

# Reputation and Federal Emergency Preparedness Agencies, 1948-2003

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## ***Abstract***

What caused the Federal Emergency Management Agency to go from being threatened with extinction to becoming one of the most popular agencies in government? FEMA developed a reputation both for anticipating the needs of politicians and the public and for efficiently satisfying those needs. I locate the root of reputation for a contemporary agency in a connection to a profession which helps hone a few core tasks and a single mission, in the development of a bureaucratic entrepreneur, and, finally, in a connection to the president, Congress, and the public.

The terrorist attacks of September 11, 2001 led Congress and the president to undertake one of the most ambitious reorganizations in American history to respond to the now undeniable threat of domestic terrorism.<sup>1</sup> The creation of the Department of Homeland Security sparked dramatic changes in several agencies included in the new department: the Customs and Border Patrol agencies were consolidated and then separated, the Coast Guard began building a deep water capability, and the FBI shifted resources from drug crimes to counterterrorism.<sup>2</sup> Some political actors intended for the Federal Emergency Management agency to undergo a similar overhaul.<sup>3</sup> After the creation of the DHS, the White House and FEMA's political leadership directed a policy team to develop an entirely new way of responding to disasters that would make counterterrorism a priority and lead to greater investment in programs to combat chemical, nuclear, and biological weapons.<sup>4</sup> But the political leadership reversed course, and the Federal Emergency Management Agency remained much the same even as other agencies in the department were overhauled. What steered FEMA against attempts to alter its structure and mission? The agency had developed a *reputation* as an effective disaster agency, not as a counterterrorism one. The agency's reputation among the public and among politicians for effectively addressing natural disasters gave its leaders enormous leverage in defining their mission and core tasks, even when the national agenda emphasized terrorism.

The current arsenal of explanations fails to account for FEMA's strength. The dominant understanding of bureaucracy assumes that agencies merely respond to the rules set out for them by the president or Congress. This understanding rests on theories of delegation—between the president, Congress as a whole, congressional committees, and agencies—which assume that a principal (the “chief”) and an agent or subordinate have divergent goals. For example, presidents and members of Congress might seek reelection and agencies might seek budget maximization or independence (Bendor, Glazer, and Hammond 2001; Epstein and O'Halloran 1999; Kernell 2001; Kiewiet and McCubbins 1991). The principal, usually the president or Congress, crafts rules to which the agent, usually an agency, must respond. From this perspective, the most important factors in the policy process are the preferences of the majority party or median voter in a chamber, which may choose to delegate to a congressional committee in a given policy area, which then delegates to an agency.

For all it illuminates about congressional decision-making, this scholarship does not account for the degree to which agencies are political actors in their own right. Powerful agencies are able not only to alter implementation of laws but to shape the preferences of politicians and to structure their own missions when, as frequently happens, legislative authority is ambiguous. My analysis shows that even when Congress legislates on a particular issue and does not explicitly delegate, an agency with a strong reputation has a great deal of discretion—more than theories of delegation typically allow. These theories do a superb job of explaining bureaucratic politics when agencies are weak, but the case of FEMA presents a counter-example.

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<sup>1</sup> This chapter draws on interviews conducted by Patrick Roberts in person, by telephone, and via e-mail correspondence with 23 current or former upper-level FEMA employees as well as with others knowledgeable about the agency and the emergency management profession. Quotations for which no citation is provided are taken from these sources. The record of interviews are in the files of the author.

<sup>2</sup> The FBI hired 900 new agents during 2002, joining the 7,000 already in the agency. And it reassigned 518 agents from the anti-drug crimes division to the Counter-Terrorism Division. Before the terrorist attacks, only 153 agents were assigned to counterterrorism. See Carl Cameron, “FBI Reorganization Gets Underway,” FOX News, 5/29/02.

<sup>3</sup> Numerous studies advocated a larger role for FEMA in combating terrorism. For example, see Frank Cilluffo, “Statement to the Subcommittee on National Security, International Affairs, and Criminal Justice of the US House Committee on Government Reform and Oversight,” October 2, 1998. Also see the reports of the Hart-Rudman Commission, <<http://www.nssg.gov/>>.

<sup>4</sup> FEMA was an independent executive branch agency until it was absorbed into the DHS on March 1, 2003.

Traditional models ascribe bureaucratic power either to the structural characteristics of an agency or to a blurring of the lines between the interests of political appointees charged with setting policy and the interest of career civil servants. In these models characteristics of bureaucratic power include an agency's size, ties to interest groups and congressional committees (iron triangles), information asymmetries, and political appointees who "marry the natives" and adopt the preferences of career civil servants, and, finally, self-interested behavior such as shirking or budget maximization (Golden 2000; Heclo 1977; Meier 1993; Meier, Wrinkle, and Polinard 1995; Niskanen 1971; Wilson 1977). FEMA, however, is not a particularly large agency, with only about 3,000 employees, nor are its core tasks top secret and immune to routine political meddling, like those of the intelligence agencies. FEMA lacks powerful, organized interests groups like the kind that support the Environmental Protection Agency and it also lacks the Department of Defense's powerful connections to private industry.

The most thorough recent attempt to explain bureaucratic autonomy is by Daniel Carpenter (2001, 364-65) who locates the source of agency power in reputation. Carpenter defines reputation as an "evolving belief" among the politicians and the public—and especially organized interests—in the ability of an agency to anticipate and solve problems. Reputation may adhere to a single agency, a small set of agencies or, in part, to a bureaucratic entrepreneur who leads an agency.<sup>5</sup> Carpenter locates the roots of bureaucratic autonomy, essentially agencies' sustained discretion, in a strong reputation supported by innovative bureaucratic actors and organized social groups or "coalitions of esteem" (Carpenter 2000, 122).<sup>6</sup> Progressive era expansion of the Post Office was supported by moral reform groups including prohibitionists. These networks outlasted politicians' attempts to co-opt them, since they spanned the usual partisan and class boundaries. Today, however, the rich associational life of the progressive era has given way to pervasive individualism so that America is not the nation of joiners it once was (Putnam 2000). Powerful interest groups located in Washington largely replaced the more organic local associations; belonging to a modern interest group requires no more commitment than writing a check.

I define reputation in much the same way as Carpenter: it is the development of a belief among politicians and the public in an agency's ability to anticipate and address the public's needs. Where I differ is in the explanation for the manner in which a modern agency develops a reputation. Contemporary agencies require different ingredients. First, contemporary agencies can develop a reputation with a connection to a mature profession, which helps to compensate for the support and information once provided by progressive era associations. In addition, modern agencies are required to perform increasingly complex technical tasks, and a professional culture, with its knowledge, training, and own set of academic and political associations, can provide the agency with important expertise.

Reputation is useful in understanding how contemporary agencies become powerful over time. My argument is that FEMA was able to resist the commands of its political principals because the agency had developed a *reputation* as an effective disaster agency, not as a

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<sup>5</sup> From Carpenter (2001, 13, 364-65). The concepts of reputation and autonomy are developed in Carpenter (2000, 2001). The sociological literature has made attempts to understand the role of ideas in organizations, including Finnemore (1996); DiMaggio and Powell (1983). In political science, the comparative politics field has had a resurgence of scholarship on ideas in politics, including Goldstein (1993).

<sup>6</sup> Carpenter's work defines bureaucratic power, and specifically "autonomy," as those occasions in which "elected authorities see it as in their interest to either (1) defer to an agency's wishes for new policy or (2) grant a wide range of discretion to an administrative agency over an extended period of time" (Carpenter 2000, 124). My own concern is less with the creation of new programs—after all, much of the radical policymaking of the contemporary era involves eliminating programs—than with an agency's ability to define its mission and core tasks.

counterterrorism one. The agency's reputation among the public and among politicians for effectively addressing natural disasters gave its leaders enormous leverage in defining their mission and core tasks, even when the national agenda emphasized terrorism. Reputation is a stronger and more complex force than one might think—before the 1990s, FEMA and its predecessors lacked a good reputation and the agency was at the mercy of politicians and the changing political agenda.

In Carpenter's account, an agency's reputation is buoyed by a connection to private associations, often representative of larger social or moral movements. Agencies often had better connections to these movements than politicians did, in part because the associations' goals did not correspond to the aims of a single party. An agency gained autonomy when politicians believed that its connection to social movements gave it the foresight to create new programs which anticipated the needs of the public better than politicians could do through legislation (2000, 124).

In addition to gaining the support of a mature profession, the second thing a contemporary agency can do is to establish formal and informal ties with the public and with politicians. In an age in which individuals relate to the federal government through the media rather than through private associations, agencies lack ties to organized social groups. They are left to build esteem and a reputation by responding to requests from the public, Congress and the president, thereby furthering the electoral ambitions of incumbent politicians who want to please their constituents. Theories of delegation also stress the role that agencies play in serving the electoral interests of politicians, but these theories neglect the degree to which agencies shape how those interests are served. For example, FEMA was able to craft its mission of all hazards within a broad legislative mandate that allowed the agency to address disasters ranging from terrorist strikes and nuclear war to floods, fires, and hurricanes.<sup>7</sup>

Both the support of a mature profession and a connection to the president and Congress allowed FEMA to develop a single coherent *mission* around a set of core tasks for which FEMA had the resources and expertise to accomplish. The development of a single mission was crucial in allowing the agency to create clear expectations among the public and politicians and to meet or surpass them. During the mid 1990's FEMA's mission coalesced around the *all hazards approach*, a term which has become a mantra in emergency management. Most emergency management agencies today place all hazards at the core of their mission, which means that they emphasize programs which can be used to respond to all kinds of disasters—natural, human-caused, and terrorist and national security—rather than programs specific to one kind of disaster. Throughout their history, emergency management agencies have been responsible for all three kinds of hazards, and while the term is *all hazards*, during the 1990s, natural disasters became the main focus of the agency. It is easy to see why the all hazards approach leads to a focus on

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<sup>7</sup> FEMA mostly intervened in natural disasters, but it did play some role in national security policy areas such as terrorism, civil defense, and civil disturbances, including events from the 1979 Mariel Boatlift of Cuban refugees to security for the Olympic games. There has been a complicated legal debate throughout the history of emergency management agencies over the degree to which those agencies were either required to or able to address these policy areas. The general consensus is that FEMA in particular was able to address hazards of all kinds on American soil, including terrorism, nuclear attack and civil disturbances. The Federal Civil Defense Act of 1950 (repealed in 1994), for example, gave priority to "attack-related civil defense" over natural disasters. Even through 9-11 there was some confusion in the responsibilities of FEMA and the FBI and law enforcement agencies in the event of an attack. Both bore some responsibility, but the FBI asserted that it would be the lead on-site agency until the Attorney General determined that the immediate threat had subsided. See Keith Bea, "Federal Disaster Policies after Terrorists Strike: Issues and Options for Congress," *CRS Report to Congress*, Washington, DC: Congressional Research Service, 10/22/02. See also John Ashcroft, "Letter to Joseph Allbaugh, FEMA Director," 8/2/01. For a discussion of FEMA's authority in national security and terrorism see the unpublished legal appendix to the National Academy of Public Administration Report *Coping with Catastrophe*, issued in February 1993.

natural disasters: terrorism, riots, and even chemical spills and nuclear accidents are rare and highly technical events requiring specialized preparation, whereas the course and effects of many natural disasters are predictable and the skills required, such as warning, evacuation, and damage assessment are transferable across hazards. I document how, over time, the emergency management culture coalesced around the all hazards approach, which allowed FEMA to evolve from an agency with many conflicting missions to one with a single identifiable mission.

The all hazards approach was elevated to a governing principle by a *bureaucratic entrepreneur*, James Lee Witt, who was the agency's director from 1993-2001. A bureaucratic entrepreneur is the "public sector equivalent of the private sector entrepreneur" (Mintrom 2000; Schneider, Teske, and Mintrom 1995, 3). He perceives an opportunity for policy change and brings new innovations to the political market; in the case of FEMA, Witt assembled the foundational elements of reputation—a connection to a mature profession, a connection to politicians and the public, and a clear achievable mission—and pushed through the necessary organizational reforms. A group of people rather than an individual may be responsible for this synthesis, but much of the credit redounds to the entrepreneur.

Witt is widely credited with turning FEMA from a bureaucratic backwater into a brand name. The agency went from being invisible to the media to being heavily criticized to, under Witt, receiving praise. Witt's turnaround was not an unvarnished success, however. The agency's rise in popularity corresponded with an increase in federal disaster declarations and disaster funds to the states, so part of his success was due to greater federal spending. Witt was also quite lucky that no catastrophic disasters struck during his 8-year term. Furthermore, Witt's deputies deserve as much of the credit for the turnaround as Witt himself.

Still, Witt's behavior is instructive. The way in which he forged bonds with elected politicians was strikingly different from how progressive era bureaucratic entrepreneurs related to political actors. During the early 20<sup>th</sup> century, maverick agency leaders like Gifford Pinchot and Harvey Wiley staked out their independence from politicians and developed widespread support for their policies. Bureaucratic entrepreneurs in FEMA, however, enhanced their reputation through close relationships with politicians. This is the crucial difference between the progressive maverick and the modern entrepreneur—Witt did not stake out a position independent of politicians as much as he supported their interests. When he first became FEMA director in 1993, he clashed with some members of Congress who wanted to disband the agency, but he eventually persuaded them that he could improve FEMA's response to natural disasters so that the public would have an improved view of the agency and of the federal government in general. Instead of developing his own constituency in opposition to political interests, Witt focused the mission of FEMA so that the agency accomplished manageable core tasks, responding to natural disasters effectively.

President Clinton and members of Congress whose districts were struck by disasters were quite happy to take credit for FEMA's quick response (though not shy to blame the agency for failures during the 1980s and early 1990s). Witt recognized the "electoral connection" between the agency's tasks and politicians' ultimate interest—reelection—when during congressional testimony he said that "disasters are political events" (Mayhew 1974).<sup>8</sup> He recognized that his power was ultimately located in the agency's ability to support the interests of politicians and, sometimes, to anticipate those interests better than politicians could do on their own.

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<sup>8</sup> Testimony to U.S. Senate, April 30, 1996.

## Documenting Reputation

I measure reputation through archival research, interviews, and a graph of the number of major newspaper editorials that mention FEMA in a positive tone compared with the number that mention FEMA in a negative tone (see figure 2). Reputation is a measure of appearance rather than a direct measure of performance, though I mention the agency's improved response to disasters after the 1993 reorganization and include a chart listing the number of annual presidential disaster declarations (figure 3). After a long history of bureaucratic failure, FEMA turned its image around after a 1993 reorganization. At that time, James Lee Witt, a bureaucratic entrepreneur, drew on the resources of the emergency management profession to put into place a clear central mission and a connection to political actors and the public.<sup>9</sup> I confirm the emergence of the concept of all hazards—in essence a single coherent mission—through interviews with 23 current or former upper-level FEMA employees or emergency managers. All but one of these mentioned the all hazards approach without my prompting when discussing the agency's mission.<sup>10</sup>

The reorganization of FEMA in 1993 resulted in a profoundly improved reputation and a remarkably powerful agency. For most of their history, FEMA and its predecessors responded to pressures from politicians and the political agenda. Civil defense agencies, though originally tasked with natural disasters preparedness, failed to develop a reputation and were at the mercy of politicians who oriented their missions toward civil defense. FEMA, too, languished in its early years, but during the 1990s it went from being labeled a “federal turkey farm” by a congressional committee to being hailed as the most popular agency in the federal government by President Clinton. This turnaround allowed the agency to resist pressure to change its mission and core tasks to reflect new political priorities. I locate the source of FEMA's newfound bureaucratic power in the development of a reputation, and I explore how that reputation was formed by the construction of a clear *mission* through the emergence of a *bureaucratic entrepreneur* and a *professional culture*. While having a mission is important, reputation is also built upon the perception of the public and of politicians. My historical analysis also shows the importance of FEMA's conscious development of a *connection* to Congress, the president, and the public at the peak of its reputation during the tenure of director James Lee Witt.

## Civil Defense and Disaster Policy during the Cold War

After World War II, emergency preparedness included a commitment to addressing both natural disasters and nuclear attack, but, as the Cold War intensified, the threat of nuclear attack quickly became the primary focus of preparedness agencies. Could the same thing have happened to the FEMA after the terrorist attacks of September 11? The history of federal emergency preparedness organizations in America suggests that the answer is yes. Civil defense programs arose in the 1950s under conditions similar to those following September 11—a new sense of vulnerability, the expectation of a federal organizational response after the crisis, the need to minimize casualties in the event of an attack and the need to boost the public's morale for a long struggle against a protean enemy.

The earliest emergency preparedness agencies were created with an all hazards approach to disasters in mind, even though they did not use the term. In 1948, Russell Hopley, the director of the Office of Civil Defense Preparedness, submitted a report to Secretary of Defense James Forrestal in which Hopley announced the creation of a comprehensive civil defense agency, “a

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<sup>9</sup> See figure 5.

<sup>10</sup> See appendix for a more detailed description of interview subjects (Figure 6).

peacetime organization which should be used in natural disasters even though it may never have to be used for war.”<sup>11</sup> In the “Hopley Report” policymakers realized that civil defense programs could be used for all kinds of disasters. President Eisenhower issued the first presidential declaration of a major disaster in 1953 to help four counties in Georgia recover from tornado damage. This was made possible by the Disaster Relief Act of 1950, which replaced ad hoc aid packages with general law governing disaster relief (Birkland 1997, 49-50).

But as the Cold War continued, the all hazards approach to disasters faded and preparedness agencies focused almost exclusively on the response to nuclear attack. Why were federal preparedness agencies unable to preserve their mission of preparation and response to natural disasters? Part of the answer lies in the fact that the main responsibilities for disaster preparedness were placed in state and local entities. But the main reason that preparedness came to be synonymous with defense against nuclear attack rather than with preparation for natural disasters was the sudden increase in the perception of a Soviet threat.

Nuclear fear was on the national agenda before the creation of the emergency preparedness agencies. In its earliest stages, civil defense planning was coordinated by the National Security Resources Board’s Office of Civil Defense Planning which was created by the 1947 National Security Act with the premise that uncertainty about the likelihood of nuclear attack and the immense threat it posed required “a continuous state of readiness.”<sup>12</sup> Two events shortly thereafter focused attention squarely on the threat of nuclear attack: the Soviet atomic test of 1949 and the Korean War. Both stunned the public, and policy elites reacted by creating the Federal Civil Defense Administration in 1950, which absorbed previous civil defense agencies.<sup>13</sup> Its mission was to engage in long term disaster planning, including providing civil defense education and training. During the late 1940s and 50s, the press was awash in stories about the threat and magnitude of weapons of mass destruction—including stories about how the A-bomb could leave cities pulverized in a matter of hours.<sup>14</sup> The fear of an atomic Pearl Harbor was akin to press accounts about the danger of another September 11<sup>th</sup> during the homeland security debate.

Policy elites, meanwhile, were wary that Americans might retreat into isolationism and erupt in what historian Spencer Weart (1988, 103-269) called “nuclear fear” and planners

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<sup>11</sup> Russell J. Hopley, “Civil Defense for National Security,” a Report to the Secretary of Defense by the Office of Civil Defense Planning (1 October 1948). Quoted in Jerry Conley, “The Role of the U.S. Military in Domestic Emergency Management: The Past, Present and Future,” Institute for Crisis, Disaster, and Risk Management Newsletter, George Washington University, 3:4, January 2003. Also see Memorandum, Forrestal to Truman, November 8, 1948, PHST, OF, Box 1651, Office of Civil Defense Planning Folder; “Progress Report on Civil Defense Planning Under the N.S.R. B. March 3, 1949-March 3, 1950,” NA, NSRB, RG-304, Box 94, Folder E4-12. For studies of early civil defense programs, see Nehemiah Jordan, U.S. Civil Defense before 1950: The Roots of Public Law 920, Study S-212 (Washington, DC: Institute for Defense Analyses Economic and Political Studies Division, May 1966).

<sup>12</sup> NSRB Doc. 76, August 19, 1948, “Preliminary Statement on guiding Principles and Program Framework for Mobilization Planning,” PHST, WHCF, Box 27, NSRB Folder 1.

<sup>13</sup> Civil Defense Act of 1950, Public Law 920, 81<sup>st</sup> Congress, 2<sup>nd</sup> session. Also see Federal Civil Defense Administration, “The National Plan for Civil Defense Against Enemy Attack” (Washington, DC: GPO, 1956), 7-103.

<sup>14</sup> This was a popular theme in general interest magazines such as *Life* or *Collier’s*. See Grossman, 54-57, 142. Also see “Defense Lack seen as Pearl Harbor,” *New York Times*, October 10, 1949, 9; “Baruch is Critical of Defense Plans,” *New York Times*, October 31, 1949, 41; US Congress Joint Committee on Atomic Energy, Hearings, Civil Defense Against Atomic Attack, 81<sup>st</sup> Congress, 2nd sess., 1950, 140-150.

The August 21, 1953 issue of *Collier’s* magazine included a FCDA-sponsored quiz intended to prevent readers from becoming “victims of panic.” The government’s publicity campaigns were aimed at frightening people sufficiently so that they would take part in civil defense drills but not so much that they would be paralyzed. Take the quiz at: < <http://www.pbs.org/wgbh/amex/bomb/sfeature/panicquiz.html>>. Last visited 4/16/04.

referred to as “the problem of panic” (Grossman 2001).<sup>15</sup> Many in the Truman administration made the link between popular support on the home front and whether the U.S. signaled to other nations that it was committed to a strong foreign policy (Coale 1947; Jervis, Stein, and LeBow 1989, 3-33, 125-152; McMahon 1991). A secret report in 1946 to President Truman links civil defense programs with the need to shore up national morale in the face of a protracted war:

Even a cursory examination of the characteristics of the American people and of the cultural and material fabric of their national life invites the conclusion that this nation is much more vulnerable to the psychological effects of the bomb than certain other nations. A study of the factors involved should not only assist us in determining the vulnerabilities of other nations, but, also, should lead us to the development of measures to lessen the effects of these phenomena should we be attacked (“Enclosure A” 1947).<sup>16</sup>

In the view of Truman administration planners, the possibility of nuclear war, when mixed with America’s democratic and capitalist character, could result in either isolationism, American surrender of nuclear weapons to an international organization, or simply apathy. Civil defense planners wanted to enable as many Americans as possible to survive a Soviet attack, but in addition they wanted to manage the public’s expectations about preparation for war and the danger of nuclear weapons. The Cold War was the dominant foreign policy issue of the day, and concerns about nuclear attack were the central focus of preparedness agencies, despite the original all hazards vision in the Hopley report. The federal government’s use of the language of the “home front” to appeal to patriotic duty during the Cold War resembles the 21<sup>st</sup> century language of the “homeland” which politicians employ for a similar purpose.

During the Cold War, the federal government delegated much of the responsibility for civil defense preparedness to individual Americans; the government funded large scale programs such as the construction of bomb shelters and the printing of instructional materials, but the thrust of the civil defense program was educating the public through the “militarization” of the home: Dad built a bomb shelter in the backyard, Mom prepared a survival kit, and the children learned to “duck and cover” at school (McEnaney 2000). Americans responded by joining civil defense programs in droves; air raid drills voluntarily cleared the streets of New York, and the FCDA sent out almost 400 million pieces of civil defense literature to homes. Defense against nuclear attack, not natural disasters, inspired a sense of national purpose.<sup>17</sup>

[Insert Figure 1 About Here]

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<sup>15</sup> During hearings on the National Security Act, policymakers maintained that to forestall a post-war retreat into isolationism, the government had to reassure the public that the United States was prepared for an attack, and that something could be done about it, both to prevent it and in recovery. This would help maintain the link between deterrence and credibility. James Forrestal, said in 1945 to the House Military Affairs Committee, that “the world must know, with equal conviction that, as much as we hate war, we are ready to wage swift and effective war against any nation which tries to overthrow rule by law and justice, replacing it with rule by force. We should make the determination clear—by deeds as well as words—to any dreamer anywhere who may be scheming for world domination.” See Forrestal, Miscellaneous Files, Box 44, 1945 folder, “Statement by James Forrestal to the House Military Affairs Committee on HR 515 ‘Universal Military Training,’ November 26, 1945, p. 2. Forrestal was speaking in favor of universal military training, a proposal that was defeated but which still makes the connection between credibility and commitment to preparedness at home. (Quoted in Grossman 2001, 143)

<sup>16</sup> Also see Trachtenberg, Marc. 1988/89. ‘A Wasting Asset’: American Strategy and the Shifting Nuclear Balance, 1949-1954. *International Security* 13:5-49.

<sup>17</sup> Eli Lehrer and Amanda Dory advocate expanding civic participation in homeland security based on lessons from the civil defense era. See Eli Lehrer, “The Secret to Homeland Security,” *The Weekly Standard*, 12/8/03, 13-14 and Amanda Dory, *Civil Security*, Washington, DC: CSIS, 2003.



One reason for the militaristic approach was that from 1950 to 1972, Department of Defense agencies rather than domestic policy agencies led preparedness efforts that, not unexpectedly, centered on programs to prepare for nuclear and other kinds of human-caused attack. Shortly after his inauguration in 1953, President Eisenhower reorganized disaster relief programs into a new office of Civil Defense in the Department of the Army. A string of defense-dominated preparedness agencies followed: the Federal Civil Defense Administration (1950-1958); the Office of Civil and Defense Mobilization (1958-1961); the Office of Civil Defense (1961-1972); the Office of Emergency Planning (1961-1972); and the Office of Emergency Preparedness (1968-1973). Even while preparing for the next great war, these agencies maintained some responsibility for natural disasters; from January 1953 to June 1964, the OEP coordinated federal disaster assistance for 180 major disasters including 87 floods, 27 hurricanes, 23 severe storms and 18 tornadoes (Conley 2003). But this level of disaster involvement pales in comparison to the resources devoted to preparation for nuclear war or to the resources devoted to natural disasters since the 1990s. The height of civil defense came in 1961 when President Kennedy, spurred by the Berlin crisis, stressed the need for a comprehensive civil defense program.<sup>18</sup> Civil defense spending reached nearly \$600 million (in 1977 dollars) that year, but in most years between 1951 and 1973 spending was between \$100 and \$300 million.<sup>19</sup>

After Kennedy, civil defense programs languished. Congress kept funding levels at about \$100 million per year in the 1970s. Presidents preferred to fund offensive capabilities rather than passive defenses, and people gradually lost faith in the effectiveness of civil defense efforts as the Soviet nuclear arsenal grew to include Intercontinental Ballistic Missiles which could reach the United States in a matter of minutes, not hours. Carter's reorganization plan to create FEMA consolidated civil defense programs, but in addition to technological changes, civil defense advocates tussled with proponents of mutually assured destruction, who believed that civil defense efforts were futile since the whole point of deterrence was to convince both sides that nuclear war was unwinnable.

After years of waning support, the Reagan administration briefly reinvigorated civil defense as part of a larger nuclear deterrence strategy (Dory 2003, 10-19). In 1980, Congress amended the 1950 Federal Civil Defense Act, intending to revitalize civil defense and, in response, FEMA proposed a seven-year, \$4.2 billion plan for new education and evacuation programs, among other initiatives.<sup>20</sup> Two years later, President Reagan affirmed the value of civil defense in the effort to defeat the Soviet Union in a National Security Decision Directive.<sup>21</sup> Congressional support weakened, however, and the end of the Cold War and the collapse of the Soviet Union effectively put an end to civil defense programs meant to protect the United States from a massive Soviet attack.<sup>22</sup>

In many ways, the genesis of civil defense in the United States mirrors the advent of homeland security policy. In both cases a crisis led to the creation of new organizations devoted to securing the nation against foreign attack. But while the natural disasters portion of the

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<sup>18</sup> John F. Kennedy, "Radio and Television Report to the American People on the Berlin Crisis," July 1961.

<sup>19</sup> See Figure 1, Civil Defense Spending, 1951-1975. For a description of the activities of civil defense programs, see various reports to Congress, including "Activities and Status of Civil Defense in the United States," Report to the Congress by the Comptroller General of the United States, 10/26/71.

<sup>20</sup> General Accounting Office, "The Federal Emergency Management Agency's Plan for Revitalizing U.S. Civil Defense," GAO/NSIAD-84-11, April 16, 1984, pp. i-iii.

<sup>21</sup> National Security Decision Directive 23 on "U.S. Civil Defense Policy," February 3, 1982.

<sup>22</sup> In 1994, Congress repealed the Federal Civil Defense Act; Public Law 103-337, October 5, 1994; available at <<http://www.access.gpo.gov/uscode/title50A>>.

domestic preparedness agencies was obscured during the Cold War in the 1950s and 1960s, and again during the early 1980s when fears of nuclear war grew, the FEMA of the 21<sup>st</sup> century has, for a time, been able to preserve its focus on natural disasters.

### **The Rise and Fall of FEMA**

During the 1970s, and many civil defense programs came to be seen as merely wishful thinking and attention given to nuclear defense programs and their budgets withered. The congressional armed services committees were more concerned with offensive nuclear capability and deterrence than they were with passive defense. At the same time, Congress devoted an increasing amount of attention to natural and technological hazards after several high profile disasters and after pressure from state and local governments to rationalize the recovery process. That attention resulted in the Federal Disaster Relief Act of 1974 and the decision by Congress to allow the Department of Defense's Civil Defense Preparedness Agency to be "dual use" in preparing for both natural disasters and civil defense emergencies.<sup>23</sup> A year later, Congress conducted hearings on federal emergency assistance programs and suspended those efforts only when President Carter began to review the issue. Carter eventually submitted Reorganization Plan Number 3 to Congress, which established FEMA in 1979.<sup>24</sup> For the first time, emergency management functions were centralized at the federal level.

The FEMA reorganization rivals the creation of the DHS in complexity, if not in size (FEMA's staff is about 60 times smaller than the DHS). It combined the Department of Defense's DCPA with over 100 federal disaster-response programs, all of which reported to 20 different congressional committees. To appease interest groups and congressional committees, the reorganization plan transferred each program's political appointees to FEMA, which created isolated divisions or "stovepipes" with their own connections to Congress and interest groups but little connection to each other. One participant in the reorganization recalled that "It was like trying to make a cake by mixing the milk still in the bottle, with the flour still in the sack, with the eggs still in their carton..." (NAPA 1993, 16).

It was not only organizations but also professional cultures that divided the agency. At least three distinct cultures combined to create FEMA, including: 1) the Department of Defense civil defense personnel, who tended to have seniority; 2) the disaster relief program, whose employees had considered themselves so close to the president in the 1970s that they answered the phones with the greeting, "White House"; 3) a firefighting culture from the scientific and grant making programs established by the Fire Prevention Control Act of 1974. Divided by culture and organizational responsibility, the fragmented agency was not able to establish a clear mission. Even so, its first director under Carter, John Macy, attempted to put the agency on a path toward an all hazards approach by emphasizing the similarities between natural hazards preparedness and civil defense activities.<sup>25</sup> Under Macy, FEMA began development of an Integrated Emergency Management System that included "direction, control and warning

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<sup>23</sup> That decision had little immediate impact, but it laid the foundation for policymakers to later expand the dual use and all hazards approaches. In 1976, Congress amended the Civil Defense Act of 1950 to recognize "that the organizational structures established jointly by the federal government and several states and their political subdivisions for civil defense purposes can be effectively utilized, without adversely affecting the basic civil defense objectives of this Act, to provide relief and assistance to people in areas of the United States struck by disasters other than disasters caused by enemy attack." Also see Keith Bea, "Proposed Transfer of FEMA to the Department of Homeland Security," *CRS Report*, July 29, 2002.

<sup>24</sup> June 1978 - President Carter submitted to Congress "Reorganization Plan Number 3" to establish FEMA. After congressional approval the Reorganization Plan creating FEMA took effect April 1, 1979. (See also Executive Order 12127; 44 FR 19367, April 3, 1979.)

<sup>25</sup> Macy was Director from August 1979 - January 1981.

systems which are common to the full range of emergencies from small isolated events to the ultimate emergency—war.”<sup>26</sup> All hazards, however, was just one idea in the policy stream, and it competed with agency divisions that wanted FEMA to emphasize their own special missions, whether earthquakes, fires, or civil defense. Whereas fire, floods, and even oil spills could rely upon identifiable constituencies or stakeholders, terrorism and civil defense had significant support only in the bureaucracy and on congressional committees. These institutional supports might have withered away earlier if events had not propelled terrorism and nuclear war onto the national agenda.

Terrorism first drew the attention of emergency preparedness planners during the 1972 Munich Olympics; there, television cameras captured the images of hooded Palestinian terrorists who tried to leverage 11 Israeli hostages for the release of 200 Arab guerrillas imprisoned in Israel. News coverage followed from the moments when the terrorists first captured the Israeli athletes to the eventual murder of the hostages the next day. The grisly material and the almost continuous television coverage “turned viewers into voyeurs” and while commentators have remarked on how this prominent coverage changed the nature of television, it was also true that the television coverage changed how Americans perceived terrorism.<sup>27</sup>

Terrorism was the subject of several commissions and studies in the late 1970s, one of which was a 1978 National Governors Association report warning that “Little coordinated federal-state planning for terrorist consequence management has been undertaken” (National Governor’s Association 1978, 107). The Association hoped that the newly established FEMA might “provide an important foundation for a comprehensive national emergency response system...,” and so along with a host of other responsibilities FEMA was given the task of coordinating terrorism consequence management though most of the work of responding to terrorist disasters would fall to state and local first responders.<sup>28</sup>

Terrorism might have gotten lost in the shuffle of reorganization if it were not for Ronald Reagan’s election to the presidency. Reagan took office with a clear idea that nuclear competition with the Soviets would be a centerpiece of his administration, and he made appointments accordingly. Reagan had been concerned with terrorism preparation and civil defense as governor of California. After witnessing the social unrest that defined the state in the 1960s—riots and student protests—Reagan organized the California Specialized Training Institute, an emergency management counterterrorism training center in 1971. The director of the

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<sup>26</sup> “FEMA History,” Accessed 11/12/03 at <<http://www.fema.gov/about/history.shtm>>.

<sup>27</sup> Michael Thompson-Noel, “This Televisual Life,” *New Statesman*, July 26, 1996.

<sup>28</sup> In hearings on the plan to establish FEMA, members of Congress came to the conclusion that the agency would be responsible for the consequences of terrorism because such consequences resembled those of other kinds of incidents. One example of that conclusion is the following exchange:

Mr. McIntyre: We think the consequences of terrorist acts can be quite similar to the consequences of major natural and manmade disasters. For example, in both instances there will be serious disruptions of essential services or resources, or certainly could be, and I would emphasize the new Agency would be involved only with the consequences of terrorism and not with the incident itself. I want to underscore that point.

Mr. Levitas: That is the point I am most concerned about.

Mr. McIntyre: And so we felt that if you were going to have a broad-based agency to respond to emergency situations, that since the consequences of these terrorist acts could be expected to be similar to other emergencies, that this agency should be in a position to respond.

U.S. Congress, House Committee on Government Operations, Reorganization Plan No. 3 of 1978, p. 52. Also see Keith Bea, “FEMA’s Mission: Policy Directives of the Federal Emergency Management Agency,” *CRS Report for Congress*, February 13, 2002, 14

institute, Louis O. Giuffrida, a former National Guard officer and a general in California's state militia, became Reagan's first FEMA Director in 1981.<sup>29</sup>

Partly in response to the Reagan administration's focus on national security and partly out of his own interest, Giuffrida made counterterrorism part of FEMA's agenda. Giuffrida had written articles and memos about the government's responsibilities in the event of a terrorist attack, and according to one colleague of Giuffrida's, "He wanted to be a player in the national security realm" and envisioned the agency as a "junior CIA or FBI."<sup>30</sup> When Giuffrida first took office, he asked the FEMA general counsel whether he had the authority to rename FEMA as the "Office of Civil Defense." (He couldn't because FEMA was a statutory term.)

Giuffrida made some progress in bringing together the more than 100 disaster response programs that were moved under the FEMA umbrella, but he overreached in his desire to make FEMA the lead agency in responding to terrorist attacks. His expertise in terrorism and confidence that FEMA could implement national security policy was not enough to overcome the fact that the agency lacked the budget, the expertise, the manpower, and, most importantly, the bureaucratic clout to be influential in the national security world. The result was that FEMA's forays into national security were bungling at best and scandalous at worst.

Giuffrida most famously led FEMA to overreach its capacity in national security by developing a secret contingency plan which called for a declaration of martial law and suspension of the Constitution, turning control of the United States over to FEMA during a national crisis. The plan itself did not define national crisis, but it was understood to refer to nuclear war, massive terrorist attacks, or violent and widespread internal unrest. Of course, President Reagan never acted on the plan, but portions of it were controversial enough within the Reagan administration to call FEMA's leadership into question.<sup>31</sup> The martial law portions of the contingency plan were found in a June 30, 1982 memo by Giuffrida's deputy for national preparedness programs, John Brinkerhoff.<sup>32</sup> The wide-ranging authority that would potentially be granted FEMA alarmed Attorney General William French Smith, who sent a letter to National

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<sup>29</sup> Giuffrida was an expert on domestic terrorism. At the U.S. Army War College in 1970, he wrote a thesis which in part concerned the logistics of interning African-Americans in the event of an urban riot. The thesis is reprinted here: Senate Committee on Governmental Affairs. 1981. Nomination of Louis O. Giuffrida. Washington, DC, 97th Cong., 1st Sess., Committee Print, 34-83.

<sup>30</sup> In a memo requested by Giuffrida, FEMA General Counsel George Jett lays out FEMA's authority in civil disturbances, "riots, demonstrations which get out of hand, etc." This memo and others refer to a previous Department of Justice memo which rejects FEMA's authority in "nonnatural catastrophes." The FEMA counsels explicitly disagree with Justice and advise that "dual use" provisions and FEMA's authority under executive order 12148 may allow FEMA to recommend declarations and assert authority in nonnatural disasters including Love Canal and "the Cuban influx" as well as in "major civil disturbances". See George Jett, General Counsel, "Memorandum for Louis O. Giuffrida, Responsibilities in Civil Disturbances," July 10, 1981; Craig B. Annear, Assistant General Counsel, "Note for Lee Thomas, The Applicability of the Disaster Relief Act of 1974 to Riots and Civil Disorders," May 21, 1981. The 1992 Los Angeles riots were declared a presidential disaster because of fire damage rather than riots.

Giuffrida's desire for FEMA to become a national security agency is reflected in a proposed executive order on intelligence activities, in which Jett writes, "I have suggested that consideration be given to the inclusion of a provision concerning FEMA involvement in intelligence matters in times of national emergency planning and response." See Jett, "Memorandum for Louis O. Giuffrida," 11/9/81.

<sup>31</sup> It is not clear whether Reagan actually signed an executive order approving the contingency plan; the full facts remain obscured in part because President George W. Bush sealed some 68,000 pages of Reagan's White House records in November 2002. Elements of the draft executive order do appear in E.O. 12656 issued November 18, 1988.

<sup>32</sup> The scenario outlined in the Brinkerhoff memo somewhat resembled Giuffrida's thesis at the Army War College in Carlisle, Pa. in which he advocated martial law in case of a national uprising by black militants. The paper also advocated the roundup and transfer to "assembly centers or relocation camps" of at least 21 million "American Negroes." See Chardy, Alfonso, "Reagan Aides the 'Secret' Government," *Miami Herald*, July 5, 1987.

Security Advisor Robert McFarlane on Aug. 2, 1984, urging that Reagan delay signing the draft executive order:

I believe that the role assigned to the Federal Emergency Management Agency in the revised Executive Order exceeds its proper function as a coordinating agency for emergency preparedness. This department and others have repeatedly raised serious policy and legal objections to the creation of an 'emergency czar' role for FEMA.<sup>33</sup>

Giuffrida did not stop with inserting FEMA into contingency plans. With the memory of the Munich attacks still fresh, Giuffrida asserted a role for FEMA in preparing for a possible crisis at the 1984 Los Angeles Olympics. Other Reagan officials resented Giuffrida's ambition, and Smith's memo was one result of the backlash against Giuffrida and FEMA, according to some of Giuffrida's colleagues at the time.

Chastened by the Attorney General and others in the national security community, Giuffrida resigned in 1985 after being the subject of a federal investigation of alleged fraud and mismanagement. No subsequent FEMA director had the same personal history and interest in counterterrorism and civil defense as Giuffrida, and his controversial tenure discouraged any reemergence of FEMA as a player in the national security realm.<sup>34</sup> By the mid 1980s, FEMA was seen as a liability and a potential source of embarrassment; few people could see how valuable the agency was to become for a president.

While FEMA's organization was under attack, the emergency management profession was taking off. State and local officials began to invest in planning for how to respond to (if not yet mitigate) disasters from hurricanes, floods and earthquakes to chemical spills. States, counties, and cities began to centralize emergency response offices and de-emphasize civil defense. In a few cities, national guardsmen still presided over civil defense offices that passed out brochures on how to build shelters—but most communities moved toward the more urgent matters of figuring out how to respond to more frequent natural disasters. The development of an emergency management profession saved lives and property: In 1969, for example, over 250 people died when Hurricane Camille struck the Gulf Coast but only 36 lost their lives when a similar hurricane, Andrew, hit Florida and Louisiana in 1992.<sup>35</sup>

Organizationally, FEMA made a step forward in 1992 when it issued the Federal Response Plan, which provided a blueprint for coordinating resources during a disaster and clarified the agency's role as the clearinghouse for disaster assistance. Most importantly, the Plan introduced the all hazards approach into FEMA's fundamental operational document, joined by 25 federal agencies and the American Red Cross.

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<sup>33</sup> William French Smith, Attorney General, letter to Robert C. McFarlane, Assistant to the President for National Security Affairs, Washington DC, August 2, 1984.

<sup>34</sup> It is notable that Giuffrida is not mentioned in FEMA's online history of the agency, <<http://www.fema.gov/about/history.shtm>>

A number of articles in the 1980s criticized FEMA's secret continuity of government programs, including a much cited article in *Penthouse* featuring Giuffrida. (See Goldberg, Donald, and Indy Badhwar, *Penthouse*, August 1985). Other critical articles included: Steven Emerson, "America's Doomsday Project," *U.S. News & World Report*, 7 August 1989; Chardy, Alfonso. "North Helped Revise Wartime Plans." *Miami Herald*, For a more judicious evaluation of FEMA's continuity of government programs see Harold C. Relyea, "Continuity of Government: Current Federal Arrangements and the Future," *Congressional Research Service Report*, Nov. 7, 2003.

<sup>35</sup> Even the response to Camille was an improvement over emergency management in previous generations. When the Great Hurricane hit the Caribbean in 1780, 22,000 people died. "The safety precautions, suggested by the authorities, were for residents to put on all their clothes, tie pillows around their heads and hope for the best. By comparison the human toll of Hurricane Hugo was slight. The islanders knew in advance that the wind was coming - though about all they could do was duck." *Economist*, "Hurricane Hugo; When the Wind Blows," October, 1989, 22.

Even so, FEMA's reaction to major disasters was often slow or piecemeal (May 1985; Popkin 1990). It was not only the agency's dabbling in national security matters which gave FEMA a bad name—like the true stories about building a secret 112,544 square foot bunker under the Greenbrier resort in West Virginia to house Congress during a nuclear war.<sup>36</sup> FEMA also lacked coordination in responding to natural disasters. For large disasters, FEMA's response could be slow and excessively bureaucratic. For small and medium sized disasters, FEMA was often unclear about whether it should intervene at all, and its equivocation frustrated states and localities. Congress was to blame for some of the agency's schizophrenia—until reorganization in 1993 and the repeal of the Civil Defense Act in 1994, FEMA reported to over a dozen congressional committees, including the Senate Armed Services committee, which confirmed appointees to an associate director position. Congress attempted to give direction to the agency by passing the Stafford Act of 1988, but the legislation contained a broad mandate with only the most general guidelines about FEMA's role in disaster preparation and response, and the act itself was ambiguous about whether or not FEMA was a national security agency.

[Insert Figure 2 About Here]

Ambiguity about FEMA's mission and a lack of resources contributed to a string of lackluster responses to high profile disasters, most notably Hurricanes Hugo in 1989 and Andrew in 1992. When Hugo struck the American Virgin Islands it caused \$1.6 billion in damage, partly because of a rare case of looting. Buildings were torn apart and the federal government had to dispatch military police and FBI agents to patrol the streets after 150 prisoners were freed from jail by the storm. The agency's slow response and requests for detailed cost assessments during the aftermath in South Carolina prompted Sen. Ernest Hollings to call FEMA's staff "a bunch of bureaucratic jackasses".<sup>37</sup>

Similar problems with recovery plagued FEMA's response to Hurricane Andrew, which struck south Florida in 1992. FEMA was determined not to repeat the mistakes made during Hugo; the agency had secured a disaster declaration and sent communications equipment to Dade County even before landfall.<sup>38</sup> But things soon fell apart when the emergency managers, police and fire departments, and power companies who were supposed to respond to the disaster were themselves victims of the hurricane. With first responders incapacitated, no one was able to mount a damage assessment. According to studies of the response, "Officials in the state EOC at Tallahassee kept pleading with local officials to tell them what they needed, and frustrated and equally frantic local officials kept saying they did not know what they needed- 'Send Everything!' To which agonized state officials could only reply, 'We can't send everything!'" (NAPA 1993; Wamsley and Schroeder 1996).

The response was so disorganized three days after the hurricane (and after a visit by President Bush and the Director of FEMA) that Dade County Director of Emergency Preparedness Director Kate Hale held a press conference saying: "Where the hell is the cavalry

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<sup>36</sup> Read more about the bunker complex here: <<http://www.pbs.org/wgbh/amex/bomb/sfeature/floorplan.html>> The government now offers tours, for a fee, to help defray the cost of upkeep for a Cold War hotel built for 1,000.

<sup>37</sup> Baker, James N., Howard Manly, and Daniel Glick, "The Storm After Hugo," *Newsweek*, October 9, 1989, 40. *Economist*, "Hurricane Hugo; When the Wind Blows," October, 1989, 22.

<sup>38</sup> Fortunately, Andrew did not cause a major loss of life because the warning systems had been effective and the hurricane missed the population center of central Miami. But the storm did destroy property, including buildings that were built after the adoption of the South Florida Building Code. It was later revealed that new construction had been in violation of the code.

on this one? We need food. We need water. We need people. For God's sake, where are they?"<sup>39</sup> After the firestorm of criticism in the media, FEMA's authority in leading the recovery effort broke down. President Bush, in the midst of an election campaign, sent nearly 20,000 Navy, Air Force, and Coast Guard troops to Florida.<sup>40</sup> Instead of the FEMA director leading the effort, the White House sent Andrew Card, the Secretary of Transportation, to take charge of the recovery along with a cadre of generals. The NAPA (1993, 19) report summed up the chaotic response by stating that: "The best laid plans and procedures are now vulnerable to disruption, indeed destruction, by one dramatic sound bite that the media turns into political shock waves." This was not the plague in Athens, but the situation was chaos for a bureaucratic age. FEMA veterans have said that the agency's poor response to fallout from Andrew in Louisiana, Georgia, and Florida contributed to Bush's loss in the 1992 presidential race.

One lesson from Hurricane Andrew—found in the NAPA and GAO reports—was that FEMA lacked sufficient resources and sufficient coordination to respond to a major disaster, and the reports recommended shifting resources from the national security program to natural hazards programs so that more resources would be available for major disasters. The second lesson—not found explicitly in any report—was that FEMA had to learn to operate in the age of the "plebiscitary" president or the "politicized presidency" (Moe 1993; Moe 1998; Wildavsky 1991). Without presidential intervention, a healthy agency might respond to failure by bringing in experts to evaluate its shortcomings and attempting to fix them by writing new procedures. Today, however, the president will not rely on technocratic government to take its course. If there is an opportunity for the president to take credit or escape blame, the president will appeal to the people himself through the media. Ever since the Brownlow Commission, the presidency has evolved toward a conception of itself as not merely a coequal branch of government or a unit of the executive branch but as the head of a corporation whose job it is to oversee all that is underneath him (Karl 1963). When something in the factory's machinery goes awry, as in the case of FEMA's response to Hurricane Andrew, it is the president's job to fix it.

In practice, the politicized or corporate model of the presidency results in the president's vacillation between ignoring FEMA and micro-managing it, as the NAPA (1993, 21-23) report points out. In addition to ambiguous statutes from Congress, FEMA received ambiguous signals from the president about the level of control or ownership he wanted over FEMA. The result was especially chaotic when mixed with a FEMA political leadership that was relatively inexperienced and un-professionalized—the agency was labeled the "federal turkey farm" by a House committee for its reputation as a dumping ground for political appointees (Dyne 1992).

The agency's reputation reached a low ebb during the early 1990s. The media routinely held up FEMA as an example of government inefficiency and incompetence; a *Washington Post* article labeled FEMA as "the agency that everybody loves to hate."<sup>41</sup> Most major newspaper editorials during the period cast the agency in a negative light and there were few positive portrayals (see figure 2).

Following Andrew, Congress commissioned studies of FEMA's shortcomings. (Lippman 1992; NAPA 1993; Sylves 1994). The most bold and influential study, from NAPA, raised the possibility of a "death penalty" for FEMA, but in the end recommended reorganization along the

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<sup>39</sup> Slevin, Peter, and Dexter Filkins, "We Need Help," *Miami Herald*, August 28, 1992.

<sup>40</sup> Davis, Bob, "Brewing Storm," *Wall Street Journal*, August 31, 1992, A1. In addition, Wendy Brown emphasizes the "...popular and media discourse about relevant state and federal agencies (e.g., the Federal Emergency Management Agency [FEMA]), that came close to displacing onto the agencies themselves responsibility for the suffering of victims." Wendy Brown, *States of Injury* (Princeton: Princeton University Press, 1995), 68-69.

<sup>41</sup> William Claiborne, "Cultures Being Clubbed," *Washington Post*, A21, May 20, 1993.

lines of the original intentions of FEMA's creators. One subhead in the report read "An institution not yet built." FEMA was created with the reasonable idea that it would be a clearing house for federal disaster preparation, response, and recovery, but after implementation it suffered from vague mission statements, an unclear legislative charter, and compartmentalized organization.

The real bêtes noires of the study were FEMA's civil defense and national security programs. The NAPA report declared that "the time has come to shift the emphasis from national security to domestic emergency management using an all hazards approach" (NAPA 1993, x). The study charged that FEMA's National Preparedness Directorate was unwilling to use its advanced communications and transportation equipment in rescue efforts for hurricanes, earthquakes, floods, and fires because of concerns that they might expose national security assets to the enemy. The GAO study and a series of congressional hearings added to the expert consensus. U.S. Comptroller General Charles A. Bowsher testified that the national security divisions of FEMA, especially the National Preparedness Directorate, had "significant assets that could be used more effectively to help guide the federal government's response to catastrophic natural disasters, especially in light of the changing nature of national security emergencies" (Bowsher 1993, 13).

The NAPA (1993, 53-54) report states clearly that FEMA must "demilitarize"—at the time of the study, about 38 percent of FEMA's total staff and about 27 percent of its budget (about \$100 million, excluding the disaster relief fund) were dedicated to national security emergencies. Of FEMA's 3,000 full time employees, 1,900 held security clearances, creating (at least) two competing cultures. Not all observers agreed with the NAPA assessment, however. William Cumming, an attorney who retired from FEMA in 1999 after serving in the general counsel's office since FEMA's creation, said that in truth FEMA had been allowing its national security assets to be used for disaster response since 1984. According to Cumming, the national security divisions, with their distinct and at times secretive culture, made an easy scapegoat for FEMA's real problem: the agency was insufficiently staffed and funded to both prepare for and respond to disasters and play a role in national security.<sup>42</sup>

In addition to recommending the break up of FEMA's national security division, the reports concluded that to be effective, FEMA needed greater involvement from the White House so that the "full weight of presidential authority can be brought to bear in managing federal agency work in the aftermath of disasters" (Sylves 1994). FEMA would soon get a director who would throw his weight around while bearing the imprimatur of the president.

### **Resurrection: James Lee Witt and All Hazards**

The tenure of James Lee Witt was a watershed for the agency turning it from the "federal turkey farm" into one of the most well respected agencies in the federal government. Witt was celebrated by emergency managers and politicians who saw Bill Clinton's popularity as

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<sup>42</sup> William Cumming, Personal Interview, Arlington, VA, December 10, 2003.

The FEMA counsel's office advised that defense assets could not be used for natural disasters: "However, the [Civil Defense] Act does not presently contain any authority for response, at the federal level, to a natural catastrophe." Patricia M. Gormley, FEMA General Counsel, "Memorandum for Steve Gaddy, Deputy Associate Director, External Affairs Directorate (cc: Grant Peterson)", July 14, 1992. Whatever the correctness of counsel's advice at that time, Congress amended the FCDA in 1993 to make it "all-hazards". See Public Law 103-160.

Other divisions of FEMA saw a greater role for civil defense funds and programs in natural disasters. For example, see Policy Coordinating Committee on Emergency Preparedness and Mobilization Civil Defense Working Group, Dual Use Memo, 1991. In practice FEMA was used to cope with technological disasters, including the Times Beach, Mo. Dioxin contamination in the early 1980s.



president soar along with the agency's faster response to disasters. But Witt was also vilified both by those who found his promotion of FEMA to be crass and meretricious and by those partisans of counter-terrorism and civil defense who saw their national security concerns pushed aside as the agency focused its resources on more conventional disasters. Witt's central accomplishment was to clearly define and articulate the mission of the agency—in essence institutionalizing the all hazards approach. He supported his rhetoric by making organizational changes which proved to politicians that the agency could perform tasks that would boost citizens' opinions of the federal government. His success depended on the work of the emergency management profession; before reorganizing the agency, he digested the NAPA report and made many of the recommended changes.

Witt made use of expertise from the emergency management profession, appointing well-regarded deputies including Lacy Suiter. Witt, however, earned admiration for his political skill; the former county judge and emergency services director from Yell County, Arkansas was not blind to the politics of Washington. He quickly silenced the agency's implacable critics—Senator Barbara Mikulski (D-Maryland), who until 1994 chaired the Senate appropriations subcommittee responsible for FEMA and Congressman Curt Weldon (D-Pennsylvania).<sup>43</sup> Mikulski had introduced a bill incorporating most of the suggestions of the NAPA study and although the bill died in committee, Witt proceeded to reorganize the agency along the same lines.<sup>44</sup>

Winning political support in Congress was not easy—Witt recalls a meeting with Rep. Pete Stark, who had introduced a bill to abolish the agency:

I went up to the Hill myself and I told him what I wanted to do to reform and I said give me one year and if we don't do it I'll tell you.<sup>45</sup>

What Witt did was reorganize FEMA to better accomplish tasks that would support the reelection goals of members of Congress and the president. FEMA supported those goals by quickly distributing disaster relief funds. The agency also improved its ability to reassure disaster victims through public relations programs and it vastly increased its role in mitigation. Before Witt's tenure, congressmen like Ernest Hollings won public approval by speaking out against FEMA, reflecting the public's frustration with the agency's slow response in a time of crisis. Witt was able to make representatives like Hollings and Stark realize that FEMA could potentially work to their advantage by providing constituents affected by disaster with an immediate response, one which would be the citizens' most palpable and reassuring connection with the federal government.

The potential for aligning FEMA's mission with politicians' reelection goals had been present for some time, but it took active lobbying on Witt's part to become reality. Witt spoke to the chairs of the twenty committees that had a stake in FEMA's reorganization during his first months on the job. And Witt spent two days calling every member of Congress in the nine Midwestern states affected by flooding in the summer of 1993. "You have to reach out," Witt

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<sup>43</sup> Rivera, Carla, and Alan C. Miller, "Streamlined FEMA Quake Assistance Seen," *Los Angeles Times*, May 15, 1994.

<sup>44</sup> Witt opposed the Mikulski bill (S.995) because it reduced the power of FEMA by eliminating most political appointees, transferring the continuity of government functions to the Department of Defense, and establishing a domestic crisis monitoring unit in the White House. See William Claiborne, "Doling Out Praise, FEMA Critic Pressed for Reform at Hearing," *Washington Post*, March, 25 1994, A21.

<sup>45</sup> James Lee Witt, Personal Interview, Washington, DC, April 15, 2004.

says, “I told them what we were doing, and that if they had a problem, to call me”(Roberts 1997).

Witt’s accomplishments were even more impressive within his own agency. Immediately after becoming FEMA director, Witt articulated his mission: to support “all hazards, comprehensive emergency management” (Schneider 1998, 42). Previous reports and officials had appealed to dual use or all hazards, but Witt put the concept at the forefront of all FEMA’s missions.<sup>46</sup> For Witt, all hazards meant that programs that would enable the agency to respond to all disasters should be given priority over specialized programs. FEMA would still employ earthquake specialists or flood specialists, but those programs would be limited, and national security programs would be curtailed. FEMA remained in charge of a few national security programs concerned with preserving basic government functions during a time of war, but these programs were separated from the rest of the agency. The result was that “all hazards” became a mantra that, when combined with organizational changes, turned FEMA into a streamlined, professional natural disasters preparation and response clearinghouse.

By adopting the all hazards approach, the agency streamlined core tasks and focused its mission, making it more effective. Having multiple response plans and multiple coordinators did not make sense, according to all hazards proponents, when the same police, fire, and emergency personnel would respond to all types of disasters. In the early days of the agency, “you had to be a librarian to keep up with all of the guidelines that were coming from FEMA,” said Kay Goss, the agency’s Associate Director for Preparedness from 1994-2001.<sup>47</sup> The all hazards approach won the allegiance of budget conscious emergency managers at all levels of government.

Organizationally, Witt made the changes recommended by the NAPA study: he eliminated the National Preparedness Directorate and reduced its role to an Office of National Security Coordination, which became a liaison to the National Security Council and other agencies.<sup>48</sup> Procedurally, Witt refocused the agency’s mission on quick response to natural disasters; he interpreted statutes so as to allow a response to be set in motion even before disaster struck (Wamsley and Schroeder 1996).<sup>49</sup> And Witt made sure to make his reorganization palpable for the public. He reduced the time it took for payments to reach disaster victims and in August 1993, the agency dispatched twelve tractor-trailer rigs of emergency supplies to North Carolina before Hurricane Emily made landfall. “We made a mistake with Hurricane Andrew by waiting for the states to tell us what they needed first,” said Richard Krimm, a FEMA associate director, “Now we go to the state and say, Here are the things you need, just tell us if you want them” (Roberts 1997).

A precondition for Witt’s success in refocusing the agency on natural disasters was cooperation from the president, Congress and the affected committees. Before taking office, Clinton recognized that FEMA needed reform, but he left the details up to his chosen bureaucratic entrepreneur. Witt said that upon his nomination as director “The president knew something had to be done and he said are you going to be able to do it, and I said yes, I’ll fix

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<sup>46</sup> Witt’s public speeches and internal memos made “all hazards” the centerpiece of FEMA’s mission. For example, Witt, “Memorandum for All FEMA Employees, Organizational Structure and Management, November 5, 1993.

<sup>47</sup> Kay C. Goss, Personal Interview, Washington, DC, November 20, 2003.

<sup>48</sup> See FEMA Organization Charts in the appendix; also Witt, “Memorandum for All FEMA Employees, Organizational Structure and Management, November 5, 1993.

<sup>49</sup> The Stafford Act and other statutes gives FEMA a broad—and vague—mandate (NAPA 1993). Witt did not have to interpret the statutes in the way he did—legally, all FEMA directors could have been more active in disaster response and even more active in national security matters, but the reason that they had to decline intervention in a number of occasion was that they lacked the resources.

it.”<sup>50</sup> Witt eliminated 10 presidentially-appointed management posts in the agency, which had earned a reputation as a dumping ground for political appointees. “The White House didn’t like that,” Witt said, “but the president didn’t mind.”

While Witt had only to gain the confidence of a single president, he had to lobby the whole of Congress to support his move away from defense issues toward all hazards; when Witt testified at a 1994 hearing on civil defense he spoke not about national security but about what was wrong with disaster preparedness.<sup>51</sup> Witt’s testimony gave the impression that the money and energy that the 1950 Federal Civil Defense Act mandated for national security matters was needed to improve the response to natural disasters. Congress agreed—the Armed Services Committees had lost interest in civil defense programs in the 1990s—and so the Civil Defense Act was repealed in 1994, ending all Armed Services oversight over FEMA.<sup>52</sup> The \$146 million in FEMA’s budget which was technically authorized by the Act, as well as \$50 million more in “defense related” funds were moved to natural disasters and all hazards programs. During the reorganization over 100 defense and security staff were reassigned to other duties, and nearly 40 percent of FEMA staff with security clearances had their clearances removed.<sup>53</sup> Changes in practice accompanied the organizational changes which reduced the priority the agency gave to national security. In the summer of 1993, FEMA used mobile communications vehicles that had been reserved for national security programs for the response to floods in the Midwest (Roberts 1997). Witt continued to lobby for FEMA’s independence throughout his term, and he established correspondence units to make sure that all letters from members of Congress and governors were answered within ten days.

More emphasis was placed on mitigation, and Witt added a Mitigation Directorate which was intended to reduce the injuries and economic losses caused by disasters—a concern expressed by members of Congress in the NAPA and GAO reports. For example, the “Flood Safe” program persuaded some homeowners in flood prone areas to buy insurance against losses. It also delivered federal money to states and localities, which pleased constituents. While mitigation was only in its early phases during Witt’s tenure, it was criticized for a lack of accountability and for the problem of moral hazard (Platt 1999, 69-110). Insured parties had little incentive to avoid risk if they could count on being reimbursed by the federal government for losses. The mitigation programs wavered between being a program of federal grants derived from tax dollars and a program to educate public officials and private citizens about how to protect themselves against disasters and, when absolutely necessary, to provide them with financial assistance.

Though mitigation may be useful for defending against terrorist attacks—structural mitigation prevented the attack on the Pentagon on September 11 from being worse than it was—during the 1990s mitigation programs focused primarily on natural hazards. The effect of

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<sup>50</sup> James Lee Witt, Personal Interview, Washington, DC, April 15, 2004.

<sup>51</sup> Witt, “Statement Before the Subcommittee on Nuclear Deterrence, Arms Control, & Defense Intelligence, Committee on Armed Services, US Senate, May 25, 1993; Witt, “Hearing on the Civil Defense Budget,” Oversight and Investigations Subcommittee, House Armed Services Committee, April 21, 1994.

<sup>52</sup> The Defense Authorization Act for fiscal year 1995 passed the House on August 17, 1994 by a vote of 280 to 137. In 1993, the Civil Defense Act was amended in order to make legal the diversion of funds from civil defense programs to natural hazards programs. Congress deleted a clause that said civil defense funds could be used for natural disaster purposes only “in a manner that is consistent with, contributes to, and does not detract from attack-related civil defense preparedness.”

<sup>53</sup> See the “Trefry Report,” Final Report and Recommendations, FEMA Security Practices Board of Review, 11/92, Richard G. Trefry, Chairman. Also Memorandum From Deputy Associate Director, National Preparedness, Issue 4.B., “Which FEMA Personnel Should Be Required to Have Security Clearances to Fulfill Their Emergency Assignments?” 12/18/86. Also Cumming interview.

creating a mitigation directorate was to move the agency away from national security functions toward natural hazards.

In addition to aligning the agency's interests with those of Congress, Witt made sure that the president received benefits from FEMA's success. Behind the personal connection with Bill Clinton so often observed by political commentators, the president was able to use FEMA as a tool to serve his reelection interests. FEMA's improved disaster response attracted attention, and Witt himself appeared at disaster scenes as the "eyes and ears" of the president, as he described his role during the recovery of the victims' bodies of TWA Flight 800. In testimony before Congress, Witt said that "disasters are political events"—he was aware that federal politicians receive benefits when emergency managers help the public recover from disasters.<sup>54</sup>

[Insert Figure 3 About Here]

During Witt's tenure, FEMA became more effective at responding to hazards and at mitigating their effects, but it also responded to more disasters than ever before and to more kinds of disasters, including "snow emergencies" for which previous Republican administrations had refused aid. Disaster aid went to communities in need, but the level of disaster aid was driven by political and electoral interests in addition to need. Only the president has the power to declare a federal disaster area, making it eligible for federal disaster assistance, but FEMA bears some responsibility for shifting its tasks away from national security and increasing the number and cost of disaster aid—a change that served the interests of the president and members of Congress (Platt 1999, 11-46). FEMA's increased popularity is in part driven by its greater efficiency in administering greater and greater distributive spending or, in other words, pork (Birkland 1997, 37; May 1985, 49).<sup>55</sup>

Garrett and Sobel (2003) note both that from 1991-1999 states politically important to the president had a higher rate of disaster declaration by the president and that disaster expenditures were higher in states that had congressional representation on FEMA oversight committees.<sup>56</sup> They also find election year impacts for disaster aid, controlling for the true size of a disaster, which is measured through private property insurance claims and Red Cross assistance levels. Large disasters always received federal aid, but political interests determined whether smaller states would receive federal dollars or have to make do on their own. For example, in 1994 Bill Clinton refused to provide aid for recovery for floods that caused \$6.7 million in damage on the South Side of Chicago. Illinois was considered a solidly Republican state and therefore not valuable to Clinton's reelection efforts. A year later, Clinton did provide aid to help residents of New Orleans, where a flood caused \$10 million in damage. The difference was that Louisiana was deemed a competitive state.

In addition to supporting political interests by providing material goods, FEMA improved its reputation through an aggressive public marketing campaign. At the one-year anniversary of the Reinventing Government initiative, Clinton noted that "today [FEMA] may be the most popular agency in the federal government." FEMA's internal communications reflected a focus on repairing the agency's image: FEMA bulletins and memoranda stressed "customer service"

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<sup>54</sup> Testimony to U.S. Senate, April 30, 1996. See figure 3.

<sup>55</sup> See figure 3.

<sup>56</sup> Other studies have found that the president's decision to issue a disaster declaration is influenced by congressional and media attention. See Richard T. Sylvès, "The Politics of Federal Emergency Management," in Richard T. Sylvès and William H. Waugh, Jr., Eds., *Disaster Management in the US and Canada*, (Springfield, IL: Charles C. Thomas), 1996.

and featured newspaper quotes lauding FEMA's quick response to disasters.<sup>57</sup> Witt summed up the success this way: "We took FEMA and made it a brand name and people responded and supported it."<sup>58</sup> Witt marketed the brand by mandating that all of FEMA's 4,000 full and part time staff receive training in customer service techniques. The agency even established a toll free number where individuals could request help during disasters. Much of the explanation for the agency's success comes down to Witt's marketing skill and media savvy. But what else changed after the heralded reorganization of 1993-94? FEMA still reported to multiple congressional committees, and Congress had not given the agency any new mandates to clarify its mission.

What changed was that a political appointee, James Lee Witt, refocused the agency's mission around natural hazards. He was given the opportunity by external events—the Armed Services Committee was prepared to cede oversight over FEMA and after a string of highly publicized natural disasters, political actors were ready to take credit for improved disaster response. These structural and institutional factors allowed Witt to refocus the agencies' core tasks on responding effectively to natural disasters. He did not have complete autonomy, but he did have a remarkable ability to adjust FEMA's mission, given an ambiguous legislative mandate, to a position that benefited the agency's reputation and success.

There was a cost to the transformation of FEMA, however. It was precisely FEMA's celebrated focus on all hazards that caused the agency to put civil defense and terrorism on the back burner. According to one longtime FEMA employee, "Some will say he introduced all hazards. I say he reduced the importance of some hazards at the expense of others." In shifting resources to programs that could be more generally applied to natural hazards, Witt scaled back the agency's national security role and left it ill prepared to combat the emerging terrorist threat. From 1998 to 2001, the Hart-Rudman Commission looked for an agency to become the cornerstone for revitalizing domestic security to address the threat of terrorism, among other concerns, but found FEMA lacking. "FEMA was considered a centerpiece, but in need of significant resources and culture shock," according to Frank Hoffman, who directed the Commission's homeland security research.<sup>59</sup> FEMA's history and mission statement allowed for a greater national security and counter-terrorism role, Hoffman said, but by the late 1990s its culture and capabilities were not up to the task. The Hart-Rudman Commission supported the concept of all hazards as a way to maximize federal support for disasters and minimize bureaucracy, but it also supported adding new capabilities to FEMA, many of which were eliminated during Witt's tenure.

Other bureaucratic actors knew that FEMA's national security role would have to be reduced in exchange for a more effective natural hazards response. While recognizing FEMA's new direction, other agencies asked plaintive questions about who, if not FEMA, would be responsible for domestic security functions that fall outside the purview of the FBI or state and local agencies. A letter from the Department of Defense to FEMA said that "The relevant question is not whether we save the name civil defense, whether the [Civil Defense] Act is amended or replaced, or whether 'all hazards' includes 'attacks.' Instead, the Congress and the Administration together must focus on stating clearly: What is the Government's commitment to

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<sup>57</sup> FEMA News Brief, 1:2, September 17, 1993. Letter From James Lee Witt to All FEMA Employees, "FEMA's Reorganization," September 7, 1993. Also see various "Director's Weekly Update, including June 13, 1997.

<sup>58</sup> James Lee Witt, Personal Interview, Washington, DC, April 15, 2004.

<sup>59</sup> Frank G. Hoffman, Personal E-mail Correspondence, 12/11/03. FEMA's witnesses before the Hart-Rudman Commission were Lacey Suiter and V. Clay Hollister. Notes of their briefing do not exist.

Federal and State civil preparedness and military support for that preparedness, and how will they be authorized and funded after FY 1993?”<sup>60</sup>

While support for traditional civil defense flickered out, terrorism was increasingly on the agenda in the 1990s. Some policymakers urged FEMA to make a meaningful organizational change in order to play a role in terrorism response, but the agency, having just completed a major reorganization, refused. Numerous commissions studied terrorism in the 1990s, spurred by terrorist incidents in Oklahoma City, the World Trade Center, and Khobar Towers, Kenya.<sup>61</sup> And in 1993 a Sense of Congress resolution called on the president to:

... strengthen Federal interagency emergency planning by the Federal Emergency Management Agency and other appropriate Federal, State and local agencies for development of a capability for early detection and warning of and response to: (1) potential terrorist use of chemical or biological agents or weapons, and (2) emergencies or natural disasters involving industrial chemicals or the widespread outbreak of disease.<sup>62</sup>

The National Security Council, too, hoped that FEMA would take on additional responsibilities in preparing for a domestic terrorist attack. Richard Clarke, the first National Coordinator for Security, Infrastructure Protection, and Counter-terrorism, was worried about the United States’ organizational capability to respond to terrorism, but the NSC was not able to persuade FEMA to take on more national security responsibilities.<sup>63</sup> FEMA was offered the opportunity to train first responders for Weapons of Mass Destruction (WMD) attacks, but declined; the training programs were eventually run by the Department of Defense and the Department of Justice, which created the Domestic Preparedness Program in 1998.<sup>64</sup> One former civil defense official said that he and others tried to persuade Witt to pay more attention to the growing terrorist threat by taking on programs to train first responders: “I went to Witt twice and asked him and he refused to do it.” In this account, Witt refused to allow the agency to take on a greater role in terrorism because he thought the agency lacked the resources, not the authority, to do an adequate job.

Witt tells a different story. He grants that a partnership between the FBI and FEMA to train responders to terrorist attacks was not successful because the program was buried in the Department of Justice, but says that he asked Attorney General Janet Reno to move the Office of

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<sup>60</sup> Letter from Maxwell Alston, Office of the Undersecretary of Defense, to John McKay, FEMA, and Chris Heiser, OMB, May 7, 1993.

<sup>61</sup> See a listing of major reports in “Commissions’ Recommendations,” by Steve Bowman in the CRS Electronic Briefing Book on Terrorism, at <<http://www.congress.gov/brbk/html/ebter93.html>> last accessed 12/10/03.

<sup>62</sup> P.L. 103-160, 107 Stat. 1855-56. November 30, 1993.

<sup>63</sup> Clarke sent a memo on October 16, 1996 to Lacy Suiter, FEMA’s Executive Assistant Director for Response and Recovery, asking the agency to clarify its responsibilities in the even of a terrorist incident. Clarke asked FEMA a series of questions about what prevented the agency from taking a greater role in terrorism preparedness and consequence management, especially during the recently completed Atlanta Olympics. The agency responded by saying that FEMA’s policy was that it did not generally have the authority to use money for preparedness in advance of disaster threats. It also requested that “each agency with an emergency preparedness function for terrorist incident consequence management is responsible for requesting funding for its predeployment activities and emergency preparedness.” See John P. Carey, FEMA General Counsel, “FEMA’s Role in Advance of a Terrorist Incident,” Memorandum for Richard A. Clarke, NSC, 11/21/96. Information about Clarke’s actions comes from conversations with two of his colleagues in FEMA.

<sup>64</sup> The Office for Domestic Preparedness (ODP), in the Border and Transportation Security Directorate of DHS as of March 1, 2003, was formerly in the Department of Justice. It is assigned by the Homeland Security Act of 2002, Public Law 107-296, as the principal component of the Department of Homeland Security responsible for preparing state and local governments and private entities for acts of terrorism. In carrying out its mission, ODP is the primary office responsible to providing training, funds for the purchase of equipment, support for the planning and execution of exercises, technical assistance and other support to assist states and local jurisdictions.

Domestic Preparedness to FEMA and she refused. In either case, natural hazards were a far greater priority for Witt and FEMA than were national security and terrorist hazards. In debates over whether to include FEMA in the Department of Homeland Security, Witt was fond of noting that the agency responded to more than 500 emergencies and major disasters during the 1990s, but only two of these were related to terrorism (the Oklahoma City and New York City World Trade Center bombings).<sup>65</sup> Though commissions, White House staff, and former FEMA civil defense personnel were concerned about the problem of terrorism, no one had the clout to persuade the agency to broaden its mission.

Eventually, the terrorism annex of the Federal Response Plan, issued in 1997, delineated responsibility for combating terrorism: crisis management responsibilities were given to the FBI and consequence management was given to FEMA.<sup>66</sup> It was a “kick in the pants” for the agency, according to one member of FEMA’s national security division, but the agency made no major organizational changes in response to the plan.

### **FEMA after September 11**

The most dramatic kick came after September 11: the largest ever terrorist attack on American soil required a massive investment in recovery and intensive planning for how to restructure American government to face a new threat. This was a true crisis—a time when an extraordinary event was salient to American citizens and threatened their shared values, peace of mind and, for some, their lives and property. Significant change is possible during a crisis because politics is less bound by normal routine; vested interests lose their grip, and there is greater opportunity for a new consensus to prevail (Olson 1971).

The flurry of political activity following September 11 is understandable: politicians had to show voters that they were doing something—anything—to defend against the terrorist threat. Witness the many reorganizations of emergency services agencies at the state level. Just as politicians were able to use preparedness programs to convince suburban voters that the government was doing something to prepare for the worst during the Cold War, politicians today have good reason to use preparedness agencies to convince the public that the government is securing the nation against the threat of terrorism.<sup>67</sup>

The most logical agency to take on preparedness tasks would be FEMA, which has a preparedness brand identity and a history of civil defense programs. Until homeland security reorganization, FEMA was responsible for civil defense using plans that were much the same as those laid out by the FCDA in the 1950s. But although FEMA was included in the new Department of Homeland Security and tasked with counterterrorism preparedness and response, it retained a focus on all hazards even though some experts had planned for the agency to be the centerpiece of a new domestic security effort.<sup>68</sup>

FEMA’s stability after September 11 was all the more striking because of the massive overhaul of other agencies in the new department. Formerly intransigent customs and border

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<sup>65</sup> James Lee Witt, Personal Interview, Washington, DC, April 15, 2004. Also see James Lee Witt and Associates, *Department of Homeland Security and FEMA*, (Washington, DC 2002), unpublished.

<sup>66</sup> Terrorism Annex of the Federal Response Plan, issued February 7, 1997. The Federal Response Plan was first published in May 1992 by FEMA pursuant to the authority in the Stafford Act and after a lengthy coordination process with the other signatory agencies. The Plan coordinates delivery of disaster response services among 25 federal agencies and the American Red Cross. See Keith Bea, Overview of Components of the National Response Plan and Selected Issues, CRS Reports, (Washington, DC: Congressional Research Service), December 24, 2003.

<sup>67</sup> Government memoranda during the Truman, Eisenhower, and Kennedy administrations show that this kind of thinking was common (Grossman 2001).

<sup>68</sup> The Hart-Rudman Commission envisioned FEMA as a the centerpiece of a new domestic security effort.

patrol agencies were later combined and then separated into border security and enforcement divisions. The Treasury ceded some of its law enforcement power to the new Department. But FEMA, which had been asked to take on a greater national security role during the 1990s, was conspicuously immune from the shockwaves sent through the government by September 11 and the subsequent reorganization. FEMA was folded into the new Department, but its organization and procedures remained much the same as before.<sup>69</sup> If anything, it lost budget and jurisdictional authority when the Office of Domestic Preparedness, charged with funding terrorism preparation and response for states and localities, was moved out of the agency into the DHS.

FEMA was able to resist political pressure to emphasize homeland security because of its evolution from an agency chastened in the 1980s after attempting to be a major player in the national security realm to a reorganized agency focused on natural hazards. The narrative of FEMA's rise and fall and resurrection is compelling in its own right, but an adequate explanation in political science must go beyond simply telling the story or even stating that "history matters"; it must explain exactly how history matters. I use historical comparison to show that after 1993 FEMA developed a strong reputation by defining its mission, with the help of a bureaucratic entrepreneur, and focusing on a few achievable core tasks which provided benefits to politicians. With support from a professional culture which preserved learning from the agency's past mistakes, Witt restructured the agency's organizational hierarchy to emphasize effective preparedness and response to natural disasters and to communicate successes to politicians and the public.

The first test of Witt's legacy came after the election of George W. Bush, who appointed his campaign manager, Joe Allbaugh, as FEMA director. Allbaugh wanted to take the agency in a new direction by refocusing its efforts on civil defense and counterterrorism. He reestablished the Office of National Preparedness, primarily to train first responders to terrorism; the office had the same name as one established by Director Giuffrida, which lasted from 1981 to 1993.<sup>70</sup> Recreating the ONP caused some concern among agency employees, and the office did not become as powerful or as large as it was during the 1980s. Another part of Allbaugh's reorganization was the elimination of programs that administration officials deemed inefficient (Haddow and Bullock 2003, 13). The most significant of these was a disaster mitigation program named Project Impact—a program central to Witt's reorganization. Project Impact provided education and grants to build disaster resistant communities. Immediately after Allbaugh

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<sup>69</sup> FEMA has made minor adjustments to accommodate new concerns about terrorism, forming working groups on the subject and hiring emergency managers with some terrorism experience. Shawn Fenn was a graduate student at the University of Florida researching how to integrate terrorist threats into urban planning when terrorists struck on 9-11. He soon found that his research was a hot commodity, and after working for the state of Florida, he joined FEMA's mitigation division in order to integrate counterterrorism into federal, state, and local "all hazard" mitigation programs. "There's a mitigation posture in the (emergency management) community right now," Fenn said. "How do you fold terrorism into that? That's the challenge."

In January 2002, FEMA issued a paper stating that terrorism is just another hazard and therefore can be mitigated like any other. Of course it is not exactly like any other hazard, but FEMA found authority in the Stafford Act to provide mitigation for fire, floods, and explosions, regardless of their cause. One way FEMA can engage in terrorism mitigation is to encourage the adoption building standards that can protect against earthquakes and floods while also providing defense against car bombs. But terrorism will take some time to be included into the mitigation division, Fenn says, because few people in his division have security clearances or are in contact with national security personnel who have access to threat information.

Examples of publications advising risk management for terrorism, published in December 2003, include: FEMA 426, Reference Manual to Mitigate Potential Terrorist Attacks Against Building; FEMA 427, Primer for Design of Commercial Buildings to Mitigate Terrorist Attacks; FEMA 428, Primer to Design Safe School Projects in Case of Terrorist Attacks; FEMA 429, Insurance, Finance, and Regulation Primer for Risk Management in Buildings. See <<http://www.fema.gov/fima/rmsp.shtml>>

<sup>70</sup> Allbaugh reestablished the ONP on May 8, 2001. The original ONP was established in September 1981 and lasted until November 1993. This was not directly opposed to the direction the agency took under Witt—Witt advised Allbaugh to move the Office of Domestic Preparedness from the Justice Department to FEMA.



eliminated the program, the Nisqually Earthquake shook Seattle, Washington, one of the project's model communities. After the quake, Seattle's mayor told a national television audience that Project Impact was the reason why the city suffered almost no damage from the 6.8 magnitude earthquake. After protest from FEMA staff and state and local officials, Congress refunded Project Impact during the 2001 appropriations process. It is not clear that Project Impact alone saved Seattle from greater damage; good fortune deserves some of the credit since an earthquake that struck closer to the city could have caused devastation. In any case, the timing of the earthquake elicited support for the mitigation program and made for great political theatre.

Mitigation was an important part of Witt's all hazards approach—natural disaster preparation with a long time horizon—and to eliminate such programs was to change the agency's core tasks. Even though political appointees had the legal authority to restructure FEMA's core tasks, the agency's reputation was strong enough to resist demands to shift resources from natural disasters and mitigation to counterterrorism, as the case of Project Impact shows. Whether the agency will continue to develop an intelligent mitigation policy or whether it will simply distribute money for structural improvement projects that are more pork than real solutions is an open question.

The most striking instance of FEMA's ability to preserve its new all hazards mission in the face of political pressure came during the political upheaval that followed September 11. Immediately after the attacks, political leaders looked to FEMA to shift its mission and core tasks from natural disasters to counterterrorism. On February 28, 2003, Bush issued Homeland Security Presidential Directive 5, which called for the establishment of a National Response Plan to delineate the responsibilities of emergency management in the homeland security environment. The resulting plan mentions "all hazards" and explicitly sets a new direction for emergency management after September 11. The original Federal Response Plan, written during the 1980s and promulgated in 1992, focused on natural disasters—there are still separate plans for radiological and other hazards requiring technical expertise.<sup>71</sup> The president requested the new NRP so that there would be a single plan for all disasters, a true all hazards plan in which FEMA would have the authority to respond to disasters at the request either of the president, or of other agencies—as in the case of an agricultural disaster which could fall under the jurisdiction of the secretary of agriculture—or when multiple agencies are involved and FEMA assumes a coordinating role.

The White House also requested the NRP in order to put its stamp on emergency management: the president and DHS Secretary Tom Ridge directed a policy team to develop a plan that replaced terms and concepts from previous plans with fresh ideas. Like the decision to adopt the term "homeland security," the Bush team wanted to develop a language that was distinctive, and often these terms had a military tone. One of the leaders of the planning group, Major General Bruce Lawlor, Ridge's Chief of Staff, asked for a "battle book" listing what would be done in the event of each type of disaster. Longtime FEMA employees found the request strange because it flew in the face of the all hazards principle, but they complied, though one member of the policy team thought about vindicating the all hazards principle by "filling the book with page after page of the same instructions—it's the same for every hazard, that's what we've been taught."

The initial draft of the National Response Plan, issued May 14, 2003, begins with a "Mandate for Change" in the introduction and calls for a "new paradigm in incident

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<sup>71</sup> The FRP derived from the Federal Plan for Response to a Catastrophic Earthquake published in 1987. The FRP was published in May 1992.

management.”<sup>72</sup> Like other documents issued at the time, it stresses “awareness and prevention” of hazards, using terms suited for law enforcement rather than the favored term of the emergency management profession, “mitigation.” One could prevent a terrorist attack, but how does the government *prevent* an earthquake or a tornado? And it lists natural disasters as only one of five areas of possible contingencies; the others are terrorism, civil unrest, technological accidents, and special events requiring extra security. FEMA is given an extraordinary amount of responsibility in the plan—an amount that would require significant reorganization or new resources. The direction to develop a new approach to emergency management came from the White House and from political appointees in the Department. It might have come for political reasons, because the all hazards approach was associated with Democrats Witt and Clinton, but it is likely that the primary cause for a new approach was the elevation of terrorism to the top of the federal agenda.

After the policy team completed its task, the draft was sent to state and local agencies as well as to other federal agencies for review and comment. The response was swift and negative according to a FEMA director: “The guidance was to create an entirely new plan. We did that. . . .but that guidance had to be reversed 180 degrees.” States and localities did not like the new terms, and others in the DHS saw their point. There was already a considerable investment in existing definitions, plans, and procedures, and to create a new system would require a significant cost in time and money, a risky endeavor for a system that performed better than it did a decade ago.

Back at the drawing board, the policy team developed a brief plan that could be applied to all types of contingencies. This draft was only 11 pages while the original was 53 pages. Rather than reinventing the wheel, the planners relied on the existing understanding of how all hazards operates and simply incorporated terrorism into the procedures, giving FEMA formal authority over the response to terrorist contingencies in an initial plan that was approved by the Homeland Security Council on September 30, 2003. Perhaps taking a page from Witt’s successful appearances at disaster sites, the plan includes a provision for a “Principal Federal Official” who would represent the DHS Secretary at major disaster scenes. The official could be from FEMA, but the designation is left open, giving the president the flexibility to name an official who best represents him.<sup>73</sup>

Meanwhile, the legacy of all hazards remains, if precariously. The DHS Undersecretary for Preparedness and Response, Michael Brown, asks FEMA employees to repeat “all hazards” like a mantra when he speaks to them about the agency’s mission after September 11, and on the first anniversary of the creation of the DHS, Secretary Tom Ridge noted that the Department “is an all hazards agency”.<sup>74</sup> FEMA has established itself as the central agency for managing natural disasters, and since September 11 it has made connections with other agencies so that the same skills and equipment used in natural disasters can be used in terrorist attacks. But this time, unlike during the Cold War, natural disasters set the pace of the agency.

Though FEMA is one of the agencies least disturbed by the tsunami of reorganization following September 11, its reputation was not enough to entirely insulate it from change. Witt, among others, has publicly declared that the agency is headed in the wrong direction and that its

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<sup>72</sup> Much of the substance of the initial response plan came from documents prepared by RAND at the request of the DHS. RAND had never before prepared a response plan. The original mandate for the plan came from HSPD #5.

<sup>73</sup> The initial official version of the plan was issued in October 2003. Details about the plan presented by Charles Hess, Director of Advisory Services in the FEMA Response Division, at the GWU Workshop on Emergency Management in the Homeland Security Environment, November 19-20, 2003; available at: <<http://www.gwu.edu/~workshop/download/1>>, accessed 3/30/04.

<sup>74</sup> Tom Ridge, “Remarks Marking the One-Year Anniversary. Of the Creation of the Department of Homeland Security,” 2/23/04.

increasing proficiency in natural disasters preparation and response will be stunted by the focus on terrorism in the DHS. Emergency management professional conferences, formerly almost exclusively focused on natural disasters like fires, floods, and earthquakes, now spend an increasing amount of time discussing whether the focus on counterterrorism will outweigh the natural disaster capabilities the profession has built over decades.

There is some reason to worry. The reorganization creating the new Department stripped FEMA of some of the ingredients of reputation. Most obviously, the agency no longer has Witt, its bureaucratic entrepreneur. The current agency director, Michael Brown, is well regarded, but he has not earned the esteem Witt did.<sup>75</sup> More importantly, the agency now no longer reports directly to the president. The FEMA Director is now the DHS Under Secretary Emergency Preparedness and Response, which means that he must report to the Department's Secretary along with the other undersecretaries. In practice, this means that FEMA no longer has a close relationship with members of Congress, with the president, or with the public. The legislative affairs units are not what they once were, and customer service will be tested when a major disaster strikes.

Witt worries that the loss of these connections will hurt the agency's ability to respond to disasters. "I literally had to introduce Mike Brown to members of Congress," Witt says. One congressional committee chairman had to call Witt to ask for help with wildfire relief because he could not get his calls returned by the DHS. Agency employees report that they must now go through several layers of bureaucracy within the Department in order to enact a policy change, whereas previously the agency was able to make changes after seeking approval directly from Congress or the White House. The result is that much of the new money for emergency management is solely for terrorism, not for all hazards. Bioshields and WMD training have little value for hurricanes and tornados. The Office of Domestic Preparedness in the DHS now funds fire and emergency management training with little consultation with FEMA, according to some in the agency. Witt frames FEMA's situation as a crisis, using strong language in speeches claiming that "It's not about natural disasters anymore, it's about terrorism."

It will take several years to determine whether FEMA can withstand funding and personnel trends which favor counterterrorism. And it remains to be seen whether the agency, now submerged in the Department, has the organizational capacity to maintain a good reputation among members of Congress, the president, and the public. It could also be that the agency's mission could become confused or myopically focused on terrorism, leaving FEMA ripe for another bureaucratic entrepreneur who can convince politicians of the harmony between their interests and an effective well-regarded and relatively independent disaster relief agency.

[Insert Figures 4,5, and 6 About Here]

### **The Nature of Reputation**

For most of their history, FEMA and its predecessors have been barometers of the nation's concern with security. During the height of the Cold War, domestic preparedness

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<sup>75</sup> Witt tells a story of how Congress and the president wanted to give FEMA (and him) responsibilities beyond the agency's mission. "Senators Stevens and Byrd called me up and said they wanted to write a bill that would put USAID under you at FEMA because of problems we were having in Bosnia. I said please don't do that." Witt also recounts that the senators wanted to introduce a bill appointing Witt as director of FEMA for 10 years, but Witt refused. Despite rumors that some in the Bush administration wanted Witt to be reappointed, I have found no evidence that he had an opportunity to thrice refuse the crown. Witt, Personal Interview.

agencies were well funded and prominent. They slid into irrelevance until the 1980s, when increased Cold War tensions and the threat of terrorism put FEMA on the front pages. After September 11, FEMA was again in the news, but it resisted political pressure to change its mission and core tasks. The FEMA of the 1990s did what the agency of the 1980s and the Cold War could not—it resisted the attempts of political superiors to change its mission by developing a clear central mission. With the support of an emergency management professional culture, an enterprising director made political actors realize that the agency's success was consonant with their own. Politicians who threatened to dissolve the agency backed down, and FEMA had the power to shape and preserve its all hazards approach and focus on natural disasters.

One reading of the history of FEMA might be that by defining its mission in a way that supports politicians' reelection chances the agency was purely an instrument of political actors and not truly autonomous. This is the kind of explanation that emphasizes the critical role of the median voter in Congress. But this explanation fails to take into account the degree to which FEMA made policy and set its own course to a degree not achieved previously in the agency's history. While FEMA may not have gained autonomy or rejected the dictates of its political superiors to the same degree as some of the more intransigent agencies in American history, FEMA did manage to preserve its central mission against political pressure.

The crucial difference between FEMA before 1993 and after is the presence of a strong reputation. That reputation emerged because of the rise of several factors. After the emergency management profession matured, it provided expertise to the agency through reports, training and a culture that produced knowledgeable managers at the state and local level, some of whom eventually served in FEMA. Professional emergency managers helped to criticize and improve the agency's performance, largely by helping it to hone a set of achievable core tasks and a single mission. In addition, the agency developed a connection to the president, Congress, and the public during the 1990s. The ability of the agency to communicate and to respond to criticism allowed it to better serve its stakeholders and to signal the agency's responsiveness. During the 1990s FEMA improved its public and governmental relations, which undoubtedly aided the agency's appearance, but experts disagree whether the improved reputation reflected more efficient performance or whether it reflected mere marketing and greater federal spending. Politicians came to respect FEMA because they could claim credit for its success in delivering goods efficiently. Whether government disaster relief is more efficient than private aid is an open question—scholars have demonstrated the political nature of disaster declarations, and Witt admitted as much himself (Garrett and Sobel 2003).

### **Homeland Security and Disaster Policy**

The history of federal emergency management agencies is not only of theoretical interest—the post September 11 era presents specific substantive challenges for American security and civil liberties. One such challenge is whether the new department should embrace the all hazards approach to disasters. One of FEMA's accomplishments during the 1990s was to install a single clear mission, which is essential to the success of an agency (Wilson 1989). The all hazards approach developed gradually as the demand for federal natural disaster assistance surpassed the need for civil defense capacities. Witt and others used the all hazards approach to reduce FEMA's role in civil defense and national security to a bare minimum while increasing its capacity to provide natural disaster assistance. There were several reasons that all hazards worked.

Addressing natural disasters provided more political rewards than addressing other disasters. These disasters were more frequent, and FEMA could claim credit for successful recovery, while hazardous materials accidents, oil spills, and terrorist attacks were under the jurisdiction of several agencies which FEMA had trouble competing with, as Giuffrida's tenure showed. In addition to having more jurisdiction over natural disasters than over others, FEMA was wise to focus on disasters which have a degree of predictability: natural disasters follow patterns which responders can observe to improve response over time. Most importantly, the agency shifted resources toward problems, such as flood control, that could be ameliorated, unlike civil defense preparation for a protean enemy.

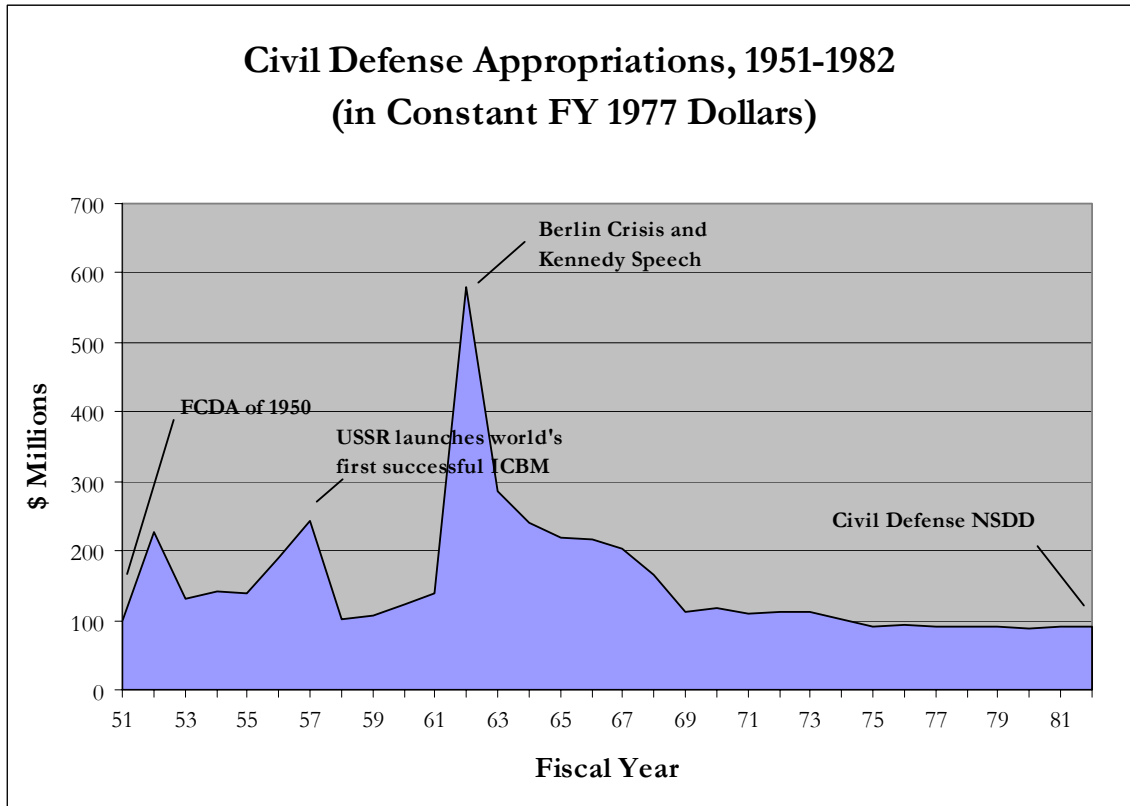
The agency's reputation, built by both the knowledge accumulated by a professional culture and a bureaucratic entrepreneur who installed connections to political actors, is the foundation of its bureaucratic power. But the all hazards mission is the agency's cognitive frame; it structures the organization of its tasks in the minds of emergency managers. During the 1990s, FEMA's leadership used this frame to steer the agency toward more and better mitigation and response to natural disasters in the form of expertise and, most importantly, money. The improved response to natural disasters provided political rewards that equivalent effort spent on addressing the complicated issues involved in hazardous materials accidents, for example, would not.

The durability of the all hazards concept, and with it FEMA's ability to focus on natural disasters rather than be a national security agency, has been tested in the homeland security environment. There are reasons to believe that terrorism is incompatible with the definition of all hazards that existed before September 11. Terrorism lacks predictability and clear definitions: the enemy is elusive and it is unclear who or what should be involved in prevention and response. Weapons could be biological, radiological, chemical, or traditional arms, and the medical and damage control elements of response overlap with law enforcement and investigative elements. While natural disasters easily fit the all hazards idea, it is not clear how vague concepts like terrorism or homeland security would satisfy the need for a single clear mission and well defined core tasks. During the early 1990s, Witt may have been wise to steer clear of involvement with new national security obligations in order to make FEMA more effective at meeting the expectations of politicians and the public. The all hazards idea was a way for FEMA to protect funding and staffing for emergency management's traditional mission of preparation, response and recovery to natural and technical disasters from overcompensation for whatever the newest low probability threat might be. In 1999, it was Y2K, and after September 11 it has been terrorism. If FEMA's leaders provide too much accommodation for terrorism in the all hazards approach, the success the agency has enjoyed since Witt's reorganization may be in jeopardy. Without future domestic terrorism, public support for counterterrorism and homeland security in general could wane just as it did when faced with the diminishing salience of the threat of nuclear war during the Cold War.

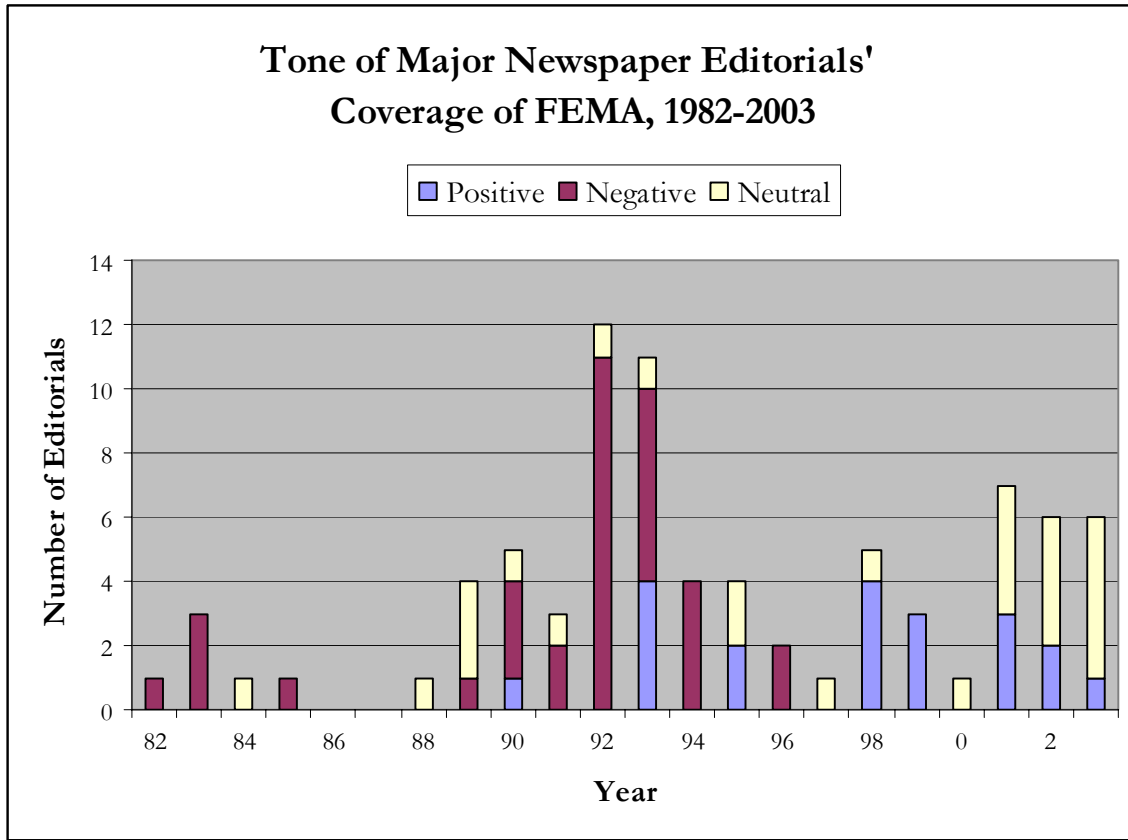
FEMA's reputation has suffered since September 11, at the very least because it is buried in the Department of Homeland Security and because it lacks the resources to respond to both traditional threats of natural disasters and the new terrorist threats. Its core mission of responding to all hazards, however, could undergo a rebirth. The agency is forced to use its resources more efficiently because it must also respond to the extraordinary demands of terrorism preparation and because Republican administrations generally issue fewer disaster declarations. The effort to craft a new National Response Plan signals the next stage in the development of the all hazards concept. The plan is no longer just federal, but instead is national, and it includes state and local

governments as well as the federal government. The NRP has taken more than a year to complete, and the process involve seeking agreements from agencies with jurisdiction over natural and technological disasters as well as terrorist incidents. The difficulty terrorism presented in crafting the NRP is a sign that FEMA was not truly *all* hazards before September 11. Now, the agency may be able to further refine the concept of all hazards and operate with greater efficiency, though at what cost to its reputation?

**Figure 1.** Data from Wayne Blanchard, "American Civil Defense 1945-1975" (Ph.D. diss., University of Virginia, 1980) and Blanchard, "American Civil Defense 1945-1984," NETC Monograph, Emmitsburg, MD, 1985.



**Figure 2.** Data from a Lexis-Nexis search of “Major Newspaper” mentions of FEMA. The most frequent newspaper in the results was the Washington Post. Tone is easier to establish in an editorial than in a news article because an editorial is, by definition, opinionated. Tone is negative when an editorial criticizes FEMA’s ability to achieve some policy goal, such as efficiency, or blames FEMA or its leaders for a political or policy failure. Where there was doubt about the tone, I coded the article as neutral.





**Figure 3.** Source: FEMA, www.fema.gov

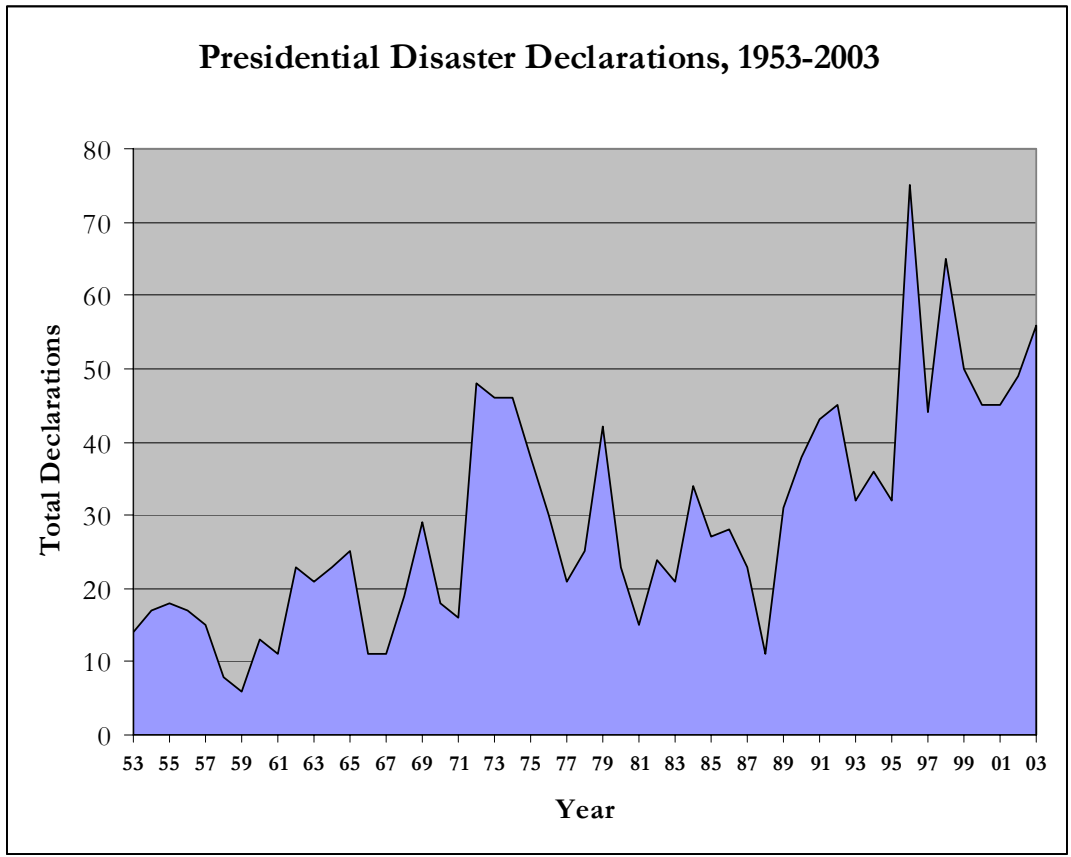


Figure 4.

### Federal emergency management agency directors

Name	Term of Office
* Gordon Vickery	April 1979 - July 1979
* Thomas Casey	July 1979
John Macy	August 1979 - January 1981
* Bernard Gallagher	January 1981 - April 1981
* John W. McConnell	April 1981 - May 1981
Louis O. Giuffrida	<b>May 1981 - September 1985</b>
* Robert H. Morris	September 1985 - November 1985
Julius W. Becton, Jr.	November 1985 - June 1989
* Robert H. Morris	June 1989 - May 1990
* Jerry D. Jennings	May 1990 - August 1990
Wallace E. Stickney	August 1990 - January 1993
*William C. Tidball	January 1993 - April 1993
James L. Witt	<b>April 1993 - January 2001</b>
*John Magaw	January 2001 - February 2001
Joe M. Allbaugh	February 2001 - March 2003

\* Acting director

**Figure 5.**

**Major professional emergency management associations and their founding dates**

National Fire Protection Association (1896-)

National Emergency Management Association (1974-)

(NEMA began as a civil defense organization, but gradually devoted itself to natural hazards and reduced its role in civil defense)

International Association of Emergency Managers

Began as U.S. Civil Defense Council (1952-1983). Then became the National Coordinating Council on Emergency Management in 1983. Then renamed the International Association of Emergency Managers in 1998

The American Civil Defense Association (1962-)

Has refashioned itself as a homeland security and counterterrorism defense association

American Strategic Defense Association (1970-)

Natural Hazards Center (1976-)

National Voluntary Organizations Active in Disaster (1979-)

## Figure 6.

### Interview summary

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Total interviews conducted: **29**

FEMA national security staff: **3**

Agency directors: **1**

FEMA appointees: **4**

Career civil servants: **10**

State and local emergency managers: **4**

None of the above: **7**

Average phone or in-person interview length: **55 minutes**

Interview methods: **17** in person, **8** by phone, **4** by e-mail.

(In addition, I had conversations with many other participants in FEMA's development including state and local emergency managers, FEMA employees, and one additional FEMA director. I also learned much by attending emergency management conferences.)

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Wikileaks release: February 2, 2009. Publisher: United States Congressional Research Service. Title: Federal Agency Emergency Preparedness and Dismissal of Employees. CRS report number: RL31739. Author(s): L. Elaine Halchin, Government and Finance Division. Date: March 4, 2003. Abstract. This report discusses several issues relevant to federal agency emergency preparedness, including funding, the development of a federal emergency decision and notification protocol for the Washington, DC area, the