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## Unified Command and the State-Federal Response to Hurricane Katrina in Mississippi

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# Unified Command and the State-Federal Response to Hurricane Katrina in Mississippi\*

William L. Carwile III

## Abstract

Unified Command, as a part of the National Incident Management System (NIMS), was successfully used in the state-federal response to the catastrophic disaster caused by Hurricane Katrina in Mississippi in 2005. Four elements to determine the members of a Unified Command include: authority, co-location, parity and common understanding. Modifications made to ICS in the Mississippi response include extending the unified command concept down the chain to facilitate joint decision-making at all levels. Unresolved issues include the role of the Federal Coordinating Officer and Principal Federal Official, federal management of multi-state disasters, and the inclusion of components of the Department of Defense in a Unified Command.

**AUTHOR BIOGRAPHY:** William L. Carwile III served in senior positions for the Federal Emergency Management Agency on major U.S. disasters since 1996, including: the 9/11 World Trade Center response, as Federal Coordinating Officer for the 2003 California Wildfires, Hurricanes Charley, Frances, Ivan and Jeanne in Florida in 2004 and the 2005 Hurricane Katrina disaster in Mississippi. He retired from Department of Homeland Security in 2005. Prior to joining FEMA, Mr. Carwile retired as a colonel after serving 30 years in the US Army in command and operational staff positions in Special Forces, Infantry, and headquarters organizations. He holds a Bachelor of Arts Degree in Political Science from the University of Tulsa, Master Degree in Public Administration from Shippensburg University, Pennsylvania, and is a graduate of the U.S. Army War College. He is currently affiliated with the Naval Postgraduate School's Center for Homeland Defense and Security.

**KEYWORDS:** Unified Command, emergency management, federal-state-local, Hurricane Katrina

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\*Although the ideas contained in this paper are my own, many individuals have contributed to my understanding of the unified command during actual field operations including W. Craig Fugate, Director, Florida Department of Emergency Management, Robert R. Latham, Director of the Mississippi Emergency Management Agency, and my friend and colleague, Robert Fenton. Thanks to my wife, Anne H. Carwile for assistance in the preparation of this manuscript.

In October 2005, Michael D. Brown, former Undersecretary, Department of Homeland Security for Emergency Preparedness and Response, and Director, Federal Emergency Management Agency (FEMA), testified before a committee of the United States Congress on the federal response to Hurricane Katrina. U.S. Representative William Shuster, (R-PA) in his questioning of former Undersecretary Brown, said:

We've talked a lot about unifying command today and I want to try to get more in detail on that. I think it's, first, important for you to explain to us your view of what the Unified Command looks like to the American people, because I don't think anybody understands what that looks like. We might understand it in military terms but it's different when FEMA is on the ground. So could you give us, sort of, a sketch of what it looks like?<sup>1</sup>

Representative Shuster was correct to characterize a military Unified Command as different from a Unified Command as envisioned by National Incident Management System (NIMS). In the wake of Hurricane Katrina, the need for clear and coherent command arrangements during a disaster response has become obvious. A great deal of emphasis has been placed on the need for a Unified Command to deal with large-scale man-made or natural disasters. Most would agree that a strong local, state, federal, volunteer agency, and private sector partnership is required; however, there is no nationally understood, accepted, and implemented definition of what constitutes a workable Unified Command in a catastrophic disaster.

This article describes the general concepts, background, and history of Unified Command, as well as the use of Unified Command principles in the disaster response to the 2004 Hurricanes in Florida and to the 2005 Hurricane Katrina in Mississippi.

### **Unified Command: General Concept**

A Unified Command is, in its essence, a mechanism to define and achieve a set of objectives in situations where two or more political or functional entities have authorities and/or assets. In a unified command approach, representatives of the entities meet to set goals and decide how each can contribute to the achievement of those goals. There can be strong, formal command and control relationships between and among the entities, as is the case in a military Unified Command, or the command and control linkages can be based on informal but structured arrangements that recognize federal responsibilities and the legal sovereignty of state and local governments under our federalist form of government. In a disaster response involving elected and appointed officials, consensus building and a collaborative approach to problem solving are important aspects of Unified Command.

### **Unified Command in a Military Context**

The initial concept of a Unified Command derives from the military. It is an organizational arrangement in which commanders retain control over their units and assets while supporting the objectives of a larger command. Within the U.S. military, the term and practice of Unified Command have been used for some decades, especially since the National Security Act of 1947, later strengthened by the Goldwater-Nichols Department of Defense Reorganization Act of 1986.<sup>2</sup> The military has a straightforward and simple model to achieve unity of effort where different services work together. Department of Defense (DOD) doctrine defines Unified Command as “a command with a broad continuing mission under a single commander and composed of significant assigned components of two or more Military Departments that is established and so designated by the President, through the Secretary of Defense with the advice and assistance of the Chairman of the Joint Chiefs of Staff.”<sup>3</sup>

Military Unified Commands are made up of units that are assigned to the command through a joint document called the Unified Command Plan (UCP). The general mission is assigned by the President and the Secretary of Defense and in the National Military Strategy is further defined by the Combatant Commander. Within the United States military establishment a Unified Command is characterized by a geographic Area of Responsibility (AOR) which is assigned to a single combatant commander who has the authority to directly assign, or through other command arrangements, two or more “joint” forces from different services – Army, Navy, Marine Corps, and Air Force – within the designated AOR. An example would be the Commander, United States Pacific Command who directs the operations of all U.S. military forces in the Pacific AOR.<sup>4</sup>

Is the military model for Unified Command in any way useful within the context of local, state, and federal response and recovery operations in a domestic disaster? Probably not. Military command implies strong command and control, and the possibility of censure if direction by the combatant commander is not followed. In a civilian disaster response, there is a complex environment of multiple layers of government, each with its own elected and appointed officials responsible to their own constituents. Other, less hierarchical, directive organizational models, based on consensus building, must be developed and adopted.

### **Unified Command in the Fire Community**

After the disastrous wildfires in Southern California in 1970, firefighting agencies came together to form FIRESCOPE (Firefighting Resources of California Organized for Potential Emergencies) and develop the FIRESCOPE Incident Command System. This was later modified and, in 1982, was adopted as the National Interagency Incident Management System (NIIMS).<sup>5</sup> ICS is defined by The National Wildfire Coordinating Group (NWCG) as a “standardized on-scene emergency management concept specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries.”<sup>6</sup> Unified Command is the command and control arrangement in incidents where agencies from different jurisdictions are involved. As defined by the NWCG, Unified Command is a part of ICS where “unified command is a unified team effort which allows all agencies with jurisdictional responsibility for the incident, either geographical or functional, to manage an incident by establishing a common set of incident

objectives and strategies. This is accomplished without losing or abdicating authority, responsibility, or accountability.”<sup>7</sup>

The success of the NWCG model for ICS and Unified Command led to its adoption for other disasters like oil spills and medical responses. The Oil Pollution Control Act of 1990 (OPA-90), which was enacted following the Exxon Valdez oil spill, mandates the use of NIIMS/ICS. OPA-90 also mandates that when a spill occurs, the management of the incident will use a Unified Command that includes the responsible federal official, state or local official, and the responsible party. The U.S. Coast Guard, in drafting the bill, included the responsible party because it will be liable for expenses in oil spills and so should participate in the overall management of, and decisions about, the expenditure of funds.<sup>8</sup>

### **Unified Command in the National Incident Management Systems (NIMS)**

In the aftermath of the terrorist acts of September 11, 2001, the President directed Tom Ridge, the Secretary of the newly formed Department of Homeland Security, to develop a plan that would include a comprehensive “all hazard” approach to disaster management. Released in 2003, The National Incident Management System (NIMS) is intended to provide a consistent nationwide approach for federal, state, territorial, tribal, and local governments to work effectively and efficiently together to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. NIMS, parts of which were adapted from NIIMS, embraced ICS and articulated its concepts: common organizational structure and terminology; guidance for building organizations from the bottom up, using rules for establishing an effective span of control; “typing” or categorizing resources; and Unified Command.<sup>9</sup>

NIMS provided the doctrinal basis for the development of a National Response Plan (NRP). In a phased implementation, begun in December 2004, the NRP replaced the 1993 Federal Response Plan as the guidance for federal consequence management operations. The change in nomenclature from “Federal” to “National” was both symbolic of the fact that the NRP was to address not only Federal, but also local, state, volunteer agency, and private sector engagement in disaster responses, and an effort to combine into one document several separate federal plans.

The NRP addresses the “national” engagement in all sorts of hazards, including terrorist events, radiological accidents, oil spills of national significance, and others. Equally important is the fact that it was intended to address both consequence management (response activities to assist states in helping victims of disasters) and crisis management operations (law enforcement activities meant to prevent or apprehend and prosecute terrorists).<sup>10</sup> NIMS provides a standardized approach to incident management; it describes a uniform set of processes and procedures that emergency responders at all levels of government will use to conduct response operations. It is designed to address “all hazards” and addresses each of the dimensions of emergency management: prevention, preparedness, response, recovery, and mitigation. The remainder of this article focuses on response aspect of the NRP.

NIMS defines Unified Command as:

[An] application of ICS (the Incident Command System) used when there is more than one agency with incident jurisdiction or when incidents cross political jurisdictions. Agencies work together through the designated members of the Unified Command, often the senior person from agencies and/or disciplines

participating in the Unified Command, to establish a common set of objectives and strategies and a single Incident Action Plan.<sup>11</sup>

As a technical point, the NRP does not use the term “Unified Command” to describe the joint state/federal partnership in managing the disaster response. The NRP uses the term “Joint Field Office Coordination Group.” NRP says that “Utilizing the NIMS principle of Unified Command, JFO activities are directed by a JFO Coordination Group.”<sup>12</sup> The JFOCG includes federal and state officials with primary jurisdictional responsibility or functional authority; the State Coordinating Officer and the Federal Coordinating Officer are included in this group. While there are differences between a JFOCG and a Unified Command, the term “Unified Command” is used here to describe the group of individuals who sat at a table together and managed the disaster response in Mississippi.

While the NRP focuses on relationships between and among federal agencies during responses to major disasters, it recognizes the lead role of state and local responders. There is no dispute that the state and local officials retain their roles and responsibilities for domestic incident management. According to Homeland Security Presidential Directive (HSPD) 5, “The Federal Government will assist State and local authorities when their resources are overwhelmed, or when Federal interests are involved.”<sup>13</sup> In terms of what form the planning should take, the 2004 introduction of NIMS directed the use of ICS in domestic disaster response.

### **Transition from the FRP to NIMS in major disaster response in the field**

A partial transition to NIMS from the Federal Response Plan model was achieved in Florida by the State-Federal Emergency Response Team in 2004 in the responses to the four presidentially declared hurricane disasters: Hurricanes Charley, Frances, Ivan, and Jeanne. A Unified Command was implemented at the highest level through the partnership and collaborative efforts of the State Coordinating Officer and the State Emergency Response Team, and the Federal Coordinating Officer and the Federal Emergency Response Team.<sup>14</sup>

However, a full ICS response structure was not fully implemented, especially those measures to achieve acceptable spans of control through the use of geographic branches within the operations section. Florida has a robust emergency response system and a long history of successfully responding to hurricane disasters. Many lessons from the four 2004 hurricanes were used in structuring the response to Hurricane Katrina in Mississippi, where the applicable portions of the National Incident Management System and the Incident Command System were used to structure the entire response to a major disaster response for the first time.<sup>15</sup>

### **Who Sits At The Table?**

The participants of a Unified Command can vary depending on the nature of the disaster and may change during the course of a disaster response. Four elements fundamental in determining the personnel to be included in the Unified Command are Authority and Responsibility, Co-location, Parity, and Training and Common Understanding.

**Authority and Responsibility.** Jurisdiction or authority to direct resources that apply to the disaster response is a fundamental prerequisite for members of a Unified Command. Our

federalist system of government provides for the sovereignty of the state in managing a disaster within state borders: the Governor is in charge of the disaster response. The Governor has the ability to delegate authorities to designated individuals: the Governor's Authorized Representative and the State Coordinating Officer. During the 2004 Hurricanes in Florida, Governor Jeb Bush designated Craig Fugate as the Governor's Authorized Representative and Frank Koutnik as the State Coordinating Officer. In Mississippi, in 2005, Robert Latham was Governor Barbour's Authorized Representative and Michael Womack was the State Coordinating Officer.

On the federal side, when the Governor of a state receives a Presidential declaration for a major disaster, the President appoints a Federal Coordinating Officer, whose authority resides in the Stafford Act. The FCO has no authority to direct the state response, but does provide technical assistance, and expertise, and is authorized by the Stafford Act to mission-assign federal agencies, with or without reimbursement, to support the requests of the Governor and his/her representatives.<sup>16</sup> I was the FCO for the response and recovery in the Florida Hurricanes in 2004, and for the first weeks of the response to the Katrina disaster in Mississippi.

**Co-location.** It is important that the members of the Unified Command be able to meet regularly and be available to consult with one another. In the 2004 Florida hurricane responses, Craig Fugate and I were "joined at the hip." We traveled together to the devastated areas after all four storms and sat at the same table during the response phase of the disaster. In the days leading up to and just after landfall of the storms, I operated out of a mobile command center that was located in the parking lot of the Florida State Emergency Operations Center. When briefing Governor Bush, Craig and I did so together. Following landfall in three of the four hurricanes, the state-federal team moved forward to the most impacted counties for both situational awareness and to demonstrate that the unified state-federal command was on hand to assist the local elected and appointed officials.

In 2005, in the response to Katrina in Mississippi, I was similarly aligned with Governor Barbour's Representative, Robert Latham. Pre-landfall, an Initial Operating Facility (IOF) was established at the State Emergency Operations Center (EOC) in Jackson, the state capitol. Following the passing of the storm, Robert and I moved forward to establish a joint IOF in the parking lot of the Harrison County EOC. Our deputies remained in Jackson with the majority of the team to handle the requests for assistance from throughout the impacted areas of the State as well as the requests Robert and I developed from our interface with leaders along the coast. Later, we returned to Jackson, moved the joint emergency response team into a Joint Field Office (JFO), and established a Branch Field Office in Biloxi to manage operations in the six southern counties and the joint division supervisors in those jurisdictions.

Each day, the Unified Command held a morning Strategy Meeting to establish joint objectives for the next operational period and an afternoon Action Planning meeting to determine the adequacy of resources to meet the objectives. This close contact between individuals with decision making responsibilities results in an awareness of each other's actions and facilitates timely decision making.

**Parity: Members should be relatively equal in stature/rank.** The composition of the Unified Command will vary from state to state and with each disaster; however, a basic premise of the Unified Command is that its members be of roughly the same stature in terms of rank or position.

There should not be a large disparity in responsibility or authority between individual members of the Unified Command. This avoids dominance by any member by virtue of his or her relative rank or position.

**Training and Common Understanding.** Under the NIMS, common understanding is achieved through a comprehensive and shared knowledge of the Incident Command System. Members of the Unified Command must be trained and experienced in ICS as well as their assigned positions within the structure. With the directive to adopt NIMS from the Department of Homeland Security, FEMA instituted training in ICS for emergency managers.<sup>17</sup> State emergency management officials in Mississippi participated in NIMS training in the summer before Hurricane Katrina struck the coast. The FEMA emergency response team sent to Mississippi contained individuals who were involved in the FEMA ICS doctrinal and training program development. This training, and the experience of the federal emergency managers, proved invaluable in the rapid adoption of ICS, the establishment of the Unified Command, and the development and implementation of the Incident Action Planning process in Mississippi.

### **Who Sits At The Table In A Unified Command?**

Individuals with primary authority – the Governor’s Representative, the State Coordinating Officer and the FCO – are the core of the Unified Command. Depending on the nature of the disaster, others from the state, such as the Adjutant General, or from the federal side, the Defense Coordinating Officer, might join the command. In Florida, the Unified Command consisted of Craig Fugate and me as the FCO. In Mississippi, Robert Latham, the Director of the Mississippi Emergency Management Agency, his Deputy Director, Michael Womack, and I, as the Federal Coordinating Officer served as the three initial members of the command. Later, the Adjutant General and the Commissioner of Public Safety were added as full members of the Unified Command and participated in the action planning-cycle meetings. They were added to the leadership team because their assets were critical to the overall success of operations and had to be fully integrated into the overall effort. On the federal side, the Defense Coordinating Officer also sat in on the Unified Command meetings.

### **Joint Incident Action Planning**

In ICS doctrine a major function of the Unified Command is the “action planning process” to develop an Incident Action Plan. The joint Incident Action Plan is the engine that drives the response/recovery effort. In Mississippi, each day began with a Strategy Meeting in which the Unified Command, joint Operations Section Chiefs, joint Logistics Section Chiefs, and other supporting groups established the joint state-federal objectives for the operational period. The strategy meeting was followed by a joint Operations-Logistics meeting to coordinate the necessary measures to accomplish the objectives. Later in the day, a joint Action Planning meeting was held to finalize the objectives for the next operational period. Mississippi’s joint Incident Action Plan contained ICS forms 202 (incident objectives and Area of Responsibility map), 203 (organizational list), 204 (assignment list), 205 (communications plan), 207 (organization chart), and 220 (air operations worksheet). All of these proved extremely valuable in guiding response/recovery operations.<sup>18</sup>

Requests for resources were developed by the local emergency managers and relayed to the Operations Section of the Unified Command in Jackson. In the most-devastated counties, unified State-Federal Division Supervisors assisted county emergency managers and elected officials in identifying priority resource requirements. Based on the joint operational objectives, the unified Operations Section coordinated the most effective way to fill the requirements: State, Emergency Management Assistance Compact (EMAC), volunteer agency, or federal (FEMA or one or more Emergency Support Functions) resources were considered. The resource identified to meet the local requirement was requested through an Action Request Form (ARF). If Federal resources were selected, one or more Emergency Support Functions were ‘mission assigned’ or FEMA bought or provided available resources. The resources were coordinated with the State for distribution to the requesting jurisdiction and/or geographic branch of the Operations Section. Resources were tracked using the Joint Assignment List, ICS form 204.

### **Modifications to ICS in the Hurricane Katrina Response**

In “pure” ICS, as practiced by the fire service for example, the Unified Command exists only at the highest level. The sections, branches, and divisions below the Unified Command are directed by the most qualified member in that unit of the organization. In the response to the Hurricane Katrina disaster in Mississippi, we found this aspect of the ICS did not fit our organizational needs for this joint state-federal response. We realized that there was a need for “Unified Command” up and down the organization in order to address political and operational realities, and the fact that there might be no local “incident commander” with the capabilities to field a coherent response.

ICS, in its original configuration, is based on a “bottoms up” approach in which the local Incident Commander and his/her Incident Management Team develop an incident action plan and request required resources. In a catastrophic event this is impossible if the people at the “bottom” are overwhelmed and unable to fully form coherent response organizations. One of the modifications we made to the basic ICS was to have joint section chiefs in each of the ICS sections – one chief from the state and an equal chief from FEMA (a “Unified Command” at the section level). These two individuals worked together to accomplish the goals assigned to their section and reported jointly to the FCO/SCO Unified Command. We extended this “Unified Command” concept to the geographic branch directors and the division supervisors in the local areas.

The 2005 Katrina response in Mississippi was the first time joint division supervisors were co-located with emergency managers at the county level consistent with ICS doctrine. During the 2004 responses in Florida, FEMA liaisons were placed in some critical counties; this was primarily to provide advice to the local officials. County liaisons were just “liaisons” and did not have the authority to direct state or federal resources. Establishing joint geographic Branch Directors and Division Supervisors worked extremely well. “Pure” ICS may work well for fires and smaller disasters, but some substantial modifications are required for large scale events.

### **Communication of objectives**

Under ICS doctrine, joint operational objectives are determined by the Unified Command and articulated to key members of the State-Federal Response Team down the chain using the Incident Action Plan. It is important that every level in the chain understand the joint goals and that level's role in achieving those goals. The objectives passed to the branch directors and division supervisors serve to facilitate the planning efforts of the Unified Commands at that level. In Mississippi, the objectives were also highlighted during press conferences held by Governor Barbour, with the participation of the SCO, the FCO, and other appropriate state and federal officials. A critical piece of the joint Unified Command is consistent, coordinated public messaging. In both Florida and Mississippi, a Joint Information Center (JIC) was established early to ensure consistent messages were going out to the public.

### **Span of control**

One of the features of ICS is the decentralization of decision making; once the priorities have been set and communicated to the branches, the joint branch directors then have the authority to make decisions to support the priorities. ICS guidelines recommend that a manageable span of control is one supervisor to five to seven subordinates. Under the FRP, the span of control was much higher resulting in centralization of control and an unworkable number of "direct reports" to the FCO. One important point: ICS requires more personnel in leadership positions than the former FRP organization. Despite a shortfall in FEMA leaders, an acceptable span of control was achieved in Mississippi through the use of personnel from other federal agencies such as U.S. Forest Service and Bureau of Land Management. These individuals are often trained in ICS as a part of their primary jobs and performed well in the NIMS response.

### **Issues for Discussion**

Based on my experiences in Florida during the four hurricanes of 2004 and in Mississippi during Katrina in 2005, several issues regarding Unified Command were unresolved.

#### **Unified Command in a domestic disaster: Authority**

Unified Command in a disaster like Hurricane Katrina is different than Unified Command in a military or firefighting setting in that many of the participants are elected officials who may have diverse objectives and constituents. In a Unified Command with strict command relationships, an incident commander who acts outside the objectives and goals of the Unified Command is subject to censure. This is not the case in domestic disasters where elected officials have agendas that might not align completely with the objectives of the overall Incident Action Plan. Thus, the success of domestic response operations requires that all parties agree to cooperate and support not only the joint objectives, but the methodology to achieve those objectives. I believe that in Mississippi this was achieved, for the most part, because objectives were based on the priorities of the local officials; and they understood their concerns were being heard and acted upon, even in the face of resource shortages.

How does the “Unified Command” actually work when there are no well-defined lines of authority like those that underlie the Department of Defense’s definition of the Unified Command structure? A clear vesting of authority in emergency managers is vital for the formation and functioning of an effective Unified Command. Florida Governor Jeb Bush in his testimony before the Senate Committee on Homeland Security, said

Florida’s team is led by a Unified Command, to coordinate efforts, share resources, make decisions and provide direction with one voice. During a disaster, I designate Craig Fugate, Director of Emergency Management, to serve as the chief coordinating officer of our state response. I delegate statutory authority to him so he can do his job effectively and report directly to me.<sup>19</sup>

Governor Bush established his vision for an effective Unified Command and provided the requisite legal authority to empower his representative to direct state operations. Similarly, the Stafford Act gives authority to the FCO; the authority of the FCO comes directly from the President and that authority is vested in the FCO when the appointment is recorded in the Federal Register as part of the disaster declaration. In some states, the State Constitution gives considerable authority to local jurisdictions; this can make things a bit murky when attempting to establish hierarchical arrangements in a Unified Command.

### **FCO as a member of the Unified Command**

In defining the Unified Command in a disaster response, the NRP does not include the FCO as a member, but says “The FCO assists the Unified...Command.”<sup>20</sup> It is my belief this view should be revisited. Despite the fact that the FCO may not have “command authority” in the state, he/she has the responsibility to oversee the use of federal resources in the disaster operations. This commitment of federal resources is significant and decisions must be coordinated and synchronized with the overall effort in a timely manner – this is the function of a Unified Command. If, in a catastrophic event, the federal government is to “push” resources down to the state, rather than waiting for requests, it is imperative that the senior federal official with responsibilities for the commitment of resources have a “seat at the table” in a unified command structure. In both Florida and Mississippi, the priority was on the victims and the Unified Command, under the leadership of the state governors, performed well in coordinated and directed operations. In my experience, a federal-state joint Unified Command facilitates timely and effective decision making.

### **Unified Command in a disaster: Multi-state disasters**

Katrina exposed a weakness in the National Response Plan: there is no specific discussion of multi-state disaster management options. Hurricane Katrina impacted three states and each state received a separate disaster declaration from President Bush. As called for in the Stafford Act, the President appointed three federal coordinating officers, one for each state that received a declaration.

There were large differences in the response to the three disasters that arose in part from the extent and nature of the damage, the ongoing flooding in Louisiana, the differences in jurisdictional authority, the use of federal troops in Louisiana, and, I believe, in the use of ICS

and Unified Command in Mississippi. Initially, each response was separate and federal resources were managed by the Emergency Response Team (ERT) in the Emergency Operation Center in each state.

On Sept 3, a Principle Federal Official (PFO) was appointed by Department of Homeland Security Secretary Michael Chertoff to cover all three disasters.<sup>21</sup> Based on my understanding of the NRP and my training as a member of the PFO cadre for DHS, I did not feel that the appointment of a PFO affected the authority or mandate as FCO in any way. Reports were sent to the PFO to give him situational awareness regarding developments in Mississippi.

The position of PFO was created by HSPD-5 in 2003. By NRP definition

[The] PFO is personally designated by the Secretary of Homeland Security to facilitate Federal support to the established Incident Command System (ICS) Unified Command structure and to coordinate overall Federal incident management and assistance activities across the spectrum of prevention, preparedness, response, and recovery. The PFO ensures that incident management efforts are maximized through effective and efficient coordination. The PFO provides a primary point of contact and situational awareness locally for the Secretary of Homeland Security.<sup>22</sup>

More specifically, the PFO does not become the Incident Commander, nor direct or replace the incident command structure. He also does not have directive authority over the Senior Federal Law Enforcement Officer (SFLEO), Federal Coordinating Officer (FCO), or other federal and state officials.<sup>23</sup>

On September 21, the Presidential appointments of the three Federal Coordinating Officers were terminated and the PFO was appointed FCO for each of the three states.<sup>24</sup> While I continued to perform most of the duties of the FCO in Mississippi, my authority as a member of the Unified Command became problematic. Under Unified Command principles, participants must be co-located and should be the primary holders of legal authority.

This situation highlights the complex command and control issues associated with multi-state-federal response operations within the context of our Federalist system of government. As there is a high likelihood of disasters that can strike across state borders, whether due to a terrorist event, a tsunami on the West Coast, an earthquake on the New Madrid fault, or a pandemic flu, this important subject must be addressed. The position of FCO is clearly intended by the Stafford Act to provide an individual to serve as the President's representative to the Governor in one state. The NRP, building on HSPD-5's designation of the Secretary of Homeland Security as the President's "principal federal official" for domestic security, lists several responsibilities for a designated PFO. Most of these revolve around providing situational awareness, coordinating federal efforts, and serving as senior spokesperson. The PFO currently has no operational authority under the NRP.

During Hurricane Katrina operations, there were efforts to designate one federal official as the individual in charge of federal operations in the three states impacted most significantly by the storm. These efforts were not entirely successful. They highlighted the need for serious discussion of how the federal response should be most effectively managed in a multi-state catastrophic disaster. Is there a need for a level of federal organization, above the state level, to coordinate the response over state borders? Should this be a federal oversight organization, or a

regional group that includes representatives of the impacted areas, or an organization of federal agencies to coordinate resources much like the National Interagency Fire Center in Boise does for large wildfires?

In my opinion, what is really needed in a multi-state operation is not a single entity to direct operations in two or more states; each state should be assigned an independent FCO to work directly with the Governor and his/her representatives. A multi-state disaster scenario requires, on the federal side, an adjudicator of resource conflicts and a provider of situational awareness for the National leadership. I believe the organizational level of Area Command within ICS may provide a useful model on which to base discussions.

Any discussion of multi-state management of disaster response will require discussion with the states. In my experience, while state leaders are very supportive of one another during disasters, they would not like to be part of a “regional approach” that in any way inhibits direct dialog with the national leadership in Washington. Additionally, most state leaders believe that their states have unique circumstances that warrant individual attention and solutions.

### **Role for the Department of Defense**

Does the Department of Defense fit into the Unified Command? Should they have a seat at the table from the beginning? The federal military has substantial assets that should be called upon in a catastrophic disaster. A DOD representative, the Defense Coordinating Officer, is pre-designated and, when a major disaster is declared by the President, he or she is assigned to the Emergency Response Team to coordinate the use of DOD assets.<sup>25</sup> A seasoned DCO and his staff, the Defense Coordinating Element, were present in the Mississippi joint state-federal Emergency Response Team during the Hurricane Katrina Response. The DCO sat in on all Unified Command meetings. Active duty military troops under Joint Task Force Katrina were not deployed to Mississippi. Some small active duty units, such as the USN Seabees, were stationed in the state when the Hurricane Katrina struck and played a role in the response. Under EMAC, the deployment of significant numbers of National Guard resources from other states provided the Adjutant General of Mississippi with adequate forces to accomplish his assigned missions. Because of this, the DCO was not considered a full member of the Unified Command leadership in Mississippi.

U.S. Northern Command, established in 2002, has, in addition to its homeland defense mission, also the mission of coordinating and providing active-duty defense support to civil authorities.<sup>26</sup> In the event that active duty Title 10 forces are needed in the state to assist in the response, a DOD representative should be a full member in the Unified Command leadership. Well beforehand, however, there needs to be clarification about the interface between the National Guard command and NORTHCOM. Should only one officer, representing both the National Guard and active duty forces, be a part of the Unified Command? Or could both the Adjutant General and a senior active duty officer representing NORTHCOM simultaneously be members? Unity of effort and unity of command are both principles of war, and important operational features of successful military command and control relationships; this would also be true in a disaster response in which military forces are involved. Scott Wells, the FCO in Louisiana for the Hurricane Katrina Disaster, during testimony on December 8, 2005 before the Senate Committee investigating Hurricane Katrina, characterized the active duty military as an

“800-pound gorilla” that brought tremendous resources but operated independently.<sup>27</sup> For this reason, the command relationship between National Guard and Title 10 commanders should be worked out prior to any deployment of Federal forces. These relationships should not only be well understood, but also practiced in exercises before a large disaster strikes. In this case, it would be appropriate for the military commander(s) to be a full partner with the FCO and the SCO in determining the IAP and goals for the response. The Governor of the state would remain in charge.

### **The response in Mississippi**

Anyone who followed the news on the Katrina response in Mississippi realized that in the immediate wake of the disaster there were problems with the delivery of commodities such as ice, water, and MREs (Meals Ready to Eat).<sup>28</sup> A detailed look at this aspect of the disaster response revealed that this was primarily a result of the condition of the roads leading into the devastated areas and the inability of FEMA logistics to deliver the amount of commodities requested. However, the ICS and Unified Command structure handled requests from the field and had visibility over resources that arrived in the staging areas. ICS and Unified Command, especially with the modifications made in Mississippi, worked well and should be part of any disaster response. If sufficient commodities had been received in a timely manner, this aspect of the response would have been viewed as a success.

Former Undersecretary Brown expressed his frustration that in the initial response to the Katrina disaster in Louisiana there was no Unified Command established in that state.<sup>29</sup> I have not commented on the Katrina response in Louisiana; that response presented some very serious challenges to the emergency managers because of the ongoing flooding due to the levee break and the large number of people trapped and later displaced by the flooding. A study of the Louisiana operations could elucidate decisions made in the early hours and days of the disaster that resulted in differences between the response in Mississippi and in Louisiana.

### **Conclusions**

Hurricane Katrina provided the first major test of NIMS, the NRP, ICS, and Unified Command. In Mississippi, the Unified Command system worked well in reducing the chaos of this catastrophic disaster. A major factor in the success was the prior ICS and NIMS training of the individuals in the Unified Command and their staffs.

Hurricane Katrina, much like Hurricane Andrew in 1993, has the potential to make an indelible imprint on the manner in which America responds to large scale, multi-jurisdictional disasters. As the various hearings and public dialogue continue, I believe, based on my experiences with the very strong State of Florida emergency team during the four hurricanes of 2004 and participation in the 2005 State of Mississippi-Federal partnership, there are important lessons to be learned in achieving workable inter-governmental organizational structures.

A doctrine for large scale domestic response and recovery operations, especially in multi-state disasters, must be developed. Hurricane Katrina operations in Mississippi were far from perfect, but the use of the ICS, the Unified Command, and the partnership of state and federal

responders, down to the lowest levels, provided a functional tool to allocate the available resources in a way that minimized overlap and met the objectives of the joint incident action plan.

The next step is to re-examine the National Response Plan in light of the political and strategic realities of operating in a “really big one.” In a catastrophic event, either man-made or natural hazard, there will be pulls and tugs from many directions – elected and appointed officials of sovereign jurisdictions, the media, the leadership in Washington – in an environment of managing shortages. The organizational models contained in the NRP do not address these realities. Much work needs to be done on developing more useful models, perhaps based on a Unified Command, that will work in highly complex and politically charged catastrophic disaster operations.

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<sup>1</sup> Michael D Brown, Former Director, Federal Emergency Management Agency, U.S. Department Of Homeland Security, *Testimony to the House of Representatives Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina*, October 27 2005.

<sup>2</sup> *National Security Act*, July 26, 1947 (PL 235 - 61 Stat. 496; U.S.C. 402); *Goldwater-Nichols Department of Defense Reorganization Act*, October 1, 1986 (PL 99-433)

<sup>3</sup> *Department Of Defense Dictionary of Military and Associated Terms* (Government Printing Office, Joint Pub 1-02 DOD, 12 April 2001; as amended through August 2005.)

<sup>4</sup> Ibid.

<sup>5</sup> *A History of the Incident Command System (ICS)*, National Wildfire Coordinating Group Incident Command System (ICS), National Training Curriculum, October 1994. <http://www.nwcg.gov/pms/forms/compan/history.pdf>; NIMS Integration Center, “NIMS ICS Position Paper,” November 18, 2004.

<sup>6</sup> National Wildfire Coordinating Group, *Glossary of Wildland Fire Terminology*, PMS 205 (January 2005). <http://www.nwcg.gov/pms/pubs/glossary/pms205.pdf>

<sup>7</sup> Ibid.

<sup>8</sup> *Oil Pollution Control Act of 1990* (Public Law 101-380 and numerous amendments. 33 U.S.C. 2701); Jim Stumpf, “Incident Command System: The History and Need,” *The Internet Journal of Rescue and Disaster Medicine*, 2, No. 1 (2001). <http://www.ispub.com/ostia/index.php?xmlFilePath=journals/ijrdm/vol2n1/ics.xml>

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

<sup>10</sup> Homeland Security Presidential Directive 5 (HSPD-5), February 28, 2003.

<sup>11</sup> U.S. Department of Homeland Security, *National Incident Management System*, March 1, 2004.

<sup>12</sup> U.S. Department of Homeland Security, *National Response Plan*, December 2004, 33

<sup>13</sup> HSPD-5.

<sup>14</sup> Craig Fugate and William Carwile, “Unified Command: A Coordinated Response Strategy by the State of Florida and FEMA to Cope with Four Major Hurricanes,” Presentation to the 2005 National Hurricane Conference, March 23, 2005, New Orleans; Michael Brown, Interviewed by Larry King, *Larry King Live: Coverage of Hurricane Frances*, CNN aired September 4, 2004. Director of FEMA Michael Brown states “.... What Governor Bush has set up down here through his emergency management operation is something that I want to take across the entire United States. We have a unified command here between the state government and the federal government. What you see behind me is this command center and the state and federal partners are together.”

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<sup>15</sup>William Carwile, "Unified Command Made a Difference in Mississippi: Guest Opinion," *Jackson Clarion Ledger*, October 16, 2005, <http://www.msema.org/newsreleases/documents/UnifiedCommandMadeaDifferenceinMississippi.doc>; William Carwile, testimony to the U.S. Senate Committee on Homeland Security and Governmental Affairs, "Hurricane Katrina: Perspectives of FEMA's Operations Professionals," December 8, 2005

<sup>16</sup>*Robert T. Stafford Disaster Relief and Emergency Assistance Act*, as amended by Public Law 106-390, October 30, 2000 (§ 5143. Coordinating Officers {Sec. 302}).

<sup>17</sup>NIMS Integration Center. [www.fema.gov/nims](http://www.fema.gov/nims)

<sup>18</sup>Forms available from the National Wildfire Coordination Group Website at [www.nwcg.gov](http://www.nwcg.gov), and also at [www.fema.gov/nims](http://www.fema.gov/nims) or [www.nimsonline.com](http://www.nimsonline.com).

<sup>19</sup>Jeb Bush, Governor of State of Florida, Testimony before the House Committee on Homeland Security: "Federalism and Disaster Response: Examining the Roles and Responsibilities of Local, State, and Federal Agencies," October 19, 2005.

<sup>20</sup>U.S. Department of Homeland Security, *National Response Plan*, December 2004, 34.

<sup>21</sup>Office of the Press Secretary, Department of Homeland Security, "Update: United States Government Response to the Aftermath of Hurricane Katrina," September 3, 2005.

<sup>22</sup>*National Response Plan*, 33

<sup>23</sup>*Ibid.*

<sup>24</sup>Federal Register notices, Sept. 21, 2005: FEMA-1604-DR, Mississippi; Amendment No. 4 to *Notice of a Major Disaster Declaration*; FEMA-1603-DR, Louisiana; Amendment No. 3 to *Notice of a Major Disaster Declaration* [FEMA-1605-DR], Alabama; Amendment No. 5 to *Notice of a Major Disaster Declaration*.

<sup>25</sup>Department of Defense Directive 3025.16, *Military Emergency Preparedness Liaison Officer (EPLO) Program*, December 18, 2000.

<sup>26</sup>James Russell, "NORTHCOM to Coordinate DOD Role in Homeland Defense" (Monterey, CA: Center for Contemporary Conflict, Naval Postgraduate School, 2002).

<sup>27</sup>Scott Wells, Federal Coordinating Officer, Testimony to the U.S. Senate Committee on Homeland Security and Governmental Affairs: "**Hurricane** Katrina: Perspectives of FEMA's Operations Professionals," December 8, 2005.

<sup>28</sup>Associated Press, "Officials' Memos After Storm Vividly Spell Out Their Fears," *New York Times*, December 7, 2005; William Carwile, White Paper, "Hurricane Katrina: Mississippi 'In Preparation'"

<sup>29</sup>Michael D Brown, Testimony, October 27, 2005.