccines for Children                                     |
| VHF      | Very High Frequency                                       |
| VISN 16  | Veterans Integrated Service Network 16                    |
| VISTA    | Veterans Integrated Service Technical Architecture System |
| VOIP     | Voice Over Internet Protocol                              |
| VOAD     | Voluntary Organizations Active in Disaster                |
| VTC      | Video Teleconference                                      |
| VTS      | Vessel Traffic System                                     |
| WCP      | Working Capital Fund                                      |
| WH       | White House   |
| WMD      | Weapons of Mass Destruction                               |
| WPD      | Witness Security and Prisoner Operations Division         |

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## HSOC SPOT REP

|                               |   |
|-------------------------------|---|
| <b>SPOT REP #:</b>            | #013  |
| <b>Date/Time (EDT):</b>       | 08/29/05 @ 2230   |
| <b>Reference:</b>             | New Orleans Helicopter Overflight   |
| <b>Source of Information:</b> | FEMA Teleconference – observations from Marty Bahamonte, FEMA Public Affairs. Participants included Patrick Rhode, Mike Lowder, Bill Locke, Mike Pawlowski and Mary Anne Lyle |
| <b>Type of Incident:</b>      | Hurricane Katrina   |

| <b>Update</b>   |   |
|-----------------|---|
| <b>Summary:</b> | <p>Marty Bahamonte of FEMA Public Affairs made two aerial over flights of the New Orleans area the afternoon of Monday, August 29, 2005. As additional information becomes available it will be reported.</p> <p>He concluded the two immediate major problems would be:</p> <ol style="list-style-type: none"> <li>1. Access to the city because roads are flooded to the north and east.</li> <li>2. Housing</li> </ol> <p>His observations include the following:</p> <ul style="list-style-type: none"> <li>• The I-10 Twin Span bridges to the east of the City to Slidell are compromised in both directions for a stretch of five to seven miles. On the east side bridge sections are gone; on the west side bridge sections are buckled and askew.</li> <li>• There is no way to enter New Orleans from the east. Highway 11 appears generally in tact but is under water where it enters the City and will require some repair but appears to be a quick fix.</li> <li>• The western I10/I610 junction connecting Jefferson and Orleans Parish is under water.</li> <li>• Entrance from the north is not possible because as roads get into the city, they are under water.</li> <li>• I10 to the west appears to have several underwater sections.</li> <li>• The Airline Highway by the airport is above water.</li> <li>• There is a quarter-mile breach in the levee near the 17<sup>th</sup> Street Canal about 200 yards from Lake Pontchartrain allowing water to flow into the City.</li> <li>• The levee in Metairie is in tact.</li> <li>• Only one of the main pumps is reported to still be working but cannot keep up with the demand and its longevity is doubtful.</li> <li>• In the neighborhoods there are many small fires where natural gas lines have broken.</li> <li>• Flooding is greatest in the north and east in New Orleans, Metairie</li> </ul> |

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|---------------------------|--|
|                           | <p>and north towards Slidell – an estimated 2/3 to 75% of the city is under water.</p> <ul style="list-style-type: none"> <li>• The flights did not go all the way north to Slidell so conditions there are not reported.</li> <li>• Some homes were seen with water to the first floor and others completely underwater.</li> <li>• Hundreds of people were observed on the balconies and roofs of a major apartment complex in the city. The location has been provided to City officials.</li> <li>• Downtown there is less flooding. Most buildings have windows blown out but otherwise appear structurally sound.</li> <li>• West and South of the City appear dry.</li> <li>• Lake Front Airport by Lake Pontchartrain is under water.</li> <li>• There is an oil tanker grounded in the Industrial Canal – two tugs were observed working with the ship.</li> <li>• The Coast Guard reported two other tankers aground but they were not observed.</li> <li>• The Coast Guard is flying rescue missions for people stuck on roofs. They reported seeing about 150 people but also said that as they lifted people out, they saw others breaking through the roofs of adjacent homes.</li> <li>• The Coast Guard will use night vision devices and continue rescue missions into the night.</li> <li>• Search and Rescue will need boats, in some locations high wheeled trucks may be usable. FEMA USR Teams are coordinating boat use with Louisiana Fish and Game officials.</li> <li>• The City reports about 300 people have been rescued by boat so far. These rescue operations will continue through the night.</li> <li>• Boat traffic is not restricted and movement of supplies by boat and barge is feasible.</li> <li>• The Inter Harbor Canal is not visible.</li> <li>• A few bodies were seen floating in the water and Coast Guard pilots also reported seeing bodies but there are no details on locations or numbers.</li> </ul> |
| <b>Significance:</b>      |  |
| <b>Actions/Follow-Up:</b> | N/A  |
| <b>Miscellaneous:</b>     |  |
| <b>Prepared By:</b>       | Mathew Thompson NRCC Planning Section Analyst  |

# APPENDIX 3

## SUMMARY OF WHITE HOUSE DOCUMENT REVIEW

These are examples of documents received by the White House (WH) Homeland Security Council (HSC) staff between August 27 and September 3. The items logged do not reflect the entire information flow to the White House, or all documents provided to the Select Committee. Rather, they are meant to illustrate the type and range of information known to the White House suggesting Katrina and the subsequent flooding of New Orleans (NO) was not a standard emergency event. Yet the enormity of Katrina seemed not to have been fully understood by the White House until at least Tuesday, August 30.

| <b>Facts Reported to White House Homeland Security Council Staff</b>   | <b>Received</b>  | <b>WHK Bates No. Begin</b> |
|--|------------------|----------------------------|
| Red Cross notifies K. Nielsen at WH it expects Katrina to be a major hurricane. Red Cross stands ready to brief WH as requested.   | 8/27; 1:08 p.m.  | 5169                       |
| HSOC reports: New Orleans evacuation ordered. Superdome to open, Nagin to commandeer any property or vehicle necessary to provide shelter or transport.  | 8/28; 11:56 a.m. | 12931                      |
| DHS infrastructure advisory sent to HSC. Advises likely flooding from Lake Pontchartrain due to surges from Cat 5 hurricane. If levee is breached, it is predicted to take 3 to 6 months to dewater New Orleans.   | 8/28; 11:59 a.m. | 5217                       |
| DHS forwards to WH diagrams of NO levee system.  | 8/28; 12:14 p.m. | 12922                      |
| DHS Advisory re transportation. Buses not in use should be moved to high ground. Surge is predicted to exceed 20 feet. Levees to be breached.  | 8/28; 12:32 p.m. | 5222                       |
| WH receives overview re capabilities of National Guard units from LA, AL, MS and FL.   | 8/28; 1:07 p.m.  | 9678                       |
| DHS forwards NO evacuation plan.   | 8/28; 5:00 p.m.  | 12934                      |
| HSOC reports: Katrina now Cat 5. Landfall expected at 8:00 a.m. 8/29. Coastal flooding as high as 28'.   | 8/28; 6:26 p.m.  | 5958                       |
| DHS sends WH comprehensive report [41 pages] on potential infrastructure impacts of a Cat 5 hurricane on the Gulf coast. Damage estimates predicted as high as \$10 billion.   | 8/29; 1:47 a.m.  | 12072                      |
| HSOC reports: Katrina weakens to Cat 4. Coastal storm surge flooding of 18-22' above normal tide levels, locally as high as 28 feet. Some levees in New Orleans could be overtopped.   | 8/29; 6:10 a.m.  | 6509                       |
| DOD briefs WH re capabilities of DOD Civil Support.  | 8/29; 6:52 a.m.  | 9953                       |
| K. Nielsen advises federal agencies WH HSC will be available twenty-four hours a day through the duration of Hurricane Katrina. Bethany Nichols and Dan Kaniewski are identified as additional WH staff monitoring Katrina.  | 8/29; 10:58 a.m. | 15770                      |
| DHS Watch Desk E-mails WH in re report from Maj Gen Landreneau. Extensive flooding along St. Claude and Claiborne avenues. Leak has developed in the Superdome. Five floors of windows at Charity Hospital have blown out and the first floor of the hospital is flooded. The 911 Centers in St. Bernard and Orleans parishes have been shut down. | 8/29; 11:32 a.m. | 14825                      |
| HSOC reports: Some LA Parishes have 8 to 10 feet of water. No levee failures reported. Approximately 15,000 evacuees in Superdome. It is estimated 300,000 LA residents will be without power. Unspecified numbers of LA and MS residents are stranded and awaiting evacuation in flooded areas.   | 8/29; 2:20 p.m.  | 16118                      |
| HSOC reports: Preliminary reports indicate the levees have not been breached. Assessment still pending. Army Corps estimates if NO experiences extensive flooding it could take months to dewater the city. Such flooding will preclude damage assessments and restoration.  | 8/29; 6:13 p.m.  | 6472                       |

| Facts Reported to White House Homeland Security Council Staff  | Received         | WHK Bates No. Begin |
|--|------------------|---------------------|
| <p>HSOC reports: Marty Bahamonde reports the following after a helicopter over flight: Access to the city is impeded due to flooding to the north and east.</p> <p>I-10 Twin Span bridges to the east of Slidell are compromised in both directions. Portions of this bridge are buckled, askew and in some cases gone.</p> <p>No ability to enter NO from the east.</p> <p>West I-10 and I-610 junction connecting Jefferson and Orleans Parish is under water.</p> <p>Entrance from the north is not possible because roads are under water.</p> <p>Quarter mile breach in the levee near the 17th St. Canal about 200 yards from Lake Pontchartrain allowing free water to flow into the city.</p> <p>Levee in Meterie is in tact.</p> <p>Only one of the main pumps is reported to be operable but its longevity is doubtful.</p> <p>Flooding is greatest in the north and east in New Orleans.</p> <p>Homes are completely underwater.</p> <p>Hundreds of people were observed on roofs and balconies.</p> <p>A few bodies were seen floating in the water.</p> | 8/30; 12:02 a.m. | 7158                |
| <p>LA reports: No power; 911 system out; roof damage to Superdome; entire city flooded.</p> <p>St. Bernard &amp; 9th Ward levee breached.</p>  | 8/30; 6:00 a.m.  | 4057                |
| <p>HSOC reports: Levee breach, 17th St. at Canal Blvd – exceeds 100 meters in length. Much of downtown and east NO is underwater, the depth of which is unknown. Flooding to a depth of 8-10 feet in Meterie and 6 feet in 9th Ward.</p>   | 8/30; 6:33 a.m.  | 11281               |
| <p>DHS Watch Officer E-mails WH and others that a 200 foot levee breach is being assessed.</p>   | 8/30; 8:13 a.m.  | 6324                |
| <p>FEMA chart listing all task and ESF assignments.</p>  | 8/30; 9:24 a.m.  | 6345                |
| <p>DHS Watch Officer E-mails WH with maps identifying locations of breached levees, highlighting two areas of concern, the levee at Tennessee St. and the levee at 17th St.</p>  | 8/30; 10:23 a.m. | 13330               |
| <p>K. Nielsen at WH e-mails Red Cross and acknowledges several federal partners have expressed a lack of situational awareness and are having problems getting logistics issues resolved.</p>  | 8/30; 11:18 a.m. | 16135               |
| <p>FEMA requests evacuation of 15-25K from Superdome.</p>  | 8/30; 11:50 a.m. | 12712               |
| <p>DHS Watch Officers advises WH – Martial Law reportedly declared in Jefferson and Orleans Parishes. National Guard to assume responsibility.</p>   | 8/30; 11:51 a.m. | 6325                |
| <p>DHS Watch Officers advises WH of distinction between the term “Martial Law” and “Law Enforcement Emergency” and further advises the latter term should be used.</p>   | 8/30; 2:08 p.m.  | 14853               |
| <p>HSOC reports: Army Corps reports 300 foot levee breach 100 meters south of Hammond St. bridge; Water from Lake Pontchartrain is pouring into NO through this breach; additional multiple levee breaches in NO to include Tennessee St. breach.</p>  | 8/30; 2:19 p.m.  | 4088                |
| <p>HSOC reports: Spot Report detailing levee breaches (maps included) south of Hammond St. bridge and near Tennessee St. bridge.</p>   | 8/30; 3:07 p.m.  | 6850                |
| <p>New Orleans: No power in NO, no 911, entire city flooded except French Quarter and Business district; Superdome has roof damage; the following levee breaches are reported: St. Bernard &amp; 9th, Haynes Blvd Pump Station, and 17th St. Canal.</p> <p>Jefferson Parish: People searching for food; gas and chemical leaks; toxic, deep flood waters.</p>  | 8/30; 4:00 p.m.  | 4092                |

| <b>Facts Reported to White House Homeland Security Council Staff</b>   | <b>Received</b>  | <b>WHK Bates No. Begin</b> |
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| HSOC reports: Army Corps indicates 300 foot breach approximately 100 meters south of Hammond Street Bridge. Three hundred feet of the east flood wall is missing and water from Lake Pontchartrain is pouring into NO. Vehicles cannot access this breach location. The plan is for helicopters to dump sand into the breach site. Additional levee breaches in NO exist, including Tennessee Street.  | 8/30; 7:26 p.m.  | 6545                       |
| Memo from Sec. Chertoff distributed to Cabinet announcing Michael Brown as PFO.  | 8/30; 9:00 p.m.  | 6695                       |
| HSOC reports: Superdome needs to be evacuated; population is 12-15,000 people.   | 8/31; 2:00 a.m.  | 13833                      |
| HSOC reports: Waters continue to rise due to the breach of the 17th St. levee. 300 foot breach at present. Expectations are, without fixing the breach, flooding will not stop until it reaches lake level.  | 8/31; 5:47 a.m.  | 12484                      |
| FEMA reports: Total cumulative shelter population is 54,378.   | 8/31; 7:21 a.m.  | 12503                      |
| DHS Watch Desk advise re a recent report from Bob Patrick, FTA's NO Administrator: 200 to 250 Regional Transportation District employees were stranded at their Canal St. facility due to flooding. All were self evacuated via air mattresses whereby they were able to paddle to shallow water. From there they waded in shallow water to the Convention Center. Bob Patrick estimates the entire city of NO will be flooded by day's end.   | 8/31; 11:09 a.m. | 14858                      |
| HSOC reports: Rising water at Superdome is threatening to flood the generator which will cause power failure. The State of LA has requested assistance in evacuating Superdome.  | 8/31; 12:54 p.m. | 7080                       |
| HSOC reports: Astrodome site recommended as alternative shelter location for Superdome evacuees.   | 8/31; 6:25 p.m.  | 4177                       |
| HSOC reports: Significant flooding continues throughout NO. 17th St. levee breach in NO is ongoing and is currently two feet above flood stage. Southern region of MS is devastated and is currently out of fuel and water. Both Harrison and Hancock Counties experienced total destruction. 23,000 from the Superdome are being evacuated. 350,000 homes are estimated to have taken severe damage. Housing needs are estimated at 500,000 to 1 million. Widespread damage to utility systems and environmental impact will likely prevent habitation of the area for six month to one year. Pictures are included at bates nos. WHK7404 and 7405. | 8/31; 6:31 p.m.  | 7388                       |
| HSOC reports: 11 hospitals in varying stages of damage. Most have no power.  | 9/1; 12:15 a.m.  | 7584                       |
| Commodity Status – listing locations and commodity supplies.   | 9/1; 1:00 a.m.   | 6692                       |
| HSOC reports: NOPD has suspended search and rescue efforts and are focusing on securing the city from lawlessness. Pipeline from Plaquemines Parish is leaking an estimated 240 barrels of oil a day. A fatality collection site is being established in Baton Rouge. Levee breaches have not been repaired or blocked. Army Corps projects it could take months to dewater NO once the flooding ceases.   | 9/1; 5:50 a.m.   | 6756                       |
| Aerial maps of flooded areas distributed by HSOC.  | 9/1; 5:52 a.m.   | 6775                       |
| K. Nielsen seeks update from DHS HSOC on news story re National Guardsman shot at the Superdome.   | 9/1; 10:06 a.m.  | 15834                      |
| FEMA chart listing all task and ESF assignments.   | 9/1; 11:05 a.m.  | 6580                       |
| K. Nielsen complains information arriving at WH HSC is stale, i.e., already updated by HSOC.   | 9/1; 11:24 a.m.  | 14760                      |
| K. Nielsen at WH requests DHS Watch Desk to follow up with a confirmation of the cause of the downed helicopter.   | 9/1; 12:41 p.m.  | 14903                      |

| <b>Facts Reported to White House Homeland Security Council Staff</b>   | <b>Received</b> | <b>WHK Bates No. Begin</b> |
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| DHS Watch Desk reports a downed helicopter.  | 9/1; 12:56 p.m. | 14900                      |
| DHS Watch Officer advises WH: NOPD reports Guardsman shot in Superdome bathroom following an altercation with an evacuee.  | 9/1; 1:48 p.m.  | 12748                      |
| Flyover pictures sent to WH showing magnitude of damage.   | 9/1; 2:37 p.m.  | 10674                      |
| Hostage situation at Tulane Hospital reported.   | 9/1; 2:47 p.m.  | 12750                      |
| LA reports: Jefferson Parish has people on street searching for food. There are contaminated flood waters and the streets are impassable. Orleans Parish's 911 system is inoperable. Entire City of NO is flooded except the French Quarter.   | 9/1; 4:00 p.m.  | 5654                       |
| Availability of generators and MREs are insufficient due to overwhelming demand.   | 9/1; 6:00 p.m.  | 11653                      |
| National Guard deployed to assist with law and order.<br>Significant flooding continues in Jefferson, Orleans, and St. Bernard Parish.<br>17th Street Canal levee breach is being repaired.<br>Food and water airdrops are taking place through affected area.   | 9/1; 6:14 p.m.  | 14138                      |
| E-mail trail beginning with Richard Davis at WH-HSC asking for specific operational response plans for attending to hospitals in danger.   | 9/1; 7:24 p.m.  | 11831                      |
| Rajeev Venkayya of WH HSC e-mails officials at DHS re standing water hazards and resources available via CDC.  | 9/1; 8:43 p.m.  | 15373                      |
| TSA personnel report trouble at MSY with maintaining order.  | 9/1; 10:19 p.m. | 5588                       |
| Dan Ostergaard at DHS advises Richard Davis at WH that Katrina is a national disgrace.   | 9/1; 10:50 p.m. | 15786                      |
| 1,700 patients need to be evacuated from LA hospitals.   | 9/2; 4:21 a.m.  | 5183                       |
| DHS Briefing Points report FPS officers have walked the perimeter of the Convention Center and there are approximately 1,000 people there. "New Orleans Officers on scene and tactically prepared."  | 9/2; 5:44 a.m.  | 10919                      |
| Red Cross is operating no feeding kitchens in NO due to security concerns.<br>Red Cross will not ask its volunteers to risk their personal safety.   | 9/2; 6:00 a.m.  | 11756                      |
| WH advised of the willingness of states such as AK, AL and GA to receive evacuees.   | 9/2; 11:33 a.m. | 15364                      |
| DHS notifies WH, NO Convention Center population is 25,000 according to FEMA Region 6 RRCC. Limited food and water is available.   | 9/2; 12:44 p.m. | 5602                       |
| Red Cross estimates shelter population of 94,000.  | 9/2; 2:02 p.m.  | 16179                      |
| LA reports: Jefferson: Downed power lines, downed telephone and light poles, downed trees and limbs/debris and house debris. Lower water pressure or no water, gas/chemical leaks in air. Live wires, no commercial power in drainage pumps stations, toxic water, still some deep water in some neighborhoods, animal/reptile issues. West Bank business/apartment building burning to the ground, creeping water from the 17th St. Canal.<br>Orleans: No power, 911 system down, EOC on emergency power and cell phones, Bayou Bienvenue reporting 20 foot storm surge. Lost contact with 4 pump stations. Entire city flooded, except French Quarter/West. Bank/Business district. Superdome is structurally okay, some roof damage.<br>St. Bernard: No power; 911 center down, structure damage, glass breakage at shelters, roof torn off on high school gym shelter. | 9/3; 12:00 p.m. | 4522                       |

## EMERGENCY PREPAREDNESS AND RESPONSE GRANTS TO ALABAMA, LOUISIANA, AND MISSISSIPPI, FY 2003-2004

Emergency management assistance administered by FEMA includes providing funds for the reconstruction of damaged public facilities, cash grants to victims of disasters, and access to temporary housing, among other types of aid. FEMA also provides disaster planning and preparedness aid to state and local governments, and coordinates federal emergency management activities.

Prior to September 11, 2001, the federal government's role in supporting emergency preparedness and management was limited primarily to providing resources before large-scale disasters like floods, hurricanes, and earthquakes, and response and recovery assistance after such disasters. In response to the events of September 11, 2001, however, the federal government has provided billions of dollars to state and local governments for planning, equipment, and training to enhance the capabilities of first responders to respond to terrorist attacks and to a lesser extent natural disasters. Indeed, legislation and presidential directives call for DHS to place special emphasis on preparedness for terrorism, and DHS has directed that the majority of first responder grant funding be used to enhance first responder capabilities to prevent, protect against, respond to, and recover from terrorist attacks. Nonetheless, many grants can have all-hazards applications. The following is a summary of all FEMA Hazard Mitigation, COPS, and ODP grants awarded in Alabama, Louisiana, and Mississippi in Fiscal Years 2003-2004.

### FEMA Hazard Mitigation Grant Programs

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FEMA administers three programs that provide funds for activities that reduce losses from future disasters or prevent the occurrence of catastrophes. These hazard mitigation programs include the Flood Mitigation Assistance (FMA) program, the Hazard Mitigation Grant Program (HMGP), and the Pre-Disaster Mitigation (PDM) program.<sup>1</sup> These programs enable grant recipients to undertake activities such as the elevation of structures in floodplains, relocation of structures from floodplains, construction of structural enhancements to facilities and buildings in earthquake prone areas (also known as retrofitting), and modifications to land use plans to ensure that future construction ameliorates, and does not exacerbate, hazardous conditions.

Alabama, Louisiana, and Mississippi received a total of \$67,313,169 through the three hazard mitigation programs in fiscal years 2003, 2004, and 2005. Following is a brief summary of the grants awarded in the three fiscal years:

- Alabama received a total of \$27,516,469 over the three year period through the three FEMA-administered hazard mitigation programs, Louisiana received \$31,221,099, and Mississippi \$8,575,601;
- FMA grants: the state of Louisiana received \$1,625,909, the state of Mississippi received \$3,207,573 (Alabama received no FMA grants);
- HMGP grants: the state of Alabama received a total of \$20,486,277, Louisiana received \$29,595,190, and the state of Mississippi received a total of \$5,368,030; and,
- PDM grants: the state of Alabama received a total of \$6,530,977 in FY2004 — no PDM funds were received by Alabama in FY2003 or FY2005, and no PDM awards were made to Mississippi or Louisiana during the three year period.

## FEMA Hazard Mitigation Awards in FY2003

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**Flood Mitigation Assistance Program.** A total of \$1,100,109 was awarded to Alabama and Louisiana in FY2003 under authority of the Flood Mitigation Assistance (FMA) program. Mississippi received no funds through this program in FY2003. Baldwin County, Alabama received \$143,770 under the FMA program and spent the funds on private structure elevation. No other county in Alabama received FMA funding. Louisiana received a total of \$956,339 under the FMA program and all grant recipients, including Jackson, Terrebonne, and East Baton Rouge parishes, used the funding for private structure elevation.

**Hazard Mitigation Grant Program.** A total of \$20,870,041 was awarded in FY2003 to two of the states under authority of Section 404 of the Stafford Act. No HMGP awards were provided in the state of Mississippi in FY2003. Alabama received \$338,524 and Louisiana received \$20,531,517. Of this amount, \$13,565,975 was awarded to Terrebonne parish for elevation of private structures.

**Pre-Disaster Mitigation Program.** No PDM awards were made to Alabama, Louisiana, or Mississippi in FY2003.

## FEMA Hazard Mitigation Awards in FY2004

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**Flood Mitigation Assistance Program.** A total of \$646,947 was awarded to the three states in FY2004 under authority of the Flood Mitigation Assistance (FMA) program. Alabama received \$282,136, Louisiana \$76,500, and Mississippi \$288,311. Again, the majority of the funding went to private structure elevation or private property acquisition.

**Hazard Mitigation Grant Program.** A total of \$10,485,309 was awarded in FY2004 to the three states under authority of Section 404 of the Stafford Act. Alabama received \$4,538,660 and mostly put it towards elevation of private structures or acquisition of private or public real property. Louisiana was awarded \$5,921,463. Most notably, \$1,810,500 was awarded statewide for the development of local multi-hazard plans. Assumption parish used its \$15,000 to purchase generators. Louisiana State University used its \$94,685 for public awareness and education. And Jefferson Parish put its \$634,938 award towards elevation of private structures.

**Pre-Disaster Mitigation Program.** Only one state, Alabama, received FMA funding in only one of the three years, FY2004. Most of the funds received by the state (83% of the \$6,530,977) were awarded to the City of Birmingham for the acquisition of property in riverine flood plains.

## FEMA Hazard Mitigation Awards in FY2005

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**Flood Mitigation Assistance Program.** A total of \$4,685,750 was awarded in the three states in FY2005 under authority of the FMA program. Alabama received a total of \$73,309. Louisiana received nearly \$600,000, \$400,000 of which went to the Louisiana Office of Homeland Security and Emergency Preparedness for salaries and expenses. And Mississippi's nearly 3,000,000 awarded funded private property acquisitions in the cities of Florence, Gulfport, Long Beach, Grenada, and Pearl River County.

**Hazard Mitigation Grant Program.** A total of \$10,485,309 was awarded to the three states in FY2005 through the HMGP. Alabama received \$15,609,093. The funding went to generators, warning systems, and acquisition of private or public real property and structures. Louisiana was awarded \$3,142,210, which was used for public awareness and

education in Terrebonne and Assumption parishes and elevation of private structures in Ouachita and Livingston parishes. And Mississippi was awarded \$5,342,844, which it dispersed among several cities and counties, including Vicksburg, Lauderdale, Brandon, and Jackson. The funds were spent primarily on acquisition of private and public real property.

**Pre-Disaster Mitigation Program.** No PDM awards were made to Alabama, Louisiana, or Mississippi in FY2005.

## Community Oriented Policing Services (COPS) Office

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The COPS Office was created by Title I of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322). The mission of the COPS Office is to advance community policing in all jurisdictions across the United States. The COPS Office awards grants to state, local and tribal law enforcement agencies throughout the United States so they can hire and train law enforcement officers to participate in community policing, purchase and deploy new crime-fighting technologies, and develop and test new and innovative policing strategies.<sup>2</sup> The COPS Office has awarded more than \$11.4 billion to over 13,000 law enforcement agencies across the United States since it started awarding grants in 1994.<sup>3</sup> As of the end of FY2004, the COPS Office has funded more than 118,000 community policing officers throughout the U.S.<sup>4</sup>

### COPS Grant Programs

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Below is a brief summary of the COPS grant programs under which funding was awarded to local law enforcement agencies in Alabama, Louisiana, and Mississippi. In summary:

- Alabama received \$24,770,274 from FY2003 to FY2005 under the COPS Interoperability Communications, Law Enforcement Technology, Universal Hiring Program (UHP), COPS in Schools (CIS), and Homeland Security Overtime (HSOP) grant programs;
- Louisiana received \$23,495,114 from FY2003 to FY2005 under the COPS Interoperability Communications, Law Enforcement Technology, UHP, CIS, Regional Community Policing Institute (RCPI) and Homeland Security Overtime (HSOP) grant programs; and
- Mississippi received \$7,003,688 from FY2003 to FY2005 under the COPS Law Enforcement Technology, UHP, CIS, and HSOP grant programs.

**COPS Interoperable Communications Grant Program.** The Interoperable Communications Grant Program provides funding to local communities to help them develop effective interoperable communications systems for public safety and emergency service providers. The grant program funds projects that explore the use of equipment and technology to increase interoperability and data sharing among law enforcement, fire departments, and emergency medical services. Some examples of projects that have been funded include:

- Interoperability communications equipment for multidisciplinary and multijurisdictional public safety communications projects;
- Deployment of portable gateway networks;
- Technology to upgrade or enhance the ability of law enforcement to improve the timeliness, effectiveness and accuracy of criminal justice information exchanges; and
- Other technology that can be demonstrated to significantly increase interoperability within the public safety community.<sup>5</sup>

**COPS Law Enforcement Technology Grant Program.** The COPS Law Enforcement Technology Program provides funding for the development of automated systems that help state, local, and tribal law enforcement agencies prevent, respond to, and investigate crime. The funding can be used by law enforcement agencies to purchase technology that advances crime analysis, intelligence gathering, and crime prevention in their communities.<sup>6</sup> The technology grants allow law enforcement agencies to purchase technology that does not fall under the Interoperable Communications Grant Program.<sup>7</sup>

**COPS Universal Hiring Program (UHP).** UHP provides funding to state, local, and tribal governments for the salaries and benefits of newly hired officers who engage in community policing. Law enforcement agencies can use UHP funding to hire new law enforcement officers to work in community policing or to redeploy a comparable number of veteran officers into community policing. UHP funding can also be used to help law enforcement agencies partner with local communities to develop innovative ways to deal with long-standing problems. UHP was created in 1995 when COPS merged their Funding Accelerated for Smaller Towns (FAST) and Accelerated Hiring, Education and Deployment (AHEAD) Programs.<sup>8</sup> Funds awarded under this program are used to pay 75 percent of a newly hired, entry-level officer's salary and benefits up to \$75,000 per officer over the course of the three-year grant period. The agency is expected to pay the other 25 percent of the officer's salary and benefits, unless they are able to obtain a waiver because of extreme fiscal hardship.

**COPS in Schools (CIS).** The CIS grant program provides funding to local law enforcement agencies so they can hire new or additional school resource officers to engage in community policing activities in and around primary and secondary schools.<sup>9</sup> The CIS grant program provides an incentive for the local law enforcement agency to collaborate and develop partnerships with the school to use community policing efforts to combat school violence. Jurisdictions that apply for funding must show they have primary law enforcement authority over the schools identified in their application and do not have the ability to implement the program without federal assistance. Funds awarded under this program are used to pay the salary and benefits of a School Resource Officer up to \$125,000 per officer over the course of the three-year grant period. Any costs over the \$125,000 per officer are expected to be covered by the local jurisdiction.

**Homeland Security Overtime Program (HSOP).** HSOP provides funding to cover the overtime pay for officers engaging in homeland security and community policing activities.<sup>10</sup> The funds are meant to supplement the local law enforcement agency's current overtime budget. HSOP funds can be used to pay for officer overtime during homeland security training sessions or other law enforcement activities designed to prevent acts of terrorism or other drug-related violent crime. HSOP funds can be used to support overtime efforts for non-supervisory, sworn personnel. Funds cannot be used for civilian or community service officers. HSOP grantees are expected to contribute 25 percent in matching funds.

**Regional Community Policing Institutes (RCPI).** RCPI funds are used to establish Regional Community Policing Institutes. RCPIs are training centers funded by COPS that teach a range of courses from homeland security and domestic preparedness to police integrity. RCPIs also provide technical assistance for local law enforcement agencies.<sup>11</sup> There is a network of RCPIs across the United States that provide training to local law enforcement agents.<sup>12</sup> The Gulf Coast RCPI provides training and technical assistance in all aspects of community policing to local law enforcement in Louisiana, Alabama and Mississippi.

## COPS Funding Awarded to Jurisdictions in Alabama

**Fiscal Year 2003.** In FY2003, jurisdictions in the state of Alabama received a total of \$9,567,867 from the COPS Office. COPS funding awarded to jurisdictions in Alabama in FY2003 was done under three different grant programs, as shown in **Table 1**. A total of eight Law Enforcement Technology grants were awarded in Alabama, for a total of \$1,855,820 in funding. A total of nine UHP grants were awarded in Alabama, for a total of \$7,638,363 in funding. Only one HSOP grant was awarded in Alabama in the amount of \$73,684.

**Table 1: COPS Grants Awarded to Jurisdictions in Alabama in FY2003**

| <b>Agency</b>                              | <b>Grant Program</b>       | <b>Funding</b>        |
|--|----------------------------|-----------------------|
| Alabama Dept. Of Public Safety             | Law Enforcement Technology | \$174,000.00          |
| Choctaw County Emergency Management Agency | Law Enforcement Technology | \$198,700.00          |
| City of Harselle                           | Law Enforcement Technology | \$69,545.00           |
| Huntsville Police Dept.                    | Law Enforcement Technology | \$347,725.00          |
| Jefferson County Sheriff's Dept.           | Law Enforcement Technology | \$469,750.00          |
| Limestone County Board                     | Law Enforcement Technology | \$49,675.00           |
| Town of Rogersville                        | Law Enforcement Technology | \$49,675.00           |
| University of Alabama-Huntsville           | Law Enforcement Technology | \$496,750.00          |
| Alabama Dept. Of Public Safety             | UHP                        | \$5,625,000.00        |
| City of Troy                               | UHP                        | \$70,021.00           |
| Town of Coosada                            | UHP                        | \$73,981.00           |
| Jefferson County Sheriff's Dept.           | UHP                        | \$750,000.00          |
| Lake View Police Dept.                     | UHP                        | \$152,052.00          |
| Madison Police Dept.                       | UHP                        | \$450,000.00          |
| Marengo County Sheriff's Dept.             | UHP                        | \$297,288.00          |
| City of Troy                               | UHP                        | \$70,021.00           |
| Tuscaloosa County Sheriff's Dept.          | UHP                        | \$150,000.00          |
| Mobile County Board of Commissioners       | Homeland Security Overtime | \$73,684.00           |
|  | <b>Total Awarded</b>       | <b>\$9,567,867.00</b> |

Jurisdictions in Alabama received approximately 7.7 percent of the total amount of UHP funding awarded to all jurisdictions in the United States by the COPS Office in FY2003. However, jurisdictions in Alabama received slightly less than one percent of the total amount of Law Enforcement Technology funding awarded by the COPS Office for the fiscal year. Likewise, only 0.1 percent of the total amount of HSOP funding awarded in FY2003 by the COPS office went to Alabama.

**Fiscal Year 2004.** In FY2004, jurisdictions in Alabama received a total of \$8,695,875 from the COPS Office. COPS funding awarded to jurisdictions in Alabama was done under four different grant programs, as shown in **Table 2**. Nine Law Enforcement Technology grants were awarded to jurisdictions in Alabama, for a total of \$1,810,745 in funding. Three UHP grants were awarded in Alabama, for a total of \$571,169 in funding. Four CIS grants were awarded in Alabama, for a total of \$688,961 in funding. Only one Interoperable Communications Technology grant was awarded in FY2004 to Alabama, in the amount of \$5.625 million.

**Table 2: COPS Grants Awarded to Jurisdictions in Alabama in FY2004**

| <b>Agency</b>                                  | <b>Grant Program</b>               | <b>Funding</b>        |
|--|------------------------------------|-----------------------|
| St. Clair County Sheriff's Dept.               | Law Enforcement Technology         | \$98,948.00           |
| Jefferson County Sheriff's Dept.               | Law Enforcement Technology         | \$98,948.00           |
| Hanceville Police Dept.                        | Law Enforcement Technology         | \$19,790.00           |
| Arab Police Dept.                              | Law Enforcement Technology         | \$14,842.00           |
| Town of Douglas                                | Law Enforcement Technology         | \$9,895.00            |
| Blount County Sheriff's Dept.                  | Law Enforcement Technology         | \$34,632.00           |
| Lexington Police Dept.                         | Law Enforcement Technology         | \$49,474.00           |
| Jefferson County Medical Examiner              | Law Enforcement Technology         | \$494,739.00          |
| Board of Trustees of the University of Alabama | Law Enforcement Technology         | \$989,477.00          |
| City of Helena                                 | UHP                                | \$375,000.00          |
| City of Midland                                | UHP                                | \$121,169.00          |
| Daphne Police Dept.                            | UHP                                | \$75,000.00           |
| Randolph County Sheriff's Dept.                | COPS in Schools                    | \$91,809.00           |
| Scottsboro Police Dept.                        | COPS in Schools                    | \$81,978.00           |
| Wilcox County Sheriff's Dept.                  | COPS in Schools                    | \$196,898.00          |
| Marshall County Sheriff's Dept.                | COPS in Schools                    | \$318,276.00          |
| Birmingham Police Dept.                        | Interoperable Communications Tech. | \$5,625,000.00        |
|  | <b>Total Awarded</b>               | <b>\$8,695,875.00</b> |

In FY2004, jurisdictions in Alabama received one percent of the total UHP funding awarded to jurisdictions nationwide by the COPS Office. Less than two percent of the total funding under the Law Enforcement Technology program and the CIS program went to jurisdictions in Alabama in FY2004. However, 6.8 percent of the total amount of funding awarded under the Interoperable Communications Technology program for FY2004 went to one jurisdiction in Alabama.

**Fiscal Year 2005.** In FY2005, a total of \$6,506,532 in COPS funding was awarded to jurisdictions in the state of Alabama. Funding awarded to jurisdictions in Alabama were made under three different COPS grant programs, as shown in **Table 3**. Thirteen grants, for a total of \$2,821,800 in funding, were awarded to jurisdictions in Alabama under the Law Enforcement Technology Program. One CIS grant was awarded in Alabama in the amount of \$684,732. As in previous years, only one Interoperable Communications Technology grant was awarded in Alabama in the amount of \$3,000,000.

**Table 3: COPS Grants Awarded to Jurisdictions in Alabama in FY2005**

| <b>Agency</b>                                  | <b>Grant Program</b>               | <b>Funding</b> |
|--|------------------------------------|----------------|
| Board of Trustees of the University of Alabama | Law Enforcement Technology         | \$147,996.00   |
| Guin Police Dept.                              | Law Enforcement Technology         | \$39,466.00    |
| Southside Police Dept.                         | Law Enforcement Technology         | \$19,733.00    |
| Boaz Police Dept.                              | Law Enforcement Technology         | \$19,733.00    |
| Morgan County Sheriff's Dept.                  | Law Enforcement Technology         | \$78,931.00    |
| Shelby County Sheriff's Dept.                  | Law Enforcement Technology         | \$246,661.00   |
| Mobile Police Dept.                            | Law Enforcement Technology         | \$246,661.00   |
| Huntsville Police Dept.                        | Law Enforcement Technology         | \$295,993.00   |
| Huntsville Police Dept.                        | Law Enforcement Technology         | \$493,322.00   |
| Madison County Sheriff's Dept.                 | Law Enforcement Technology         | \$493,322.00   |
| Morgan County Sheriff's Dept.                  | Law Enforcement Technology         | \$98,664.00    |
| Jefferson County Criminal Courts               | Law Enforcement Technology         | \$394,657.00   |
| Tuscaloosa County Sheriff's Dept.              | Law Enforcement Technology         | \$246,661.00   |
| City of Tuscaloosa                             | COPS in Schools                    | \$684,732.00   |
| Mobile Police Dept.                            | Interoperable Communications Tech. | \$3,000,000.00 |
|  | <b>Total Awarded</b>               | \$6,506,532.00 |

Three percent of the Law Enforcement Technology grant funds awarded nationwide by the COPS Office in FY2005 was awarded to jurisdictions in Alabama. Approximately 1.4 percent of all CIS funding awarded by the COPS Office for the fiscal year was awarded to a jurisdiction in Alabama. The Mobile Police Department received three percent of the Interoperable Communications Technology awarded by the COPS Office in FY2005.

## COPS Funding Awarded to Jurisdiction in Louisiana

**Fiscal Year 2003.** In FY2003, a total of \$10,699,027 in COPS funding was awarded to jurisdictions in Louisiana. Funding awarded by COPS during the fiscal year was done under five different grant programs, as shown in **Table 4**. COPS awarded a total of eight Law Enforcement Technology grants in Louisiana, for a total of \$2,493,685 in funding. COPS also awarded four UHP grants in Louisiana for a total of \$2,039,523 in funding. Three grants under the HSOP were awarded in Louisiana for a total funding amount of \$305,407. One grant was made to a jurisdiction in Louisiana under the Interoperable Communications Technology Program for \$5,510,412, and under the RCPI Program for \$350,000.

**Table 4: COPS Grants Awarded to Jurisdictions in Louisiana in FY2003**

| <b>Agency</b>                                      | <b>Grant Program</b>               | <b>Funding</b>         |
|--|------------------------------------|------------------------|
| Louisiana Commission on Law Enforcement and Admin. | Law Enforcement Technology         | \$1,490,250.00         |
| Slidell Police Dept.                               | Law Enforcement Technology         | \$49,675.00            |
| Vernon Parish Sheriff's Dept.                      | Law Enforcement Technology         | \$59,610.00            |
| New Orleans Metropolitan Crime Commission          | Law Enforcement Technology         | \$198,700.00           |
| Jefferson Parish Sheriff's Dept.                   | Law Enforcement Technology         | \$49,675.00            |
| St. Tammany Parish Sheriff's Dept.                 | Law Enforcement Technology         | \$99,350.00            |
| Harahan Police Dept.                               | Law Enforcement Technology         | \$49,675.00            |
| Lafourche Parish Sheriff's Dept.                   | Law Enforcement Technology         | \$496,750.00           |
| Houma Police Dept.                                 | UHP                                | \$412,160.00           |
| Lake Charles Police Dept.                          | UHP                                | \$772,974.00           |
| Port of New Orleans Harbor Police Dept.            | UHP                                | \$212,351.00           |
| Quachita Parish Sheriff's Dept.                    | UHP                                | \$642,038.00           |
| Slidell Police Dept.                               | Homeland Security Overtime         | \$48,833.00            |
| Gretna Police Dept.                                | Homeland Security Overtime         | \$49,229.00            |
| Quachita Parish Sheriff's Dept.                    | Homeland Security Overtime         | \$207,345.00           |
| New Orleans Police Dept.                           | Interoperable Communications Tech. | \$5,510,412.00         |
| Northwestern State University                      | RCPI                               | \$350,000.00           |
|  | <b>Total Awarded</b>               | <b>\$10,699,027.00</b> |

Jurisdictions in Louisiana received 1.3 percent of the total Law Enforcement Technology funding awarded by the COPS Office in FY2003. Also, jurisdictions in Louisiana received 2.1 percent of UHP funding awarded in the same fiscal year. Jurisdictions in Louisiana received less than one percent of HSOP funding awarded in FY2003. However, the New Orleans Police Department received 7.4 percent of the Interoperable Communications Technology funds awarded in FY2003. Northwestern State University received 1.7 percent of the RCPI funds awarded in FY2003 by the COPS Office.

**Fiscal Year 2004.** In FY2004, a total of \$5,306,337 in COPS funding was awarded to jurisdictions in Louisiana. Like FY2003, grants awarded in the state of Louisiana were made under four different grant programs, as shown in **Table 5**. COPS awarded a total of six Law Enforcement Technology grants in Louisiana for the fiscal year, for a total of \$1,335,795. COPS also awarded three grants under UHP in Louisiana for the fiscal year, for a total of \$869,707. One grant was awarded to a local agency under the CIS program, for \$101,394, and under the Interoperable Communication Technology Program, for \$2,998,901.

**Table 5: COPS Grants Awarded to Jurisdictions in Louisiana in FY2004**

| <b>Agency</b>                             | <b>Grant Program</b>               | <b>Funding</b>        |
|---|------------------------------------|-----------------------|
| Rapides Parish Sheriff's Dept.            | Law Enforcement Technology         | \$148,422.00          |
| Lafayette Police Dept.                    | Law Enforcement Technology         | \$49,474.00           |
| Sunset Police Dept.                       | Law Enforcement Technology         | \$19,790.00           |
| Town of Grand Coteau                      | Law Enforcement Technology         | \$29,684.00           |
| City of Bastrop                           | Law Enforcement Technology         | \$989,477.00          |
| New Orleans Metropolitan Crime Commission | Law Enforcement Technology         | \$98,948.00           |
| Terrebonne Parish Sheriff's Dept.         | UHP                                | \$360,686.00          |
| Gretna Police Dept.                       | UHP                                | \$75,000.00           |
| Bossier Parish Sheriff's Dept.            | UHP                                | \$434,021.00          |
| City of Westwego                          | COPS in Schools                    | \$101,934.00          |
| City of Shreveport                        | Interoperable Communications Tech. | \$2,998,901.00        |
|   | <b>Total Awarded</b>               | <b>\$5,306,337.00</b> |

Jurisdictions in Louisiana received less than one percent of the total amount of Law Enforcement Technology and CIS funds awarded by the COPS Office in FY2004. Less than two percent of all UHP funding in FY2004 went to jurisdictions in Louisiana. The City of Shreveport received 3.6 percent of the Interoperable Communications Technology funding awarded in FY2004.

**Fiscal Year 2005.** In FY2005, jurisdictions in Louisiana received a total of \$7,453,750 in COPS funding. Like FY2003 and FY2004, awards made by the COPS Office to jurisdictions in Louisiana were done under three different programs, as shown in **Table 6**. Three awards were made under the Law Enforcement Technology grant program, for a total of \$686,657. Only one award was made under the Interoperable Communications Technology Program, in the amount of \$5,999,184. Two awards were made by the COPS Office under the RCPI program, for a total of \$767,909.

**Table 6: COPS Grants Awarded to Jurisdictions in Louisiana in FY2005**

| <b>Agency</b>                             | <b>Grant Program</b>               | <b>Funding</b>        |
|---|------------------------------------|-----------------------|
| New Orleans Metropolitan Crime Commission | Law Enforcement Technology         | \$98,664.00           |
| Bastrop Police Dept.                      | Law Enforcement Technology         | \$246,661.00          |
| Northwestern State University             | Law Enforcement Technology         | \$341,332.00          |
| Baton Rouge Police Dept.                  | Interoperable Communications Tech. | \$5,999,184.00        |
| Northwestern State University             | RCPI                               | \$600,000.00          |
| Northwestern State University             | RCPI                               | \$167,909.00          |
|   | <b>Total Awarded</b>               | <b>\$7,453,750.00</b> |

Jurisdictions in Louisiana received 0.5 percent of the total amount of Law Enforcement Technology funding awarded by the COPS Office in FY2005. The Baton Rouge Police Department received six percent of the total amount of Interoperable Communications Technology funding awarded in FY2005. Also, Northwestern State University received five percent of RCPI funding awarded by the COPS Office for FY2005.

## COPS Funding Awarded to Jurisdictions in Mississippi

**Fiscal Year 2003.** In FY2003, a total of \$3,251,953 was awarded by the COPS Office in Mississippi. As shown in **Table 7**, funds awarded to jurisdictions in Mississippi by the COPS Office were done under four different programs. Five Law Enforcement Technology grants were awarded in Mississippi during FY2003, for a total of \$1,559,796. Seven UHP grants were awarded in Mississippi, for a total of \$1,325,545. Only one CIS grant, for \$94,513, was awarded in Mississippi in FY2003. Five HSOP grants were awarded in Mississippi for a total of \$272,099.

**Table 7: COPS Grants Awarded to Jurisdictions in Mississippi in FY2003**

| <b>Agency</b>                      | <b>Grant Program</b>       | <b>Funding</b>        |
|------------------------------------|----------------------------|-----------------------|
| Columbia Police Dept.              | Law Enforcement Technology | \$248,375.00          |
| Leake County Board of Supervisors  | Law Enforcement Technology | \$94,383.00           |
| Simpson County Sheriff's Dept.     | Law Enforcement Technology | \$844,475.00          |
| Warren County Sheriff's Dept.      | Law Enforcement Technology | \$248,375.00          |
| Wilkinson County Sheriff's Dept.   | Law Enforcement Technology | \$124,188.00          |
| Alcorn County Sheriff's Dept.      | UHP                        | \$75,000.00           |
| DeSoto County Sheriff's Dept.      | UHP                        | \$299,067.00          |
| City of Hattiesburg                | UHP                        | \$349,946.00          |
| Pearl River Community College      | UHP                        | \$150,385.00          |
| City of Sardis                     | UHP                        | \$217,951.00          |
| University of Southern Mississippi | UHP                        | \$193,871.00          |
| Vaiden Police Dept.                | UHP                        | \$39,325.00           |
| Okolona Police Dept.               | COPS in Schools            | \$94,513.00           |
| Gulfport Police Dept.              | Homeland Security Overtime | \$139,759.00          |
| Jackson County Sheriff's Dept.     | Homeland Security Overtime | \$68,948.00           |
| City of Sardis                     | Homeland Security Overtime | \$20,803.00           |
| City of Starkville                 | Homeland Security Overtime | \$22,896.00           |
| Mississippi State University       | Homeland Security Overtime | \$19,693.00           |
|                                    | <b>Total Awarded</b>       | <b>\$3,251,953.00</b> |

Less than one percent of the total amount of Law Enforcement Technology, CIS, and HSOP funds was awarded to jurisdictions in Mississippi in FY2003. Less than two percent of the UHP funds awarded by the COPS Office were awarded to jurisdictions in Mississippi.

**Fiscal Year 2004.** In FY2004, a total of \$2,271,770 was awarded to jurisdictions in Mississippi by the COPS Office. As shown in **Table 8**, grants awarded to jurisdictions in Mississippi in FY2004 were done under three different programs. Three Law Enforcement Technology grants were made in Mississippi in FY2004, for a total of \$444,557. Four UHP grants were awarded in Mississippi, for a total of \$912,130. Four CIS grants were also awarded in Mississippi in FY2004, for a total of \$915,083.

**Table 8: COPS Grants Awarded to Jurisdictions in Mississippi in FY 2004**

| <b>Agency</b>                      | <b>Grant Program</b>       | <b>Funding</b>        |
|------------------------------------|----------------------------|-----------------------|
| City of Jackson                    | Law Enforcement Technology | \$98,948.00           |
| Jackson County Sheriff's Dept.     | Law Enforcement Technology | \$98,948.00           |
| Lee County Sheriff's Dept.         | Law Enforcement Technology | \$246,661.00          |
| Booneville Police Dept.            | UHP                        | \$75,000.00           |
| City of Mound Bayou                | UHP                        | \$204,501.00          |
| Pearl River County Sheriff's Dept. | UHP                        | \$412,500.00          |
| City of D'Iberville                | UHP                        | \$220,129.00          |
| Alcorn County Sheriff's Dept.      | COPS in Schools            | \$103,192.00          |
| Marion County Sheriff's Dept.      | COPS in Schools            | \$251,769.00          |
| Ripley Police Dept.                | COPS in Schools            | \$195,082.00          |
| Harrison County Sheriff's Dept.    | COPS in Schools            | \$365,040.00          |
|                                    | <b>Total Awarded</b>       | <b>\$2,271,770.00</b> |

Less than one percent of all of the FY2004 Law Enforcement Technology grant funding went to jurisdictions in Mississippi. Approximately 1.3 percent of UHP funding awarded by the COPS Office in FY2004 was awarded to jurisdictions in Mississippi. Less than two percent of all CIS funding for FY2004 went to jurisdictions in Mississippi.

**Fiscal Year 2005.** In FY2005, a total of \$1,479,965 was awarded to jurisdictions in Mississippi by the COPS Office. As shown in **Table 9**, only two awards were made in Mississippi in FY2005, both under the Law Enforcement Technology program.

**Table 9: COPS Grants Awarded to Jurisdiction in Mississippi in FY2005**

| <b>Agency</b>           | <b>Grant Program</b>       | <b>Funding</b>        |
|-------------------------|----------------------------|-----------------------|
| Yazoo City Police Dept. | Law Enforcement Technology | \$493,322.00          |
| Southaven Police Dept.  | Law Enforcement Technology | \$986,643.00          |
|                         | <b>Total Awarded</b>       | <b>\$1,479,965.00</b> |

Approximately 1.1 percent of all Law Enforcement Technology funding went to the two jurisdictions in Mississippi that received funding in FY2005.

## Office for Domestic Preparedness (ODP)

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The Office for Domestic Preparedness (ODP) was transferred from the Department of Justice to the Department of Homeland Security (DHS) by Section 430, Title IV of the Homeland Security Act of 2002 (P.L. 107-296). ODP has primary responsibility for United States government terrorism preparedness.<sup>13</sup> ODP administers grants to state, local, and tribal first responder entities (such as law enforcement, emergency management, fire departments, and emergency medical services) that assist their preparedness activities. Since FY2003, ODP has awarded approximately \$480 million to Alabama, Louisiana, and Mississippi first responders.

Since September 11, 2001 funding appropriated by Congress for DHS programs to enhance first responders' capabilities has largely emphasized enhancing capabilities to respond to terrorist attacks. The Homeland Security Act of 2002 and Homeland Security Presidential Directive-8, however, direct DHS to take an all-hazards approach to national emergency preparedness with a special emphasis on terrorism.<sup>14</sup> As a result, DHS grant guidance for the State Homeland Security Grant and the Urban Area Security Initiative grant programs, the two largest sources of DHS grants funds available to state and local first responders, is designed to support an all-hazards approach to planning, equipment, and training to enhance the capabilities of first responders to respond to terrorist attacks and to a lesser extent natural disasters.

### ODP Grant Programs

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A brief summary of ODP grant programs under which funding was awarded to first responder entities in Alabama, Louisiana, and Mississippi follows:

- Alabama received \$216,130,186, from FY2003 to FY2005 under the ODP State Homeland Security Grant Program (SHSGP), the Critical Infrastructure Protection Program (CIP), the Citizen Corps Programs (CCP), the Law Enforcement Terrorism Prevention Program (LETPP), the Assistance to Firefighters Program (FIRE), and the Emergency Management Performance Grant Program (EMPG);
- Louisiana received \$140,038,519, from FY2003 to FY2005 under the ODP State Homeland Security Grant Program (SHSGP), the Critical Infrastructure Protection Program (CIP), the Citizen Corps Programs (CCP), the Law Enforcement Terrorism Prevention Program (LETPP), the Assistance to Firefighters Program (FIRE), and the Emergency Management Performance Grant Program (EMPG); and
- Mississippi received \$123,583,324, from FY2003 to FY2005 under the ODP State Homeland Security Grant Program (SHSGP), the Critical Infrastructure Protection Program (CIP), the Citizen Corps Programs (CCP), the Law Enforcement Terrorism Prevention Program (LETPP), the Assistance to Firefighters Program (FIRE), and the Emergency Management Performance Grant Program (EMPG).

**State Homeland Security Grant Program (SHSGP).** This assistance program provides financial assistance to states and U.S. insular areas to prepare for terrorist attacks involving weapons of mass destruction (WMD). The program authorizes purchase of specialized equipment to enhance state and local agencies' capability in preventing and responding to WMD incidents, and provides funds for protecting critical infrastructure of national importance. This program provides grant funds for designing, developing, conducting, and evaluating WMD exercises; developing and conducting WMD training programs; and updating and implementing each state's Homeland Security Strategy (SHSS).<sup>15</sup>

SHSGP funds may be used to plan for, design, develop, conduct, and evaluate exercises that train first responders, and to assess the readiness of state and local jurisdictions to prevent and respond to terrorist attacks. Exercises must be threat- and performance-based, in accordance with ODP Homeland Security Exercise and Evaluation Program (HSEEP) manuals. Exercises conducted with funds from this program must be managed and executed in accordance with HSEEP.<sup>16</sup>

Funds from this program may be used to enhance the capabilities of state and local first responders through the development of a state homeland security training program. Allowable training costs include establishment of WMD training capacities within existing training academies, universities, and junior colleges.<sup>17</sup>

States are the only authorized applicants, with the following state and local entities eligible to receive funding:

- Emergency management agencies or offices;
- Homeland security agencies or offices;
- Fire departments;
- Law enforcement agencies;
- Emergency medical services;
- Hazardous material-handling personnel;
- Public works agencies or offices;
- Public health agencies or offices;
- Governmental administrative agencies or offices; and
- Public safety communications agencies or offices.<sup>18</sup>

**Citizen Corps Programs (CCP).** On January 29, 2002, President Bush issued an executive order<sup>19</sup> which established the USA Freedom Corps. USA Freedom Corps' mission is to increase opportunities for citizens by expanding and enhancing public service. Within the USA Freedom Corps, the Citizen Corps program was established to coordinate volunteer organizations, with the mission to make local communities safe and prepared to respond to any emergency situation. Community Emergency Response Teams (CERT) is the only program of the four which Citizen Corps administers that provides grant funding to volunteer first responders.

CERT trains people to be prepared to respond to emergency situations in their own local communities. CERTs are groups of volunteers within communities that are trained by professional first responders to assist in the event of a disaster. CERT members give critical support to first responders, provide immediate assistance to victims, and organize spontaneous volunteers at a disaster site.

This program authorizes funding for training of CERT members only. The CERT program is a professionally instructed course taught by a team of first responders who have the requisite knowledge and skills. The course, taught to groups of citizens within their communities, consists of two and a half hour sessions held one evening a week, over a seven week period.<sup>20</sup> States apply for a grant under this program, while any community that has established a Citizen Corps Council is also eligible to receive funding from it.

**Law Enforcement Terrorism Prevention Program (LETPP).** In the FY2004 DHS appropriations, Congress directed ODP to establish a local law enforcement terrorism prevention grant program for states and localities.<sup>21</sup> This program provides funds to support activities to establish and enhance state and local efforts to prevent and deter terrorist attacks. Eligible program activities authorized include:

- Information sharing to preempt terrorist attacks;
- Target hardening to reduce vulnerability of selected high value targets;
- Threat recognition to identify potential or actual threats; and
- Intervention activities to interdict terrorists.

Approved costs for this program include, but are not limited to, personnel costs (including overtime as approved by the state administering agency), equipment, systems, and related expenses.<sup>22</sup> State and local law enforcement agencies are authorized to apply for grant funding under this program.

**Assistance to Firefighters Program (FIRE).** This program awards one-year grants directly to fire departments to enhance their abilities to respond to fires and fire-related hazards.<sup>23</sup> The program seeks to support fire departments that lack the tools and resources necessary to protect the health and safety of the public and firefighting personnel.<sup>24</sup> At least five percent of the funds go to prevention programs, and recipients agree to contribute a 30 percent nonfederal match if the

local population is greater than 50,000, or 10 percent if the local population is 50,000 or less. Grant recipients may not receive more than \$750,000 for any fiscal year.<sup>25</sup> The program’s grant application process is competitive, and applications are peer reviewed by state and local fire department officials.

FIRE program provides funds to support firefighter safety, fire prevention, emergency medical services, and firefighting vehicle acquisition. Individual fire departments are eligible to apply for grants under this program.

**Emergency Management Performance Grant Program (EMPG).** This program is designed to assist the development, maintenance, and improvement of state and local emergency management capabilities. It provides support to state and local governments to achieve measurable results in key functional areas of emergency management.<sup>26</sup>

EMPG funds are used for emergency management personnel costs, travel, training, supplies, and other routine expenditures for emergency management activities.<sup>27</sup> Funds from this grant program may also be used for consequence management preparedness projects and programs that develop and improve the capabilities of states and localities to prepare for, respond to, and recover from acts of terrorism involving WMD.<sup>28</sup>

States may use the funds provided through the EMPG to structure their individual emergency management programs based on identified needs and priorities for strengthening emergency management capabilities. States may also use EMPG funds to develop intrastate emergency management systems that encourage partnership building among government, business, and volunteer and community organizations.<sup>29</sup> State emergency management agencies or offices are eligible applicants and recipients of this grant program; additionally, state emergency management agencies may pass funds to emergency management offices at the local level.

## ODP Funding Awarded to Alabama

**Fiscal Year 2003.** In FY2003, Alabama received a total of \$61,348,493 from ODP. ODP funding awarded to Alabama in FY2003 was done under five different grant programs, as shown in **Table 10**.

**Table 10: ODP Grants Awarded to Alabama in FY2003**

| <b>Grant Program</b>                           | <b>Funding</b>         |
|--|------------------------|
| State Homeland Security Grant Program          | \$31,200,000.00        |
| Citizen Corps                                  | \$500,000.00           |
| Critical Infrastructure Protection             | \$3,300,000.00         |
| Assistance to Firefighters Program             | \$23,548,493.00        |
| Emergency Management Performance Grant Program | \$2,800,000.00         |
| <b>Total Awarded</b>                           | <b>\$61,348,493.00</b> |

**Fiscal Year 2004.** In FY2004, Alabama received a total of \$108,732,787 from ODP. ODP funding awarded to Alabama in FY2004 was done under five different grant programs, as shown in **Table 11**.

**Table 11: ODP Grants Awarded to Alabama in FY2004**

| <b>Grant Program</b>                           | <b>Funding</b>          |
|--|-------------------------|
| State Homeland Security Grant Program          | \$28,000,000.00         |
| Citizen Corps                                  | \$600,000.00            |
| Law Enforcement Terrorism Prevention Program   | \$8,300,000.00          |
| Assistance to Firefighters Program             | \$68,932,787.00         |
| Emergency Management Performance Grant Program | \$2,900,000.00          |
| <b>Total Awarded</b>                           | <b>\$108,732,787.00</b> |

**Fiscal Year 2005.** In FY2005, Alabama received a total of \$46,048,906, in funding from ODP. ODP funding awarded to Alabama in FY2005 was done under five different grant programs, as shown in **Table 12.**

**Table 12: ODP Grants Awarded to Alabama in FY2005**

| <b>Grant Program</b>                           | <b>Funding</b>         |
|--|------------------------|
| State Homeland Security Grant Program          | \$17,000,000.00        |
| Citizen Corps                                  | \$200,000.00           |
| Law Enforcement Terrorism Protection Program   | \$6,400,000.00         |
| Assistance to Firefighters Program             | \$19,548,906.00        |
| Emergency Management Performance Grant Program | \$2,900,000.00         |
| <b>Total Awarded</b>                           | <b>\$46,048,906.00</b> |

ODP funding Awarded to Louisiana

Fiscal Year 2003. In FY2003, Louisiana received a total of \$51,048,654 from ODP. ODP funding awarded to Louisiana in FY2003 was done under five different grant programs, as shown in **Table 13.**

**Table 13: ODP Grants Awarded to Louisiana in FY2003**

| <b>Grant Program</b>                           | <b>Funding</b>         |
|--|------------------------|
| State Homeland Security Grant Program          | \$32,200,000.00        |
| Citizen Corps                                  | \$500,000.00           |
| Critical Infrastructure Protection             | \$3,300,000.00         |
| Assistance to Firefighters Program             | \$12,248,654.00        |
| Emergency Management Performance Grant Program | \$2,800,000.00         |
| <b>Total Awarded</b>                           | <b>\$51,048,654.00</b> |

**Fiscal Year 2004.** In FY2004, Louisiana received a total of \$51,159,534 from ODP. ODP funding awarded to Louisiana in FY2004 was done under five different grant programs, as shown in **Table 14.**

**Table 14: ODP Grants Awarded to Louisiana in FY2004**

| <b>Grant Program</b>                           | <b>Funding</b>         |
|--|------------------------|
| State Homeland Security Grant Program          | \$28,000,000.00        |
| Citizen Corps                                  | \$600,000.00           |
| Law Enforcement Terrorism Prevention Program   | \$8,300,000.00         |
| Assistance to Firefighters Program             | \$11,359,534.00        |
| Emergency Management Performance Grant Program | \$2,900,000.00         |
| <b>Total Awarded</b>                           | <b>\$51,159,534.00</b> |

**Fiscal Year 2005.** In FY2005, Louisiana received a total of \$37,830,331 from ODP. ODP funding awarded to Louisiana in FY2005 was done under five different grant programs, as shown in **Table 15**.

**Table 15: ODP Grants Awarded to Louisiana in FY2004**

| <b>Grant Program</b>                           | <b>Funding</b>         |
|--|------------------------|
| State Homeland Security Grant Program          | \$17,700,000.00        |
| Citizen Corps                                  | \$200,000.00           |
| Law Enforcement Terrorism Prevention Program   | \$6,400,000.00         |
| Assistance to Firefighters Program             | \$10,630,331.00        |
| Emergency Management Performance Grant Program | \$2,900,000.00         |
| <b>Total Awarded</b>                           | <b>\$37,830,331.00</b> |

ODP Funding Awarded to Mississippi

**Fiscal Year 2003.** In FY2003, Mississippi received a total of \$46,208,491 from ODP. ODP funding awarded to Mississippi in FY2003 was done under five different grant programs, as shown in **Table 16**.

**Table 16: ODP Grants Awarded to Mississippi in FY2003**

| <b>Grant Program</b>                           | <b>Funding</b>         |
|--|------------------------|
| State Homeland Security Grant Program          | \$25,000,000.00        |
| Citizen Corps                                  | \$400,000.00           |
| Critical Infrastructure Protection             | \$2,700,000.00         |
| Assistance to Firefighters Program             | \$15,908,491.00        |
| Emergency Management Performance Grant Program | \$2,200,000.00         |
| <b>Total Awarded</b>                           | <b>\$46,208,491.00</b> |

**Fiscal Year 2004.** In FY2004, Mississippi received a total of \$43,564,925 from ODP. ODP funding awarded to Mississippi in FY2004 was done under five different grant programs, as shown in **Table 17**.

**Table 17: ODP Grants Awarded to Mississippi in FY2004**

| <b>Grant Program</b>                           | <b>Funding</b>         |
|--|------------------------|
| State Homeland Security Grant Program          | \$22,400,000.00        |
| Citizen Corps                                  | \$500,000.00           |
| Law Enforcement Terrorism Prevention Program   | \$6,700,000.00         |
| Assistance to Firefighters Program             | \$11,564,925.00        |
| Emergency Management Performance Grant Program | \$2,400,000.00         |
| <b>Total Awarded</b>                           | <b>\$43,564,925.00</b> |

**Fiscal Year 2005.** In FY2005, Mississippi received a total of \$31,109,908 from ODP. ODP funding awarded to Mississippi in FY2005 was done under five different grant programs, as shown in **Table 18**.

**Table 18: ODP Grants Awarded to Mississippi in FY2005**

| <b>Grant Program</b>                           | <b>Funding</b>         |
|--|------------------------|
| State Homeland Security Grant Program          | \$14,200,000.00        |
| Citizen Corps                                  | \$200,000.00           |
| Law Enforcement Terrorism Prevention Program   | \$5,200,000.00         |
| Assistance to Firefighters Program             | \$9,209,908.00         |
| Emergency Management Performance Grant Program | \$2,300,000.00         |
| <b>Total Awarded</b>                           | <b>\$31,109,908.00</b> |

- <sup>1</sup> The programs are authorized in the following statutes: Flood Mitigation Assistance - 42 U.S.C. § 4104(c)-(d) (2005); Hazard Mitigation Grant Program - 42 U.S.C. § 5170(c) (2005); Pre-Disaster Mitigation - 42 U.S.C. § 5133 (2005).
- <sup>2</sup> U.S. Dep't. of Justice, Cmty. Oriented Policing Servs. Office [hereinafter DOJ COPS Office], About Cmty. Oriented Policing Servs. Office, <http://www.cops.usdoj.gov/Default.asp?Item=35>, (last visited Oct. 25, 2005) [hereinafter About DOJ COPS Office website].
- <sup>3</sup> DOJ COPS Office website, Message from the Dir., <http://www.cops.usdoj.gov/Default.asp?Item=37>, (last visited Oct. 25, 2005).
- <sup>4</sup> About DOJ COPS Office website.
- <sup>5</sup> DOJ COPS Office, COPS Fact Sheet: Interoperable Communications Tech., <http://www.cops.usdoj.gov/mime/open.pdf?Item=947>, (last visited Oct. 25, 2005).
- <sup>6</sup> DOJ COPS Office, COPS Tech. Grants, <http://www.cops.usdoj.gov/Default.asp?Item=58>, (last visited Oct. 25, 2005).
- <sup>7</sup> Telephone call by Select Comm. Staff with DOJ COPS Office personnel (Oct. 25, 2005).
- <sup>8</sup> DOJ COPS Office, Universal Hiring Program, <http://www.cops.usdoj.gov/Default.asp?Item=53>, (last visited Oct. 25, 2005).
- <sup>9</sup> DOJ COPS Office, COPS in Schools, <http://www.cops.usdoj.gov/default.asp?Item=54>, (last visited Oct. 25, 2005).
- <sup>10</sup> DOJ COPS Office, Homeland Sec. Overtime Program, <http://www.cops.usdoj.gov/default.asp?Item=1023>, (last visited Oct. 25, 2005).
- <sup>11</sup> Telephone call by Select Comm. Staff with DOJ COPS Office personnel (Nov. 21, 2005).
- <sup>12</sup> DOJ COPS Office, Reg'l Cmty. Policing Insts., <http://www.cops.usdoj.gov/default.asp?Item=229> (last visited Jan. 30, 2005) (The website provides a list of all Reg'l Cmty. Policing Insts. across the United States).
- <sup>13</sup> Homeland Sec. Act (2002), Pub. L. No. 107-296, 116 Stat. 2135 (2002).
- <sup>14</sup> Directive on Mgmt. of Nat'l Preparedness, 39 WEEKLY COMP. PRES. DOC. 1822 (Dec. 17, 2003) (Known as Homeland Sec. Presidential Directive/HSPD-8).
- <sup>15</sup> Office for Domestic Preparedness, U.S. Dep't of Homeland Sec., *Fiscal Year 2004 State Homeland Security Grant Program: Program Guidelines and Application Kit*, 1 (2003).
- <sup>16</sup> *Id.* at 3.
- <sup>17</sup> *Id.* at 4.
- <sup>18</sup> *Id.* at 2.
- <sup>19</sup> Establishing the USA Freedom Corps, 67 Fed. Reg. 4869 (2002).
- <sup>20</sup> Emergency Mgmt. Inst., Community Emergency Response Team Overview, <http://training.fema.gov/emiweb/CERT/overview.asp> (last visited Apr. 1, 2004).
- <sup>21</sup> 2004 Dep't of Homeland Sec. Appropriations Act, Pub. L. No. 108-90, 117 Stat. 1137 (2003).
- <sup>22</sup> S. REP. NO. 108-86 (2003).
- <sup>23</sup> House REP. NO. 108-280 (2003) (In the conference report to accompany H.R. 2555, the Assistance to Firefighters grant program is to be administered by the Office of Domestic Preparedness. It also specifies that the grant administration process will not be changed from the present procedures, to include peer review and involvement by United States Fire Admin).
- <sup>24</sup> Fed. Emergency Mgmt. Agency, U.S. Dep't of Homeland Sec., *FY2003 Assistance to Firefighters Grant Program Guidance*, 2 (2003).
- <sup>25</sup> Floyd D. Spence Nat'l Def. Authorization Act for FY 2001, Pub. L. No. 106-398, § 1701, 114 Stat. 1654 (2000).
- <sup>26</sup> 26 Fed. Emergency Mgmt. Agency, U.S. Dep't of Homeland Security, *FY2003 Emergency Management Performance Grant Program Guidance to States*, 2 (2003).
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- <sup>28</sup> *Id.* at 8.
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## KEY FEDERAL LAW ENFORCEMENT ACTIONS IN RESPONSE TO KATRINA

The Federal Bureau of Investigations established a Tactical Operations Center and utilized its Fly Teams to assist in fingerprinting victims and potential recovery contractors

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The Federal Bureau of Investigations (FBI) accomplished core mission functions in response to the hurricane by establishing a Tactical Operations Center to support the FBI's tactical teams. In addition, FBI Fly Teams assisted FEMA's Disaster Mortuary Operational Response Team in identifying 112-115 hurricane victims by computerized fingerprint matching. FBI Fly Teams also assisted FEMA in identifying 458 criminal histories out of 2,900 potential hurricane recovery contractors through fingerprinting.

The FBI is the "principal investigative arm of the United States Department of Justice." The FBI's mission is to:

[U]phold the law through the investigation of violations of federal criminal law; to protect the United States from foreign intelligence and terrorist activities; to provide leadership and law enforcement assistance to federal, state, local, and international agencies; and to perform these responsibilities in a manner that is responsive to the needs of the public and is faithful to the Constitution of the United States.<sup>1</sup>

The United States Attorney General can authorize the FBI to assist state and local authorities in a "law enforcement emergency."<sup>2</sup> The FBI may provide public safety support to state and local authorities in a presidentially declared "major disaster."<sup>3</sup>

The FBI's Law Enforcement Services Branch coordinates the Bureau's preparation for and response to a domestic emergency.<sup>4</sup> Staff from all offices within this branch were utilized after Hurricane Katrina. In addition, the FBI called upon its Administrative Services Division, Counterterrorism Division, Criminal Investigative Division, Cyber Division, Directorate of Intelligence, Finance Division, Information Technology Operations Division, and Security Division.

There are approximately 225 employees assigned to the FBI's New Orleans Field Office, which has jurisdiction over all FBI authority in the state of Louisiana.<sup>5</sup> The FBI has field offices in Jackson, Mississippi and Mobile, Alabama.<sup>6</sup> As part of the Jackson Field Office, the FBI has Resident Agencies in Pascagoula, Hattiesburg, and Gulfport, Mississippi.<sup>7</sup>

On August 26, the Jackson Field Office notified each supervisor at its Resident Agencies to implement their hurricane plans.<sup>8</sup> This required installing hurricane shutters, securing vehicles, bagging computers and equipment, and locking the safes. Authorized personnel on the Mississippi coast moved to the Jackson Field Office.

By 6:00 p.m. on August 29, the Jackson Field Office moved its traditional FBI operations to the Resident Agency in Oxford, Mississippi.<sup>9</sup> Also that evening, the FBI used an airplane to survey the damage to the Resident Agencies on the coast. The Jackson Field Office was able to electronically monitor the security alarms of its Resident Agencies in the affected area. FBI personnel who remained on the coast were dispatched to the Resident Agencies and confirmed that all offices were still secure.

On August 29, after Katrina's landfall, the Special Agent-in-Charge (SAC) of New Orleans and four other FBI agents surveyed the damage to the New Orleans Field Office.<sup>10</sup> The roof suffered significant damage, leaving sixty percent of the top floor uncovered. Due to the sensitivity of documents housed in the Field Office, the SAC and the four agents remained at the building to ensure its security.

Because of the damage to the building, the SAC decided to move the New Orleans Field Division to the Louisiana State Police (LSP) headquarters in Baton Rouge.<sup>11</sup> An Assistant Special Agent-In-Charge (ASAC) from the New Orleans Field Office went to Baton Rouge while the New Orleans SAC stayed in New Orleans. The Operational Technology Division

(OTD) left Quantico, Virginia, with 16 FBI personnel to deliver communication equipment to the affected area so the New Orleans Field Office could communicate with FBI headquarters.<sup>12</sup> FBI command vehicles — tractor trailers containing mobile offices — were deployed to Baton Rouge and the Jackson Field Office.<sup>13</sup>

Within 12 hours after Hurricane Katrina subsided, the Jackson Field Office was in contact with all of its personnel.<sup>14</sup> On August 30, OTD dispatched a mobile command post to Mississippi. The Jackson ASAC participated in another airplane survey of the area. The Jackson Field Office office manager left Jackson via car for the coast in order to assess damage to the Hattiesburg Resident Agency. While the Hattiesburg building remained secure, the Pascagoula Resident Agency sustained water damage to the ceiling, wall cavities, and carpet. The office was able to secure a temporary facility through the Navy free of charge. The Gulfport Resident Agency sustained similar water damage. The office was located on the top floor of a building and the attic of the building flooded. The FBI was able to work with government contractors to clean the office, and it was habitable by October 1.

The same day, Jackson Field Office personnel met with several military officials to determine where the temporary FBI command post should be located.<sup>15</sup> The FBI decided on Keesler Air Force Base, as there was a hotel on the property with showers and bathrooms. Some FBI personnel from the Jackson Field Office were also Air Force reservists and they had access to goods and services provided to Air Force employees.

On August 30, FBI headquarters officials put their Field Offices on alert that additional personnel were needed in the affected area.<sup>16</sup> Ten Special Weapons and Tactics (SWAT) agents from the Houston Division were deployed to New Orleans to assist the New Orleans Police Department (NOPD) SWAT.<sup>17</sup> The agents from Houston brought a boat that enabled them to transport personnel and supplies. The FBI SWAT agents relieved the New Orleans SAC and agents who had stayed to secure the New Orleans Field Office.

FBI personnel and equipment from Critical Incident Response Group (CIRG) and OTD arrived on August 31 in Baton Rouge and established a Command Post in Baton Rouge at the LSP headquarters.<sup>18</sup> Among the equipment were tents that FBI personnel used as shelter at the Command Post.<sup>19</sup>

By 2:00 a.m. on August 31, the FBI Command Post at Keesler Air Force Base was operational.<sup>20</sup> FBI agents from the Mobile and Miami Field Offices were deployed to work there. These agents assisted with health, safety, and welfare checks on other agents and citizens in the area. FBI sent employee assistance personnel, most of whom had crisis management backgrounds, to work with agents' family members. The first agents on the scene stayed the first week after the hurricane. After that, additional agents began rotating into the area. The second week, agents were deployed from FBI Headquarters to the Command Post. SWAT from the Little Rock Field Office were used to provide security at the Command Post and the Resident Agencies in Mississippi's affected area.

In a fortunate coincidence, the Command Post had an FBI employee who formerly worked for FEMA.<sup>21</sup> This employee checked in daily with FEMA in Jackson and on the coast and the Mississippi Emergency Management Agency. The Command Post also communicated with the Mississippi Bureau of Criminal Investigations, the Mississippi Highway Patrol, and the Homeland Security Director for Mississippi, who was also the former FBI Jackson Field Office SAC. The agents at the Command Post worked with local police and sheriffs to respond to requests for assistance.

On September 1, CIRG deployed agents from the Dallas, Atlanta, Baltimore, and Houston SWAT teams and Hostage Rescue Teams to continue to help NOPD control the affected area.<sup>22</sup> The FBI was able to create a Virtual Command Center for the Law Enforcement On-Line Internet site.<sup>23</sup> All law enforcement nationwide were able to log onto the website and receive daily situation reports regarding FBI relief efforts.<sup>24</sup>

The FBI established a Tactical Operations Center (TOC) in Sorrento, Louisiana on September 4.<sup>25</sup> Kenneth Kaiser, the Boston SAC, was deployed to Sorrento to oversee the TOC.

On September 3, the Laboratory Disaster Squad and the CJIS Fly Teams were deployed to St. Gabriel, Louisiana to assist with FEMA's National Disaster Medical System Center's Disaster Mortuary Operational Response Team (DMORT).<sup>26</sup> LSP, the National Guard, and local police were delivering deceased victims of the storm to St. Gabriel.<sup>27</sup> The DMORT

was responsible for the handling of the bodies. The Fly Teams and the FBI's Evidence Recovery Teams worked together to submit the victims' fingerprints electronically to CJIS and the Integrated Automated Fingerprint Identification System (IAFIS) to search for identifying fingerprint matches.<sup>28</sup> In total, 750 unidentified bodies were brought to the DMORT and 112-115 bodies were identified using IAFIS.<sup>29</sup>

Also on September 3, a finance employee was sent from FBI headquarters to the FBI Command Post at Keesler Air Force Base.<sup>30</sup> This enabled the agents in Mississippi to purchase gas from the Air Force. By September 4, all FBI personnel living in the affected area of Louisiana were located.<sup>31</sup>

On September 5, CJIS Fly Teams helped FEMA fingerprint potential contractors for the Hurricane response.<sup>32</sup> This took place in Orlando and consisted of fingerprinting technology that identified if contracting applicants had criminal histories. The FBI and FEMA fingerprinted 2,900 potential contractors, detecting 458 criminal histories.

The FBI continued to deploy and assign personnel to assist state and local police.<sup>33</sup> The Violent Gang Task Force from the New Orleans Division worked out of the Gretna Police Department. Over 30 more agents coordinated with NOPD to back up NOPD SWAT, FBI SWAT, and HRT Special Agents. The FBI's Rapid Deployment Teams were sent to crisis sites to assist with administrative issues.

The FBI also utilized its air assets in responding to Hurricane Katrina.<sup>34</sup> They flew daily helicopter flights moving law enforcement personnel, equipment, supplies, and evacuees.<sup>35</sup> In addition, the FBI flew 12 missions utilizing its fixed wing assets for moving FBI personnel and equipment from Washington, D.C. to New Orleans and Jackson.<sup>36</sup> There were 1,200 FBI employees involved.<sup>37</sup> Seven hundred were deployed to the New Orleans area.

The Bureau of Alcohol, Tobacco, Firearms and Explosives secured buildings containing firearms, located and inspected all federal firearms and explosive licensees, recovered lost and stolen firearms, and dismantled explosives in the New Orleans area

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Following the hurricane, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) established a Critical Incident Management Response Team (CIMRT). The CIMRT coordinates ATF's law enforcement operations and ensures that ATF continues its primary law enforcement missions. ATF located and secured buildings containing firearms, conducted inspections to ensure the safety of all individuals licensed to use firearms and explosives, worked to match stolen or lost firearms with their rightful owners, and dismantled explosives in New Orleans.

ATF's mission is to "conduct criminal investigations, regulate the firearms and explosives industries, and assist other law enforcement agencies."<sup>38</sup> This mission is in place so ATF's work can "prevent terrorism, reduce violent crime and to protect the public in a manner that is faithful to the Constitution and the laws of the United States." ATF's authority to respond to domestic emergencies is found in the Gun Control Act of 1968, the National Firearms Act, the Arms Export Control Act, and the Federal Explosives Laws.<sup>39</sup>

ATF's involvement in the preparation for Hurricane Katrina began on August 23.<sup>40</sup> Throughout that week, ATF headquarters in Washington, D.C. coordinated with its Houston, New Orleans (which includes the entire states of Louisiana and Mississippi), Nashville (which includes the state of Alabama), Tampa, and Miami Field Divisions to prepare for Katrina's landfall in Florida and the Gulf coast.<sup>41</sup> On August 25 and 26, ATF headquarters ordered the evacuation of ATF personnel in New Orleans and Mississippi, the New Orleans Special Agent in Charge (SAC) pre-identified those persons who were staying in the area, and those evacuating were instructed to call their immediate supervisor after the storm.<sup>42</sup>

On August 29, as Katrina made landfall, ATF headquarters began notifying the Field Divisions closest to New Orleans that assistance was needed.<sup>43</sup> These Field Divisions were asked to identify resources and personnel to be detailed to the affected area. Within eight hours, ATF identified the Nashville, Houston, and Dallas Field Divisions as those to detail personnel.<sup>44</sup>

On August 30, ATF personnel located in the affected area worked to assess the damage to ATF facilities on the Gulf coast.<sup>45</sup> The first floor of ATF's Biloxi Field Office was destroyed and the second floor sustained significant damage. The New Orleans Division Office, located on the fifth floor of an office building, was flooded when the levies broke.<sup>46</sup>

Due to significant damage to the ATF's facilities, a Continuity of Operations (COOP) site in Mandeville, Louisiana was activated on August 30.<sup>47</sup> The New Orleans Division Office was relocated to Shreveport, Louisiana to resume its responsibilities over the states of Louisiana and Mississippi.<sup>48</sup> The Biloxi Field Office was relocated behind the Harrison County Sheriff's Department building to a public safety compound.<sup>49</sup>

ATF also established CIMRT in Baton Rouge.<sup>50</sup> A CIMRT is established at or near an incident to conduct on-scene management, coordinate the law enforcement operations, and ensure that ATF continues its primary law enforcement mission.<sup>51</sup> Two Assistant Special Agents-In-Charge were responsible for CIMRT.

On August 30, ATF began contacting each ATF employee residing in the affected area.<sup>52</sup> In addition, a Critical Incident Management Support Team (CIMST) was created at ATF headquarters.<sup>53</sup> A CIMST serves as the point of contact for CIMRT at headquarters, coordinating large procurements of supplies and equipment, and lending technical support. One of ATF's three Deputy Assistant Directors for Field Operations was in command of CIMST.<sup>54</sup> CIMST quickly began evaluating the needs on the coast.<sup>55</sup> All ATF personnel detailed to the affected area were instructed to bring enough food and water for a week and to be prepared to sleep in their cars, in the event food and shelter did not reach the coast prior to their arrival.

Simultaneously on August 30, ATF headquarters formed the Emergency Management Working Group (EMWG).<sup>56</sup> The EMWG was tasked with handling non-law enforcement logistical needs arising out of the hurricane.<sup>57</sup> The EMWG was staffed with ATF support and COOP staff who worked on administrative issues, such as payroll, and coordinated with the U.S. General Services Administration regarding building space.<sup>58</sup> The EMWG held daily teleconferences with ATF stations on the coast to assess the resource needs for personnel.<sup>59</sup>

On August 31, ATF Field Divisions in Atlanta, Dallas, and Miami dispatched their Command and Control vehicles to Algiers and Mandeville, Louisiana and Biloxi, Mississippi.<sup>60</sup> These are large Winnebago-style vehicles that hold mobile command posts, work stations, and office equipment, allowing ATF personnel to conduct meetings and maintain communications.<sup>61</sup> Also on August 31, CIMST became a twenty-four-hour-a-day, seven-day-a-week operation at ATF headquarters.<sup>62</sup>

An assessment of ATF's Mobile field office was received on September 1.<sup>63</sup> The field office's first floor was flooded.<sup>64</sup> On September 3, the Mobile field office and personnel were moved to Brookley Air Force Base, an inactive base in the Mobile area.<sup>65</sup>

The first group of ATF personnel detailed to the affected area arrived on Friday, September 2.<sup>66</sup> Thirty-four members of Special Response Teams (SRT) from the Dallas and Detroit Field Offices and seven SRT support staff were deployed to Algiers. SRT are tactical teams specifically trained to handle high risk law enforcement and civil unrest.<sup>67</sup> The SRT members were sent to New Orleans to assist the NOPD, whose SWAT teams were down to 25 percent capacity. ATF set up a Tactical Operations Command Post with satellite communications in the parking lot of a post office in Algiers and SRT members slept in the building.<sup>68</sup> The NOPD was stationed at a school across the street from the post office.<sup>69</sup> The close proximity enabled SRT and NOPD to coordinate their efforts.

On September 3, ATF helped the U.S. Department of Justice (DOJ) establish a detention center at the Greyhound Bus Station in downtown New Orleans.<sup>70</sup> The detention center was created to house individuals arrested for crimes committed after the hurricane. ATF also provided security for the Assistant United States Attorneys assigned to the detention center.<sup>71</sup> The detention facility was supported by staff from the Angola State Prison in Louisiana and the United States Attorney's Office.<sup>72</sup> The facility, which processed state and federal arrests, contained holding cells where arrestees stayed for approximately 24 hours prior to being transported to Baton Rouge.<sup>73</sup>

Throughout the week, ATF continued to operate out of the COOP facility in Mandeville and CIMRT in Baton Rouge.<sup>74</sup> ATF support staff worked to establish communications and information technology support at CIMRT, as well as locating needed furniture and equipment.<sup>75</sup> By September 7, CIMRT was fully operational.

On September 6 and 7, 10 ATF agents were deployed to Biloxi, and 30 ATF agents were deployed to Gulfport.<sup>76</sup> These agents performed investigative roles, as well as assisting local police with firearms-related calls.<sup>77</sup> No federal arrests were made in Mississippi by ATF agents.<sup>78</sup>

On September 6, the Law Enforcement Coordination Center in Baton Rouge assigned ATF with enforcement activity in the 1st and 8th police districts in the city of New Orleans.<sup>79</sup> ATF also assisted the NOPD in New Orleans 6th district.

Throughout the period immediately following Katrina's landfall, ATF was tasked with carrying out its mission, as well as supporting state and local law enforcement.<sup>80</sup> ATF instructed law enforcement personnel to locate and secure all buildings containing firearms. ATF began to locate and conduct inspections to ensure the safety of all federal firearm and explosive licensees. Due to the voluminous amount of firearms recovered during the week of August 30, ATF began the task of matching up stolen or lost firearms with their legal owners. This process continues into 2006.

During search and rescue missions, law enforcement personnel discovered pipe bombs in some New Orleans homes.<sup>81</sup> As a result, six Explosive Enforcement Officers were deployed to the city on September 12.<sup>82</sup> The same day, ATF agents secured a Federal search warrant for the residences so that officers could dismantle the explosives.

In the month of September, ATF assisted with 600 missions to reduce violent crimes and enforce firearms laws.<sup>83</sup> Ten individuals were arrested for violating federal firearms laws.<sup>84</sup> During the course of searching for missing ATF personnel, ATF officers rescued 26 people.<sup>85</sup> In total, 301 ATF agents and support staff were deployed to the area affected by Hurricane Katrina.<sup>86</sup>

The Drug Enforcement Administration provided Mobile Enforcement Teams to assist with violent missions, and the Office of Diversion Control made exceptions for evacuees to receive prescription medications from neighboring states and established mobile replacement pharmacies

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The Drug Enforcement Administration (DEA) performed law enforcement functions and helped resolve prescription medication issues arising from Hurricane Katrina. The DEA deployed Mobile Enforcement Teams (MET) — teams trained to specialize in violent missions — from throughout the country. In addition, DEA's Office of Diversion Control worked with the Boards of Pharmacy in affected and neighboring states to ensure that hurricane victims could receive refills on current prescription medication. The DEA also worked with major chain pharmacies to establish mobile replacement pharmacies for displaced individuals in need of medication.

DEA is charged with enforcing the nation's narcotics laws.<sup>87</sup> DEA derives its authority from the Controlled Substances Act.<sup>88</sup> The mission of DEA

is to enforce the controlled substances laws and regulations of the United States and bring to the criminal and civil justice system of the United States, or any other competent jurisdiction, those organizations and principal members of organizations, involved in the growing, manufacture, or distribution of controlled substances appearing in or destined for illicit traffic in the United States; and to recommend and support non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets.<sup>89</sup>

In the aftermath of Katrina, the Attorney General granted DEA additional authority to enforce all federal criminal laws.<sup>90</sup> The Attorney General also authorized DEA to help Louisiana state and local law enforcement officials enforce state laws.<sup>91</sup> DEA's involvement with Hurricane Katrina began shortly before landfall.<sup>92</sup> DEA Deputy Administrator Special Agent Michele Leonhart was identified as the "component" within the agency to implement and coordinate Katrina response activities. Authority to discharge these responsibilities was delegated to the New Orleans Field Division Special Agent in Charge (SAC), William Renton.

In anticipation of Katrina's landfall, on August 26, Renton ordered the New Orleans Field Division closed.<sup>93</sup> DEA personnel were asked to evacuate the area.

The New Orleans Field Division and the Gulfport Resident Office were severely damaged by the hurricane.<sup>94</sup> Beginning immediately after the storm and continuing into Tuesday, the New Orleans Field Division began the process of reconstituting its field office by accounting for and identifying the whereabouts of all Field Division personnel — some of whom were in need of rescue.<sup>95</sup> DEA teams were established to facilitate the rescues. In all, 63 DEA employees and family members were rescued by DEA agents. The process of reconstituting its office allows DEA to be most helpful in undertaking other law enforcement roles and responsibilities related to the emergency at hand.<sup>96</sup> After the New Orleans Field Division personnel were located, DEA began assisting local law enforcement in the massive search and rescue effort.<sup>97</sup> Most of the Katrina-related DEA man hours were ultimately spent on search and rescue.<sup>98</sup>

On August 31, command centers were established at the Baton Rouge District Office and in Mobile.<sup>99</sup> At this time, DEA headquarters mobilized Field Divisions from around the country, including agents from the Miami, Atlanta, St. Louis, Dallas, and Houston divisions. These agents responded to Baton Rouge and Gulfport, Mississippi with supplies, including food, water, chain saws, generators, tarps, ice, gasoline, satellite phones, and vehicles.

Headquarters designated the Office of Aviation in Addison, Texas to serve as the Command Center for logistics purposes, instructing field divisions throughout the country to ship necessary supplies to Addison for eventual transportation to the field, principally the Baton Rouge and Gulfport areas.<sup>100</sup> The Addison facility continued to play a key logistics role throughout the DEA recovery effort, coordinating all transportation — including the use of seven DEA aircraft — and supplies for the field. The Command Center was staffed by 12 people from both the Office of Aviation and the Dallas Field Division, the Field Division with responsibility for the Addison Office.

Flight missions were conducted to transport personnel and supplies and to survey the damage.<sup>101</sup> Aerial photography surveys assisted the recovery assignments taking place in the field. Technical personnel were dispatched to re-establish communication links where necessary. The Office of Aviation flew over 280 missions with 14 pilots totaling 782 flight hours, providing transportation and commodity support to local, state, and federal law enforcement throughout the affected region.

On September 1, the New Orleans Field Division established an Operations Center in Mandeville, Louisiana at a local high school.<sup>102</sup> The Mandeville Operations Center coordinated the efforts of various federal, state, and local officials throughout the greater New Orleans area. The Mandeville center coordinated the removal of firearms and sensitive items from the New Orleans Field Office.<sup>103</sup> To assist SAC Renton, the DEA deployed Houston SAC James Craig.

Shortly after Craig's arrival, Renton and he met with New Orleans city officials, including Mayor Nagin and law enforcement officials to assess the law enforcement needs for the city.<sup>104</sup> It was determined that federal law enforcement agencies, such as DEA, FBI, and ATF, among others, would join the New Orleans Police Department (NOPD) and the Louisiana State Police in policing the city of New Orleans.<sup>105</sup> Each NOPD district was staffed by federal law enforcement representatives.

From August 30 to September 12, 251 DEA Temporary Duty agents reported from Miami, Atlanta, St. Louis, Houston, and Dallas to provide law enforcement and search and rescue support as needed.<sup>106</sup> On September 4, DEA deployed personnel from the Atlanta Field Division as well as the Houston Mobile Enforcement Team (MET).<sup>107</sup> METs are self-contained, specially trained teams of eight to twelve agents that specialize in law enforcement missions involving violence.<sup>108</sup> These agents were then joined by the Charlotte MET on September 5, and the Miami MET on September 7.<sup>109</sup> The METs helped state and local departments conduct routine law enforcement tasks, including patrols and search and rescue missions.

On September 1, it was determined the DEA would be in charge of acquiring necessary fuel for DOJ vehicles.<sup>110</sup> SAC Craig oversaw this effort, which involved the bulk purchase of gasoline to be utilized by all DOJ agencies during the recovery effort. DEA also coordinated the provision of motor vehicles for law enforcement purposes in the affected area. Working with the U.S. Marshals Service, DEA provided approximately 30 vehicles for state and local police departments. DEA also arranged for \$200,000 from its asset forfeiture budget to be provided to its fleet management group to move seized vehicles into official use.

DEA supported the communications needs of the affected area by supplying Government Emergency Telephone System cards, satellite phones, and other communications equipment, including the installation of Wireless Priority Service.<sup>111</sup>

DEA's Office of Diversion Control played an important role throughout the response to Katrina.<sup>112</sup> The Acting Deputy Assistant Administrator for the Office of Diversion Control was identified to coordinate response activities. The goal was to maintain the availability of controlled substances for medical uses to the affected region.

On August 31, DEA Diversion Control staff convened to review previously negotiated agreements between DEA and FEMA, as well as agreements between DEA and the Centers for Disease Control (CDC).<sup>113</sup> These agreements facilitate delivery of needed supplies by allowing for the waiver of certain regulations in times of emergency. DEA established a point of contact within Diversion Control to coordinate, control and document allowances, waivers and regulatory controls. The Diversion Control website ([deadiversion.gov](http://deadiversion.gov)) was re-tooled to handle those affected by Katrina.

On September 1, DEA established contact with the Boards of Pharmacy in Louisiana, Mississippi, and Alabama, as well as states receiving evacuees, including Florida, Texas, and Arkansas.<sup>114</sup> The Boards of Pharmacy were told DEA was making allowances for filling prescriptions upon presentation of a prescription bottle and based upon the professional judgment of the pharmacist.

On September 2, James Crawford, the Special Assistant to the Deputy Assistant Administrator for Diversion Control, began contacting major wholesalers to facilitate the processing of papers permitting these wholesalers to ship product under expedited procedures.<sup>115</sup> Throughout DEA's Katrina response, Crawford and the Diversion Control office worked to streamline processes to ensure Katrina victims received the products they needed.

On September 6, Crawford began working directly with the major chain pharmacies, such as Rite Aid, CVS, Walgreens, and Wal-Mart, to establish mobile replacement pharmacies and pharmacy trailers within shelter areas.<sup>116</sup> Diversion Control's efforts continued through October 27, at which time the New Orleans Divisional Office of Diversion Control was reestablished.

The United States Marshals Service was responsible for protecting the Strategic National Stockpile, assisted in prisoner evacuations, accounted for and tracked federal judges in the affected area, and stood up a task force to locate violent parole and non-compliant sex offenders

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The United States Marshal Service (USMS) focused on its core law enforcement missions following Katrina's landfall by locating and tracking federal judges in the affected area and creating a task force to locate violent parole and non-compliant sex offenders. USMS helped the Bureau of Prisons (BOP) relocate 920 Louisiana inmates and assisted FEMA in evacuating 3,510 individuals displaced by the hurricane. In addition, USMS helped the CDC protect the Strategic National Stockpile.

USMS is the oldest federal law enforcement agency in the United States, established by the Judiciary Act of 1789.<sup>117</sup> USMS is responsible for judicial and witness security, fugitive investigations, the transportation of prisoners and criminal aliens, asset forfeiture, federal service of process and prisoner services.<sup>118</sup>

On August 29, the Assistant Director for the USMS Operations Support Division ("Assistant Director") activated the USMS Emergency Operations Center (EOC) in Washington, D.C. in preparation for Hurricane Katrina.<sup>119</sup> The Assistant Director also placed four Operational Management Teams (OMT) and 33 USMS Inspectors, assigned to secure the Strategic National Stockpile, on standby.<sup>120</sup> CDC's Strategic National Stockpile contains large quantities of medicine and medical supplies to protect the United States in case a public emergency might result in the loss of local supplies.<sup>121</sup>

Following Katrina's landfall, USMS began accounting for USMS personnel. OMT worked with the Louisiana, Mississippi, and Alabama district offices to account for them.<sup>122</sup> Three Operational Medical Personnel were deployed to the coast of Mississippi and New Orleans to assist USMS personnel. Command posts were created by OMT at the Special Operations Group (SOG) Tactical Center at Camp Beauregard in Pineville, Louisiana, and at the District Office in Jackson, Mississippi.

Also on August 30, the Technical Operations Group Air Support Unit deployed six personnel, along with surveillance planes, which were used to assess the damage to the USMS facilities in New Orleans.<sup>123</sup> The federal court houses in New Orleans and Gulfport and Hattiesburg, Mississippi were damaged.<sup>124</sup> The Witness Security and Prisoner Operations Division (WPD) and Marshals from the Middle District of Louisiana Office helped the Orleans Parish evacuate prisoners

to other Louisiana Department of Corrections facilities.<sup>125</sup> WPD and BOP relocated all USMS prisoners and assisted in inmate removal from the Saint Charles Parish Jail.<sup>126</sup>

On the same date, the Assistant Director deployed 10 members of the OMT to New Orleans and southern Mississippi to relieve district management.<sup>127</sup> Marshals were deployed to Mississippi and New Orleans to protect the Strategic National Stockpile.

While USMS' response to Hurricane Katrina was ongoing, USMS' original mission continued.<sup>128</sup> Marshals in Louisiana and Mississippi worked with the United States Attorneys for the districts affected by the hurricane to ensure that judicial operations continued. USMS accounted for and tracked all federal judges in the affected area.

On August 31, the EOC received a FEMA request for USMS to provide security to the BellSouth facility in New Orleans.<sup>129</sup> According to USMS, the facility was designated by the Department of Homeland Security as a critical infrastructure.<sup>130</sup> This request was received through Emergency Support Function # 2 — Communications.<sup>131</sup> The following day, the Department of Justice authorized the mission and Deputy United States Marshals (DUSM) were deployed from the Western Louisiana district to secure the facility.<sup>132</sup>

On September 1, USMS increased staff at the EOC to 18, and the center remained open 24 hours a day, seven days a week.<sup>133</sup> The Assistant Director placed approximately 50 Marshals and trainees at the USMS Training Academy in Glynco, Georgia on standby. Five Marshals from the academy were deployed to provide security at the Biloxi Airport.

The same day, FEMA requested Justice Prisoner and Alien Transportation System (JPATS) aid with evacuating Katrina victims.<sup>134</sup> JPATS began the process of relocating evacuees. From September 1 through 9, JPATS evacuated 3,510 individuals.<sup>135</sup> JPATS also assisted BOP with the relocation of 920 Louisiana inmates to United States Penitentiary Coleman-II in Florida.<sup>136</sup>

Also on September 1, the Attorney General authorized USMS to use previously seized assets to assist in operations.<sup>137</sup> Seized vehicles were immediately deployed for use by state and local entities. USMS had possession of a convention center in Montgomery, Alabama, which they turned over to the state to house evacuees.<sup>138</sup>

On September 2, CDC requested and received additional Marshals to protect a \$5 million movement of the Strategic National Stockpile.<sup>139</sup> FEMA requested security for the FEMA Strike Teams. USMS responded with 16 Marshals. Twenty-four SOG Marshals, USMS tactical teams, were deployed to the SOG Tactical Center to assist with tactical missions.

USMS continued to supplement its personnel on September 3 by sending four additional Marshals from the academy to provide security of the Biloxi Airport's control tower and surrounding areas and deploying an additional 10 operational personnel to secure the Strategic National Stockpile.<sup>140</sup> In addition, seven personnel were sent to the National Aeronautics and Space Administration's Stennis Space Center in southern Mississippi to protect FEMA supply trailers there.<sup>141</sup> Twenty DUSMs were deployed to FEMA's Joint Operations Center in Baton Rouge, Louisiana.

On September 4, it became necessary to send 10 additional DUSMs to Stennis Space Center after reports were received that a FEMA truck was stolen.<sup>142</sup> The DUSMs stayed for one day to provide security. USMS deployed to Camp Shelby, Mississippi to secure FEMA relief supplies and convoys.<sup>143</sup>

USMS supported (NOPD) by working with the 1st and 5th districts in New Orleans and responded to backlogged 911 calls.<sup>144</sup> In addition, USMS redirected NOPD National Crime Information Center traffic to the USMS Communications Center. USMS created a task force responsible for locating violent parole and non-compliant sex offenders who were unaccounted for following the hurricane.

USMS deployed more personnel to Mississippi on September 5 to assist local police and sheriff departments.<sup>145</sup> They provided security for 11 search and rescue teams, operated a missing person task force and a task force to locate sex offenders, and protected the Mississippi fuel depot in Collins.

A total of 1,039 USMS were deputized as law enforcement officers to respond to Hurricane Katrina.<sup>146</sup>

## U.S. Immigration and Customs Enforcement provided Special Response Teams for tactical missions, assisted with thousands of 911 calls, and the Federal Protective Service inspected and secured federal buildings in New Orleans

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Immediately following Katrina's landfall, the Federal Protective Service (FPS), part of U.S. Immigration and Customs Enforcement (ICE) began providing protection to federal buildings by searching and securing those buildings in New Orleans and the surrounding areas. ICE bolstered the hurricane response by providing Special Response Teams to work with the New Orleans Police Department's (NOPD) Special Weapons and Tactics (SWAT) teams on tactical missions. ICE also worked with law enforcement to follow up on thousands of 911 calls that were unanswered during and following the storm.

ICE is a part of the Border and Transportation Security Directorate at DHS.<sup>147</sup> ICE is the largest investigative arm of DHS and its mission is to "prevent acts of terrorism by targeting the people, money, and materials that support terrorist and criminal activities." In addition, ICE is "responsible for identifying and shutting down vulnerabilities in the nation's border, economic, transportation and infrastructure security."

At the time of Hurricane Katrina, FPS and the Federal Air Marshal Service were both under ICE's jurisdiction.<sup>148</sup> A long-standing Memorandum of Understanding (MOU) between FPS and FEMA designates FPS as the protective detail for FEMA personnel when responding to emergencies.<sup>149</sup> As a result of this MOU, ICE pre-deployed 30 FPS personnel in eastern Texas, outside of Dallas, prior to Hurricane Katrina's landfall.<sup>150</sup> They were able to move into the affected area the day following the hurricane and assist FEMA responders with food and fuel needs. In addition, FPS is tasked with protecting federal buildings.<sup>151</sup> On August 29, FPS began surveying the damage to federal buildings in Louisiana, as well as helping the NOPD with looters and disorderly conduct.<sup>152</sup>

The U.S. District Court and the Hale Boggs Federal Building, in New Orleans, were searched on August 30.<sup>153</sup> The buildings had minimal storm damage. However the entrance doors, which are accessed with card readers, were open due to the power outage, so the doors were secured with chains and locks. FPS implemented around the clock high visibility patrols for the buildings.

The F.E. Hebert Federal Building and the J.M. Wisdom Courthouse, in New Orleans, were searched on August 30.<sup>154</sup> FPS found no storm damage or security breaches to either building. Around the clock, high visibility patrols were initiated for these buildings, as well.

Also on August 30, FPS searched the U.S. Customs and Border Protection (CBP) Custom House.<sup>155</sup> There was water damage from the ceiling and two CBP employees were located inside the building. The entrance door was open due to the power outage affecting the card reader. As a result of an inability to secure the building, FPS posted officers inside for security. High visibility patrols were also implemented around the clock.

The Texaco Center, which houses staff for the U.S. Attorney's Office, and the Social Security Administration (SSA) Westbank, in Gretna, Louisiana, both General Services Administration (GSA) leased buildings were surveyed on August 30.<sup>156</sup> Neither building had breaches in security or external damage as a result of the storm. Both buildings were added to FPS' daily patrols. A GSA leased building at 1515 Poydras Street, which housed the SSA was unable to be searched on August 30, as the flood level surrounding the building was too high.

On August 31, FPS searched the Federal Supply Service Depot Warehouse 2 in Harahan, Louisiana. FPS found no security breach and no storm damage.<sup>157</sup> The building was placed on FPS' daily patrol. Five other GSA leased federal buildings were also checked for breaches and damage and were placed on FPS' daily patrol.

None of the ICE offices in Alabama was affected by Hurricane Katrina.<sup>158</sup> The ICE Gulfport office sustained no major damage and was equipped with back up generators.<sup>159</sup> ICE utilized the Gulfport office to provide assistance to ICE employees affected by the hurricane. Immediately following landfall, the San Antonio, Houston, Miami, and Tampa offices coordinated sending supplies in tractor trailers to ICE's Gulfport office, which was made a staging site. ICE was able to support hurricane victims and other federal law enforcement entities, like CBP and Border Patrol, by providing water, food, MREs, generators, fuel, and personal items, like diapers.

In Mississippi, ICE agents and logistical teams worked with county sheriffs and city police forces by assisting patrols, rescues, and searches.<sup>160</sup> ICE helped the Mississippi Highway Patrol in the six southern counties of the state discourage crime by increasing the profile of law enforcement presence.<sup>161</sup>

From landfall until September 2, the ICE New Orleans field office worked on accounting for ICE personnel assigned to the New Orleans, Lake Charles, Lafayette, Baton Rouge, and Gulfport offices and obtaining the needed supplies to restore operations and respond to the hurricane.<sup>162</sup> On September 2, ICE's New Orleans Special Agent-In-Charge (SAC), Michael Holt, contacted the New Orleans mayor and the chief of NOPD to offer ICE assistance. That day, a meeting was held with SAC Holt, the mayor's office, the chief of police, and members of the city council. ICE agreed to support local law enforcement in New Orleans' 4th District, which is located on the west bank of the city on the Mississippi River. The 4th District was still populated at this time, as it had not taken on water. SAC Holt stated that both the mayor and the chief of police welcomed ICE's offer for assistance.

ICE was able to assist the NOPD with tactical teams.<sup>163</sup> The New Orleans Special Response Team (SRT) was on site in the city on September 1. SRT teams from Chicago and San Antonio, consisting of 12 to 18 members, arrived the afternoon and evening on September 2. By midnight of September 2, there were over 100 ICE agents in New Orleans preparing to assist in the response to the hurricane.

The SRT teams were stationed in Kenner, Louisiana at a Louisiana State Trooper post.<sup>164</sup> The Kenner Police Department allowed the ICE agents to sleep in their jail. The agents slept on cots and were fed at a Kenner church.

SAC Holt stated no major violence or unrest was ongoing when ICE SRT began to coordinate with NOPD SWAT.<sup>165</sup> Throughout the week, ICE agents were tasked with patrols and shifts with local law enforcement, worked to curtail looting, assisted with evacuations, and followed up on the approximately 6,000 911 calls made during and after the hurricane. ICE's Tampa Field Office provided three inflatable Zodiac boats that helped ICE personnel assist with transportation for fire departments and medical personnel and respond to rescue calls.

On September 3, ICE operations moved to the lobby of the Sheraton Hotel in New Orleans.<sup>166</sup> NOPD was also housed at the Sheraton.

At the daily law enforcement meetings at the Harrah's Casino in downtown New Orleans, ICE agreed to also assist in New Orleans' 8th District.<sup>167</sup> Much of the 8th District was still under water and included the business district and French Quarter. As the National Guard had a heavy presence in the French Quarter, ICE restricted its mission to the parts of the 8th District outside of the French Quarter.

Throughout the response to Hurricane Katrina, SAC Holt had limited interaction with Governor Blanco's office.<sup>168</sup> Coordination between ICE and locals was primarily handled with a colonel of the Louisiana State Police, and the NOPD chief of police. SAC Holt stated that he had a very good relationship with the Mayor and the leadership of state and local police.

As of December 2, ICE agents had made 234 arrests in Louisiana and over 150 arrests in Mississippi in response to Hurricane Katrina.<sup>169</sup> ICE's mission to support the NOPD and re-establish stability and safety to the city of New Orleans continued through December 23.

The U.S. Customs and Border Protection established a Forward Deployed Operations Command Center to coordinate all personnel movements, coordinated the entrance of relief supplies from foreign countries, secured the Louisiana State University Hospital, and its Air and Marine Branch served as air traffic control for the Federal Aviation Administration

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On September 1, the U.S. Customs and Border Protection (CBP) utilized a CBP Air hanger in Hammond, Louisiana to house a Forward Deployed Operations Command Center (FDOCC) to ensure that all CBP movements, law enforcement and customs related, were coordinated. The FDOCC monitored CBP Air as it served as the air traffic control over the affected area, while FAA worked to restore its communication capabilities. CBP officers helped to secure the Louisiana State University Hospital and facilitated an expedited entry of relief supplies from foreign countries.

CBP is the “unified border agency within the Department of Homeland Security.”<sup>170</sup> CBP includes legacy U.S. Customs, legacy U.S. Immigration, and the U.S. Border Patrol. CBP’s mission is to prevent “terrorists and terrorist weapons from entering the United States, while also facilitating the flow of legitimate trade and travel.”

In preparation for Hurricane Katrina, the ports of Mobile and New Orleans activated their hurricane preparedness plans on August 26.<sup>171</sup> On August 27, the Hammond Air and Marine branch in Louisiana activated its hurricane evacuation plan by moving CBP air assets to Shreveport, Louisiana, and Dallas.<sup>172</sup> The same day, New Orleans Field Office’s Mission Critical Team (MCT) left New Orleans for Shreveport, Louisiana.<sup>173</sup> On August 28, the Special Operations Division of the Office of Border Patrol began plans to deploy 100 agents to the gulf coast.<sup>174</sup> The Miami and Tampa Field Offices deployed relief teams to Panama City, Florida and the Atlanta and Houston Field Offices placed relief teams on stand by on August 29.<sup>175</sup> The same day the New Orleans Field Office’s MCT began to locate all CBP personnel living in the affected area.<sup>176</sup>

On the morning of August 30, the Border Patrol’s Tactical Unit’s (BORTAC) pre-deployment site survey team left for the affected area, after a request to assist in evacuating the Superdome and for riot control.<sup>177</sup> However, the agents also worked other law enforcement functions and relief operations, such as distributing water, assisting with minor medical care, and helping evacuees onto buses and helicopters.<sup>178</sup>

On August 31, in coordination with the Coast Guard, CBP Air deployed its Mobile Air Command Center.<sup>179</sup> The Command Center was responsible for providing all radar and communications in the affected area. In addition, CBP Air’s director became the FEMA Regional Air Coordinator. Also on August 31, CBP deployed liaison officers from its Office of Anti-Terrorism to work out of FEMA Headquarters. The MCT moved to Memphis, Tennessee to continue operations in a location not affected by Katrina.<sup>180</sup>

Between August 31 and September 12, CBP Air flew over 315 missions, accounting for 1,208 flight hours.<sup>181</sup> Due to downed systems, the Federal Aviation Administration (FAA) lost its ability to track and control air traffic in the area. From August 31 to September 8, CBP Air, based out of the Air and Marine Operations Center in Riverside, CA provided air traffic control in place of the FAA and served as an airborne repeater for critical law enforcement communications. During this time, CBP Air accounted for the entry of 1,608 rotary and fixed-wing aircraft into the area of operations. CBP Air also assisted in humanitarian missions, providing water, food, and other essential supplies.

Border Patrol had 100 agents, along with CBP vehicles, emergency equipment, and lifesaving supplies, in Louisiana by September 1.<sup>182</sup> On the same day, CBP’s Deputy Assistant Commissioner for Field Operations, William S. Heffelfinger III, traveled to Louisiana to meet with CBP’s Office of Field Operations (OFO) personnel in New Orleans. During this meeting, the decision was made to place a FDOCC in Hammond, Louisiana.<sup>183</sup> FDOCC utilized the airport hanger at CBP’s Air and Marine Branch facility in Hammond.<sup>184</sup> The hanger was built to withstand 200 mile per hour wind gusts.<sup>185</sup> Heffelfinger was designated as the Commanding Officer for the FDOCC, by then-CBP Commissioner Robert Bonner.<sup>186</sup> The FDOCC was responsible for coordinating the CBP movements in the affected area, including BORTAC, Border Patrol Search Trauma and Rescue (BORSTAR), CBP officers, Border Patrol Agents, Human Resources Management, and marine and air assets.<sup>187</sup>

Within 36 hours, CBP had 40 computer terminals tracking all CBP missions. FDOCC used a map of Louisiana to pinpoint each CBP mission.<sup>188</sup> This information was sent to headquarters each day, along with a daily situation report for the commissioner. The FDOCC held daily 9:00 a.m. meetings that included individuals from CBP air, operations, procurement, information technology, and logistics and finance. Heffelfinger then communicated CBP’s daily missions to headquarters during a noon conference call each day.

On September 2, Border Patrol agents were sent to provide security at the Louisiana State University Hospital, which served as the regional triage center.<sup>189</sup> Border Patrol agents were also deployed to the New Orleans Airport to assist with crowd control and security, and the decision was made to have BORSTAR accompany all CBP Air flights.

Also on September 2, OFO notified three hundred CBP Officers throughout the country that they were to be deployed to the FDOCC.<sup>190</sup> One hundred officers deployed to FDOCC on both September 3 and 4. The CBP officers who arrived on September 3, were responsible for reestablishing CBP operations and assisting CBP personnel living in the affected area. On the same day, 169 generators arrived at FDOCC from the Atlanta and Miami Field Offices.<sup>191</sup> CBP began to coordinate with FEMA on the arrival of 18-20 cruise ships.<sup>192</sup>

By September 4, all CBP employees were located.<sup>193</sup> There were 458 CBP employees affected by Hurricane Katrina.<sup>194</sup> Seventy percent suffered property damage and 15 percent lost their homes.

After Katrina's landfall, CBP was unable to utilize the New Orleans Customs House, due to hurricane damage.<sup>195</sup> CBP officers, Border Patrol agents, and a Rapid Response Team from the Houston Field Office were deployed to secure the Customs House, as the House contained a safe and a variety of contraband.<sup>196</sup> On September 5, CBP reopened the Customs House for CBP specific operations.<sup>197</sup> Also on September 5, CBP provided protection for workers in a high crime area who were responsible for repairing a gas line. In addition, the LECC assigned teams from CBP to work with the NOPD precinct captains in the 2nd and 5th districts, along with the U.S. Army's 82nd Airborne Division.

CBP worked with the FBI to stand up the morgue in St. Gabriele, Louisiana and 12 CBP officers took charge of the morgue's security on September 7.<sup>198</sup> Throughout the end of the week and weekend, CBP worked to clear relief supplies arriving from other countries.<sup>199</sup> A relief convoy arrived from Mexico on September 8 and relief supplies from Canada and Thailand arrived on September 10.<sup>200</sup>

On September 11, CBP placed another 250 CBP Officers and 100 Border Patrol agents on stand by.<sup>201</sup> \$2.2 million in goods previously seized by CBP were delivered to the Red Cross and the Texas Methodist Church. The goods were primarily counterfeit clothes and shoes confiscated during routine CBP missions.<sup>202</sup>

The number of CBP personnel deployed to the area affected by Hurricane Katrina peaked at 688 on September 9.<sup>203</sup> CBP personnel remained at this number until September 13. During its 36-day response to Hurricane Katrina, CBP performed 1,428 law enforcement and humanitarian missions.<sup>204</sup>

The Federal Air Marshal Service established security and oversaw the reopening of the Louis Armstrong New Orleans International Airport, adhered to their primary mission by flying on 165 outbound flights containing evacuees, and screened approximately 25,000 evacuees prior to flights

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The Federal Air Marshal Service (FAMS) played an important, even heroic role in the federal government's response to Hurricane Katrina. Securing the airport and transitioning it from a chaotic shelter of last resort back to a functioning airport is one of the success stories of Katrina. At end, FAMS covered approximately 165 outbound flights, carrying nearly 25,000 evacuees on almost every type of flight: commercial, charter, military and other government agency-operated aircraft.<sup>205</sup> In the process of screening these 25,000 evacuees, FAMS confiscated an enormous amount of weapons and ammunition — 68 firearms, 1,528 rounds of ammunition, 198 knives and machetes, several ballistic vests, and one Taser. This was accomplished without any apparent decrease in FAMS nationwide primary mission.<sup>206</sup>

A component of DHS' Transportation Security Administration (TSA), FAMS is responsible for the security of our nation's civilian aircraft.<sup>207</sup> FAMS' mission "is to be responsible for and protect air security and promote public confidence in our nation's civil aviation system through the effective deployment of air marshals in order to detect, deter and defeat hostile acts targeting U.S. air carriers, airports, passengers and crews."<sup>208</sup> At the time of the hurricane, the Director of FAMS was Thomas D. Quinn.<sup>209</sup> Director Quinn reported to Edmund S. "Kip" Hawley, Assistant Secretary of Homeland Security for TSA.<sup>210</sup>

FAMS' involvement with Hurricane Katrina began during the week of August 21, the week before Katrina made landfall.<sup>211</sup> As part of its normal operating procedures, FAMS was preparing for disruptions in flight coverage due to the impending severe weather conditions.<sup>212</sup> A day after Katrina made landfall, on August 30, FAMS was advised through TSA of deteriorating conditions at Louis Armstrong New Orleans International Airport.<sup>213</sup> The airport was starting to receive evacuees and was therefore becoming a shelter. On August 31, TSA's Federal Security Director for the airport, Michael Robinson, advised senior leadership at TSA that displaced victims of the Hurricane, including relocated hospital patients, were evacuating to the airport in significant numbers.<sup>214</sup> In response to these developments, FAMS sent personnel — drawing from FAMS' Houston Field Office — to the airport to assist the FSD as necessary.<sup>215</sup>

On September 1, as the effects of Katrina continued to mount, Director Quinn ordered the "stand-up" of the Katrina Crisis Incident Management Group (CIMG) for 24-hour oversight of the situation.<sup>216</sup> The CIMG, co-located with FAMS'

Mission Operations Center in Herndon, Virginia, is led by FAMS' Office of Flight Operations, and receives support from staff of other directorates. During FAMS' Katrina response, the CIMG was charged with identifying deployable personnel, ensuring sufficient assets and resources for the airport to enable onsite managers to fulfill their missions, and coordinating with FAMS' Director's staff, TSA, FEMA, and others to provide a common operating strategy for evacuation operations. Conditions at the airport continued to deteriorate as thousands of displaced persons sought refuge there.<sup>217</sup> The airport, however, was not prepared to be a shelter. There was no food, water, restroom facilities, or security. Consequently, when FAMS personnel began to arrive, they needed to help restore order.<sup>218</sup> By the late evening on September 1, FAMS began initial deployment, including 54 from the Houston Field Office, arriving by car. Also by late evening, evacuation flights out of the airport were fully operational.

By Friday, September 2, the CIMG authorized FAMS personnel at the airport to expand their mission to include interim law enforcement activities as well as all necessary activities to operate the airport.<sup>219</sup> Personnel ramp-ups continued and reached 215 FAMS by day's end.<sup>220</sup> By Saturday, September 3, evacuation flights were in full swing and FAMS personnel levels reached 508.

On Sunday, September 4, FAMS began rotating its personnel out of the airport and relieved them with marshals from field offices around the country.<sup>221</sup> It was on Sunday, also, that FAMS received reinforcements from command officers of the U.S. Army's 82nd Airborne Division as well as personnel from the U.S. Forestry Service. With the additional manpower, FAMS and the 82nd Airborne established a Joint Information Operations Center (JIOC) at the airport complete with a telephone bank/call center, laptops, internet connectivity, and other technical gear that permitted the JIOC to function as a command center.

The JIOC allowed FAMS to communicate with headquarters and throughout the region.<sup>222</sup> As the JIOC became fully operational, it permitted FAMS personnel to channel requests for help to the JIOC for tasking, most of which involved alerting the Jefferson Parish Sheriff's Department. As the JIOC evolved over time, FAMS' involvement decreased, permitting the 82nd Airborne to take the lead role in staffing this function.

FAMS' staffing ramped down starting Monday, September 5 going from 499 on the 4th to 196 on the 5th.<sup>223</sup> This number dropped to 111 on September 11.

The United States Secret Service provided protection to the President, Vice President, and other protectees traveling to the affected area and was responsible for securing the credentialing process for the New Orleans Police Department and other state and federal law enforcement personnel

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As the President, Vice President, Mrs. Cheney and Cabinet Secretaries traveled to the New Orleans and Mississippi after the hurricane, the United States Secret Service provided protective details. In addition to this mission, the Secret Service used its prior expertise to assist state and local law enforcement in providing new credentials for Louisiana law enforcement agencies.

A component of DHS, the Secret Service is charged with providing protection to the President and Vice President, their families, heads of state, and other individuals, including some members of the President's Cabinet.<sup>224</sup> In addition to its protective duties, the Secret Service also has responsibilities relating to counterfeiting and wire fraud crimes.<sup>225</sup> The Secret Service also plans and implements security designs for designated National Special Security Events.<sup>226</sup>

The Secret Service's principal involvement in responding to Hurricane Katrina related to providing protection to five of its protectees during trips to the affected region.<sup>227</sup> In addition to these standard protective missions, between August 31 and September 15, the Secret Service provided 35 employees to the region to assist in implementing Continuity of Operations Plans for the New Orleans Field Office.<sup>228</sup> All Secret Service Field Offices have such contingency plans in the event the Field Office is compromised.<sup>229</sup>

Secret Service personnel were also deployed to assist the NOPD and the Louisiana State Police (LSP) with credentialing services for state and local law enforcement in the New Orleans area.<sup>230</sup> On September 3, the Secret Service was asked by the New Orleans Homeland Security Director, Terry Ebbert, and the Superintendent of the LSP, Colonel Henry Whitehorn, to take control of the credentialing process.<sup>231</sup> Louisiana and New Orleans officials had, during the 2002 Super Bowl,

worked with the Secret Service in implementing security. Having this experience, state officials were aware of the Secret Service's capabilities.<sup>232</sup> The 2002 Super Bowl was designated as a National Special Security Event, and accordingly, the Secret Service was responsible for all security operations, including the production and distribution of secure credentials. The need for secure credentials for NOPD was a primary concern, as many police officers had lost their official identification badges during the hurricane. Likewise, with large numbers of armed law enforcement officials — including officers from numerous states and federal agencies — deploying to New Orleans, there was a significant need to establish a uniform credentialing scheme.

The Secret Service also manned a desk at the Emergency Operations Center (EOC).<sup>233</sup> Having a presence at the EOC allowed the Secret Service to coordinate official visits by the President and other protectees, as well as serving as a central point of contact for credentialing questions.

## The Bureau of Prisons transferred approximately 2,500 Louisiana inmates or detainees to facilities outside New Orleans and coordinated the delivery of clothing, water, and food to the affected area

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The Bureau of Prisons (BOP) is “responsible for the custody and care of approximately 185,000 Federal offenders.”<sup>234</sup> BOP “protects public safety by ensuring that Federal offenders serve their sentences of imprisonment in facilities that are safe, humane, cost-efficient, and appropriately secure.” BOP provided assistance to state and local corrections officials after Hurricane Katrina by transporting and detaining inmates and detainees, as well as coordinating the delivery of clothing, food, and water to the affected area.<sup>235</sup>

In preparation for landfall, BOP personnel from the Office of Emergency Preparedness, located at BOP's Central Office in Washington, D.C. and BOP's South Central Regional Office in Dallas monitored Hurricane Katrina's path from August 26 to August 29.<sup>236</sup> The Office of Emergency Preparedness is responsible for coordinating the evacuation and for supporting correctional institutions in the areas affected by the hurricane.<sup>237</sup>

On August 29, the United States Marshal Service (USMS) requested assistance from BOP to transport USMS detainees from Harrison and Pearl River County jails in Mississippi.<sup>238</sup> BOP provided two buses and moved 70 USMS to jails in Grenada and Madison Counties in Mississippi.

On August 30, BOP opened a command center at its South Central Regional Office to assist the Louisiana Department of Public Safety and Corrections (LDPSC) with transporting inmates out of New Orleans.<sup>239</sup>

During the first week of September, BOP coordinated the delivery of inmate clothing, blankets, sheets, food, and water from a number of Texas institutions.<sup>240</sup> Trucks containing these supplies left Federal Correctional Institution Forth Worth and Federal Correction Complex (FCC) Oakdale on September 3 and arrived in Baton Rouge.<sup>241</sup> The same day, additional supplies were sent to the Louisiana State Police headquarters in Baton Rouge from FCC Beaumont, Texas and FCC Forrest City, Arkansas.

On September 5, the LDPSC Secretary requested that BOP provide 1,000 beds and transportation for Louisiana state inmates.<sup>242</sup> On September 8 and 9, BOP and USMS transferred 964 inmates to United States Penitentiary (USP) Coleman-II, Florida.<sup>243</sup> FCC Coleman houses low, medium, high security, and a female prison.<sup>244</sup> USP Coleman-II is a newly built part of the Coleman complex. As of December, 700 of these inmates remain incarcerated at USP Coleman.<sup>245</sup>

From August 30 to September 7, BOP transported approximately 2,500 inmates or detainees in Louisiana to facilities outside of New Orleans.<sup>246</sup> BOP used nine buses and one van provided from BOP facilities. Two BOP personnel from the BOP office that provided the vehicle accompanied the transport. The LDPSC supported BOP by providing security during the transports.

During this time, BOP also assisted in removing 200 additional USMS detainees from Hoyle Reception Center, St. Tammany Parish Jail, and the Dixon County Correctional Center to the Federal Detention Centers in Houston, and Oakdale and Pollock, Louisiana.<sup>247</sup> A total of 251 BOP personnel assisted in BOP's response to Hurricane Katrina.<sup>248</sup>

- <sup>1</sup> Federal Bureau of Investigations [hereinafter FBI] Frequently Asked Questions, <http://www.fbi.gov/aboutus/faqs/faqsone.htm> (last visited Jan. 21, 2006).
- <sup>2</sup> Letter from the U.S. Dep't of Justice, to Tom Davis, Chairman, Select Comm., and Charlie Melancon, U.S. Congressman (Nov. 23, 2005) [hereinafter Nov. 23 Dep't of Justice Response] (citing 42 U.S.C. § 10501).
- <sup>3</sup> *Id.* (citing 42 U.S.C. § 5170).
- <sup>4</sup> *Id.*
- <sup>5</sup> Interview by Select Comm. Staff with FBI personnel, in Wash., D.C. (Nov. 28, 2005) [hereinafter Nov. 28 Interview with FBI]; E-mail correspondence from FBI personnel to Select Comm. Staff (Dec. 5, 2005) (6:10 p.m.) [hereinafter Dec. 5 E-mail from FBI]. There are six satellite offices, called Resident Agencies, under the New Orleans Field Office. The LA Resident Agencies are located in: Shreveport, Monroe, Alexandria, Lake Charles, Baton Rouge, and Lafayette. (Dec. 5 E-mail from FBI).
- <sup>6</sup> *Id.* The Jackson Field Office covers the entire state of MS and has ten Resident Agencies located in: Southaven, Oxford, Tupelo, Columbus, Greenville, Meridian, Hattiesburg, Macomb, Gulfport, and Pascagoula. The Mobile Field Office covers the entire state of AL and has nine Resident Agencies located in: Dothan, Monroeville, Montgomery, Selma, Opelika, Tuscaloosa, Gadsden, Huntsville, and Florence. (*Id.*).
- <sup>7</sup> Nov. 28 Interview with FBI; Dec. 5 E-mail from FBI. The Pascagoula Resident Agency houses five agents, two to three FBI support staff, and five local police officers (Nov. 28 Interview with FBI).
- <sup>8</sup> Telephone Interview by Select Comm. Staff with FBI personnel, in Wash., D.C. (Dec. 15, 2005) [hereinafter Dec. 15 Telephone Interview with FBI].
- <sup>9</sup> *Id.*
- <sup>10</sup> Nov. 28 Interview with FBI.
- <sup>11</sup> Dec. 5 E-mail from FBI.
- <sup>12</sup> Nov. 23 Dep't of Justice Response.
- <sup>13</sup> Nov. 23 Dep't of Justice Response; Nov. 28 Interview with FBI.
- <sup>14</sup> Dec. 15 Telephonic Interview with FBI.
- <sup>15</sup> *Id.*
- <sup>16</sup> Nov. 28 Interview with FBI.
- <sup>17</sup> Nov. 23 Dep't of Justice Response.
- <sup>18</sup> Nov. 23 Dep't of Justice Response; (LA State Police [hereinafter LSP] permitted FBI access to the LSP Headquarters by verbal agreement). (Dec. 5 E-mail from FBI).
- <sup>19</sup> Nov. 28 Interview with FBI.
- <sup>20</sup> Dec. 15 Telephone Interview with FBI.
- <sup>21</sup> *Id.*
- <sup>22</sup> Nov. 23 Dep't of Justice Response; Telephone call by Select Comm. Staff with FBI personnel (Jan. 27, 2006) [hereinafter Jan. 27 Telephone call with FBI].
- <sup>23</sup> Nov. 23 Dep't of Justice Response; The Law Enforcement On-Line Internet site is not available to the general public. Law enforcement entities from around the country must have a password to access the FBI's information, Dec. 5 E-mail from FBI.
- <sup>24</sup> Dec. 5 Telephone call with FBI.
- <sup>25</sup> Nov. 23 Dep't of Justice Response; Nov. 28 Interview with FBI.
- <sup>26</sup> Nov. 23 Dep't of Justice Response; Dec. 5 Telephone call with FBI; Dec. 5 E-mail from FBI; (The request for the fingerprinting assistance for the DMORT came via telephone from the Nat'l Disaster Medical Sys. Ctr. in Rockville, MD on Sept. 1. FBI Fly Teams are teams assembled to address specific incidents. The teams are typically pre-designated as Fly Teams and are issued personal equipment and receive medical evaluations that enable them to leave respond on short notice. In this case, the team was a group of individuals with a specialty in fingerprinting).
- <sup>27</sup> Nov. 28 Interview with FBI.
- <sup>28</sup> Nov. 23 Dep't of Justice Response.
- <sup>29</sup> Nov. 28 Interview with FBI.
- <sup>30</sup> Dec. 15 Telephone Interview with FBI.
- <sup>31</sup> Jan. 27 Telephone call with FBI.
- <sup>32</sup> Nov. 23 Dep't of Justice Response.
- <sup>33</sup> *Id.*, Dec. 5 Telephone call with FBI. (There are four Rapid Deployment teams located in: New York City, Wash., D.C., Los Angeles, and Miami. The teams are comprised of 160 people with different specialties. They are equipped to respond and be self sufficient for seven days on their own).
- <sup>34</sup> Dec. 5 E-mail from FBI.
- <sup>35</sup> *Id.* (From Aug. 30 until Sept. 12, the FBI helicopters conducted 53 total flights, for a total of 163.1 flying hours).
- <sup>36</sup> *Id.* (Fixed wing assets include larger cargo or passenger planes).
- <sup>37</sup> Nov. 28 Interview with FBI.
- <sup>38</sup> About the Bureau of Alcohol, Tobacco, Firearms and Explosives [hereinafter ATF], <http://www.atf.gov/about/mission.htm> (last visited Jan. 21, 2006).
- <sup>39</sup> Nov. 23 Dep't of Justice Response.
- <sup>40</sup> ATF Summary of Significant Activity (Nov. 18, 2005) [hereinafter ATF Summary of Significant Activity].
- <sup>41</sup> ATF Summary of Significant Activity; Interview by Select Comm. Staff with ATF personnel, in Wash., D.C. (Nov. 29, 2005) [hereinafter Interview with ATF].
- <sup>42</sup> Interview with ATF.
- <sup>43</sup> ATF Summary of Significant Activity.
- <sup>44</sup> Interview with ATF.
- <sup>45</sup> ATF Summary of Significant Activity.

46 Interview with ATF.  
47 ATF Summary of Significant Activity.  
48 Interview with ATF; E-mail correspondence from ATF personnel to Select Comm. Staff (Dec. 7, 2005) (11:47 a.m.) [hereinafter E-mail from ATF]; (E-mail from ATF) (The office in Shreveport oversaw the administrative functions of the Shreveport, Little Rock, Jackson, and Oxford, Miss. Field Offices).  
49 Interview with ATF.  
50 *Id.*  
51 Telephone call by Select Comm. Staff with ATF personnel, in Wash., D.C. (Dec. 1, 2005) [hereinafter Telephone call with ATF].  
52 ATF Summary of Significant Activity.  
53 Interview with ATF; Telephone call with ATF.  
54 Telephone call with ATF.  
55 Interview with ATF.  
56 *Id.*  
57 Telephone call with ATF.  
58 *Id.*; The Emergency Management Working Group was chaired by the Chief of Security and Emergency Programs Division (E-mail from ATF).  
59 Interview with ATF.  
60 ATF Summary of Significant Activity.  
61 Interview with ATF; Telephone call with ATF.  
62 ATF Summary of Significant Activity.  
63 *Id.*  
64 Interview with ATF.  
65 E-mail from ATF.  
66 ATF Summary of Significant Activity.  
67 Interview with ATF.  
68 ATF Summary of Significant Activity; Interview with ATF.  
69 Interview with ATF.  
70 *Id.*  
71 Telephone call by Select Comm. Staff with ATF personnel, in Wash., D.C. (Jan. 27, 2006).  
72 Interview with ATF; Interview by Select Comm. Staff with U.S. Immigration and Customs Enforcement [hereinafter ICE] personnel, in Wash., D.C. (Dec. 2, 2005) [hereinafter Dec. 2 Interview with ICE].  
73 Dec 2 Interview with ICE.  
74 Interview with ATF.  
75 ATF Summary of Significant Activity.  
76 *Id.*  
77 ATF Summary of Significant Activity; Interview with ATF.  
78 Interview with ATF.  
79 ATF Summary of Significant Activity.  
80 Interview with ATF.  
81 *Id.*  
82 ATF Summary of Significant Activity; Interview with ATF.  
83 ATF Summary of Significant Activity.  
84 E-mail from ATF.  
85 ATF Summary of Significant Activity.  
86 ATF Katrina Deployments Doc. (Nov. 29, 2005).  
87 Drug Enforcement Administration [hereinafter DEA] Mission Statement, <http://www.usdoj.gov/dea/agency/mission.htm> [hereinafter DEA website] (last visited Dec. 2, 2005).  
88 Response from the U.S. Dep't of Justice, to Chairman Tom Davis, Select Comm., and Charlie Melancon, U.S. Congressman (Dec. 8, 2005) [hereinafter Dec. 8 Dep't of Justice Response] (citing 21 U.S.C. §§ 801 et seq.).  
89 DEA website.  
90 Dec. 8 Dep't of Justice Response (citing 21 U.S.C. § 878 (a)(5)).  
91 Dec. 8 Dep't of Justice Response (citing 42 U.S.C. § 10501).  
92 Nov. 23 Dep't of Justice Response.  
93 *Id.*  
94 Hurricane Katrina Drug Enforcement Agency COOP Assessment (DAG000000223) (Jan. 26, 2006).  
95 Nov. 23 Dep't of Justice Response.  
96 Interview by Select Comm. Staff with DEA, in Wash., D.C. (Nov. 28, 2005) [hereinafter Interview with DEA].  
97 Interview with DEA.  
98 *Id.* From Aug. 30 through Sept. 28, DEA Special Agents assisted in over 3,400 search and rescues in LA and Miss. (*Id.*).  
99 Nov. 23 Dep't of Justice Response.  
100 *Id.*  
101 *Id.*  
102 Interview with DEA.  
103 Nov. 23 Dep't of Justice Response.  
104 *Id.*  
105 Interview with DEA.

<sup>106</sup> Letter from U.S. Dep't of Justice, to Chairman Tom Davis, Select Comm., and Charlie Melancon, U.S. Congressman (Dec. 21, 2005) [hereinafter Dec. 21 Dep't of Justice Response]. The day by day breakdown is as follows: Aug. 30 (24), Aug. 31 (17), Sept. 1 (32), Sept. 2 (16), Sept. 3 (33), Sept. 4 (38), Sept. 5 (11), Sept. 6 (13), Sept. 7 (39), Sept. 8 (10), Sept. 9 (6), Sept. 10 (5), Sept. 11 (4), Sept. 12 (4).

<sup>107</sup> Nov. 23 Dep't of Justice Response.

<sup>108</sup> Interview with DEA.

<sup>109</sup> Nov. 23 Dep't of Justice Response.

<sup>110</sup> *Id.*

<sup>111</sup> *Id.*

<sup>112</sup> *Id.*

<sup>113</sup> *Id.*

<sup>114</sup> *Id.*

<sup>115</sup> Dec. 8 Dep't of Justice Response (Wholesalers included: McKesson, Bergen/Amerisource and Cardinal Health).

<sup>116</sup> *Id.*

<sup>117</sup> United States Marshals Service [hereinafter USMS] Oldest Federal Law Enforcement Agency, <http://www.usmarshals.gov/history/oldest.htm> (last visited Jan. 21, 2006).

<sup>118</sup> USMS Major Responsibilities of the USMS, <http://www.usmarshals.gov/duties/index.html> (last visited Jan. 21, 2006).

<sup>119</sup> Nov. 23 Dep't of Justice Response.

<sup>120</sup> Dec. 8 Dep't of Justice Response; Interview by Select Comm. Staff with USMS personnel, in Wash., D.C. (Dec. 8, 2005) [hereinafter Interview with USMS]; (Interview with USMS. (An Operational Mgmt. Team (OMT) oversees USMS' national response. There are OMTs located throughout the United States. A Chief Deputy, the highest ranking career Marshal in the district is in charge of the OMT. Each OMT has a core group of eight personnel).

<sup>121</sup> Ctrs. for Disease Control and Prevention, Emergency Preparedness & Response, <http://www.bt.cdc.gov/stockpile/> (last visited Jan 22, 2006).

<sup>122</sup> Dec. 8 Dep't of Justice Response.

<sup>123</sup> *Id.*

<sup>124</sup> Interview with USMS. The courthouses are located as follows: C-600 U.S. Courthouse, New Orleans, LA 70130; 2012 15th Street, Suite 302, Gulfport, MS 39501; and 331 Federal Building, 701 Main Street, Hattiesburg, MS 39401. (E-mail correspondence from U.S. Dep't of Justice personnel to Select Comm. Staff (Dec. 8, 2005) (5:16 p.m.)).

<sup>125</sup> Dec. 8 Dep't of Justice Response.

<sup>126</sup> *Id.*

<sup>127</sup> *Id.*

<sup>128</sup> Interview with USMS.

<sup>129</sup> Dec. 8 Dep't of Justice Response.

<sup>130</sup> Dec. 8 Dep't of Justice Response; Interview with USMS.

<sup>131</sup> Dec. 8 Dep't of Justice Response.

<sup>132</sup> Dec. 8 Dep't of Justice Response; Interview with USMS.

<sup>133</sup> Dec. 8 Dep't of Justice Response.

<sup>134</sup> *Id.*

<sup>135</sup> *Id.*; Dec. 21 Dep't of Justice Response. (The JPATS missions were conducted by 180 USMS personnel in 27 trips. The evacuees were moved to the following cities: Dallas, TX; San Antonio, TX; Corpus Christi, TX; Houston, TX; Smyrna, GA; Nashville, TN; Aurora, CO; Fort Smith, AR; and Phoenix, AZ. The evacuations cost a total of one million dollars. It took 3,216.7 work hours and 99.2 flight hours to complete the evacuations. 62 U.S. Air Force medics and 35 FAMS were transported to New Orleans on JPATS return trips).

<sup>136</sup> Dec. 8 Dep't of Justice Response. (JPATS flew the prisoners to Tampa, Florida for a total of 37.6 flight hours).

<sup>137</sup> Dec. 8 Dep't of Justice Response; Interview with USMS.

<sup>138</sup> Dec. 8 Dep't of Justice Response.

<sup>139</sup> *Id.* (There were eight FEMA Strike Teams, each consisting of: FEMA Executive, Pub. Info. Officer, U.S. Army Corp of Engineers Representative, and a Community Relations Specialist).

<sup>140</sup> *Id.*

<sup>141</sup> Dec. 8 Dep't of Justice Response; Interview with USMS.

<sup>142</sup> Dec. 8 Dep't of Justice Response.

<sup>143</sup> Dec. 8 Dep't of Justice Response; Interview with USMS.

<sup>144</sup> Dec. 8 Dep't of Justice Response.

<sup>145</sup> *Id.* (Police Dep'ts included: Pass Christian Police Dep't, Gulfport Police Dep't, Biloxi Police Dep't, Long Beach Police Dep't, and Harrison County Sheriff's Dep't).

<sup>146</sup> *Id.*

<sup>147</sup> ICE website, <http://www.ice.gov/graphics/about/index.htm> (last visited Jan. 21, 2006).

<sup>148</sup> Interview by Select Comm. Staff with ICE in Wash., D.C. (Nov. 16) [hereinafter Nov. 16 Interview with Interview with ICE]; E-mail from FAMS personnel to Select Comm. staff Dec. 5, 2005. (Oct. 16, 2005, FAMS was moved to the Transportation Security Administration (TSA) within DHS).

<sup>149</sup> Nov. 16 Interview with ICE; E-mail correspondence from ICE personnel to Select Comm. Staff (Dec. 8, 2005) (8:51 a.m.).

<sup>150</sup> Nov. 16 Interview with ICE.

<sup>151</sup> ICE website, Federal Protective Service, <http://www.ice.gov/graphics/fps/index.htm> (last visited Jan. 27, 2006); E-mail correspondence from ICE to Select Comm. Staff (Jan. 4, 2006) (11:31 a.m.) [hereinafter Jan. 4 E-mail from ICE].

<sup>152</sup> Jan. 4 E-mail from ICE.

<sup>153</sup> *Id.*

<sup>154</sup> *Id.*

- <sup>155</sup> *Id.*
- <sup>156</sup> *Id.*
- <sup>157</sup> *Id.* (The five other GSA leased federal buildings were: Fisk Record Center, Dep't of Agric., Galleria/SSA, SSA, and the FBI Building).
- <sup>158</sup> Telephone call by Select Comm. Staff with ICE personnel (Jan. 26, 2006).
- <sup>159</sup> Dec. 2 Interview with ICE.
- <sup>160</sup> *Id.*
- <sup>161</sup> E-mail correspondence from Ronald R. Grimes, DHS to Gerald Garren, et al, (Sept. 6, 2005) (5:27 p.m.); Dec. 2 Interview with ICE. (Miss. entities assisted by ICE. Miss. Highway Patrol, Gulfport Police Dep't, Harrison County Sheriffs Office, Waveland Police Dep't, Bay St. Louis Police Dep't, Long Beach Police Dep't, Pass Christian Police Dep't, Hancock County Sheriffs Office, and Jackson County Sheriffs Office).
- <sup>162</sup> Dec. 2 Interview with ICE.
- <sup>163</sup> *Id.*
- <sup>164</sup> *Id.*
- <sup>165</sup> *Id.*
- <sup>166</sup> *Id.*
- <sup>167</sup> *Id.*
- <sup>168</sup> *Id.*
- <sup>169</sup> *Id.*
- <sup>170</sup> U.S. Customs and Border Prot. [hereinafter CBP], Protecting Our Borders Against Terrorism, <http://www.cbp.gov/xp/cgov/toolbox/about/mission/cbp.xml> (last visited Jan 21, 2006).
- <sup>171</sup> CBP Timeline Aug. 24-Aug. 30 (Dec. 8, 2005) [hereinafter CBP Timeline Aug. 24-Aug. 30].
- <sup>172</sup> CBP Hurricane Katrina Support and Operations PowerPoint (Sept. 20, 2005) [hereinafter CBP PowerPoint]; CBP Timeline Aug. 24-Aug. 30.
- <sup>173</sup> CBP PowerPoint. Each CBP Field Office has a MCT. An MCT is comprised of a core group of personnel, including Human Resource specialists who are responsible for running an office from a new location. (Telephone call by Select Comm. Staff with CBP personnel (Jan. 3, 2006) [hereinafter Telephone call with CBP]).
- <sup>174</sup> CBP Timeline Aug. 24-Aug. 30. 249 CBP Border Patrol Agents were deployed to the affected area from Sept. 1-15, 2005. The Agents were deployed from the following Border Patrol Sectors/locations: Border Patrol Academy (2), Blaine (2), BORTAC HQ (9), Del Rio (46), Detroit (7), BP Air Ops HQ (10), El Centro (21), El Paso (23), Grand Forks (5), Houlton (3), OBP HQ (9), Havre (5), Laredo (28), Marfa (1), Miami (6), Rio Grande Valley (21), Ramey (3), San Diego (30), Spokane (6), Tucson (2), and Yuma (10). (*Id.*).
- <sup>175</sup> Interview by Select Comm. Staff with CBP personnel, in Wash., D.C. (Dec. 6, 2005) [hereinafter Interview with CBP]; CBP Timeline Aug. 24-Aug. 30. (Thirty support personnel were part of the relief teams from the Miami and Tampa Field Offices. Twenty support personnel were part of the relief teams from the Atlanta and Houston Field Offices).
- <sup>176</sup> CBP Timeline Aug. 24-Aug. 30.
- <sup>177</sup> *Id.*
- <sup>178</sup> Telephone call with CBP.
- <sup>179</sup> CBP Timeline Aug. 30-Sept. 13.
- <sup>180</sup> CBP PowerPoint; CBP Timeline Aug. 30-Sept. 13 (Dec. 21, 2005) [hereinafter CBP Timeline Aug. 30-Sept. 13]; E-mail correspondence to Select Comm. Staff from CBP personnel (Jan. 4, 2006) (1:13 p.m.).
- <sup>181</sup> E-mail correspondence to Select Comm. Staff from CBP personnel (Jan. 10, 2006) (5:17 p.m.).
- <sup>182</sup> CBP Timeline Aug. 30-Sept. 13.
- <sup>183</sup> Interview with CBP.
- <sup>184</sup> Interview with CBP; CBP Timeline Aug. 30-Sept. 13.
- <sup>185</sup> CBP Protection PowerPoint.
- <sup>186</sup> Interview with CBP.
- <sup>187</sup> CBP Protection PowerPoint; CBP Timeline Aug. 24-Aug. 30.
- <sup>188</sup> Interview with CBP.
- <sup>189</sup> CBP Timeline Aug. 30-Sept. 13.
- <sup>190</sup> CBP Timeline Aug. 24-Aug. 30.
- <sup>191</sup> CBP Timeline Aug. 30-Sept. 13.
- <sup>192</sup> CBP PowerPoint; CBP Timeline Aug. 30-Sept. 13.
- <sup>193</sup> E-mail correspondence to Select Comm. Staff from CBP personnel (Jan. 26, 2006) (1:35 p.m.).
- <sup>194</sup> Interview with CBP.
- <sup>195</sup> CBP Timeline Aug. 30-Sept. 13; Telephone call with CBP.
- <sup>196</sup> Telephone call with CBP.
- <sup>197</sup> CBP Timeline Aug. 30-Sept. 13.
- <sup>198</sup> CBP Protection PowerPoint; CBP Timeline Aug. 30-Sept. 13.
- <sup>199</sup> CBP Timeline Aug. 30-Sept. 13.
- <sup>200</sup> CBP Protection PowerPoint; CBP Timeline Aug. 30-Sept. 13.
- <sup>201</sup> CBP Timeline Aug. 30-Sept. 13.
- <sup>202</sup> Telephone call with CBP.
- <sup>203</sup> E-mail correspondence to Select Comm. Staff from CBP personnel (Dec. 19, 2005) (4:17 p.m.).
- <sup>204</sup> CBP Timeline Aug. 24-Aug. 30. The missions resulted in 328 rescues, 59 arrests, 77 recovered bodies, and humanitarian aid to approximately 5,951 individuals. (*Id.*).
- <sup>205</sup> Fed. Air Marshal Serv. [hereinafter FAMS] Timeline prepared for Select Comm. Staff (Nov. 29, 2005) [hereinafter FAMS Timeline].

- <sup>206</sup> Interview by Select Comm. Staff with FAMS personnel, in Wash., D.C. (Nov. 29, 2005) [hereinafter Interview with FAMS]. FAMS believes as little as 1% of its ordinarily staffed flights were not staffed as a result of FAMS' response to Katrina. The specific numbers of FAMS' staffed flights and related personnel is classified. (Id.).
- <sup>207</sup> E-mail correspondence from FAMS personnel to Select Comm. Staff (Jan. 27, 2006) (1:51 p.m.).
- <sup>208</sup> *Id.*
- <sup>209</sup> Interview with FAMS; (E-mail correspondence from FAMS personnel to Select Comm. Staff (Jan. 5, 2006) (9:14 p.m.) (Dir. Quinn retired on Feb. 4, 2006).
- <sup>210</sup> Interview with FAMS. At the time of Hurricane Katrina, FAMS was, as part of an overall DHS reorganization, being transitioned to TSA's authority from ICE, which is part of DHS' Border and Transportation Security component. The practical realities of the impending reorganization meant that FAMS leadership was, during times relevant, unofficially reporting into TSA and Assistant Secretary Hawley. Senior leadership at TSA was in operational command at all times during the Katrina response, holding conference calls every four hours from 6:00 a.m. to midnight with the field. That being said, since FAMS was officially reporting through ICE, official reports and personnel statistics have FAMS as part of ICE and not TSA. FAMS official transfer from ICE to TSA occurred on Oct. 16, 2005).
- <sup>211</sup> *Id.*
- <sup>212</sup> FAMS Timeline.
- <sup>213</sup> Interview with FAMS.
- <sup>214</sup> Interview with FAMS; FAMS Timeline.
- <sup>215</sup> FAMS Timeline.
- <sup>216</sup> *Id.*
- <sup>217</sup> Interview with FAMS.
- <sup>218</sup> FAMS Timeline.
- <sup>219</sup> Interview with FAMS. (This included, meeting arriving buses, helicopters, trucks, and ambulances; canvassing evacuees for information on those left behind in New Orleans; handwriting manifests for the New Orleans International Airport departing flights; pre-screening and loading passengers; crowd control; baggage handling; air traffic control; operating heavy equipment to facilitate blocking and dispatching aircraft; hand-carrying hundreds of sick, injured and elderly passengers on to departing aircraft; working with FEMA triage personnel to carry patients on stretchers for medical evaluation; delivering patients to the "Expected to Die" and morgue holding areas; and assisting in other medical emergencies).
- <sup>220</sup> FAMS Timeline.
- <sup>221</sup> FAMS Timeline; Email correspondence from FAMS personnel to Select Comm. Staff (Nov. 29, 2005) (5:27 p.m.) [hereinafter Nov. 29 Email from FAMS]. (Eventually, personnel from every field office and headquarters would participate in FAMS' Katrina response. FAMS has offices in Boston, New York, Newark, Philadelphia, Wash., D.C., Charlotte, Orlando, Miami, Atlanta, Cincinnati, Pittsburgh, Cleveland, Detroit, Chicago, Minneapolis, Denver, Dallas, Houston, Las Vegas, Los Angeles, and Seattle).
- <sup>222</sup> FAMS Timeline; Nov. 29 E-mail from FAMS.
- <sup>223</sup> FAMS Timeline.
- <sup>224</sup> 18 U.S.C. § 3056.
- <sup>225</sup> 18 U.S.C. § 470 et seq.; 18 U.S.C. § 3056(b).
- <sup>226</sup> 18 U.S.C. § 3056(e).
- <sup>227</sup> Additional Info. Relating To Secret Service [hereinafter USSS] Contributions Toward Response and Recovery Efforts Associated With Hurricane Katrina (Dec. 5, 2005) [hereinafter Dec. 5 Additional Info. Relating to USSS]. (The five protectees were: President Bush, Vice President Cheney, Mrs. Cheney, Sec'y of Homeland Sec. Michael Chertoff, and Treasury Sec'y John Snow. President Bush visited the affected area three times between Aug. 23 and Sept. 13. On Sept. 2, the President visited Mobile, AL; Biloxi, Miss.; and New Orleans, LA. On Sept. 5, the President visited Baton Rouge, LA. On Sept. 11 and 12, the President visited New Orleans, and Gulfport, Miss. On Sept. 8, the Vice President and Mrs. Cheney visited Gulfport, New Orleans and Baton Rouge. Sec'y Chertoff made three trips to the affected region, visiting Mobile, Biloxi, and New Orleans on Sept. 2, New Orleans on Sept. 4 and 5, and Gulfport, New Orleans, and Baton Rouge on Sept. 8. Treasury Sec'y Snow visited Biloxi on Sept. 9).
- <sup>228</sup> Additional Info. Relating To USSS Contributions Toward Response and Recovery Efforts Associated With Hurricane Katrina (Dec. 7, 2005) [hereinafter Dec. 7 Additional Info. Relating to USSS]. (The personnel deployment was divided into two phases, Aug. 31 through Sept. 9 as Phase I and Sept. 8 through Sept. 15 as Phase II. Seventeen employees were deployed for the first phase and 18 for the second phase. These employees were drawn from the following Secret Service offices: Dallas Field Office, Houston Field Office, Memphis Field Office, Charlotte Field Office, Chicago Field Office, Intelligence Div., Info. Res. Mgmt. Div., and Diplomatic Protective Div.. These offices each deployed one to three employees. The Houston Field Office deployed five employees for both phases).
- <sup>229</sup> Dec. 5 Additional Info. Relating to USSS.
- <sup>230</sup> *Id.* (Interview by Select Comm. Staff with FBI personnel, in Washington, D.C. (Dec. 6, 2005) (The FBI also was involved with credentialing law enforcement officers).
- <sup>231</sup> Dec. 7 Additional Info. Relating to USSS; Dec. 5 Additional Info. Relating to USSS.
- <sup>232</sup> Dec. 5 Additional Info. Relating to USSS.
- <sup>233</sup> *Id.*
- <sup>234</sup> Fed. Bureau of Prisons [hereinafter BOP] About BOP, <http://www.bop.gov/about/index.jsp#> (last visited Jan. 21, 2006).
- <sup>235</sup> Dec. 8 Dep't of Justice Response (citing 42 U.S.C. § 5170 (a) and (b)).
- <sup>236</sup> Dec. 8 Dep't of Justice Response; Interview by Select Comm. Staff with BOP personnel, in Wash., D.C. (Dec. 5, 2005) [hereinafter Interview with BOP].
- <sup>237</sup> Interview with BOP.
- <sup>238</sup> Dec. 8 Dep't of Justice Response.
- <sup>239</sup> *Id.*
- <sup>240</sup> Dec. 8 Dep't of Justice Response; Interview with BOP.

<sup>241</sup> Dec. 8 Dep't of Justice Response.

<sup>242</sup> *Id.*

<sup>243</sup> Interview with BOP; Dec. 8 Dep't of Justice Response.

<sup>244</sup> Interview with BOP.

<sup>245</sup> Dec. 8 Dep't of Justice Response.

<sup>246</sup> *Id.* (A total of 54 BOP personnel were responsible for the transportation. These personnel were detailed from the Fed. Correction Complex (FCC) in Beaumont, TX; FCC Forrest City, Arkansas; FCC Yazoo City, MS; FCC Oakdale, LA; the United States Penitentiary in Pollock, LA; the Fed. Det. Ctr. in Houston, TX).

<sup>247</sup> *Id.* A break down of the bus and van transports: Aug. 30 — 2 bus runs, 1 van run; Aug. 31 — 14 bus runs; Sept. 1 — 34 bus runs; Sept. 2 — 9 bus runs; Sept. 3 — 2 bus runs; Sept. 4 — 2 bus runs; Sept. 5 — 2 bus runs, 1 van run; Sept. 6 — 7 bus runs, 1 van run; Sept. 7 — 2 bus runs).

<sup>248</sup> Dec. 8 Dep't of Justice Response; Interview with BOP (54 staff for bus movements out of New Orleans; 26 staff worked from the South Central Region Command Center; 6 staff for bus movements in southern Miss.; 165 staff for transport and delivery of supplies and equipment, inspection and maintenance of vehicles, mechanical services, liaison with command center in Baton Rouge; and 52 Pub. Health Servs. Officers).

# APPENDIX 6



United States Government Accountability Office  
Washington, DC 20548

February 1, 2006

The Honorable Thomas Davis  
Chairman  
Select Bipartisan Committee to Investigate the  
Preparation for and Response to Hurricane Katrina  
House of Representatives

*Subject: Statement by Comptroller General David M. Walker on GAO's Preliminary Observations Regarding Preparedness and Response to Hurricanes Katrina and Rita*

Dear Mr. Chairman:

As you know, GAO has undertaken a body of work to address federal, state, and local preparations for, response to, and recovery from Hurricanes Katrina and Rita. Enclosed is a statement for the record of GAO's preliminary findings.

GAO will continue work on a wide range of issues relating to the preparation, response, recovery, and rebuilding efforts related to the hurricanes. We expect to provide Congress with more detailed findings, with a comprehensive summary of what went well and why, what did not go well and why, and what specific changes, if any, are called for in the National Response Plan. If you or your staff has any questions about this statement, please contact Norman J. Rabkin, Managing Director for Homeland Security and Justice Issues, at (202) 512-8777 or rabkinn@gao.gov. Sincerely yours,

A handwritten signature in black ink that reads 'D M - Walker' followed by a horizontal line.

David M. Walker  
Comptroller General  
of the United States

Enclosure

GAO-06-365R Preliminary Observations on Hurricane Response

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## Enclosure I: Statement by Comptroller General David M. Walker on GAO's Preliminary Observations Regarding Preparedness and Response to Hurricanes Katrina and Rita

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In recent months, GAO has undertaken a body of work to address federal, state, and local preparations for, response to, and recovery from Hurricanes Katrina and Rita. I am here today to provide some preliminary observations based on our work to date. GAO is supporting Congress through a range of strategic and integrated audit and evaluation engagements to determine what went well, what did not, and what lessons learned are critical to improving government's abilities to do better in the future. The Inspectors General of the various federal departments are conducting detailed Hurricane Katrina-related work on fraud, waste, and abuse in individual federal programs.

GAO staff has visited the affected areas. They have interviewed officials and analyzed information from the various involved federal agencies such as FEMA and the Department of Defense (DOD); state and local organizations, including state emergency management agencies; state adjutant generals; local officials; and representatives from nongovernmental agencies. I have also personally toured southern Mississippi, southern Louisiana, and the city of New Orleans. I have also had discussions with many governmental and other officials, including the governors of Alabama, Mississippi, Louisiana, and Texas; the mayor of New Orleans; the primary federal official on the scene; and the joint task force commander of active duty forces. In addition, GAO has done a great deal of work on prior disasters, including Hurricane Andrew in 1992 and the terrorist attacks in 2001.

Hurricane Katrina was one of the largest natural disasters in our nation's history and because of its size and strength, will have long standing effects for years to come. It exacted terrible human costs with the loss of significant numbers of lives and resulted in billions of dollars in property damage. At present, the Department of Homeland Security (DHS) reports that FEMA has distributed nearly \$4.4 billion in federal aid to more than 1.4 million households. Forty-four states and the District of Columbia have been given emergency declarations to cover expenses related to sheltering millions of evacuees forced from their homes by Hurricanes Katrina and Rita. Furthermore, many who survived now face the disruption of being dislocated and separated from their normal way of life, the prospect of rebuilding their lives in other locations, and, for those who desire to return home, the continuing uncertainties regarding what kind of life the future may hold.

Significant local, state, and federal resources were mobilized to respond to the Hurricane Katrina disaster, along with significant participation from charitable and private sector organizations. However, the capabilities of

several federal, state, and local agencies were clearly overwhelmed in response to Hurricane Katrina, especially in Louisiana. Therefore, there was widespread dissatisfaction with the level of preparedness and the collective response. As events unfolded in the immediate aftermath and ensuing days after Hurricane Katrina's final landfall, responders at all levels of government—many victims themselves—encountered significant breakdowns in vital areas such as emergency communications as well as obtaining essential supplies and equipment.

The causes of these breakdowns must be well understood and addressed in order to strengthen the nation's ability to prepare for, respond to, and recover from major catastrophic events in the future—whether natural or man-made. Unfortunately, many of the lessons emerging from the most recent hurricanes in the Gulf are similar to those GAO identified more than a decade ago, in the aftermath of Hurricane Andrew, which leveled much of South Florida in the early 1990s. For example, in 1993, we recommended that the President designate a senior official in the White House to oversee federal preparedness for, and response to, major catastrophic disasters.

There are several key themes that, based on our current preliminary work, underpin many of the challenges encountered in the response to Hurricane Katrina and reflect certain lessons learned from past disasters. The following three key themes seem to be emerging.

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## Clear and Decisive Leadership

First, prior to a catastrophic event, the leadership roles, responsibilities, and lines of authority for the response at all levels must be clearly defined and effectively communicated in order to facilitate rapid and effective decision making, especially in preparing for and in the early hours and days after the event. As we recommended in 1993, we continue to believe that a single individual directly responsible and accountable to the President must be designated to act as the central focal point to lead and coordinate the overall federal response in the event of a major catastrophe. This person would work on behalf of the President to ensure that federal agencies treat the catastrophe as a top priority and that the federal government's response is both timely and effective. In cases where there is warning, such as the high probability of a major hurricane (e.g., a category 4 or 5), the senior official should be designated prior to the event, be deployed appropriately, and be ready to step forward as events unfold. Neither the DHS Secretary nor any of his designees, such as the Principal Federal Official (PFO), filled this leadership role during Hurricane Katrina, which serves to underscore the immaturity of and weaknesses relating to

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the current national response framework. More specifically with regard to the lessons to be learned from Hurricane Katrina:

- No one was designated in advance to lead the overall federal response in anticipation of the event despite clear warnings from the National Hurricane Center. Furthermore, events unfolded both before and immediately after the landfall of Hurricane Katrina that made it clear that governmental entities did not act decisively or quickly enough to determine the catastrophic nature of the incident. For example, the DHS Secretary designated Hurricane Katrina as an incident of national significance on August 30th—the day after final landfall. However, he did not designate the storm as a catastrophic event, which would have triggered additional provisions of the National Response Plan (NRP), calling for a more proactive response.<sup>1</sup> As a result, the federal posture generally was to wait for the affected states to request assistance. At the same time, some federal responders such as the Coast Guard and DOD did “lean forward” in proactive efforts anticipating a major disaster. Furthermore, other federal agencies took proactive steps to prepare for and respond to the disaster, such as the U.S. Postal Service and the National Finance Center.
- Although the DHS Secretary designated a PFO to be the federal government’s representative under the NRP structure and to coordinate the federal response, the efforts of all federal agencies involved in the response remained disjointed because the PFO’s leadership role was unclear. In the absence of timely and decisive action and clear leadership responsibility and accountability, there were multiple chains of command, a myriad of approaches and processes for requesting and providing assistance, and confusion about who should be advised of requests and what resources would be provided within specific time frames.

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<sup>1</sup>As defined by the National Response Plan, an incident of national significance is an actual or potential high-impact event that requires a response by a combination of federal, state, and local governments and/or private sector entities in order to save lives and minimize damage, and provides the basis for long-term community recovery and mitigation activities. A catastrophic incident is one that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, national morale, and/or government functions.

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## Strong Advance Planning, Training, and Exercise Programs

Second, to best position the nation to prepare for, respond to, and recover from major catastrophes like Hurricane Katrina, there must be strong advance planning, both within and among responder organizations, as well as robust training and exercise programs to test these plans in advance of a real disaster. Although the NRP framework envisions a proactive national response in the event of a catastrophe, the nation does not yet have the types of detailed plans needed to better delineate capabilities that might be required and how such assistance will be provided and coordinated. In addition, we observed that the training and exercises necessary to carry out these plans were not always developed or completed among the first responder community. The leadership to ensure these plans and exercises are in place must come from DHS in conjunction with other federal agencies, state and local authorities, and involved nongovernmental organizations. More specifically,

- By their very nature, major catastrophic events involve extraordinary levels of mass casualties, damage, or disruption that likely will immediately overwhelm state and local responders, circumstances that make sound planning for catastrophic events all the more crucial. Our previous work on Hurricane Andrew also highlighted the importance of such plans focused specifically on major catastrophic events. Our initial review of the NRP base plan and its supporting catastrophic provisions as well as lessons based on Hurricane Katrina suggest the need for these documents to be supported and supplemented by more detailed and robust implementation plans. Our previous work has also underscored the need to prepare for both natural disasters and man-made disasters such as terrorist events.
- Planning should also include further defining and leveraging any military capabilities as might be needed in a major catastrophe. Prior disasters and the actual experience of Hurricane Katrina show that DOD is likely to contribute substantial support to state and local authorities, including search and rescue assets, evacuation assistance, provision of supplies, damage assessment assets, and possibly helping to ensure public safety. In fact, military support to Hurricane Katrina-affected areas reflected an unprecedented domestic response of 70,000 personnel—far greater than in any other domestic disaster, including Hurricane Andrew. This response involved about 20,000 active duty troops and about 50,000 National Guard troops. More detailed planning would provide greater visibility and understanding of the types of support DOD will be expected to provide following a catastrophic incident, including the types of assistance and capabilities that might be provided, what might be done proactively and in response to specific requests, and how the efforts of the active duty and National

Guard would be integrated. It would also avoid the type of confusion that occurred in Louisiana regarding the types of military support needed and requested, and the respective contributions of active duty and National Guard forces.

- Planning also must explicitly consider the need for and management of the contractor community. In this regard, we found that agencies did not always have adequate plans for contracting in a major contingency situation. We also noted the competing tension between the selection of national contractors and the requirement under the Stafford Act for a preference for contractors from the affected area. Better planning could ameliorate those tensions.
- Regular training and periodic exercises provide a valuable way to test emergency management plans. In our previous work on Hurricanes Andrew and Hugo, we identified the need for the federal government to upgrade training and exercises for state and local governments specifically geared towards catastrophic disaster response. Hurricane Katrina demonstrated the benefits of applying lessons learned from training exercises and experiences with actual hurricanes as well as the dangers of ignoring them. FEMA's "Hurricane Pam" exercise—conducted between 2004 and 2005 to simulate the impacts of a category 3 hurricane—identified the impacts such as widespread flooding, extensive evacuations, sheltering thousands of individuals left homeless after a storm, and disposing of tons of debris similar to Hurricane Katrina's results. Not all capabilities-related issues identified in the Hurricane Pam exercise were addressed before Hurricane Katrina hit. In addition, we observed that an incomplete understanding of roles and responsibilities under the NRP lead to misunderstandings, problems, and delays, an area that training might be able to correct. One overall challenge is ensuring that key officials participate in training and exercises so that they are better prepared to deal with real life situations.

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## Capabilities for a Catastrophic Event

Response and recovery capabilities needed during a major catastrophic event differ significantly from those required to respond to and recover from a "normal disaster." Key capabilities such as emergency communications, continuity of essential government services, and logistics and distribution systems underpin citizen safety and security. In addition, as these capabilities are brought to bear, streamlining, simplifying, and expediting decision making must quickly replace "business as usual" approaches to doing business. The following provides examples of capabilities we have identified in our preliminary work. All of these areas require better contingency plans and the resources to carry them out.

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- Hurricane Katrina exposed difficulties in continuing or rapidly restoring essential government operations, particularly at the local level. Local government infrastructure was destroyed and essential government employees, including many first responders, were evacuated or victimized themselves by the storms, resulting in limited continuity of operations for essential public safety and key service agencies. Also, because of storm damage, emergency communications to meet everyday internal and emergency communication requirements and interoperability needs were severely compromised and backup systems were often limited or nonexistent.
- The scope of the devastation, including the flooding in the New Orleans area, made a comprehensive damage assessment and an estimate of services victims might need very difficult. After Hurricane Andrew, similar to the aftermath of Hurricane Katrina, it was several days before local authorities had a full picture of the situation to determine how much and what types of assistance were needed. A catastrophic event will overwhelm the capacity of state and local officials to assess damage, and our preliminary work indicates that the military's significant capabilities in assessing damage—a capability used for Hurricanes Katrina and Rita, and other past disasters—should be an explicit part of future major catastrophic disaster plans.
- While there were aspects that worked well, it appeared that logistics systems for critical resources were often totally overwhelmed by Hurricane Katrina, with critical resources apparently not available, properly distributed, or provided in a timely manner. In addition, our preliminary work assessing agency acquisition practices for responding to the hurricanes indicates that those agencies needed additional capabilities to be able to: (1) adequately plan for and anticipate requirements for needed goods and services, (2) clearly communicate responsibilities across agencies and jurisdictions, and (3) deploy sufficient numbers of personnel to provide contractor oversight. These capabilities are critical to ensuring that agencies receive the goods and services needed to accomplish their missions in a timely manner and at fair and reasonable prices.
- The magnitude of the affected population in a major catastrophe also calls for greater capabilities in several areas. For example, evacuation capabilities must include evacuating special needs populations such as those in hospitals and nursing homes, coordinating transportation assets, and ensuring that receiving shelters are not overwhelmed. Search and rescue and mass care should work together in a seamless

transition so that victims are not just rescued, but can be taken to a place of shelter.

- Mass care—sheltering, feeding, and related services—following Hurricane Katrina required the integrated efforts of many organizations, including volunteer groups, charities and other nongovernmental groups, organizations providing mutual aid, and the military. Although many of these efforts were successful, it appeared that Hurricane Katrina seriously challenged the capacity of organizations such as the American Red Cross and FEMA to provide expected services to certain populations and in certain areas and at certain times. Housing beyond short-term shelters also became—and remains—a major problem, especially for victims who either cannot return to their community or require housing options in their community if they do return.
- Additional capability will be needed to effectively manage and deploy volunteers and unsolicited donations. Our early work indicates that because of the magnitude of the storms, volunteers and donations, including from the international community were not generally well integrated into the overall response and recovery activities. For example, there were challenges in integrating the efforts of the Salvation Army and smaller organizations, often local churches and other “faith-based” organizations. In addition, federal agencies involved in managing the international assistance were not prepared to coordinate, receive, distribute, or account for the assistance. Agency officials involved in the cash and in-kind international assistance told us the agencies had not planned for the acceptance of international assistance for use in the United States and, therefore, had not developed processes and procedures to address this scenario.
- Lastly, beginning and sustaining community and economic recovery, including restoring a viable tax base for essential services, calls for immediate steps so residents can restore their homes and businesses. Removing debris and restoring essential gas, electric, oil, communications, water, sewer, transportation and transportation infrastructure, other utilities, and services such as public health and medical support are vital to recovery and rebuilding. In less severe disasters, restoring these lifelines is easier. However, the magnitude and scope of Hurricane Katrina painfully makes visible the many challenges in effectively addressing these issues.

GAO will continue our work on a wide range of issues relating to the preparation, response, recovery, and reconstruction efforts related to the

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hurricanes that I have discussed today. We have over 30 engagements underway and look forward to reporting on them throughout 2006. We will provide Congress and the American people with a comprehensive summary of what went well and why, what did not go well and why, and what, if any, specific changes are called for in the National Response Plan.

# APPENDIX 7

General Counsel

U.S. Department of Homeland Security  
Washington, DC 20528



Homeland  
Security

February 8, 2006

J. Keith Ausbrook, Esq.  
Chief Counsel  
House Select Bipartisan Committee on Katrina  
2157 Rayburn House Office Building  
Washington, DC 20515

Dear Keith:

We appreciated the opportunity to visit with you to discuss Mr. Walker's and the General Accountability Office's "preliminary observations" on the Department of Homeland Security's performance during Hurricane Katrina. As the Secretary has previously testified, the Department is not satisfied with many aspects of response for Hurricane Katrina and is working to remedy shortfalls in advance of the coming hurricane season. There are many appropriate criticisms regarding federal, state and local government entities involved in Katrina. Our meeting, however, addressed Mr. Walker's investigative methodology and the fact that several of his "preliminary observations" are not founded in any factual record. In the interest of brevity, we summarize certain of those issues below.

**Premature Conclusions.** First, Mr. Walker reached and announced conclusions regarding the Department without speaking with people in the Department actually involved in the decision-making process. Mr. Walker acknowledges this in his printed statement, which we understand to have been released to the press the day before his press conference: He states that he has "interviewed officials and analyzed information from the various involved federal agencies such as FEMA and the Department of Defense (DOD)"—but conspicuous by its omission is the interview of any officials from DHS headquarters. Indeed, Mr. Walker acknowledges that his report is only preliminary by qualifying his conclusions by describing them as "key themes . . . [that] seem to be emerging." (See Statement by Comptroller General, Feb. 1, 2006, at 3 (emphasis added)).

We do not believe it appropriate to reach conclusions regarding decisions purportedly made by top Department officials, *without* first speaking with the key personnel at DHS. For example, Mr. Walker opines on the Department's interpretation and use of the National Response Plan ("NRP") during Katrina. Robert Stephan, who is now our Assistant Secretary for Infrastructure Protection,

[www.dhs.gov](http://www.dhs.gov)

was an author of the NRP and advised DHS leadership on the NRP during Katrina. Mr. Stephan was never consulted by Mr. Walker or his staff.<sup>1</sup>

**Misunderstanding of Basic Roles and Responsibilities.** Mr. Walker states that “no one was designated in advance to lead the overall federal response in anticipation of the event. . . .” The statement demonstrates a lack of understanding of the roles and responsibilities of the FEMA Director. Once the President declared an emergency, Mr. Brown had the authority necessary to direct the assets of the federal government under the Stafford Act. And he was doing so: the transcript of the FEMA video teleconference from the day before landfall, Sunday, August 28, reveals that the States, including Louisiana, along with our federal partners, were in fact coordinating through the FEMA Director and, indeed, expressed satisfaction at the level of pre-landfall federal support.<sup>2</sup> In fact, it is undisputed that unprecedented quantities of assets were indeed pre-positioned prior to landfall. See Attachment A (listing certain assets prepositioned before Hurricane Katrina).

Mr. Walker’s conclusion also implies that there was some unmet need in the days prior to landfall—that DHS did not “lean forward.” However, even a quick reading on the August 28, 2005 FEMA video teleconference transcript would have revealed that the States expressed satisfaction with the federal pre-positioning of assets, that Louisiana reported that the evacuation was going well, and that DOD was fully engaged, among other things. (In fact, Louisiana’s Colonel Smith *directly refutes* Mr. Walker’s conclusion that DHS was not leaning forward. See Attachment B for text of the Video Conference from August 28, 2005.)

**Misunderstanding of the NRP.** Mr. Walker also concludes that it was a mistake not to employ the NRP’s Catastrophic Incident Annex (CIA), which he believes would have accelerated the response. First, as DHS NRP experts have advised, neither the CIA nor the Catastrophic Incident Supplement (CIS) was applicable—these documents were designed for no-notice or short-notice incidents where anticipatory preparation and coordination with the State under the Stafford Act are not practicable. Second, the implementation mechanism for the CIA, the CIS, was not in force, and had not been disseminated or trained on at the time of Katrina. Third, the Department already had authority to “push” assets to the field under the Stafford Act without formally utilizing the CIA or CIS. See Attachment B (Instruction from Mike Brown: “I want to see that supply chain jammed up just as much as possible. . . . Just keep jamming those [supply] lines full as much as you can with commodities.”) As noted, Katrina has demonstrated certain weaknesses and ambiguities in the NRP, particularly with regard to the Federal response to catastrophic events where State and local response capabilities are severely affected. The Administration will be addressing these issues as part of its lessons learned process.

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<sup>1</sup> Just one example of a simple problem that could have been repaired: in his second paragraph, Mr. Walker states that he interviewed the “primary federal official.” Of course, the NRP refers to a “principal federal official,” or PFO, but not a “primary federal official.” Additionally, as there were two PFOs named during Katrina response, it is unclear to whom he is referring.

<sup>2</sup> Mr. Walker did not request, and we have no indication that Mr. Walker has ever reviewed, this or any other FEMA VTC transcript.

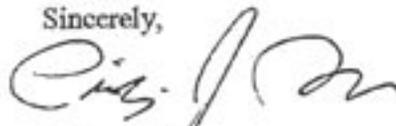
Finally, Mr. Walker raises the issue of the declaration of an incident of national significance. The language of the NRP provides that “. . . all Presidentially declared disasters and emergencies under the Stafford Act are Incidents of National Significance. . . .” Secretary Chertoff’s prior testimony before your committee already explained the purpose of the August 30 memorandum naming Mr. Brown as PFO. Of course, the Administration is continuing to review the language of the NRP to address any ambiguities or uncertainties in the use of particular terms.

*Coast Guard.* Mr. Walker gives well-deserved credit to the Coast Guard as a “federal responder . . . [that] ‘lean[ed] forward’ in proactive efforts anticipating a major disaster.” In criticizing DHS, he fails to recognize that the Coast Guard is indeed part of this Department, and that the Secretary was in communication with the Coast Guard about their important life-saving efforts during Katrina. We refer you to the Secretary’s testimony on this point.<sup>3</sup>

*Preparedness and Planning.* Mr. Walker points out that “training and exercises necessary to carry out these plans were not always developed or completed among the first responder community.” Upon taking the helm of the Department, the Secretary recognized that preparedness required retooling and proposed, in the Department’s Second Stage Review, that a new preparedness directorate be established. Because of the statutory 60-day waiting period, these changes were not in place at the time Katrina struck. Mr. Walker’s report does not mention the pre-hurricane fixes proposed by the Secretary in 2SR, and his report is lacking for that reason as well.

We would be pleased to discuss any of these critiques with you in greater detail.

Sincerely,



Philip J. Perry  
General Counsel

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<sup>3</sup> “[O]ne of the things that I spoke to the Coast Guard at one point about was the need to make sure we were mapping areas where people might have just spontaneously collected to make sure we could get them food and water.” See Secretary’s Testimony to Committee (Oct. 19, 2005).

## Exhibit A

### Water (1 trucks = (approximately) 18,000 liters)

5 trailers at Superdome = 90,000 liters of water

211 trailers pre-staged around region = 3,789,000 liters of water

39 trailers Beauregard, LA (702,000 liters)

40 trailers Meridian, MS (720,000 liters)

53 trailers Maxwell, AL (954,000 liters)

20 trailers Saufley Field, FL (360,000 liters)

29 trailers Homestead, FL (522,000 liters)

30 trailers Mc Entire, SC (540,000 liters)

### Ice (1 truck = (approximately) 40,000 pounds)

114 trailers pre-staged around region = 4,560,000 pounds of ice

22 trailers Beauregard, LA (880,000 pounds)

16 trailers Maxwell AL (640,000 pounds)

21 trailers Meridian, MS (840,000 pounds)

54 trailers Craig Field/Selma AL (2,160,000 pounds)

1 trailer Barksdale, LA (40,000 pounds)

325 trailers in Cold Storage = 13,000,000 pounds ice in Cold Storage

230 trailers Thomasville, GA (9,200,000 pounds)

25 trailers Montgomery, AL (1,000,000 pounds)

17 trailers Alexandria, LA (680,000 pounds)

8 trailers Fort Worth, TX (320,000 pounds)

45 trailers San Antonio, TX (1,800,000 pounds)

### Meals Ready to Eat (MREs) (1 trucks = (approximately) 21,888 MREs)

2 trailers Superdome (43,776)

85 trailers pre-staged around region = 1,860,480 MREs pre-staged

14 trailers Beauregard (306,432)

30 trailers Maxwell, AL (656,640)

10 trailers Meridian, MS (218,880)

10 trailers Saufley, FL (218,880)

15 trailers Homestead, FL (328,320)

6 trailers Mc Entire, SC (131,328)

97 trailers in Logistic Centers = 2,123,136 MREs pre-staged

5 trailers Atlanta, GA (109,440)

46 trailers Palmetto, GA (1,006,848)

42 trailers Ft. Worth, TX (919,296)

4 trailers Moffett, CA (87,552)

### Logistics Center Rockville Shipments:

#### August 27th

Three staging areas identified: Houston, TX; Memphis, TN; and Anniston, AL

**0800 hrs:** Packaged and shipped 4 Patient Treatment Caches and 4 Pharmaceutical Caches to Houston, TX

**1750 hrs:** Packaged and shipped 2 Patient Treatment Caches and 2 Pharmaceutical Caches to Memphis, TN

**2000 hrs:** Packaged and shipped 3 Patient Treatment Caches, 3 Pharmaceutical Caches and one Veterinary Medical Assistance Team (VMAT) Cache to Anniston, AL

**August 28th**

**1300 hrs:** Management Support Team (MST) Cache left LC-Frederick

**1800 hrs:** Packaged and shipped 3 Patient Treatment Caches and 3 Pharmaceutical Caches to Ft. McClellan, AL

**2000 hrs:** Packaged and shipped 3 additional Patient Treatment Caches and 3 additional Pharmaceutical Caches to Memphis, TN

**August 29th**

**0130 hrs:** Packaged and shipped 3 additional Patient Treatment Caches and 3 Pharmaceutical Caches to Memphis, TN

**1000 hrs:** Loaded on trailers and shipped 1 Disaster Portable Mortuary Unit (DPMU)

**MOBILE EMERGENCY COMMUNICATIONS SUPPORT FOR HURRICANE KATRINA**

**As of August 29<sup>th</sup>, 2005:**

**All available MERS assets committed to Hurricane Katrina**

MERS Denton, TX

Staged at Barksdale AFB; RNA and JFO build out team in LA EOC,

Baton Rouge, LA

MERS Denver, CO

Convoys continue

MERS Maynard, MA

Equipment staged at McGee-Tyson

MERS Thomasville, GA

NDMS supported in Jackson, MS, all other sites operational

MERS Bothell, WA

Deploys additional equipment en route to LA

**2000 hrs:** Packaged and shipped 3 Patient Treatment Caches, 3 Pharmaceutical Caches and one Veterinary Medical Assistance Team (VMAT) Cache to Anniston, AL

**August 28th**

**1300 hrs:** Management Support Team (MST) Cache left LC-Frederick

**1800 hrs:** Packaged and shipped 3 Patient Treatment Caches and 3 Pharmaceutical Caches to Ft. McClellan, AL

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## Exhibit B

Excerpts from August 28, 2005 videoteleconference:

MIKE BROWN: Okay. We'll move on now to the states. Louisiana?

COLONEL SMITH: Good morning, Mike. This is Colonel Jeff Smith here in Louisiana. We certainly appreciate those comments from the President, because I can tell you that our Governor is very concerned about the potential loss of life here with our citizens, and **she is very appreciative of the federal resources that have come into the state and the willingness to give us everything you've got**, because, again, we're very concerned with this.

I'm going to turn the briefing over for a moment to our Operations Officer, just to kind of give you a quick laydown of things. This is Colonel Bill Dorian.

COLONEL DORIAN: The Emergency Operations Center is at a Level 1, which is the highest state of readiness. We've got currently 11 parishes with evacuations, and climbing. Eight are mandatory, including a first-ever mandatory for New Orleans. We've got 38 parish declarations of emergency; also the state declaration and the Presidential declaration of emergency.

Evacuations are underway currently. We're planning for a catastrophic event, which we have been planning for, thanks to the help of FEMA, when we did the Hurricane Pam exercises. So we're way ahead of the game there.

Our priorities right now are sheltering, and then planning for search and rescue and commodities distribution after recovery.

That's all I have at this time.

COLONEL SMITH: I'll just tell you that the evacuation process is going much better than it did during Hurricane Ivan. Nobody anticipated that it would be easy. Nobody anticipated that there wouldn't be traffic jams. But by and large, it has gone much better than it did with Ivan. And, of course, we still have a contraflow in effect at this particular point in time, and we do still have heavy traffic coming out of New Orleans, but by and large that process is going very well.

We have established a unified command here with our federal coordinating officer. Our ERD-A team, ERD-N team is on the ground here. And, again, as our Operations Officer pointed out, we're spending a lot of time right now with the search and rescue, making sure that we marry the appropriate state assets and the federal assets, so we can have an effective search and rescue effort just as quickly as possible.

We're also taking a look at our sheltering needs, long-term sheltering needs, looking at sites to start bringing in the temporary housing. So we're not only fighting the current battle, managing expectations here with our local parishes, but we are also working with FEMA and our other federal partners to have the most effective response and recovery that we possibly can during this time.

So, again, I want to say thank you very much for all that you're doing. I think that at this point in time our coordination is as good as it can be, and we just very much appreciate the President and your commitments to resourcing our needs down here.

Any questions that you have, we'd be glad to take them now, unless you want to hold that until later. That's your call, Mike.

**MIKE BROWN:** Any questions? Colonel, **do you have any unmet needs, anything that we're not getting to you that you need or --**

**COLONEL SMITH:** Mike, **no.** (Inaudible) resources that are en route, and it looks like those resources that are en route are going to -- to be a good first shot. Naturally, once we get into this thing, you know, neck deep here, unfortunately, or deeper, I'm sure that things are going to come up that maybe some of even our best planners hadn't even thought about. So I think flexibility is going to be the key.

And just as quickly as we can cut through any potential red tape when those things do arise, you know, we just need to look at it. **We appreciate your comments. I think they were to lean as far, far as you possibly can, you know, without falling, and your people here are doing that.** And that's the type of attitude that we need in an event like this.

So, again, thank you very much.

MIKE BROWN: All right. I'll be in Baton Rouge probably about 4:00 this afternoon, so I'll see you sometime this evening.

\* \* \*

MIKE BROWN: Any questions? (Missing) on the commodities that **I want to see that supply chain jammed up just as much as possible**. I mean, I want stuff (missing) than we need. Just keep jamming those lines full as much as you can with commodities.

My gut tells me we're -- that's going to be one of our biggest needs. So just (missing) up tight.

\* \* \*

SECRETARY CHERTOFF: (Inaudible.) Yes. Hi, this is Secretary Chertoff. And, again, as it relates to the entire department, **if there's anything that you need from Coast Guard or any other components that you're not getting, please let us know**. We'll do that for you, OK.

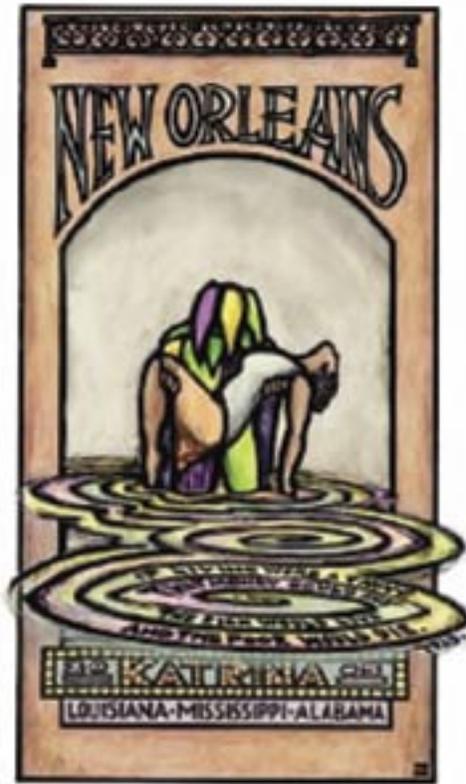
MIKE BROWN: I appreciate it. (Missing.) Having been through many of these, the Coast Guard and ICE and all of the others have been incredibly good to us. And I hope we never have to call you and tell you that I can't get help from the Coast Guard or somebody. Thank you for those comments.

SECRETARY CHERTOFF: Secondly, **are there any DOD assets that might be available**. Have we reached out to them, and have we I guess made any kind of arrangement in case we need some additional help from them?

MIKE BROWN: We have DOD assets over here at the EOC. They are fully engaged, and we are having those discussions with them now.

# Supplementary Report

to the Findings of the  
Select Bipartisan Committee to Investigate  
the Preparation for and Response to  
Hurricane Katrina



Presented by the Select Committee on behalf of  
Rep. Cynthia A. McKinney  
Submitted this Monday, February 6, 2006

“Struggle is a never ending process.  
Freedom is never really won.  
You earn it and win it in every generation.”

~ Coretta Scott King (1927-2006)

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## **PREFACE**

The corporate grip on opinion in the United States is one of the wonders of the Western world. No First World country has ever managed to eliminate so entirely from its media all objectivity - much less dissent.

~ Gore Vidal

What is particularly naïve and peculiarly vicious about the conservative behavioral outlook is that it tends to deny the lingering effect of black history—a history inseparable from though not reducible to victimization. In this way, crucial and indispensable themes of self-help and personal responsibility are wrenched out of historical context and contemporary circumstances—as if it is all just a matter of personal will.

~ Cornel West

The report you are reading comes about through my participation on the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina as a “guest,” since the Leadership of the Democratic Party chose to boycott the process. The Select Committee’s Final Report calls this approach self-defeating, “given that the Select Committee’s composition and minority subpoena authority would have given the Democrats more clout than they enjoy on any standing committee of the House.” I chose to get my foot in the door on this Committee because I knew that time was urgent for the hurricane survivors, who needed our help and our answers, and who also needed to connect with Congress. In that spirit, I urged the Committee to take the time to listen directly to some of the hurricane survivors. I also did not concur with Members on my side of the aisle who were or are holding out for an investigation by an independent commission along the lines of the deeply flawed 9/11 Commission.<sup>1</sup>

In its Report the Select Committee expresses its gratitude for the participation of minority members, including myself. In return, I wish to express my gratitude to the Committee Members, the Committee Staff and especially to Chairman Tom Davis for creating an atmosphere of constructive dialogue, for taking the effort to arrange for a Congressional Delegation to the Gulf Coast on January 19<sup>th</sup> and 20<sup>th</sup>, and in particular for agreeing to hold a special hearing at my request. At that hearing on December 6<sup>th</sup>, we heard directly from some people who rarely get the opportunity to speak to Congress and the American people. Some of their personal testimonials were shocking and disturbing, and that is precisely why I believe that they needed to be heard. I thank the Members and Guests for taking the time to listen. From this I take away some hope, for the spirit of a representative democracy can only be sustained through a constant dialogue between citizens and their elected officials.

Finally, I wish to express to Representatives Jefferson and Melancon of Louisiana, and Representative Taylor of Mississippi, my appreciation for their involvement in the Committee. While I have been engaged with the problems faced by thousands of evacuees now reside in the fourth district of Georgia, I can only imagine the enormity of the political as well as emotional

challenge faced by those dealing directly with the aftermath of the greatest natural disaster in our nation's history.

Government failed the people of the Gulf Coast. That appears to be the overriding theme of the Report. It is not something we did not know. We all saw it on our television screens. But the Report of the Select Committee is stunning for presenting us with a laundry list of failures. This must be qualified, of course, to acknowledge two major successes of government in this catastrophe. First, the largest pre-storm evacuation in our nation's history went off splendidly well for the millions who had the means to evacuate. Second is the heroic performance of first responders, the Coast Guard in particular, in rescuing tens of thousands of residents stranded in their homes. Their courage and dedication is truly to be commended.

Yet putting these two successes together, we immediately see that because the evacuation plan simply did not encompass those without their own means to evacuate, namely those living near or below the poverty line, without this major failing of an otherwise stunningly successful plan, there would not have been such an urgent need for rescue teams to conduct their daring feats of bravery.

The greater failure was the government's delayed and confused response. In general, poor coordination, poor planning and execution, and inadequate efforts at communication are cited in the Select Committee Report as causes of this failure. On its own terms, the Report also does a fair job of balancing, on the one hand, the fact that Hurricane Katrina simply overwhelmed existing capacity of the Federal Emergency Management Agency (FEMA), as well as relief organizations such as the Red Cross to cope with the scale of the catastrophe, with the overall inadequacy of preparation and planning.

Even more pointed is the Committee's conclusion that the lessons learned from the "Hurricane Pam" planning and preparedness exercise conducted in July 2004 were not applied to the response to Hurricane Katrina. The Hurricane Pam exercise was specifically designed to develop planning and response to a catastrophic hurricane hitting the Louisiana coast. It anticipated a scenario even worse than what actually happened before and after Hurricane Katrina. Given "Pam's striking resemblance to Katrina in force and devastation," the Report concludes, "many have been left wondering at the failure to anticipate, and plan for... essentials." Going back further, at a recent press conference, David Walker, Comptroller and head of the Government Accountability Office (GAO) stated that the GAO had made recommendations in the wake of hurricane Andrew in 1992, and that to date most of those recommendations had not been followed up on.<sup>2</sup>

After so many tens of billions of dollars have been spent in establishing and maintaining a new super-agency, the Department of Homeland Security, attentive Americans must ask not only how such a stunning failure of government response to a natural disaster is possible, but also how it is possible that in the process of expending vast sums on new bureaucratic infrastructure charged with enhancing our safety we now learn that lessons of the past were ignored in a way that led directly to the scenario of the present failure. The Committee's Report offers at least a large part of the answer when it points repeatedly to a failure to take initiative, which can easily be interpreted as a failure of leadership. As we read in the Report:

...a dispassionate review made it clear that even an extraordinary lack of situational awareness could not excuse the feckless, flailing, and organizational paralysis evident in the documents and communications the Committee reviewed.

Leadership requires decisions to be made even when based on flawed and incomplete information. Too often during the immediate response to Katrina, sparse or conflicting information was used as an excuse for inaction rather than an imperative to step in and fill an obvious vacuum.

This brings us to the content of the present report. Surprising as the quote above may be, coming from the Majority Party, it remains in keeping with the overall approach of many previous investigations into government failures, because it seeks to address the problem in predominantly bureaucratic terms. Over the years, there has been an almost cyclical pattern of crises or scandals followed by investigations that point out failures, followed by calls for bureaucratic reform.<sup>3</sup> Just as the 9/11 Commission called for a new czar to fight terrorism and got it, the call has already gone out in response to the failure of Hurricane Katrina for the selection of a right-hand man or woman to be the President's point person in coordinating natural disasters.<sup>4</sup> Yet it becomes clear as we proceed that the Secretary of Homeland Security had this authority and failed to exercise it in this disaster.

In this report we are less interested in engaging in a debate about what bureaucratic reforms are needed to fix the problem for the future than we are in addressing areas of omission in the Select Committee Report. In general, the Select Committee Report does not seem to acknowledge the full ramifications of Hurricane Katrina, and the way in which it represents a watershed moment for our nation. The testimony taken by the Select Committee was overwhelmingly from public officials, and this gave undue place to issues of personal and bureaucratic success or failure. The hearings took place during a period of intense confusion and agony for displaced survivors, who often spoke of bewilderment at the *ongoing* failure of the government to act. Moreover, while the Report cites agencies at all levels of government for failure, it generally omits the failure of *the White House or Congress* to respond to the long-term crisis which, collectively, Hurricane Katrina, the levee failures, and the inadequate response have spawned.

The death toll from Katrina stands at over 1,300. But the more astonishing figure is the number of missing, which varies between 3,000 and 6,600 souls, depending upon the source. According to the U.S. Department of Health and Human Services, about 500,000 people, including survivors and those who came to their rescue, may need mental health services.<sup>5</sup> The term "Katrina Stress" has become current, and the level of suicide among survivors is reportedly very high. Calls to the National Suicide Prevention hot line more than doubled in September of 2005,<sup>6</sup> and have stayed high.

Tens of thousands of evacuees living in hotels and motels with their accommodations provided by FEMA face eviction on March 1, 2006. Many have already been evicted. Attorneys for the Lawyers' Committee on Civil Rights have expressed concern that unless urgent action is taken, we may soon see a new class of "Katrina Homeless" in America.

The current and pressing issues of ensuring or restoring survivors with their basic rights of access to housing, education, voting and the right of return may sit outside the narrow window of the ten days before and after the storm that the Select Committee was charged with investigating, but this should count as a major omission, for our government continues to fail the survivors, and at points in this report we will be stepping outside the box, as it were.

In a recent speech, President George W. Bush spoke of how reconstruction of the Gulf “would provide a ‘fantastic opportunity’ for private businesses and investment. ‘There is going to be a building boom down here. It’s going to be an exciting time,’ he said. Bush suggested that the \$85 billion in assistance already pledged by the Federal Government was sufficient. He added: “‘I’m sure there’s still concern about the future, but the eyes have cleared up’”<sup>7</sup> To suggest that none are still crying or in pain is an insult to the dignity of the survivors. A greater insult is the fact that while the Bush Administration seems unwilling to spend the sums necessary to prevent tens of thousands of poor, mostly African-American survivors from being turned out onto the streets, the reconstruction efforts he is excited about involve giving multi-billion dollar, sweetheart, no-bid contracts<sup>8</sup> to firms like Halliburton, a company currently facing multiple investigations of fraud. For example, a Pentagon audit of the giant firm is now calling into question more than a billion dollars’ worth of the company’s bills in Iraq.<sup>9</sup> The Select Committee Report steers clear of this scandal. The only conflict of interest involving contractors that is dealt with concerns companies pursuing contracts with both local and federal government at once.

Initially, less than three per cent of contracts went to minority-owned businesses, where the usual minimum was five per cent.<sup>10</sup> In a situation where minority businesses were hurt the worst, and where returning residents needed those contracts to help get their businesses up and running again, the favoritism towards big, outside contractors over local businesses added insult to injury. Harry Alford, President of the National Black Chamber of Commerce, testified before the Select Committee that, as he sees it, Washington has been in bed with a contractors’ cartel since Desert Storm. Having hijacked the contracting process, this cartel controls the distribution of contracts regardless of price, quality or due diligence. Various mechanisms exist to make it too expensive for minority business owners to do business. We have also talked with experts and business owners who complain about the subcontracting system, whereby big companies like Bechtel or EEC get contracts to do cleanup work at between \$24 and \$44 per square yard, but subcontract this out to smaller contractors often hiring minimum wage workers at between \$4 and \$7 per yard. This is far too high a level of overhead to make sense. Additionally, reports indicate that the chain of subcontracting can result in delays of payments for workers, or one case involving Latino immigrant workers, no payment at all.<sup>11</sup> Arnold Baker, an African-American business owner in New Orleans, had \$600,000 worth of sand confiscated from his premises by authorities to fix the breaches in the levees. He has yet to receive any promise of reimbursement.<sup>12</sup>

If our government can afford to ignore billions of dollars of waste to corrupt no-bid, sweetheart deal contractors, then certainly whatever the local, state and Federal authorities deem necessary for relief and reconstruction efforts should be supplied by the Federal Government, given its failure to respond adequately, in light of prior warnings.

Another extremely important aspect of Hurricane Katrina that the Select Committee Report effectively ignores is the range of releases of hazardous and toxic materials into the environment along the Gulf Coast. The Environmental Protection Agency (EPA) is basically shrugging off what may turn out to be the biggest environmental disaster in our nation's history. In the shadow of so many other controversies, this issue has received scant attention from any quarter.

Hurricane Katrina represents a watershed moment, as many have observed, because it has forced Americans to confront the taboo on discussions of race and poverty at home. The Select Committee's Report elected not to tangle with these issues in any depth. This supplementary report sees these as two major omissions, and it will begin by addressing them. We will look at these issues through some of the survivors' narratives of being evacuated or detained, including the abysmal state of prison conditions in New Orleans.

In his early work *The Theory of Moral Sentiments*, Adam Smith suggested that human beings are generally inclined to have great sympathy for those who have suffered great loss because they have fallen from a high to a low social condition, because they can imagine the magnitude of the loss, but are far less inclined to have much sympathy at all for those who, starting in a low position, fall a bit lower. Perhaps this explains how some Americans can be so callous as to travel to New Orleans to take bus tours of the devastated Lower Ninth Ward, without bringing material aid or volunteering to help in the clean-up. And perhaps Smith's observation sheds light on the current plight of survivors.

The issues that were washed ashore by Hurricane Katrina will continue to confront us many years to come. While driving through one neighborhood full of gutted houses after another in New Orleans, or along the Mississippi coast where piles of debris sit where so many old, antebellum houses once stood, or when confronting the harsh plight faced by so many evacuees in temporary and very tenuous housing, it can be easy to become simply overwhelmed at the thought of the task ahead. The work of the Select Committee ends on February 15. The enormous challenge of confronting the issues raised in these reports does not.

Cynthia A. McKinney  
Member of Congress  
February 6, 2006

Note: The focus of this report is on New Orleans, for reasons that should quickly become apparent to the reader. A broader and more balanced geographical approach was intended, and with more time, could have been achieved.

## 1. HURRICANE KATRINA, POVERTY AND RACISM

### Poverty and Race in New Orleans

Before Hurricane Katrina, there was another hurricane, a slow-moving economic hurricane bringing greater levels of poverty to the working-class cities like New Orleans. 2005 was the fourth consecutive year of increasing poverty in America, with one million additional Americans falling below the poverty line.<sup>13</sup> Seventy per cent of employees in the New Orleans Metropolitan Area are (or were) working class, defined as “those people with relatively little power at work” and whose incomes are typically below \$40,000 per year. Poverty is something that happens to working class people, not middle class or corporate elite people. Specifically, those employed in the lowest-paid occupations such as health support, “food preparation, building maintenance, personal care, and sales” may have “occupations that pay from \$12,000 to around \$18,000 a year—at best not enough to bring a family of four out of poverty.”<sup>14</sup> Being poor does not mean someone is not working. It means that a family is not earning enough income to really get by.

Below is a table of the 2004 demographics for employed adults from selected parishes within Metro New Orleans:

| <b>Parish</b>        | <b>White</b>  | <b>%</b>   | <b>Minority</b> | <b>%</b>   |
|----------------------|---------------|------------|-----------------|------------|
| Jefferson            | 155,422       | 74%        | 54,654          | 26%        |
| <b>Orleans</b>       | <b>64,066</b> | <b>34%</b> | <b>123,689</b>  | <b>66%</b> |
| Plaquemines          | 8,030         | 77%        | 2,050           | 23%        |
| St. Bernard          | 25,959        | 90%        | 2,787           | 10%        |
| St. Charles          | 16,776        | 77%        | 5,072           | 23%        |
| St. James            | 5,072         | 56%        | 3,997           | 44%        |
| St. John the Baptist | 11,358        | 59%        | 7,890           | 41%        |
| St. Tammany          | 80,178        | 89%        | 9,838           | 11%        |

In the 2000 census, over 67 % of the population of the City of New Orleans (Orleans Parish) was African-American, 28% were white, 3% Latino and 1.28% “of two races,” perhaps representing the “Creole” population.<sup>16</sup> Creoles have historically been a privileged group within New Orleans Society, and the Mayor of New Orleans since 1978 has been a person of color, or rather a “creole of color.” Ernest Nathan Morial (1978-1986), Sidney Barthelemy (1986-1994), Marc Morial (1994-2002) and C. Ray Nagin (2002-) have all been light-skinned Creoles. But outside of New Orleans they are widely perceived as black. The percentage of minorities (most of whom are black) living below the poverty line in the City of New Orleans is of course higher than the number of poor whites. But it may be surprising to some to learn that *for the Greater New Orleans Area in the wake of Katrina, a greater number of whites (85,000) live below the poverty line than do minorities (65,000).*

When the levees broke, the flooding in the City of New Orleans became the focus of media attention, and while other parishes experienced major flooding, Orleans Parish was hit the worst. With two thirds of the population of Orleans Parish being African-American, media cameras portrayed a situation where blacks were the primary victims. The drama unfolding in the City of New Orleans drew attention away from the complete destruction of Plaquemines Parish which, stretching south along the Mississippi and surrounding wetlands, took the brunt of the storm surge, and the equally devastating flooding of St. Bernard's Parish.

Yet low income whites are not the only ones who experienced this invisibility. 124,000 Latinos made up three per cent of Louisiana's population. Throughout the Gulf Coast Region some 145,000 Mexicans live and work, and 40,000 Mexicans were displaced by Katrina out of New Orleans alone. Native Americans along the coast were hit terribly hard, including:

the Parch Band Creek Indian Tribe in Alabama; the Coushatta Indian Tribe, Jena Band of Choctaw, and the Tunica-Biloxi Tribe in Mississippi. For one tribe near Chalmette, Louisiana, the local high school served as a tribal morgue, holding the bodies of Native American workers, including shrimpers and other fishermen, who were drowned in the flooding of New Orleans.<sup>17</sup>

**Dr. Robin Rose** of Oregon has been trying to get assistance for three small native groups in southern Mississippi had their communities literally washed away in the storm surge: the Pointe ou chien Tribe, the Iles des Jean-Charles Tribe and the Band of the Biloxi Chittamach are all tribes registered with the state, but because they have not been able to get Federal recognition, federal assistance has not been forthcoming.

Nearly 50,000 Vietnamese fisherman in Louisiana and the oldest community of Filipino shrimpers in the North America were displaced by the storm.<sup>18</sup> We heard very little about any of these peoples on *CNN* or *Fox* or *ABC*.

After the Select Committee Delegation stopped to visit the breach at the Industrial Canal along the western edge of the Lower Ninth Ward, where we witnessed the total destruction that was unleashed when the levee broke, releasing a twenty foot wall of water that leveled the immediate neighborhood (taking the highest death toll), our bus drove eastward to St. Bernard's Parish where the damage was basically just as severe. We were joined on the bus by St. Bernard Parish President, Junior Rodriguez, who told us that of over 6,000 homes in the parish, only four were not heavily damaged by the flood. Debris was everywhere and only a few homes were occupied. President Rodriguez did not mince words with our delegation, and he spelled out all the problems and runaround he was facing in dealing with FEMA, problems very similar to those facing the residents of Orleans Parish.<sup>19</sup>

The suffering of the residents of St. Bernard's parish, where 90% of the residents are white, draws to our attention to the fact that poverty is not racially specific, and nor is the vulnerability associated with it. When ex-FEMA Director Michael Brown testified before the Select Committee, Rep. Gene Taylor of Mississippi asked if he realized that Katrina hit at the end of the month, and that many of those living on fixed incomes, such as retirees, had already made their monthly purchases, and might not have foreseen the need to keep their gas tank full for the

possibility of an evacuation. Taylor suggested that FEMA did not take into consideration that many of those who stayed behind, black and white, were persons of limited means. Poverty increases a person's likelihood of being a victim during the storm, and after.

Income or class divisions in America increasingly cut across ethnic and racial divisions. Consider that while minorities make up 37% of the workforce in the New Orleans Metropolitan Area, minorities hold fully 26% of higher-paying managerial and professional jobs. ***Across the United States, 75% of minorities do NOT live below the poverty line.*** Moreover, of the all those who do live below the poverty line in America, two-thirds are white. "Racism continues to operate and accounts for the fact that poverty is experienced *disproportionately* among blacks and Hispanics (and among women because of sexism). But we should not allow this comparatively heavy burden among minorities to blind us to the full realities of poverty in America."<sup>20</sup>

### **Racial Stereotyping and Racism**

Hurricane Rita didn't care if you were rich or poor, as the equal destruction of the homes of the very wealthy and working class residents of the Mississippi coast will testify. But the flooding of New Orleans—because it hit predominantly African-American neighborhoods the worst, and because poverty *is* highest among blacks—seemed to reinforce widely held preconceptions that equate being "poor" with being "black." There was justifiable frustration expressed by many whites at the way the media shaped perceptions of the disaster by focusing on black poverty and black suffering while lower income whites in both rural and urban areas felt abandoned by emergency responders, as in many cases they were. Hurricane Rita, which struck the coasts of Texas and Louisiana on September 24, 2005, did little damage to cities or oil refineries, but it caused significant new flooding in rural areas and in other areas exacerbated rural flooding initially resulting from Hurricane Katrina, devastating many rural and mostly white communities and causing significant damage to hospitals. Undoubtedly part of the reason for a delay in meeting the needs of these communities was that responders were still overwhelmed by the magnitude of Katrina's impact.

At the same time, however, attributing black suffering primarily to poverty not only reinforces negative racial stereotypes of blacks, it also makes it very frustrating for blacks and other minority persons who have been the victims of treatment motivated by racial hatred if all of their suffering is simply attributed to their poverty, which is already assumed. The media coverage of the aftermath of the hurricane tended to reinforce such racial stereotypes of Blacks. For example, in one of his running commentaries, *CNN* anchor Wolf Blitzer stated: "You simply get the chills every time you see these poor individuals ...so many of these people, almost all of them we see, are so poor and they are so black."<sup>21</sup>

Racial stereotyping was starkly evident in the use of the term "refugees" that was typically used to describe black residents seeking to evacuate. The term "refugee" denotes a person crossing a national border in search of security. Thus the use of the

term “refugee” to describe survivors may have served to create confusion in the minds of casual observers of television reports, by equating them with, for example, Haitian refugees seeking asylum in the United States, wave after wave of whom have been historically denied their requests for asylum. Workers and volunteers at evacuation shelters in Louisiana and Texas “heard loud and clear from those living there that the government, the media and everyone else should call them something other than refugees. ‘We ain’t refugees. I’m a citizen,’ insists Annette Ellis.” One day, after getting an earful from a crowd of 800 at the Bethany World Prayer Center in Baker, Louisiana, President Bush went live on television to urge the practice be stopped.<sup>22</sup> Usage of the term “refugee” fell precipitously. Here we must commend the President for at least taking some initiative.

Another area of apparent racial stereotyping involves reports of widespread looting. While blacks who commandeered supplies during the storm were called “looters”, at least one television report showed white survivors “taking” supplies from a store. *USA Today* quoted one resident who compared the looters to cockroaches.<sup>23</sup> Most incidents of the goods taken during the storm were taken to address human needs in a crisis. Food and clothing were stolen for family and neighbors. Doctors who raided pharmacies for medicines to treat their patients are praised in the *Select Committee Report*. Dire circumstances make for dire methods. However, as one commentator writes, even violent crimes were undertaken for reasons that are understandable, given the circumstances. “Carjackers were looking for cars to get out. Pirates were looking for boats.” Looting has occurred in many previous crises. Yet it was clear from their statements that neither none of the major players from Bush to Chertoff to Governor Blanco were prepared for Hurricane Katrina.

I don't mean that they failed to anticipate the magnitude of the flooding; we knew that already. I mean that they have no idea how easily a natural disaster can turn human beings into a second-wave destructive force. They don't understand that disasters often bring out the worst in us, that the human dynamics are collective, and that ‘responsibility’ is quickly swamped. If you don't understand these dynamics, you can't plan for them. You end up pleading for ‘personal responsibility’ when what you needed was air drops and the National Guard.

It's not like this hasn't happened before. The 1977 New York City blackout led to an epidemic of stealing. The mayor of Charleston, [South Carolina], during Hurricane Hugo says FEMA was clueless about law and order during that 1989 crisis. He thinks we need a military unit to take charge of these situations. That may be going a bit far, but we certainly need to think more systematically about the human dynamics of natural disasters. We run computer models of hurricanes, levee breaches, and flooding. What about isolation, desperation, looting, fighting, and shooting? It took the mayor of New Orleans three days to tell his cops to switch from rescue operations to controlling post-hurricane crime. Why? Because crime wasn't in the model.<sup>24</sup>

Recommendation: When the *National Response Plan* and/or other disaster preparedness plans are revised, they need to be updated to anticipate looting as a highly probable and often rational

response to scarcity by individuals in an emergency. Rights of property must not supersede the right to food, water and medicine, i.e. the right to survive, especially not during a declared emergency.

After Katrina, as the media hyped up reports of looting and presented black looting as mindless thuggery, an overall climate of fear was created, causing responders from both relief and law enforcement units, including the National Guard, to delay entry.

There still seem to be conflicting accounts of the level of street violence during the storm. The rumor of children being raped in the Superdome does indeed appear to have been just a wild rumor. But our office has received numerous calls claiming that some of the accounts that have now been dismissed as unsubstantiated by the media. One source says women at the Convention Center witnessed rapes, that women made sure to sit in groups, that inside the Convention Center, where it was pitch black, escaped prisoners roamed freely, and that at the height of it, only eight police officers were present before the rescue. During the Committee Delegation's meeting with first responders, the officer in charge of Special Forces at the Convention Center was asked how many people died. He could not say, he told us, but his men did remove any number of bodies, some with stab wounds. Survivors with direct experience who we have talked to are often loathe to get into the details, simply describing the conditions inside the Superdome or the Convention Center as "very bad."

Below we will also discuss below prisoners who had to escape from prisons in order to save their lives because they were left to die in the floodwaters. Regardless, the absence of any Federal forces on the ground in New Orleans for over a week, when National Guard forces were overstretched, left the situation in chaos.

**Barbara Arnwine**, President of the Lawyers Committee on Civil Rights, in testifying before the Select Committee, commented on the impact of rumors and stereotyping by saying that it is typical for rumors to spread in a crisis, but that in the case of Hurricane Katrina the rumors were racially charged. They amounted to allegations of massive criminal and subhuman activities by blacks. The rumors instilled fear and panic in aid workers, who then became reluctant to enter African-American communities to provide assistance. Ms. Arnwine believes that had there been a strong Federal presence sooner, providing security and communications, the rumors would have quickly died down.

Ms. Arnwine also noted that this did not apply only to New Orleans. Communities throughout the Gulf Coast Region saw no presence of staff from FEMA or its principal subcontractor, the Red Cross, for as long weeks after the storm in some cases. She pointed out that the majority African-American residents of Gulfport, Mississippi, a town whose majority of African-American residents have long been familiar with racial stereotyping and governmental indifference, were essentially overlooked by the Red Cross, which preferred to establish its operations either in white towns or in the white part of town. Thus African-American churches came to the rescue of those hardest hit by the storm, using their limited resources to provide food and medicine, as well as shelter and transportation.<sup>25</sup> Given the scale of need, some churches went bankrupt. Although a Federal policy was established to compensate the churches for their

losses, Arnwine told the Committee that poor communication and racist assumptions concerning the likelihood of fraud have made it virtually impossible for these churches to get reimbursed.

Recommendation: FEMA or any agency that replaces it must be directed to produce impact and implementation policy studies aimed at producing emergency preparedness and response policies that address the particular needs of minority communities.

Recommendation: Congress should pass legislation to set procedures for protecting the civil liberties of minorities during an emergency situation. Armed forces and police should be on notice that individual acts of blatant discrimination or abuse of minorities will result in serious punishments, and systemic abuse will result in loss of financial support. Private relief organizations with discriminatory relief practices should be subject to review and possible loss of contracts.

FEMA's website directs viewers to support Operation Blessing, a \$66 million dollar relief organization founded by religious businessman Pat Robertson. Shortly after Hurricane Katrina hit, Operation Blessing was featured prominently on FEMA's list of charitable organizations taking donations.<sup>26</sup> Only a week before Katrina hit, Robertson was brazenly calling for the assassination of a sitting head of state: Hugo Chavez of Venezuela. "We have the ability to take [Chavez] out, and I think the time has come that we exercise that ability," said Robertson.<sup>27</sup> When Ariel Sharon suffered a stroke in January, Robertson expressed similar ill, suggesting God had smote the Israeli Prime Minister when he told his television viewers: "He was dividing God's land, and I would say, 'Woe unto any prime minister of Israel who takes a similar course to appease the [European Union], the United Nations or the United States of America.'"<sup>28</sup> How can FEMA in good conscience direct traumatized disaster survivors into the hands of an organization run by a man who so plainly advocates murder by assassination and wishes death upon the suffering? We have no idea what Mr. Robertson did with the money, but we know this: Operation Blessing didn't show up to help out in mostly African-American neighborhoods.

In fact, African-Americans in New Orleans were on their own, much as the *Times-Picayune* predicted they would be. Writing in July 2005 the paper wrote:

City, state and federal emergency officials are preparing to give the poorest of New Orleans' poor a historically blunt message: In the event of a major hurricane, you're on your own. In scripted appearances being recorded now, officials such as Mayor Ray Nagin, local Red Cross Executive Director Kay Wilkins and City Council President Oliver Thomas drive home the word that the city does not have the resources to move out of harm's way an estimated 134,000 people without transportation.<sup>29</sup>

Recommendation: Future emergency preparedness planning must include the provision of transportation for the elderly, the infirm and those without their own means of locomotion, as well as the placing of Disaster Recovery Centers (DRCs) as near as is feasible, to enable these evacuees to return to their homes as quickly and easily as possible.

When the storm hit, residents of Algiers, a mostly African-American community just north of Gretna, and of the Lower Ninth Ward, formed their own relief organization: the Common Ground Relief Collective (CGRC), in the absence of private or public relief assistance. On September 5<sup>th</sup>, a week after Katrina made landfall, local Algiers activist Malik Rahim and three of his colleagues started their efforts with just \$50.

Mr. Rahim's name was among those on a list of speakers which our office suggested speakers for hearings, should any be held during the Select Committee's Delegation to the Gulf Coast on January 19-20, 2006. As the Select Committee elected not to hold hearings, we arranged a community event at a local church to take the testimony of the speakers.<sup>30</sup>

**Sakure Kone**, a member of CGRC spoke on behalf of Mr. Rahim at our meeting, and the section that follows is drawn from his comments.

In flooded Algiers, the needs of the people were vast. The only thing working was the telephone. No stores, hospitals or clinics were open and there was no presence by officials. Malik Rahim put out a call by phone to his contacts across the country. Initially, paramedics arrived and met immediate needs by making door-to-door house calls. Mr. Rahim belonged to a local mosque: Mosque Bilal. At Mr. Rahim's suggestion, the officials at the mosque opened its doors to the public to serve as a free medical clinic. As more doctors, nurses and med students showed up to volunteer, the clinic became fully operational, seeing between 120 and 125 patients per day. The call had also gone out for food and water and these began arriving from all over the country. Mr. Rahim then set up a distribution center in his own home. To meet the intense demand, another distribution center and clinic was established across the river in the Lower Ninth Ward.

CGRC held discussions with government officials, but no governmental assistance to these efforts was forthcoming, perhaps due to CGRC's "no strings attached" policy with regard to assistance. "We were there for one purpose and one purpose only," said Kone, "and that is to meet the health, food and water needs of the community." Since September 5<sup>th</sup>, CGRC's volunteers have numbered 800, with 350 on hand as of January 19<sup>th</sup>, and a thousand more expected during spring break. CGRC currently serves over 300 meals at a time to local residents, and its volunteers have gutted, sanitized and refurbished dozens of homes, including homes in the Lower Ninth Ward that the City of New Orleans says it intends to bulldoze, though a court injunction has put a temporary halt on this.<sup>31</sup>

**Stephen Bradbury** also spoke at our New Orleans community meeting on January 19<sup>th</sup>, 2006. Bradbury works with the Association of Community Organizations for Reform Now (ACORN), which like CGRC helped to fill the needs of residents in the absence of public and private assistance in mostly African-American communities. Like CGRC, ACORN has undertaken the task of organizing volunteers to gut mold-infested houses gutting, seeking to refurbish a thousand houses by March 31<sup>st</sup>, 2006 as a first step toward allowing people to come back.

According to Mr. Bradbury, ACORN's focus since Hurricane Katrina has been to address three areas in which the rights of hurricane survivors have been or are still being violated:

1. Right of access to information: Federal, state and local governments have not stepped in to assist survivors to keep abreast of what is going on in their home. To meet this need, ACORN has set up the ACORN Katrina Survivors' Association, with centers in many of the cities where survivors were evacuated to.
2. Right of return: Government has a responsibility to try and ensure that those displaced by a natural disaster are located as close to their homes as possible. Yet not only were Katrina survivors evacuated to 44 states, some as far away as Washington State, but there has been a lack of interest in getting people back home, and survivors are being enticed to remain where they have been evacuated with everything from housing vouchers, clothing vouchers, Wal-Mart cards and so on. People relocated within Louisiana had a hard time even locating the Red Cross, unless they were in a shelter.
3. Right to participate in decision-making: ACORN is working on a daily basis to try to ensure people can come home and have a voice in decision-making. Government has an obligation to ensure that people have a role in the decision-making around the re-building of their homes "and that has not occurred in any way, shape or form." Neither the Governor's Commission, nor the Mayor's Committee had input from residents from low and moderate income families or from people who were not in New Orleans. The School Board has recently flaunted this by going ahead and saying that we will just be an all-charter school system, without input from the majority of people who will be impacted by their decision.

**Mama D (Dyan French Cole)** testified to the Select Committee about how she stayed at her residence throughout the disaster. Throughout the ordeal, she took in large numbers of evacuees and setting up a makeshift clinic with a local nurse on call to address illnesses. For this she was recognized by *CNN* as one of "Katrina's Heroes."

Many Americans may imagine that the functions performed by African-American churches and community self-help groups were actually provided by FEMA or the Red Cross. Where African-American survivors did get real outside help was after relocation, as Mr. Bradbury pointed out above. But the rumors and stereotypes that had been played up in the media followed them, and some were met with racism as renters refused to rent to "New Orleanians." Attacks against survivors have been reported in several cities.<sup>32</sup>

Many African-Americans and others are skeptical about the way in which families were split up and put on planes without being told where they were going, sending the African-American community from New Orleans into Diaspora. We must ask *qui bono?* Who benefits? In its eagerness to bulldoze the Lower Ninth Ward even as bodies are still being discovered in the debris, the Government of the City of New Orleans has been in a running legal battle with lawyers representing the displaced. It appears as if the City can scarcely wait to wipe the slate clean, deprive long-standing residents of their property rights, declare eminent domain and hand the survivors' property over to developers. It also seems clear that African-American communities are primarily the ones being targeted.

Consider the sentiments of three white and male residents of Jefferson Parish talking with two journalists about the black community in New Orleans:

**Resident 1:** I wonder how many will come back.

**Resident 2:** Well, that's why when they shipped them to Texas, man...

**Resident 1:** They'll be in New York next year.

**Resident 2:** But I tell you what, you guys keep track of this, the governor of Texas right now is getting all of this great publicity.

**Resident 3:** He getting federal money, that's why

**Resident 2:** Six months from now, they're going to vote him out of office. The disaster that he's brought to Texas is incredible.

**Resident 3:** Yeah, they're walking out with these little white jars, glass jars, so their crack cocaine won't get wet.

**Resident 2:** It's unbelievable. Every single person is the same—sociology kind of person—Well, I tell you what, that's the only good thing. And the best thing before all of this started, my wife and I always used to say this: Declare Martial law here and the federal government needs to invade this place. And they really do. So they finally did. We have schools that don't exist. The feds are now going to come in and rebuild this whole place. It's going to be much better after than it is now. But you all have no idea what—you know, what kind of city this is. I mean, it's a fun place. Don't get me wrong. As long as you have enough money to live [*gesturing upward with his hand level*] up here. See ya.<sup>33</sup>

The last statement by Resident 2 is a clear example of equating being “black” with being “poor.” But even more noteworthy is his mention of a pre-Katrina conversation with his wife about the need for the Federal government to “invade” New Orleans, declare martial law, apparently to drive out the black population so that wealthy whites could develop their property. This raises the question of the extent to which such conversations were also taking place within governmental circles or among private developers prior to Katrina.

### **Testimonials from Evacuating New Orleans Residents**

“There was a lot of racism down there in that City and a lot of people died because of it. And it's time for people to start telling the truth about it.”

~ Linda Bowie, Hurricane Katrina survivor

The following testimonials make clear some of the problems with how the evacuation was handled by law enforcement.

**Leah Hodges** presented her story before the Committee, a story that one Member openly stated he could not believe. Having found five seniors abandoned at a nursing home, she and other members of her family transported them out and approached police more than once, but in each case the police refused to assist, one time responding with racial slurs and obscenities. “They cursed [my brother] and threatened to blow his brains out, and the other one said you should have, and my brother walked away.” Later they met U.S. Coast Guard search and rescue team members who had been ordered to patrol the survivors with guns but who were furious, not at the survivors, but at their orders, since they wanted to be out rescuing people from the contaminated water. They directed the family to military trucks, to be moved to an evacuation point. Despite being promised immediate evacuation, they were detained under armed guard for several days at the I-10 Causeway junction bridge under conditions she described as inhumane. There were numerous deaths of elderly persons and others who did not receive medical treatment and the environmental conditions were entirely unsanitary. She claimed that whites were consistently bused out first, with blacks being left for days in what she describes as a “concentration camp.” Ms. Hodges is collecting stories, and is pursuing the matter as a human rights violations issue. We here present photos showing the unsanitary conditions at the site that match her description of the conditions.





**Patricia Thompson** testified before the Select Committee that she was invited to evacuate before the storm but would not leave her daughters. During the flood, she gathered her children and grandchildren, fearing to lose them because some could not swim.

We were told to go to the Superdome, the Convention Center, the interstate bridge for safety. We did this more than once. In fact, we tried them all for every day over a week. We saw buses, helicopters and FEMA trucks, but no one stopped to help us. We never felt so cut off in all our lives... We slept next to dead bodies, we slept on streets at least four times next to human feces and urine. There was garbage everywhere in the city. Panic and fear had taken over. The way we were treated by police was demoralizing and inhuman. We were cursed when we asked for help for our elderly, we had guns aimed at us by the police who are supposed to be there to protect and serve. They made everybody sit on the ground with their hands in the air, even babies... My 5-year-old granddaughter cried and asked her mama if she was doing right. I know the police were scared, but they had no right to treat everyone like hardened criminals.

**Mama D** asked the Committee why the responders showed up pulling guns on the survivors. “We had to hide. I didn’t leave. We had to hide to save people,” she said. “Police brutality? We are used to it.”

**Carla Nelson** was a resident of Algiers, a mostly black community in Jefferson Parish. When lights and power were lost at her residence she and her family sought refuge. They learned on the radio that buses were being sent to evacuate people. Following these instructions, they went to the transport site only to be told that the buses there were there to transport residents of St. Bernard’s Parish, which is 90% white. They were told to return at 6 p.m. Traveling in the dark, they sought out police who were flashing lights, but were told to return home, and threatened with jail if they did not have identification. They returned to the bus station as previously

instructed but were stopped by a police car and surrounded by police with guns drawn and spotlights shining on their faces. One of the children was a 14 year old with attention deficit hyperactivity disorder (ADHD) and he was “freaking out,” as he had never experienced this kind of intimidation. They were sent home, and each day, for several days, they made attempts to reach the bus station only to be turned back by Gretna police with lights and guns drawn. This incident was repeated at least four times. One time they ventured out in the morning hours and were accosted by a robber, and had to run and hide.

Finally, they reached an evacuation point where there were thousands of mostly African-American survivors in long lines. They got in line, realizing that the Gretna Police would not turn back thousands. One police officer apologized, and stated that the Police had been wrong to turn them away before. As they stood in line for two hours in the rain, the Police accosted a young African-American man and put him on the ground, guns to the head. People cried out, pleading with the officer not to shoot him. One of the officers drew his gun and fired his gun in the air. This made it seem like someone in the line fired a gun; but no one in the line was armed. “Had it not been for a news helicopter overhead taking pictures, we would never have been able to get on the bus, as they were telling us that we could not board the bus because someone had shot the gun.”

The buses transported them to the I-10 Causeway. The description of conditions at the Causeway as told by Ms. Nelson, who has never met Ms. Hodges, basically corroborate Ms. Hodges’ story. There were thousands of people there, sick and elderly people. “It was like a camp, like some kind of camp, trash and debris up to your knees, feces, pampers, trash...” Ms. Nelson and family were detained there for nine hours. Others had been there for as long as 72 hours. The elderly were not given priority. When they died in their wheelchairs, all the authorities did was push them aside. Dead bodies were lined up on the opposite side of the street in a straight row covered up in yellow sheets. “Had it not been for the people of Calfax, TX and their 10 buses, we wouldn’t have been here in Texas to this day. That’s how much people were fighting to get on the bus. No consideration, no order, if you didn’t make the bus, you’d be there for a few more days. I was determined to get on the bus and I did.” Upon reaching Calfax, Texas they were given water and food. After several transfers, they reached Plano, Texas where they were issued housing with vouchers. As of January 2006, she and her family had not been back home to assess the damage.

**Kevin Bush** was removed from his home in the Lower Ninth Ward after the levee system collapsed and flood waters rose to the rooftops. He is a paraplegic who lives in a wheelchair. He was taken to the Superdome by military helicopter. Once there he was placed in a wheelchair by authorities and left to languish without food, water or medical care for five days. He survived, but due to this neglect, Mr. Bush has had to undergo multiple major surgeries to correct complications arising from the incident. Additional surgeries may become necessary.

**Linda Bowie** was a resident of the Upper Ninth Ward in New Orleans. In previous hurricanes her three daughters would usually remain behind to care for her mother. Thus before Hurricane Katrina she went with her three grandchildren to her 82 year old mother’s house on Canal Street in the Sixth Ward. Her mother was seriously ill. They did not believe that they would need to evacuate. But when the flooding came on August 29<sup>th</sup>, they decided to try to evacuate, and went

to the I-10 Bridge on Orleans Avenue at Durbanie.<sup>34</sup> There were thousands of people at this bridge, and at other bridges, dehydrating in the hot sun as helicopters flew overhead. When it got dark, they found a ride on a boat to a school that they had been told was an evacuation point. With helicopters everywhere, they expected to be evacuated, but they were not. They had paid the boat driver because they wanted to be sure he came back, which he did, taking them back to her mother's house. For the next several days, they repeated a similar pattern of travels. They disassembled her mother's hospital bed and traveled by boat to the bridge with the bed, her mother and a total of ten family members. But each time they reached the bridge, friends there would say that no one had come to evacuate them. Then she decided to try to reach the Superdome on her own, and found transport with the Fish and Wildlife Service staff.

At the Superdome there were military personnel everywhere, but they were mostly idle. "I am about to have a heart attack because my mother is dying on the bridge." She approached several of them and explained the situation. They gave her water because she was dehydrating. They explained that things would be okay because they had helicopters. So she returned to her mother's house and conveyed this message. The next day, she got into a confrontation with Homeland Security personnel who were blocking off the bridge at the North Claiborne overpass at I-10. Despite the presence of many responders, it did not seem as if anyone was getting any help. Her mother may have had a stroke that day. She tried calling a radio station for help. "After a hundred calls they assured us somebody was coming, helicopters will come. No helicopters came." The next day, they took the bed again the bridge, and once again she confronted the DHS personnel at the top of the bridge. After explaining the urgency of her mother's medical needs, one of them said "Well, let 'em die, that's one less nigger we gotta' worry about." "I got angry and they got angry and this nearly started a riot. We were told 'You niggers gotta' get outta' here or we're gonna' kill all y'all.'" She returned to her group lower down on the bridge and they pushed on to the Superdome.

We were trying to gather people like Moses to get them to the Dome... On the way we saw all types of boats, trucks and official vehicles going everywhere, but no one stopped to check out our situation with the hospital bed. People were getting angry, starting to pitch things at the trucks. Seemed like everyone in the Guard had video cameras. It got ugly, with people screaming at the Guard.

At a stopping point, a helicopter landed nearby. She approached them and they called up a Humvee, loaded the mattress from the bed, and put her mother inside. One of Linda's sisters had to plead to be able to ride along. The Humvee drove off and she has not seen her mother since. Another of Linda's sisters is diabetic and had not had her medicine, so she was facing a diabetic coma without help. So once again she left her family behind and went to the Superdome. She had to fight her way up to the front to get inside. The first group they encountered very politely offered a police escort to go back and find her sister. Her sister was brought back to the infirmary, but since there was no medicine and there were no doctors:

All we could do is pray for her. They did give her water, seven bottles, which was generous since there was no water inside or outside the Dome. There was no food. They said we had to go find a place inside. So we did. There was no

military presence inside of the Dome itself. There was military presence outside for the searches. Down on the ground there could have been police. It was horrible. We were way at the top.

While inside, her sister fell ill, and had to be taken back to the infirmary, where she had a seizure. Meanwhile Linda was able to find electrical power at a cellular phone station to power the device she needed to treat her son's asthma. The next day the buses came. "This was a worst nightmare, because that was where the military had barricades everywhere with thousands trying to get on the buses with no order." Managing to get on one of the buses, they were taken to the Astrodome in Houston. After her experience at the Superdome, Linda refused to go inside. She bought a ticket to Lawrenceville to visit her niece.

In mid-January, Linda and her sister met Governor Blanco. *CNN* covered the meeting where the Governor made a phone call to inquire about their mother's plight. Two days later they were contacted by David Lappin, a FEMA medic who had seen the story on *CNN*, and who said he didn't think she would live, and that all the doctors they visited said she was going to die. She was either taken to LSU Hospital in Baton Rouge, Terrbone General in Homa or, he said, they took her to Louis Armstrong Airport, where there was a place set up for critically ill patients whom the doctors deemed untreatable to let them die peacefully. But the medic doesn't know if she died or not, because when he left her she was still alive. Later both *CNN* and Governor Blanco's office called to tell her that they were doing DNA testing at the morgue. The results will be known soon, but Linda is seeking a forensic scientist for independent verification.

***CBS's 60 Minutes*** interviewed eight people survivors who attempted to cross the Crescent-City Connection Bridge into Gretna and were turned back the Gretna Police. Many of them had been told that there were buses awaiting them for evacuation on the Gretna side of the bridge.

With that assurance, they joined hundreds of other people who were walking toward the bridge to Gretna. Images taken that day by a *CBS News* crew driving across the bridge show groups of evacuees approaching a line of policemen holding shotguns. The police car was marked Gretna Police. Cathey Golden told *60 Minutes* that when her group reached the police line, they were told there were no buses, and stopped with a shotgun blast.

They sought an explanation. Larry Bradshaw, a white member of the mostly African-American group, says:

The only two explanations we ever received was, one, 'We're not going to have any Superdomes over here,' and 'This is not New Orleans,' Bradshaw says. 'To me, that was code language or code words for, 'We're not having black people coming into our neighborhood.'<sup>35</sup>

There were about 200 people in the group, which was slow-moving because within the group were individuals in wheelchairs, on crutches or using strollers. After being turned back, the group camped out in the middle of the bridge. But at dusk that night the Gretna Police came back and confiscated their food and water. Survivor Lorrie Beth Slonsky said that a policeman:

Jumped out of his car with the gun aimed at us, screaming and cursing and yelling at us to get the blank-blank away. And just, just so rabidly angry. And we tried to reason, we tried to talk. And he was putting his gun in the face of young children and families. It said Gretna on the police car.<sup>36</sup>

These testimonials, and those relayed to the Select Committee by Attorney Ishmael Muhammed, reveal a consistent pattern of stranded African-American residents seeking evacuation points that they had been told about, only to be confronted with armed authorities who in many cases threatened them with weapons and used racial slurs. In two cases, we are told that white survivors were given priority status for getting onto transport vehicles being used for evacuation. There is a general pattern of military or police responders being idle and unresponsive to emergency requests, with the notable exceptions of several helpful and caring individuals.

We should also note that these survivors were not totally lacking means. Ms. Nelson had the money to hire a boat. Ms. Bowie had the money to buy a plane ticket.

In two of these cases, the Gretna Police are involved. Gretna Police Sheriff Harry Lee had set a policy back in the 1980s for his officers to observe special scrutiny for any blacks crossing the Crescent-City Connection bridge. The *New Orleans Gambit* quoted him as saying “It’s obvious that two young blacks driving a rinky-dinky car in a predominantly white neighborhood, they’ll be stopped.” When blacks complained in April 2005 that Jefferson Parish police officers had a caricature of a young black man that they used for target practice, Sheriff Lee responded to questions by saying: “I’ve looked at it, I don’t find it offensive, and I have no interest in correcting it.”

Such blatant displays of racism are surely unworthy of officers in uniform. One means available to government to curb racial abuse is to establish procedures, because it is when procedures and regulations break down that individual authorities are left to act at their discretion, in which case the discriminatory judgment of those who harbor racial prejudices will come to the fore.

## **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, where as 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.

### **3. KATRINA AND THE CRIMINAL JUSTICE SYSTEM**

#### **Law Enforcement**

Governor Blanco's "shoot to kill" order was an extreme measure. Many survivors have expressed their bewilderment or dismay at being subject to curfews under armed patrols in the wake of the hurricane. Had there not been a failure of planning and coordination prior to the storm, would this extreme step have been taken? As suggested above, had disaster planning *anticipated* looting, it may have been possible for responding law enforcement officials, including National Guard, to be on the ground to ensure law and order sooner. But the problem in New Orleans goes deeper than that. Attorney Ishmael Muhammed made the following comment about Governor Blanco's decision during his testimony before the Committee:

We know that there was a shoot-to-kill order given in an environment that already was problematic in terms of black people being killed by authorities. So, just using your common sense—the sense we all got a little bit of, at least—you give someone raring to go, before Katrina, in a disaster situation, a shoot-to-kill order and create an environment where everybody is a potential looter, you are going to have people getting shot down by police, by law enforcement authorities. And then you have account after account after account of people being killed. Then you have statements being made by law enforcement officials and government officials that the only—that all deaths are going to be identified as happening August 29th as the date and no identification is going to be made of what actually killed anyone, what actually made people—what actually was the reason that people died. Why is that? And then you have reports that 10,000 people may be dead, and all of a sudden we have a body count of a little over 1,000.

There were in fact numerous reports of actual and alleged police shootings and police brutality following Hurricane Katrina, including the following:

- “On the street right in front of the Convention Center, I see a circle of chairs around a black tarp. A body lies underneath it. It’s been there since the night before. I pull the tarp back and see a black man lying in a pool of blood... Witnesses tell me what happened. Dwight Williams... says the night before, a New Orleans Police Department vehicle pulled up. ‘For whatever reason, the gentleman made a move to the car,’ he says. ‘It took five seconds, the entire incident. The cop opened the door, shot him, and that was it.’”
- “Near the former St. Thomas housing development, a squadron of police, some in tactical gear, were clustered in an intersection... [A] man who appeared to be dead from a gunshot wound lay on the ground. It was unclear what had occurred. Police said there had been a shootout as they forced a reporter and a photographer out of a passing car at gunpoint... They took away a reporter’s notebook and tossed the photographer’s camera on the ground before returning and telling the pair to leave” (*Times-Picayune*, September 1, 2005).

- “New Orleans police shot and killed four men and wounded one on Sunday after looters fired on officers, a policeman said. The incident on Sunday morning, as the city began to clean up from the devastation of hurricane Katrina, resulted in four fatalities and one person in critical condition, said one policeman who asked not to be named. No police were wounded. ‘Five men who were looting exchanged gunfire with police. The officers engaged the looters when they were fired upon,’ said superintendent of New Orleans police, Steven Nichols. Asked for more details, he said only, ‘The incident is under police investigation’” (Reuters, September 4, 2005).
- “Two New Orleans police officers repeatedly punched a 64-year-old man accused of public intoxication, and another city officer assaulted an Associated Press Television News producer as a cameraman taped the confrontations. After being questioned, officers Stuart Smith, Lance Schilling and Robert Evangelist were arrested late Sunday and charged with battery. They were also suspended without pay, released and ordered to appear in court at a later date, Capt. Marlon Defillo said.” (Associated Press, October 10, 2005).
- “Police shot and killed a 38-year-old man who had been waving a knife Monday in New Orleans, witnesses said. The killing occurred about 4 p.m. on St. Charles Avenue in the south Garden District near downtown, after the man -- who has not been publicly identified -- left a Walgreens pharmacy carrying a knife, witnesses said. Some witnesses said they heard five or six shots, but 10 red cones were placed on the street. The cones are typically used to indicate where shell casings are found. The city's police force has been under increased scrutiny and strain in the wake of last summer's Hurricane Katrina, when some officers left their jobs and others continued to work long hours despite losing nearly everything in the storm. Since then, police have come under investigation for allegations of looting, stealing cars from a Cadillac dealership and the videotaped beating of a man that resulted in two officers being fired last week.” (CNN, December 27, 2005)

The most controversial report involves conflicting stories of what happened on the Danziger Bridge on September 4, 2005. Here are some early accounts:

- “Police shot eight people carrying guns on a New Orleans bridge Sunday, killing five or six of them, a deputy chief said. A spokesman for the Army Corps of Engineers said the victims were contractors on their way to repair a canal.” (Associated Press, September 4, 2005)
- “At least five people shot dead by police as they walked across a New Orleans bridge yesterday were contractors working for the US Defense department, according to a report by the Associated Press. A spokesman for the Army Corps of Engineer said the victims were contractors on their way to repair a canal, the news agency said, quoting a Defense Department spokesman. The contractors [were] crossing the bridge to launch barges into Lake Pontchartrain, in an operation to fix the 17<sup>th</sup> Street Canal, according to the spokesman” (The Australian, September 5, 2005).

New Orleans Police claim they caught eight snipers on a bridge who were shooting at relief contractors. There was a gun battle and five or six of the snipers were killed. Three months later, however, two families came forward with stories radically different from that of the police:

- “A teenager critically wounded that day, speaking about the incident for the first time, said in an interview that police shot him for no reason, delivering a final bullet at point-blank range with what he thought was an assault rifle. Members of another family said one of those killed was mentally disabled, a childlike innocent who made a rare foray from home in a desperate effort to find relief from the flood. The two families — one from New Orleans East and solidly middle class, the other poorer and rooted in the Lower 9th Ward — have offered only preliminary information about what they say happened that day. Large gaps remain in the police and civilian accounts of the incident.” (*Los Angeles Times*, 11/24/05)

We anticipate additional stories and allegations about shootings to come forward. We have heard from many survivors with missing family members who fear that their loved ones were shot by police, National Guard, other military, or private contractors during the flood. Frank Minyard, Orleans Parish Coroner says: “If you murdered somebody in those days, you are probably going to get away with it.”<sup>96</sup> In addition, there are countless reports of persons being arrested arbitrarily, or of children as young as twelve being taken off to prison for allegedly being in violation of curfew. This placed enormous strain on families seeking to reunite before evacuation when there was a child unaccounted for who later turned out to be in prison. One of the most egregious arrests was that of a 73-year old church deaconess with diabetes who had never in her long life been charged with a crime. She was charged with attempting to loot \$63.50 worth of groceries at a deli. Eyewitnesses claim that she had paid for her groceries with a credit card and that the OPP officers were tied and frustrated because they were unable to apprehend young looters at a nearby store. “Not even the deli owner wants her charged,” read the story. She was transferred from the parish jail to a state prison and a judge set her bail at \$50,000, “100 times the maximum \$500 fine under state law for minor thefts.” She was released on September 16, 2005 after two weeks in jail, facing a court date in October.<sup>97</sup>

The New Orleans Police Department (NOPD) has a history marred by incidents of racist police brutality:

- In 1980, following the killing of a white police officer, police went on a rampage Algiers, a mostly African-American community, killing four citizens and injuring many more. “Some of the victims were tortured, including two who were dragged to swamps where the officers carried out mock executions.”<sup>98</sup>
- In 1991, a Justice Department ranked citizen complaints of police brutality in New Orleans as the highest in the country.
- Between 1993 and 1998 over 50 NOPD officers were arrested for felonies including homicide, rape, and robberies.

- In 1995, an NOPD officer was convicted of robbery and an execution-style murdering three people at the restaurant: two employees and “an off-duty officer from her precinct working at the restaurant.”
- In 1996 an NOPD officer was convicted of hiring a hit man to assassinate a woman who had filed a complaint of police brutality against him. He is currently serving a life sentence on death row. New Orleans is the only police department in the country with an officer on death row. In fact, two NOPD officers are currently on death row.
- In 1998 two NOPD officers were indicted “for allegedly beating two handcuffed men in custody.”
- In the mid-1990s the pattern of violations by NOPD officers was so apparent that the Justice Department threatened a civil action. A reform process ensued, resulting in the arrest of 110 officers for a variety of criminal charges, the suspension of 600 officers for misconduct, the firing of 117 officers and 18 resignations—all this from a force with just 1,700 active duty officers.
- In 2004, despite attempts at reform, 8 officers were arrested on charges including aggravated assault, extortion and conspiracy to commit a robbery.

Experts report that the majority of those killed since Hurricane Katrina were killed by police. Given this pattern, Governor Blanco’s “shoot-to-kill” directive during Hurricane Katrina must be called into question. It created conditions under which complaints against police brutality could be dismissed more arbitrarily than before.

To date, parts of the city are still patrolled by private mercenaries working for Blackwater. About 150 heavily armed mercenaries working for Blackwater made their appearance in New Orleans alongside other military responders after the hurricane. They are still there, and residents complain that their presence is a nuisance and intimidates residents. During her testimony before the Select Committee Governor Blanco denied having authorized the hire of mercenaries to join the relief effort. One Blackhawk employee stated that his company had been contracted by the Department of Homeland Security. He also claimed his comrade had been deputized by Governor Blanco’s office. The report says: “The man then held up the gold Louisiana law enforcement badge he wore around his neck. Blackwater spokesperson Anne Duke also said the company has a letter from Louisiana officials authorizing its forces to carry loaded weapons.”<sup>99</sup> Blackwater employees have demonstrated explicit examples of racial prejudices.

Blackwater is not alone. As business leaders and government officials talk openly of changing the demographics of what was one of the most culturally vibrant of America's cities, mercenaries from companies like DynCorp, Intercon, American Security Group, Blackhawk, Wackenhut and an Israeli company called Instinctive Shooting International (ISI) are fanning out to guard private businesses and homes, as well as government projects and institutions.<sup>100</sup>

All of this office's requests for more information about who hired Blackwater, and for what reason, have gone unanswered. However, one official of the City of New Orleans told Congresswoman McKinney that DHS sent them to the city.

It is nearly impossible to imagine "shoot-to-kill" orders and the hiring of private mercenaries to patrol the streets of wealthy or mostly white cities and neighborhoods. As we saw in some of the testimonials above, unarmed and non-violent African-American residents of New Orleans faced explicit acts of racial discrimination by the very forces sent to oversee their rescue.

### **Left to Die: The Plight of Prisoners**

The now widely-publicized story of prisoners at the Orleans Parish Prison (OPP) who were abandoned in locked cells during the hurricane, with those on the lower floor facing floodwaters up to their necks, is actually just one more chapter to a long and sad story of prisoner abuse. Interviews with prisoners tell of open and pervasive drug use and beatings of prisoners by officers, or indifference by officers to prisoners beating other prisoners. The federal court has been monitoring Orleans Parish Prison ever since the 1969 filing of the lawsuit *Hamilton v. Morial*. Yet the conditions of the prison remain abysmal:

- In 1999, a pregnant female prisoner "reported being left in shackles during labor and another claimed she was denied an examination by a gynecologist despite bleeding immediately after childbirth."<sup>101</sup>
- In 2001, Shawn Duncan, being held on traffic charges, died of dehydration after he was held in restraints for 42 hours.<sup>102</sup>
- In 2003, two OPP guards were indicted after beating to death a prisoner who had been arrested on charges of public drunkenness.<sup>103</sup>
- "In 2004 OPP was one of the top five prisons with substantiated reports of sexual violence in the nation."<sup>104</sup>
- In each of the three months prior to Hurricane Katrina a prisoner died, two while under medical observation, one who committed suicide whilst under suicide watch.<sup>105</sup>

The Orleans Parish Prison is exceptional in a number of ways. Averaging around 7,000 prisoners on any given day (pre-Katrina), the OPP is the 8<sup>th</sup> largest local jail in the country. Only county jails in cities like New York, with populations many times that of New Orleans, house more prisoners. The OPP holds more prisoners than the largest state prison in Louisiana.<sup>106</sup> The cost of housing this many prisoners exceeds \$100,000 *per day*, a bill that is currently being picked up by FEMA, according to experts. The irony of this is that while FEMA is preparing to evict needy survivors on March 1<sup>st</sup>, it is meanwhile paying top dollar to keep in jail many prisoners whose release dates have passed as well as many more who are only in on petty offenses.

Arrests in New Orleans are up from 48,000 per year in 1995 to 114,000 per year in 2004.<sup>107</sup> These numbers do not reflect an increase in violent crime in the city. In fact arrests for violent crimes are below half the rate for cities in the United States. The vast increase in arrests reflects a new policy of stopping at nothing to arrest citizens for petty crimes such as “public drunkenness, drug possession, disturbing the peace,” obstructing a sidewalk, traffic violations or missed child support payments. Already the target of police harassment, most of these petty arrests target young African-American men, who often complain of being arrested on false charges. Under police sentencing rules, the arrested must spend at least 45 days in jail before sentencing. If prisoners are too poor to post bail, they languish in prison, saddled with court costs that can total \$2,400 per year. Although the prison offers little by way of rehabilitation programs, prisoners are put to work for minimum wage at an aquaculture facility built by the prison.<sup>108</sup>

When Hurricane Katrina hit, the OPP had just completed a round of street sweeps, picking up people for petty crimes such as loitering. It had also taken in an influx of prisoners evacuated from other jails. When the city flooded, the prison was inundated with water and prisoners were trapped in cells with water up to their necks. Human Rights Watch researcher Corinne Carey commented that “Of all the nightmares during Hurricane Katrina, this must be one of the worst. Prisoners were abandoned in their cells without food or water for days as floodwaters rose toward the ceiling.” Power went out early in the storm, and the toilets backed up, creating an unbearable stench. To let in air, inmates broke jail windows. Some set fire to blankets and shirts to hang outside as a cry for help. Inmates on the first floor had to get up onto the second bunk of their beds, but then the water rose to the ceiling and the female prisoners were then taken to the males’ side of the dorm, but there the smoke from the fires that had been started meant that they remained in smoke-filled rooms for nearly two days.<sup>109</sup> Gas lines also broke and the women became nauseous.<sup>110</sup>

Some managed to escape, but many who did approached law enforcement officials at sites where people were congregating on bridges and turned themselves in. Some prisoners reported that dead bodies were seen floating in the floodwaters inside the prison. The prison was finally evacuated on September 2<sup>nd</sup>, five days after the storm. 450 of the inmates were taken to Jena Correctional Facility, and there have been many “extremely credible” complaints that once there they were tortured and abused, and were refused access to telephones.<sup>111</sup>

Corinne Carey researched the prison and at the end of September had reported that 517 prisoners remained unaccounted for.<sup>112</sup> It is hoped that further investigations by civil and human rights groups will clarify what became of the missing prisoners, though for some that may never be known.

It is shocking to learn that prisoners were evacuated from other jails prior to the storm into a jail that sat below the flood plain. The failure to evacuate the Orleans Parish Prison put prisoners and guards in serious jeopardy. At our community meeting in New Orleans, we heard from a man who had his jaw broken while being attacked by other prisoners during his ordeal of being caught in the flooded prison. He could barely endure the pain long enough to speak to us.<sup>113</sup> He had been arrested on a petty marijuana possession charge. Experts have reported that the OPP jail population has now swelled to 9,000, with 85 per cent of prisoners being held for petty

offences. Many of these are being held *past their release date*, on the excuse that their paperwork was lost during the storm, or because their case has been backlogged. Anyone who endured the horrors of being trapped inside a flooded prison during a hurricane has already served a penalty far in excess of what any petty offense merits. More than that, their abandonment is an insult to their dignity as human beings.

It is beyond the pale that these prisoners are still incarcerated.<sup>114</sup> Six weeks after the storm, Human Rights Watch reported that many of those rounded up in the sweeps before the storm had not yet been brought before a judge.<sup>115</sup> OPP funding is based upon prison population, and if they were dismissed, the \$100,000 daily allowance, currently supplied through FEMA, would immediately shrivel, resulting in lay-offs. It has been reported that the Louisiana State Legislature passed a law that sanctioned the detention of prisoners past their release date. Federal officials overseeing disaster relief need to take cognizance of this deplorable situation in which a city now desperate for funds and jobs has allowed its prison to even more pro-actively than before seek to incarcerate massive numbers of young African-American males as a means to the end of contributing to the local job market, and take action to remedy this travesty of justice.<sup>116</sup>

Let us end this gruesome tale on a positive note of recognition of the heroism of one of the guards. One of the women who suffered through this ordeal writes that “one woman ... stayed with the inmates to the bitter end. Her name is: Colonel Joseph. She was a god sent Angel. So many deputies abandoned us.”<sup>117</sup>

Recommendation: Future hurricane response plans should include evacuations for prisons susceptible to flooding.

#### **4. KATRINA, FEMA AND MARTIAL LAW**

##### **The Governor Rebuffs the President's Proposal**

The term *posse comitatus* translates as “the formation of a posse.” The experience of the founding fathers with the British model that combined the functions was enough to cause them to set that division sharply in administrative powers and civilian command of the military. This principle began to be eroded in the period following the end of the Civil War, and the effective occupation of areas of the south by federal troops who were holding military tribunals, carrying out executions of citizens and usurping local police and judicial control. Their excesses came to the attention of the post-war Congress and they passed the Posse Comitatus Act under the 45<sup>th</sup> Congress in 1878. The Act makes unlawful:

...to employ any part of the Army of the United States, as a posse comitatus, or otherwise, for the purpose of executing laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress...<sup>118</sup>

Louisiana State Governor Kathleen Babineaux Blanco declared a State of Emergency for New Orleans on August 26, 2005, three days before Hurricane Katrina made landfall, extending until September 25. State Attorney General Charles Foti's office issued a clarification about Martial Law claims in the media, stating that no such term exists in state law. However the declaration of a state of emergency “gives authorities wide latitude to suspend civil liberties as they try to restore order and bring victims to safety”<sup>119</sup> Louisiana law does not have a martial law provision.

The declaration of a State of Emergency in Louisiana was equivalent to the suspension of *posse comitatus* and the establishment of martial law while the Guard was under state control. It allows the National Guard to perform police functions if there is a threat to life or property, or breakdown of law and order. Thus the early State of Emergency declared by Governor Blanco overcame *posse comitatus* considerations. The standard operating procedure has been that only when local Guard forces and police are unable to control the situation or when it is beyond their capabilities will federal armed forces be called in under 32 CFR 50i and 10 USC 331 seq.

There were numerous reports of National Guard troops being used in place of police and enforcing orders with the use of weapons. This was potentially legal under Louisiana law, which suspends the distinction between local police and state-commanded National Guard in restoring order and saving life and property once a formal emergency is declared.

On September 2, 2005, Governor Blanco was presented with a contract proposal from the White House that would have established “Mutually Exclusive Chains of Command.” Governor Blanco refused to sign the Memorandum. Had the contract been signed, a “dual status commander” would have been designated to serve as commander of the Louisiana National Guard, subject to the orders of Governor Blanco, and *simultaneously* to provide “command and control over supporting Federal forces,” including federalized National Guard units. “Such

Federal forces are required to act in accordance with the Posse Comitatus Act,” the document declares.<sup>120</sup>

It is easy to see why this was a non-starter for the Governor. On paper, this was effectively a proposal for dual or shared command between the Governor and the Commander-in-Chief. Such a Y-shaped chain of command would work fine so long as the “dual status commander” handled directives for State Guard and Federal forces separately. But what would happen in the event that a problem arose that concerned both forces over which the Governor and the President disagreed? Surely Blanco knew that she would be holding the weaker stem of the wishbone. Moreover, and as noted past precedent, as well as the *National Response Plan* make it clear that the role of Federal forces is to play a supporting role. According to the NRP:

Federal departments and agencies are expected to provide their full and prompt cooperation, available resources, and support, as appropriate and consistent with their own responsibilities for protecting national security.<sup>121</sup>

Within that framework, it is the Secretary of Homeland Security who is “responsible for coordinating Federal operations within the United States.” In her response, dated September 3, 2005, Blanco said she agreed that a single military commander for Joint Task Force Katrina should be named. But she deflected the dual status commander proposal, suggesting instead that the President “direct the assigned Federal Coordinating Officer of Homeland Security (FEMA) to co-locate with my Homeland Security and Emergency and Preparedness Office at the Federal Joint Task Force headquarters.”<sup>122</sup> This is effectively what the National Response Plan calls for.

According to reports this led to a behind-the-scenes power struggle:

The administration sought unified control over all local police and state National Guard units reporting to the governor. Louisiana officials rejected the request after talks throughout the night, concerned that such a move would be comparable to a federal declaration of martial law. Some officials in the state suspected a political motive behind the request. “Quite frankly, if they’d been able to pull off taking it away from the locals, they then could have blamed everything on the locals,” said the source, who does not have the authority to speak publicly.<sup>123</sup>

In the days that followed, there was plenty of posturing: “The president will not let any form of bureaucracy get in the way of protecting the citizens of Louisiana,” said White House spokesman Dan Bartlett. Seeking to shore up her independence, and in the face of DHS/FEMA laxity, Blanco hired former FEMA director James Lee Witt to advise her in the relief effort.<sup>124</sup> Bush placed the blame for failures in the response on local government in his weekly radio address, stating that the magnitude of the crisis “has created tremendous problems that have strained state and local capabilities.” Chertoff followed suit, claiming that the reason why federal assets were not moved in more quickly was “because our constitutional system really places the primary authority in each state with the governor.”<sup>125</sup>

## **Bush Already Enjoyed Ample Authority**

President Bush had ample authority under provisions of existing laws on disaster response to mobilize and command any and all federal assets, including military forces. As already noted, State-directed National Guard units have always worked in conjunction with federal troops and are authorized under federal and state laws to use force to protect lives, property and public safety during a declared emergency. Police functions have been wisely left to local police and state National Guard forces, except when the situation was so dire they could not function. On September 5, 2005, Admiral Timothy J. Keating, speaking on *CNN*, discussed *posse comitatus*. Keating affirmed that the *Posse Comitatus Act* does not limit the use of active duty military for involvement in law enforcement activities during disaster relief efforts. Keating also mentioned that from his perspective, military command had no issue with State Governors exercising their duties to command their guards.

Yet Bush did not need any unified command structure to move troops and federal assets into New Orleans and the Gulf States in the wake of Hurricane Katrina, and he does not need them for other public health emergencies. Existing law is sufficient. Under the *National Response Plan*, a Governor may call upon the President to declare a “major disaster or emergency” (which Blanco did), should the “findings of a joint Federal-State-local Preliminary Damage Assessment (PDA)” warrant this. In extreme cases (which Katrina certainly was), the PDA can be waived. Once the President declares the incident a federal emergency, he “may unilaterally direct the provision of assistance under the act and will, if practicable, consult with the Governor of the State.”<sup>126</sup>

Other legislation confirms that the Commander-in-Chief has such powers. The President can order in active troops or call on volunteering Reserve units in civil disturbance (10 USC 672). Federal troops are expected to stay under their own command, and not be placed under National Guard or state officials (32 CFR 501.3). The Robert T. Stafford Disaster Relief Act of 1984 (42USC5121 et seq [amended 1988]) gives the President power in declared states of emergency to mobilize federal troops to respond under the direction of FEMA. There is no need for additional Martial Law authority to authorize civilian law enforcement or to federalize state troops.

There may have been other issues at play. There is certainly a regional precedent that would give any state governor pause before allowing the federalizing of State National Guard troops. In 2004, the deployment of Mississippi and Louisiana Guard units to Iraq reportedly weakened local disaster response efforts. Moreover, in a kind of de-federalization of Louisiana Guard units were recalled from Iraq to assist in the relief efforts after Katrina. It may have looked to Blanco that the President seeking to exert his control over the Guard to be able to command greater resources for his war effort, or Bush may have been dismayed that those assets were not put at his disposal.

## **Martial Law is Declared**

A declaration of martial law generally comes from the President, but in an extreme situation, a local commander can impose martial law (32 CFR 501.2 and .4). The Army decides when it is no longer needed, though it should end as soon as necessity ceases (501.6).

Pre-empting both the Governor and the President, City of New Orleans Mayor Ray Nagin declared Martial Law to crack down on looters and told 1,500 police to do “whatever it takes” to regain control of the city. Nagin said that Martial Law means that officers don’t have to worry about civil rights and Miranda rights in stopping the looters... “We will restore law and order,” Blanco said, apparently confirming Nagin’s decision.<sup>127</sup>

- “Martial law has been declared in New Orleans as conditions continued to deteriorate.” (*CBS News*, August 30, 2005).
- “Martial law has been declared in Mississippi and Louisiana” (White House Spokesman Scott McClelland, August 31, 2005).

Despite these reports, the *Times-Picayune* noted that there is no such term as martial law in Louisiana State Law, adding however that when a state of emergency has been declared it provides powers similar to martial law.

Martial law replaces civilian control with military control. A Supreme Court case in 1946 lifted martial law declared in Hawaii during the attack on Pearl Harbor in 1941, forcing civil criminal cases into military courts. The decision ruled that the only legal basis for martial law rests on the complete breakdown of the functions of civil control. Additionally, an 1866 Supreme Court ruling on martial law held that it couldn’t be instituted within the US when its civilian courts are in operation.<sup>128</sup>

On the surface of things, it would appear that *both* the President and the DHS were unclear about their roles and responsibilities, and the length and breadth of federal or executive powers. But this incident requires further study.

Recommendation: Congress should direct the Government Accountability office to investigate:

- 1) the degree to which confusion over roles, responsibilities and powers contributed to the tragic and unnecessary delay in dispatching Federal forces to the incident site; and
- 2) the Bush administration’s claims that the Commander-in-Chief needs more power than the Constitution envisions or allows.

We now turn to the first of these issues.

### **Why the Delay?**

Since governing legislation is clear, the question remains as to the source of the delay. The *Washington Post* ran the following story on September 3, 2005:

NEW ORLEANS, Sept. 3 -- Tens of thousands of people spent a fifth day awaiting evacuation from this ruined city, as Bush administration officials blamed state and local authorities for what leaders at all levels have called a failure of the country's emergency management. Louisiana did not reach out to a multi-state mutual aid compact for assistance until Wednesday, three state and federal officials said. As of Saturday, Blanco still had not declared a state of emergency, the senior Bush official said.

But this claim by the White House official was false. Governor Blanco had declared a State of Emergency ten days earlier on August 26<sup>th</sup>. On September 3<sup>rd</sup>—five days after landfall—the President finally authorized federal assets to move:

President Bush authorized the dispatch of 7,200 active-duty ground troops to the area—the first major commitment of regular ground forces in the crisis—and the Pentagon announced that an additional 10,000 National Guard troops will be sent to Louisiana and Mississippi, raising the total Guard contingent to about 40,000. At a Pentagon news conference Saturday, Lt. Gen. Joseph Inge, the deputy commander of the Northern Command, said the active-duty ground forces would be used mainly to protect sites and perform other functions not considered law enforcement.<sup>129</sup>

From some of the statements made, however, it would appear that some intended to go *beyond* law enforcement:

‘This place is going to look like a Little Somalia’ stated Brigadier General Gary Jones, Commander of the Louisiana National Guard’s Joint Task Force. ‘We’re going to go out and take this city back. This will be a combat operation to get this city under control.’ (*Army Times*, Friday, September 2, 2005)

The mobilization was the largest military mobilization on US soil since the Civil War, with nearly 65,000 military personnel deployed to the region. In the absence of early federal support to stabilize the situation, State assets did not or could not restore law and order. The *Army Times* reported September 2<sup>nd</sup> that the National Guard began a massive operation to “fight insurgents in the city.”

All indications suggest that it was only after receiving Blanco’s letter on September 3<sup>rd</sup> that the President decided to act, and that the confusion over the unnecessary and unsigned Memorandum of Agreement lay at the heart of the situation.

### **Martial Law and FEMA**

Aaron Broussard, President of Jefferson Parish, accused FEMA of deliberately sabotaging relief efforts. “New Orleans City Council President Oliver Thomas acknowledged that the city was

surprised by the number of refugees left behind, but he said FEMA should have been prepared to assist. "Everybody shares the blame here," said Thomas. "But when you talk about the mightiest government in the world, that's a ludicrous and lame excuse. You're FEMA, and you're the big dog. And you weren't prepared either."<sup>130</sup>

The Memorandum of Understanding which the White House presented to Blanco did not seek to Federalize the Guard *directly*, but by placing Louisiana State Guard and Federal forces under one commander loyal to two sovereigns, it would have achieved virtually the same result, since ultimate authority rests with the Commander-in-Chief. The insistence on achieving a result tantamount to federalizing the Louisiana National Guard and other resources might be explained by examining martial law and readiness exercise planning involving FEMA.

The types of martial law planning that FEMA had been involved in from the 1980s forward will be found shocking to some. FEMA in those years was headed by Louis Guiffrida. Guiffrida had earlier helped to develop a plan at the National War College that included provisions for the "detention of at least 21 million American Negroes" in "assembly centers or relocation camps."<sup>131</sup>

In 1981, President Reagan had put Guiffrida in charge of the California Specialized Training Institute for Counterterrorism with funding from Federal Law Enforcement Assistance Administration (LEAA) of \$425,000. Guiffrida designed plans for martial law with names like "Cable Splicer" and "Garden Plot," martial law plans that would have legitimized the arrest and detention of dissidents such as activists opposed to the war in Vietnam. In 1981, Guiffrida took charge of FEMA and created the Civil Security Division and a center for training civil defense personnel in military police methods. President Reagan also set up an Emergency Mobilization Planning Board (EMPB) to put National Security Council in charge of civil defense policy. This plan combined FEMA, the Pentagon and 10 federal agencies. Lt. Col. Oliver North served on the EMPB from 1982-1984 under Robert McFarlane, Assistant to the President for National Security Affairs.

When Attorney General William French Smith got wind of the plans to round up dissenters after being asked to review Executive Order 11490 (a sweeping order giving near dictatorial powers to the President during an emergency), he admonished McFarlane, writing: "I believe that the role assigned to [FEMA] on the revised Executive Order exceeds its proper function as a coordinating agency for emergency preparedness."<sup>132</sup>

North assisted FEMA in making martial law plans to counter civil unrest, according to his testimony during the 1987 Iran-Contra scandal.<sup>133</sup> Guiffrida's tenure FEMA did not last long. He resigned in 1985 under charges of mismanagement and embezzlement. The EMPB was dissolved soon thereafter. Yet one planning concept that was initiated in that period and which survives is Continuity of Government (COG). Continuity of Government essentially replaces Congress with appointed officials. During an emergency, COG replaces federal government with pre-selected executive agency teams that run affairs from secure locations, as Vice President Dick Cheney was reported to be doing well after 9/11. Command was said to rest with the National Security Council (NSC), FEMA and the Department of Defense.<sup>134</sup> We know of no clear indication that Continuity of Government has been lifted since September 11, 2001.

The obvious concern about the various plans just mentioned is that most of these plans appear to move in the direction of suspending the Posse Comitatus Act *indefinitely*. Moreover, both President Bush and Senator Mark Warner (VA) have recently renewed calls to undermine or reverse the *Posse Comitatus Act* of 1878.

Whatever his reasons, President Bush should be the one held responsible for the delay in deploying federal forces to the stricken region of the Gulf Coast. The President has no leg to stand on if he wishes to place blame for the delay on Governor Blanco, as we have seen above, for he did not need her consent in order to move forces. “Existing law is sufficient, and the Congress needs to investigate the New Orleans response by FEMA and government troops, as well as examine and reject the Bush administration’s claims that they need more power than the Constitution envisions or allows.”<sup>135</sup>

Recommendation: The Constitutional principle and practice of separating military and police functions has become a cornerstone of our democracy. Congress should re-affirm the Posse Comitatus Act in light of proposals to amend or overturn it being made by our President.

## **5. ENVIRONMENTAL CONCERNS**

### **“Toxic Gumbo”**

Hurricane Katrina left behind an environmental nightmare. In addition to scooping up and depositing toxic sediment sludge from the bottom of lakes, rivers and the Gulf of Mexico (as discussed below), Katrina struck 466 facilities handling large quantities of dangerous chemicals, and 31 hazardous waste sites along the Gulf Coast. Among the known contaminants and toxins that mixed with the floodwaters in New Orleans, are: oil, gasoline, hexavalent chromium, mercury, arsenic, chloroacetic acid, fecal bacteria from flooded sewage facilities (including E. coli),<sup>136</sup> household hazardous wastes,<sup>137</sup> pesticides and unattended corpses of the dead.

The United States Coast Guard reported more than 7 million gallons of oil and between 1 and 2 million gallons of gasoline from plants and depots in southeast Louisiana were spilled as a result of the hurricane. Spills of oil and other toxic chemicals pose a particularly serious public health threat when they dry and become airborne as invisible, breathable particulates. One of the first spill reports to come in was that of an oil tanker that had run aground and was leaking fuel.<sup>138</sup> Among the multiple oil spills from above-ground tanks was a tank breach at the Meraux Murphy Oil Refinery where over a million gallons of oil leaked into the floodwaters. Residents whose homes were flooded are being told not to return.<sup>139</sup>

Under the Resource Conservation and Recovery Act (RCRA) facilities that manage hazardous materials are required to have emergency plans to prevent waste or toxins from being released into the environment. The multiple spills suggest that adequate containment mechanisms were not constructed by the owners and companies of the leaking facilities.

The decision to pump the contaminated floodwaters out into Lake Pontchartrain will seriously compromise the fish and other organisms of the lake, and “will also undo the hard-won success of cleaning up Lake Pontchartrain to the point that portions were recently deemed safe for swimming.”<sup>140</sup>

### **Superfund Sites Hit**

Hurricane Katrina struck 16 superfund toxic waste sites, 3 of which were flooded, being in the environs of the City of New Orleans, one of them totally submerged. The flooded Superfund sites in Louisiana and Mississippi contained contaminants that include heavy metals associated with developmental problems and increased risk of cancer, and polycyclic aromatic hydrocarbons, which are known carcinogens. These dangerous materials joined the rest of the dangerous contents of the “toxic gumbo” that mixed in the floodwaters and were then pumped into the Gulf of Mexico and Lake Pontchartrain. Here we have an example of a disaster compounding a disaster, as the toxic spills that created superfund sites (and there is nothing ‘super’ about them) should never have been allowed to happen in the first place and should have been cleaned up years ago.

In 1995, Congress allowed the taxation of crude oil and chemical feedstocks that provided revenue for the Superfund program to expire. Now comes an environmental catastrophe on the scale of Katrina and while the Superfund in its earlier incarnation would have been the perfect vehicle for cleaning up the toxic mess in the Gulf, the work of cleaning up thousands of Superfund sites across the United States of America has come to a virtual standstill. The residents of the Gulf region thus face an uphill battle in getting federal assistance for clean-up, for if there is no money to restore local government, to get people housing so they can return and get jobs and rebuild the tax base, there is unlikely to be any money left for environmental cleanup. This is tragic, since the scale of the problem is simply too vast for local self-help groups or even for state and local government.

### **Testimonials from Independent Researchers**

Independent researchers have reported environmental contaminants such as arsenic, benzo(a)pyrene and petroleum hydrocarbons exceeding Environmental Protection Agency and Louisiana Department of Environmental Quality Standards present in a one eighth inch layer of visibly distinct sediment covering most ground surfaces after the removal of floodwaters from New Orleans and environs.

**Wilma Subra**, President of Subra Company, an environmental research firm which she founded in 1981, is perhaps the foremost independent expert on this issue. A resident of Iberia, Louisiana, Subra has earned enormous respect in Louisiana and the Gulf Coast, even before Hurricane Katrina. Within 48 hours of Katrina's landfall, she was in the field, assessing the damage, taking test samples and assessing them, figuring out what community members would need to deal with resulting environmental hazards, working with other organizations to get necessary supplies to affected residents.

She has shared her data with the Environmental Protection Agency (EPA), and the EPA has shared its sampling data with her. Both sets of data matched perfectly. Where there is a disagreement is in the *interpretation* of the data. The EPA finds there is no long-term health risk, and has excused itself from the enormous task of removing the sediment sludge.

Wilma also spoke at the New Orleans community event.<sup>141</sup> The section that follows is drawn from Subra's presentation.

The key term to understand about why Hurricane Katrina has created an environmental emergency for the Gulf Coast is "sediment sludge." What is this? All of the historical discharges into the Gulf of Mexico and other water bodies throughout the 1900s wound up in the sediment layer at the bottom of these water bodies. These discharges included issue from untreated wastewater from treatment plants. The last time there was a storm surge even comparable to that of Hurricane Katrina was when Hurricane Betsy hit New Orleans in 1965.

Since that time, the degree of concentration of new chemical effluents in the sediment sludge is far greater than what it was at the time of Betsy.

The storm surge from Hurricane Katrina “scooped up” all this contaminated sediment in these water bodies, carrying it over land and spreading it all over everything. It was not deposited only in New Orleans. The line of contamination extends from Mobile Bay to the Louisiana-Texas line. On top of this, Hurricane Rita’s storm surge deposited more contaminated sediment on areas already hit by Katrina and other areas. Wherever a storm surge came ashore *and* where there were breaches in the levees, the sediment sludge was spread all over. In some areas it is very sandy, like at the London Avenue Canal, and in other areas it is more silty, as at the Seventeenth Street and Industrial Canals.

What makes this sediment sludge dangerous is that it contains high levels of dangerous chemical such as:

- arsenic: a heavy metal and a suspected cancer-causing agent;
- polynuclear aromatic hydrocarbons (PAHs): a big word, but the reader may be more familiar with the danger of waste from creosote facilities—PAHs comprise one of the chemical compounds in creosote that makes it toxic; and
- benzo(a)pyrene: a probable carcinogen, and the most toxic of these three.

Added to these chemicals are such organisms as:

- fecal choliforms: from untreated sewage;
- Staphylococcus aureus (“Staph”): an organism that gives you sore throat and skin infections; and
- salmonella: another bug that gives you food poisoning.

All of these organisms are alive and well in the sediment sludge. The sludge is very available, it is on the surface, and has been spread all over the yards and sidewalks. It is easy to kick up. When the organisms enter the lungs, and the affected person visits the doctor, the physician typically assumes that he is dealing with only one of these types of organisms, not more than one type. Hence the treatment typically fails because multiple types of organisms are causing the problem.

Exposure to these toxins can come through skin contact, resulting in skin rashes that do not respond to normal antibiotics; and inhalation, which can result in persistent respiratory problems and what local doctors are calling “Katrina cough.”<sup>142</sup> While all the health agencies dispute this claim, all the medical doctors who have treated the responders, who have treated the people who return to their houses, say it is real, and it results mostly from recurrent, long-term exposure.

The local government has declared that in most areas it is safe for residents to return to their homes. But in reality, the presence of sediment sludge inside houses and on the yard means that returning residents are at risk of exposure to very toxic substances and contamination where the organisms are concerned.

In the aftermath of the Hurricane, Wilma Subra worked with the Louisiana Environmental Action Network (LEAN), a grassroots organization which at the time had very limited resources. Together with the Southern Mutual Health Association and Oxfam America, they assembled and began distributing kits for returning residents that included tybec suits, respirators, gloves, booties and essential cleaning supplies, advising residents to use the kits to avoid contact with the hazardous materials. They encouraged small children, pregnant women and the elderly not to go in until the hazardous material was cleaned up and addressed.

They approached FEMA and asked FEMA to take over and distribute the kits. FEMA declined. They asked the EPA. The EPA declined. So it was left up to LEAN, a local grassroots organization, to spearhead the enormous effort of providing these safety kits to returning residents. The kits were distributed through local community self-help groups like the Common Ground Relief Collective, and through local Churches, who in turn distributed them to their constituents.

The sediment sludge varies in depth. At the various sites of the levee breaches, the layer of sediment sludge deposited into residential areas could range from four to even as much as twelve feet. In most other affected areas away from these breaches the layer could be as thick as three to six feet, but once it dries it becomes a thin, dry layer of hazardous material that can easily become airborne upon contact. Over time, this material will travel. The delay in addressing this problem, with the refusal of the EPA to do the clean-up in spite of the fact that the EPA is the Incident Command agency responsible for clean-up, will mean that any clean-up effort will become more difficult over time, because the material will have gotten more spread around. Thus there is an urgent need for action at the federal level to get the clean-up effort started.

**Monique Harden** serves as International Policy Counsel for the National Black Environmental Justice Network. Ms. Harden also spoke at our community meeting, and below is a summary of her presentation.

What we are seeing in the Gulf Coast is a repeat of 9/11. In the aftermath of the attack on the World Trade Center the EPA was there saying the air quality was good when in fact it wasn't. And just recently we heard the news about a 9/11 rescue worker who died of black lung at the age of 34. Is this the future for New Orleans?

The Hurricane Relief Bill which was passed by Congress in the name of providing immediate aid to the affected region waived all public health and environmental laws. This was the opposite of what was needed to protect residents from harmful exposure. Since Katrina, the EPA has been going through this process of "assessing." This sounds good but means very little. Wilma Subra discovered the presence of arsenic and diesel fuel substances at levels above safety limits. Both of these materials can cause cancers in the long term. The presence of these toxic hazards on

streets and sidewalks would, under existing regulations, qualify the entire region affected by the sediment sludge to be declared a Superfund site.

One would think that since we can easily demonstrate the presence of toxins at levels that would qualify our neighborhoods to get on the Superfund list, that we should be able to get the EPA interested in doing the clean-up. But so far, this has not been the case.

Recommendation: Congress should revive the Superfund program, which taxes polluters to pay for the environmental cleanup they are responsible for creating in the first place.

Looking at the data for arsenic, the EPA sets the screening level at 0.39 milligrams per kilogram. The screening level means further study is required. The Mississippi Department of Environmental Quality (DEQ) has a screening level of 0.4 milligrams, but the Louisiana DEQ sets the screening level at 12.0 milligrams per kilogram. There are states that will not allow children to play on soil with arsenic levels above 5.0 milligrams per kilogram. But in New Orleans and in places along the Gulf Coast, *average* levels of arsenic widely exceed 12 milligrams per kilogram. Now it is important for Members of Congress to understand how inadequate our system of environmental protection is. It's fine if you don't need it, but once you need it, you're in trouble. This is because the EPA sets no levels above which clean-up would be required. What's the *clean-up* level? No one can say. Even in terms of screening levels there is a problem, because in the case of Hurricane Katrina, the EPA has abandoned its own standards in favor of the more lax standards of States. So in Mississippi, arsenic samples above 0.4 milligrams per kilogram will merit further study. But in Louisiana the EPA only does further study if samples reach 12.0 milligrams per kilogram or higher.

The EPA and the Army Corps of Engineers have also declined so far to undertake the task of cleaning up the sediment sludge. Wilma Subra has been quoted as saying: "I get the impression that they don't want to remove anything, because if they do start removing, they set a precedent."<sup>143</sup>

### **The Failure of the EPA to Act**

As soon as residents began returning to the region, returning residents and responders began reporting widespread cases of respiratory problems, asthmas and skin rashes. Law enforcement and emergency service personnel who waded for hours or days in the toxic floodwaters are now reporting medical problems that doctors are having a hard time diagnosing. These problems are being given names like "Katrina Rash" and "New Orleans Crud." Symptoms include terrible itching on the skin, abdominal cramps, high fevers. Says one responder: "They dumped us in New Orleans without the right equipment and they didn't give us shots or respirators." "I'm tired of my chest hurting," says another.<sup>144</sup>

The Environmental Protection Agency failed to develop any broad strategic plan for dealing with the post-hurricane environmental clean-up and public safety, detailing goals and methods of achieving them. Tens of thousands of disaster responders and returning residents were allowed into damaged areas without receiving sufficient warnings or

information about levels of contamination, health risks or necessary precautions. Given the comparatively enormous resources at their disposal, the refusal by both the EPA and FEMA to assist in local efforts to protect residents and responders from exposure to toxins and contaminants that the EPA's own data shows are present in quantities exceeding safety limits is an outright scandal.

There is still time to act. With sufficient government testing, warning and support, the people of the Gulf Coast region could be protected from similar dangers arising from the above-mentioned post-hurricane environmental hazards.

Recommendation: Congress must pass legislation directing the Environmental Protection Agency to establish a comprehensive assessment and protection plan for the citizens of the Gulf Coast to protect the public from environmental contaminants and infectious materials that pose a threat to public health and safety in the aftermath of Hurricane Katrina.

The wetlands of the Gulf Coast are eroding. It took thousands of years for the sediments of the Mississippi River to build up the healthy marshes and barrier islands of the coastal wetlands. These wetlands serve as a natural shield, buffering the impact of storms. Yet over a million acres or 25% of the total number of acres of wetlands have disappeared since 1930 due to the diversion of the replenishing sediment and fresh water with the building of shipping canals and flood control works, among other causes. Every hour, a piece of land the size of two football fields is lost to the open water.<sup>145</sup> The "Coast 2050" plan envisions redesigning the flood control and shipping system to restore healthy sedimentation and replenish the wetlands. The price tag is usually estimated at between \$14 and \$25 billion for a 50 year project. One expert suggests that for every mile of wetlands passed by a storm surge, flooding would be reduced by a foot.<sup>146</sup> Congress needs to get involved and play a facilitating role in local efforts to restore one of America's greatest natural treasures.

Recommendation: Congress should establish a commission to work with scientists, engineers and state and local governments to explore the feasibility of the "Coast 2050"<sup>147</sup> plan to restore the coastal wetlands.

## **5. Conclusion: Bridges to Nowhere**

A single weather event, Hurricane Katrina, has brought about the greatest population dislocation in the United States since the Great Depression of the 1930s. Katrina was not the strongest hurricane ever to hit the Gulf Coast, but it was perhaps the most destructive ever due to its extraordinary storm surge on the one hand, and due to human failures on the other. These failures are many and profound: the inadequacy of levees, the inadequacy of the evacuation plan, the inadequacy of the governmental response and a social environment characterized by widespread poverty, racial inequities and a history of racial discrimination. Without these failures, Hurricane Katrina, whose effect was compounded in mostly rural areas by Hurricane Rita, might have had an impact much more in keeping with most other hurricanes. Instead, Katrina's impact will be permanent and irreversible for many families and communities. The cleanup and reconstruction effort alone will likely take no less than a decade to accomplish, but the speed of that effort will also be determined by whether the American people step forward and exert sufficient pressure on their government to speed up the relief and reconstruction effort, or whether that effort is also shaped by human failure and a lack of compassion. President Bush has made a lot of easy promises, but has failed to live up to his words.<sup>148</sup>

As our tour bus for the Congressional Delegation made up of Select Committee Members, guest Members and their staff drove through the devastated Lower Ninth Ward of New Orleans, not far from downtown, one could still get a sense of the charm. Aside from the roads having been cleared, little had changed in four and a half months since a twenty foot wall of water was unleashed upon the is community of lower-income, mostly African-American residents. As we passed by heaps of debris, we were reminded that there were likely to be found more dead bodies (as indeed several have been even since our visit), it was possible to imagine the lifestyle of the residents of these cozy square wood houses.

Fourteen per cent of residents in the Lower Ninth were senior citizens. Another fourteen percent were handicapped. A full sixty percent owned their own homes, ranking the home ownership rate in this community among the highest in the country. At the same time, only forty per cent of residents were literate. These astonishing figures tell a tale of a community that was industrious, frugal and ill-served by the educational system. But most of all, you could tell just by looking that in spite of the fact that their homes were small, the people who lived here were proud of their community, and proud to contribute their part to the culture of New Orleans.

Another dramatic fact is that few of these residents left New Orleans very often. But now they are scattered to the four winds and 44 states, and of all the residents of New Orleans they face the longest odds of ever returning to their homes, most of which are beyond repair, let alone ever receiving compensation for the loss of their property. Numbers and dollar figures cannot begin to calculate the loss experienced by, say, a senior in her 80s who had rarely ever set foot outside New Orleans, but who now faces the challenge of starting a new life all over again in a strange community far away, separated from family and friends.

Hurricane Katrina, which struck the coasts of Louisiana, Mississippi and Alabama on August 29, 2005, was the first event to be declared an "Incident of National Significance" by the Secretary of Homeland Security, as empowered to do so under the NRP. The first priority listed in the

event of an Incident of National Significance is “to save lives and protect the health and safety of the public, resources and recovery workers.”

A mandatory evacuation was declared for the City of New Orleans in the aftermath of Hurricane Katrina. Yet more than 100,000 residents of New Orleans simply lacked the means to evacuate upon demand. There are many reasons why. The elderly, the disabled and the infirm required special assistance. Most self-supporting residents were low income earners and did not have their own means of transport to get out. Before the Hurricane Pam exercise in 2004, this issue seriously addressed, but funds for hurricane disaster planning were cut by the DHS.

For the low income, mostly black residents of Orleans Parish who had not heeded or could not heed evacuation calls, the order to evacuate was effectively meaningless. How would our 82 year-old grandmother with no care, living on a fixed income, and whose only family was based in the area about to be hit, get up and relocate out of the city. For starters, how would she pay for the hotel bills? For as many as five days after Hurricane Katrina, many of the bridges of New Orleans became bridges to nowhere, most with floodwaters on both ends. Thousands of survivors spent days stranded on a bridge, hopeful and expectant that one of the many helicopters flying overhead would stop and rescue them from the toxic floodwaters and the searing hot sun. Some black survivors report helicopters teasing them at the prospect of rescue and then leaving them and moving on to white neighborhoods. The conditions at the Convention Center, the Superdome, the I-10 / Causeway Cloverleaf resembled concentration camps—days of internment without adequate food, water or sanitation, and a growing sense of hopelessness. Yet all this wasn’t all just about poor coordination. The Gretna Police *turned back* survivors seeking a way out by crossing the Crescent City Connection bridge, and subsequently confiscated their food and water—bridge to nowhere.

What we are left with is a spectacular failure of government. Prior to the flooding of New Orleans, Grover Norquist, President of Americans for Tax Reform and a close associated of indicted lobbyist Jack Abramoff, has publicly stated the following: “I don’t want to abolish government. I simply want to reduce it to the size where I can drag it into the bathroom and drown it in the bathtub.” It seems he got his wish, at least for the people of New Orleans. Hurricane Katrina should and undoubtedly will force us to reexamine prevalent notions of the market fundamentalists, who are ready and willing to fund any wars the government takes on, but who loathe paying for social programs or public infrastructure. It was under-funding that contributed to the flooding of New Orleans, and to the delinquent response. It may be under-funding that cripples the ability of tens of thousands of residents to return home and rebuild their lives.

Americans are generous when it comes to disaster. The \$3 billion that has been raised by private entities for the relief effort eclipses the \$2.2 raised for victims of 9/11. “But charity is episodic and driven by disaster. What is needed are structures of justice that perpetuate the goodwill intended in charity.”<sup>149</sup>

The Gulf Coast provides America with a significant share of its energy supplies. This should be kept in mind as Congress and the White House decide how much relief and reconstruction monies are to be given, and in what form. Making a strong investment may pay greater

dividends later. We can choose to leave New Orleans to the Donald Trumps and Prince Charles's of the world, who are already busy buying up property and planning their casinos and condominiums for the rich. In doing so we may be depriving tens of thousands of working people of their right of return, of their voting rights, of their property rights and yes, of their civil rights.

We can also choose to go half-way and assist only enough to restore things to the way they were before Katrina. But many working class survivors don't want to go back to how it was before. They see Katrina as an opportunity to fix what was broken. They dream of a New Orleans with its racial diversity restored, free of grinding poverty and crowded prisons, with strong levees<sup>150</sup> and comprehensive evacuation plans for future hurricanes. The Federal government should seek creative ways to assist in such a noble endeavor.

### **Summary of Recommendations:**

- When the National Response Plan and/or other disaster preparedness plans are revised, they need to be updated to anticipate looting as a highly probable and often rational response to scarcity by individuals in an emergency. Rights of property must not supersede the right to food, water and medicine, i.e. the right to survive, especially not during a declared emergency.
- FEMA or any agency that replaces it must be directed to produce impact and implementation policy studies aimed at producing emergency preparedness and response policies that address the particular needs of minority communities.
- Congress should pass legislation to set procedures for protecting the civil liberties of minorities during an emergency situation. Armed forces and police should be on notice that individual acts of blatant discrimination or abuse of minorities will result in serious punishments, and systemic abuse will result in loss of financial support. Private relief organizations with discriminatory relief practices should be subject to review and possible loss of contracts.
- Recommendation: Future emergency preparedness planning must include the provision of transportation for the elderly, the infirm and those without their own means of locomotion, as well as the placing of Disaster Recovery Centers (DRCs) as near as is feasible, to enable these evacuees to return to their homes as quickly and easily as possible.
- Congress should pass legislation to ban political patronage within Federal agencies; specifically within FEMA and DHS.
- 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 pro-active 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.

- Congress should re-establish FEMA as an independent Federal agency, removing it from DHS; but give housing oversight back to HUD.
- Take international politics out of disaster relief efforts by establishing a policy that no legitimate offers of foreign assistance will be refused.
- Future hurricane response plans should include evacuations for prisons susceptible to flooding.
- Congress should direct the Government Accountability office to investigate:
  - 1) the degree to which confusion over roles, responsibilities and powers contributed to the tragic and unnecessary delay in dispatching Federal forces to the incident site; and
  - 2) the Bush administration's claims that the Commander-in-Chief needs more power than the Constitution envisions or allows.
- Recommendation: The Constitutional principle and practice of separating military and police functions has become a cornerstone of our democracy. Congress should re-affirm the Posse Comitatus Act in light of proposals to amend or overturn it being made by our President.
- Congress should revive the Superfund program, which taxes polluters to pay for the environmental cleanup they are responsible for creating in the first place.
- Congress must pass legislation directing the Environmental Protection Agency to establish a comprehensive assessment and protection plan for the citizens of the Gulf Coast to protect the public from environmental contaminants and infectious materials that pose a threat to public health and safety in the aftermath of Hurricane Katrina.
- The Federal government should establish a commission to work with scientists, engineers and state and local governments to explore the feasibility of the "Coast 2050" plan to restore the coastal wetlands.

## SOURCE NOTES

Cover Art: by Ricardo Levins Morales, distributed by the Northland Poster Collective, who offered the Hurricane Katrina Poster and raise funds for the relief efforts. For More Information: Northland Poster: 1-800-627-3082; [<http://www.northlandposter.com>] (accessed February 6, 2006); Southern Partners Fund: [<http://www.spfund.org>] (accessed February 6, 2006).

<sup>1</sup> On July 22, 2005, on the anniversary of the release of the *9/11 Commission Report*, Rep. Cynthia McKinney hosted a Congressional Briefing entitled “The 9/11 Commission Report One Year Later: Did the Commission Get it Right?” at which over 30 independent experts discussed the omissions, errors and false premises of the Report.

<sup>2</sup> David Walker, Comptroller General of the United States made this observation at a press conference held jointly with Select Committee Chairman Tom Davis on Wednesday, February 1<sup>st</sup>, 2006.

<sup>3</sup> “...for those even slightly familiar with the current intelligence reform proposals, there is a more than vague sense, to use Yogi Berra's immortal phrase, ‘*Deja vu* all over again.’ There has been a failure. Pearl Harbor. The unpredicted Soviet development of the Atomic Bomb, the Chinese Communist victory in 1949. Remember who lost China. The equally unpredicted North Korean invasion in 1950. The Bay of Pigs failure. Vietnam. The overthrow of the Shah in 1978. Samosa and Nicaragua a year later, not only unpredicted, but confidently declared by our intelligence estimates as impossible, or a scandal, and Iran-Contra comes to mind inevitably here, and some others in the 1970s. What happens next? A commission will be appointed, usually by the Executive, but post-Vietnam, often by the Congress. You will recall the Hoover Commission in the 1950s, the Church and Pike Commissions of the 1970s, and the Iran-Contra Joint Congressional Committee in the 1980s. Often forgotten are the Senate hearings of 1992, which tried to learn how we were so unprepared for Iraq's evasion of Kuwait, and led among other things to the late Senator Moynihan's very serious proposal for doing away with the CIA altogether, and Senator Arlen Specter's repeated and now accepted idea that the post of National Director of Intelligence and Director of the CIA be separated. The Committee, talking of this generic committee here, will labor long and hard and recommend inevitably that the agencies concerned coordinate their activities better and share their information” --David MacMichael, former CIA officer, speaking at the Congressional Briefing “The 9/11 Commission Report One Year Later: Did the Commission Get it Right?”, July 22, 2005. While this quote concerns intelligence form, the conclusions of the Select Committee Report do tend to fit the pattern described.

<sup>4</sup> David Walker, Comptroller General of the United States, called for the appointment of one person to be the President's point person on disaster relief at a press conference held jointly with Select Committee Chairman Tom Davis on Wednesday, February 1<sup>st</sup>, 2006. Chairman Tom Davis joined this press conference and expressed overall consensus between the Select Committee and the GAO's report, although not necessarily on this specific point.

<sup>5</sup> Associated Press, “Holiday Depression Follows Katrina,” December 7, 2005.

<sup>6</sup> Associated Press, “Katrina's aftermath tough on mental health,” January 28, 2006.

<sup>7</sup> *Agence-France Presse*, January 12, 2006, “Bush Reaffirms Pledge To Rebuild Hurricane-Ravaged States.”

<sup>8</sup> Cf. Freedberg, Sydney J Jr., “Disaster Inc.,” *National Journal*, December 17, 2005.

<sup>9</sup> Fisher, William, “Report Finds ‘Appalling Level of Fraud and Greed’,” *Inter Press Service News Agency*, June 29, 2005. Halliburton has already been cited for overcharging the government hundreds of millions of dollars in contracts.

<sup>10</sup> Yen, Hope, “FEMA has yet to reopen no-bid Katrina contracts,” Associated Press, November 11, 2005.

<sup>11</sup> *Democracy Now!*, “Workers in New Orleans Denied Pay, Proper Housing and Threatened with Deportation,” December 16, 2006.

<sup>12</sup> Cf. also: Moran, Kate, “Building Owner Sues Jeff Parish over Seizure; Broussard had no right to take property for cleanup, he says,” *Times-Picayune*, November 8, 2005. In the story, building owner George Ackel's property had been claimed by Jefferson Parish for cleanup operations and he was suing. As of the date of the piece, he had gotten no compensation.

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<sup>14</sup> Zweig, Michael, “Talking Points on Class, Race and Gender in the U.S.” (unpublished). Zweig is a professor of economics and Director of the Study of Working Class Life at the State University of New York at Stony Brook.

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- <sup>18</sup> Ibid. 143-144.
- <sup>19</sup> Cf. CNN, “Katrina Victims ‘Living in Barns’: Parish President blasts FEMA over Temporary Homes,” December 13, 2005.
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- <sup>23</sup> O’Driscoll, Patrick, “‘The looters, They’re like Cockroaches’”, *USA Today*, September 2, 2005.
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- <sup>27</sup> *USA Today*, “Pat Robertson calls for assassination of Hugo Chavez,” August 22, 2005.
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- <sup>45</sup> Center for Progressive Reform, “An Unnatural Disaster: The Aftermath of Hurricane Katrina Executive Summary”, September 2005, p. 6.
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- <sup>47</sup> Bennett, ibid.
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- <sup>53</sup> Arkin, William, “Early Warning, William M. Arkin on National and Homeland Security, Michael Brown Was Set Up: It’s All in the Numbers,” *WashingtonPost.com* blog. Online at: [[http://blogs.washingtonpost.com/earlywarning/2005/09/michael\\_brown\\_w.html](http://blogs.washingtonpost.com/earlywarning/2005/09/michael_brown_w.html)] (accessed February 5, 2006). Arkin’s specific numbers are: Hurricanes and Natural Disasters: 45; Terrorism and WMD: 1,287.
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<sup>110</sup> Carey, Corinne, “Excerpts of Letters from Prisoners Abandoned to Katrina,” Human Rights Watch, October 10, 2005.

<sup>111</sup> Human Rights Watch, “Louisiana: After Katrina, Inmates Face Prison Abuse”, October 3, 2005.

<sup>112</sup> “Left to Die in a New Orleans Prison,” Interview with Corinne Carey, *Democracy Now!* September 28, 2005.

<sup>113</sup> Community Forum, “Who is Cleaning up After Katrina?” held in New Orleans on January 19, 2006.

<sup>114</sup> The American Civil Liberties Union (ACLU) is suing the OPP for records to determine why prisoners were abandoned to the storm, see: ACLU “Sheriff Illegally Withholding Records on Orleans Parish Prison, ACLU Lawsuit Charges,” November 10, 2005.

<sup>115</sup> Human Rights Watch, “Louisiana: Justice Obstructed, Not Restored”, October 14, 2005. See also: ACLU, “ACLUE Urges New Orleans City Council to Review Conditions at Prison,” December 8, 2005. Testimony from prisoners who were never sentenced, prisoners who remain in prison past their release dates and prisoners who have been released has been available to our office.

<sup>116</sup> Also used for this section: Sothorn, Billy, “Left to Die,” *The Nation*, January 2, 2006; Human Rights Watch, “New Orleans: Prisoners Abandoned to Flood Waters”, September 22, 2005.

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<sup>118</sup> Posse Comitatus Act 18 USC, Sec. 1385 and DoD Directive 5525,5; Limits to: 10USC371 – drug enforcement support  
Insurrection Act; 10USC331 – rebellions; 18USC831 – nuclear materials crimes; 10USC382 – chemical or biological WMD.

<sup>119</sup> Louisiana Homeland Security and Emergency Assistance and Disaster Act of 1993.

<sup>120</sup> Memorandum of Agreement Concerning Authorization, Consent, and Use of Dual Status Commander for JTF-Katrina.

<sup>121</sup> Department of Homeland Security, *National Response Plan*, December 2004, p. 9.

<sup>122</sup> Letter from Cathleen Babineaux Blanco, Governor of Louisiana to President George W. Bush, September 3, 2005.

<sup>123</sup> Roig-Franzia, Manuel and Spencer Hsu “Many Evacuated, but Thousands Still Waiting: White House Shifts Blame to State and Local Officials,” *Washington Post*, September 4, 2005; A01. The report adds: “A senior administration official said that Bush has clear legal authority to federalize National Guard units to quell civil disturbances under the Insurrection Act and will continue to try to unify the chains of command that are split among the president, the Louisiana governor and the New Orleans mayor.”

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<sup>140</sup> Center for Progressive Reform, “An Unnatural Disaster: The Aftermath of Hurricane Katrina Executive Summary,” September 2005, p. 5.

<sup>141</sup> Community Forum, “Who is Cleaning up After Katrina?” held in New Orleans on January 19, 2006.

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<sup>145</sup> Environmental Defense Fund, “After Hurricane Katrina, Restoring Wetlands for Protection,” September 8, 2005.

<sup>146</sup> Jackson, Patrick, “Lake faces aftermath of city catastrophe,” *BBC News*, September 8, 2005.

<sup>147</sup> “Coast 2050,” cf. the online report at: [<http://www.coast2050.gov/>] (accessed February 5, 2006).

<sup>148</sup> Hsu, Spencer S., “Post-Katrina Promises Largely Unfulfilled,” *Washington Post*, January 28, 2006.

<sup>149</sup> Dyson, op. cit.: 203.

<sup>150</sup> Authors Kenneth R. Foster and Robert Giegengack have suggested that New Orleans should not be rebuilt where it sits below sea level, that the risk is too great for a repeat of Katrina or worse. Part of their skepticism, however, is based on their prediction that “the flood control system will be patched up in an ad hoc manner, [and] insufficient funds will be made available to bring the entire system up to the design goal of withstanding a Category 3 hurricane—much less the vastly greater funds needed to provide reliable protection against more intense storms.” They also note that the goal of build levees to protect against a level 5 hurricane is not, “strictly speaking, a well-defined goal because a Category 5 hurricane has no defined upper limit to its wind speed and storm surge.” —Foster and Giegengack, “Planning for a City on the Brink,” Chapter 5 in *On Risk and Disaster: Lessons Learned from Hurricane Katrina*, Ronald J. Daniels, et. al., eds., Philadelphia: University of Pennsylvania Press, pp. 41-58.