REMEMBER THOSE FIRST RESPONDERS

To the editor:

On September 11, 2001, and every day since, our cities’ 600,000 police officers and 250,000 firefighters and emergency medical workers have been on the front lines of our nation’s homeland security efforts.

Responding to every threat, helping to secure every public event, and preparing for whatever may come next, they are our domestic troops in the war against terrorism. Yet, it has now been more than 17 months since the horrific attack on America, and still these brave men and women are waiting for Washington to provide them with new direct funding to help them do their difficult and essential job—protecting our cities’ millions of residents and businesses.

Mayors and first responders have not been waiting for help from Washington to act. To secure our cities, we have tightened security and access to public buildings and utilities; conducted vulnerability assessments of potential key targets; expanded biochemical and chemical surveillance efforts; conducted numerous readiness exercises to improve response capabilities; acquired more and better equipment for first responders; improved emergency communications systems; helped improve security at airports; and worked closely with the private sector to make cities more secure.

A survey by the US Conference of Mayors found that cities expected to spend more than $2.6 billion in unanticipated additional security costs by the end of 2002. These critical homeland security investments are severely straining city budgets across the country at a time when the nation’s economy is already forcing many cities to raise taxes and cut other services.

Responding to our pleas and recognizing our need, President Bush told the nation’s mayors in January 2002, that he was proposing $3.5 billion to help train and equip our first responders. “It’s your police forces, your emergency medical teams, your firefighters who are responsible for the first response in any terrorist attack, and are responsible for saving lives,” he told us. While pleased by the President’s acknowledgment of the need, we believed that a majority of the funding should go directly to cities.

Over the past 17 months, mayors and first responders have held numerous meetings with top administration officials, including Homeland Security Secretary Tom Ridge; testified before many Congressional committees; and met privately with top Congressional leaders to advocate for speedy approval of this new funding through a homeland security block grant. We appreciate their time, but now it’s time to act.

Remarkably, the fiscal year 2003 spending bill that Congress just passed does not contain the $3.5 billion in new funding requested by the President and mayors more than 13 months ago. Instead, the bill offers some smaller increases to existing programs, but it does so at the expense of other law enforcement initiatives. For example, the bill inexplicably cuts community policing grants by $200 million. Our police officers, our fire fighters, our EMS workers, our residents, and our businesses demand more and they deserve better.

Washington must be a partner to our domestic homeland security troops, just as it is to the brave men and women we send abroad to fight for America. An effective partnership requires timely support, and that support is already long overdue.

Sincerely,

Thomas M. Menino
Mayor, City of Boston
President, US Conference of Mayors
To the editor:

The diminutive United States Federal Emergency Management Agency (FEMA) and its 3500 employees have been injected into the huge new Department of Homeland Security (DHS), an organization of 170,000 federal workers and a holding company of some 22 federal agencies. Part of this reorganization involves duties surrounding presidential declarations of major disaster or emergency. Since President Eisenhower issued the first presidential declaration of major disaster for a Georgia tornado, DR# 1, in May 1953, presidents have approved or rejected governor requests for declarations of disaster. On 9/11, President George W. Bush issued a declaration of major disaster requested by the Governor of New York. He approved the Governor of New Jersey’s request for an emergency declaration as well. These were both for the World Trade Center (WTC) attack. He also approved an emergency declaration, which was soon upgraded to a major disaster declaration, requested by the Governor of Virginia for response needs after the attack on the Pentagon.

Governors have requested presidential declarations for major disasters or emergencies more than 2,200 times since DR# 1. On January 8, 2003, President Bush approved DR# 1451 for an ice storm in South Carolina. Add to these 1,451 major disaster declarations another 170 presidential declarations for emergencies, and the total pool grows to 1,621 declarations as of January 8, 2003.

From 1953 to 1979, a succession of obscure federal agencies processed governor requests for disaster declarations. Their directors carried these requests and their own recommendations to the president, and the president then approved or turned down these requests. From 1979 to 2003, it was the job of FEMA to process governor requests and the job of the Director of FEMA to convey these requests to the president with their recommendation; and, as before, the president could approve or turn down the request. In accordance with the reorganization underway, FEMA Director Joseph Allbaugh has now turned this processing and recommendation duty over to Secretary Tom Ridge and the DHS.

The Homeland Security Act of 2002 makes no explicit mention of presidential disaster declaration authority other than to say that all authority previously vested in FEMA is hereby transferred to the DHS. This change represents more than simply an organizational transfer of authority. Conventional federal emergency management, previously very much the management or coordinating job of FEMA, is today subsumed under the homeland security mission of DHS. Presidential declaration authority over natural and human-caused disasters of all types continues, but governor requests are now processed through DHS and conveyed to the president by the Secretary of Homeland Security. What are the implications of this change, and how will it affect presidential disaster declaration decision making?

In 1993, President William J. Clinton approved a declaration for the first WTC bombing, and he would do so again about two years later for the Oklahoma City Murrah Office Building bombing. Understandably, Clinton and his FEMA director considered both terror attacks to be under the umbrella of what was eligible for a presidential declaration of disaster. However, Clinton and Congress obviously did not consider either of these attacks to be sufficient to declare, with an accompanying massive domestic homeland security initiative, “war on terrorism.” The US Department of Defense did launch a “homeland security” program well before the 9/11/01 attacks, and President Clinton responded to the 1993 WTC bombing through law enforcement, national intelligence, and military actions abroad. The terror attacks of 9/11 were orders of magnitude greater than the 1993 WTC bombing and so impelled the president, Congress, and the nation to declare “war on terrorism.” The war on terrorism is producing vast change in the nation’s system of disaster management. The attacks took place inside the United States, targeting the WTC complex and the Pentagon and producing great loss of life and major destruction. The attacks revealed the nation’s considerable vulnerability to terrorism at home. By folding FEMA and its “declaration process
link to the president” into the new DHS, the federal concept of “disaster” is arguably undergoing fundamental change. Terror-caused events inside the US were previously within a general set of natural and human-caused primary incident types of president-declared disaster or emergency.

The key ways declaration categories changed or were added over the past 50 years were via changes in federal law and new precedents set by presidents in what might be approved under a declaration (for example, President Clinton issued emergency declarations to New York State and New Jersey for West Nile Virus pesticide spraying costs). However, today antiterrorism, the heart of homeland security, is in many respects the entire crucible in which the president considers governor requests for major disaster and emergency. Admittedly, in the past, new federal emergency management laws have been enacted, federal emergency management agencies have been cobbled from patchworks of disaster-related agencies or offices, and presidents have used their constitutionally protected executive powers to adapt the nation to new categories of disaster.

How are things different now? Homeland security has refashioned the essence of the federal emergency management system. A great share of past presidential declarations has been for natural disaster, and most of them were weather-related, hydro-meteorological phenomena like floods, tornados, snow and ice, and severe storms. A fraction has been for earthquake and hurricane, both often colossally expensive categories of loss. Presidential disaster declarations open a wide variety of federal relief resources and services, many conveyed to victims and their families and many distributed to state and local governments and a variety of qualifying non-profit organizations.

Now that the US is engaged in a “war on terrorism” and the bulk of the old FEMA today resides in the DHS Emergency Preparedness and Response Directorate (EPRD), the president and his homeland security chief need to explain whether, or how, presidential disaster declaration decision making will change. Will the system continue to rest on governor requests for declarations based on DHS-EPRD determinations of documented loss, the nature of the cause, or judgments of threats to immediate life and safety? Should Congress and the president rethink what disaster declaration authority encompasses? Should President Bush continue to treat foreign-inspired attacks inside the homeland as a category of natural or human-caused disaster under all-hazards emergency management, as President Clinton did in the case of the 1993 WTC bombing? What will become of other categories of disaster under the

**Domestic (in)security likely as DHS struggles into being**

The Department of Homeland Security (DHS) is expected to be in a state of flux for years to come as 22 federal agencies with disparate workforces and missions are brought under a single governmental umbrella.

According to Leon Fuhr, Professor at the Elliot School of International Affairs at George Washington University, even if the proposed Department of Homeland Security could persuade the agencies involved to work together more effectively, the early years of a new cabinet agency are too often characterized by what he called “diminished efficiency and increased confusion.”

“Part of the bad news here is: In the short to midterm, this isn’t going to do very much to improve the nation’s ability to handle the problems it’s facing,” Fuhrth said.

Several key posts will remain unfilled by the end of this year at the 170,000-person department, and territorial and budget allocation questions, such as who conducts antiterrorism research, how to combine Coast Guard and Navy security and patrolling efforts, and how funds will be provided for specific (sometimes competing) programs, remain unanswered. Congress is expected to debate thorny issues like these at length, meaning additional complications and delays.

The DHS has been appropriated $38 billion for 2003 to help launch the department, which will rise to $43 billion next year.
DHS? Will president-declared natural or non-terror disasters be paid for at the expense of antiterrorism budgeted funds, or will the DHS-EPRD budget and the President’s Disaster Trust Fund be sufficient to pay these bills?

Will the president be encouraged by the homeland security secretary to judge governor requests for presidential declarations following floods, tornadoes, major snowstorms, etc., in terms of their relevance to homeland security, as the Homeland Security Act of 2002 defines homeland security? Will governors find it more difficult, or less difficult, to win presidential approval for their declaration requests under the DHS regime now unfolding? Has homeland security opened up new categories of hazard or emergency? Perhaps governors confronting bioterrorism, aviation transportation security calamities, port security incidents, food security threats, illegal immigration difficulties, cyberterrorism, and other homeland security concerns will request presidential declarations to meet these needs when they consider them acute, provable, and justified. Will the president approve their requests? Presidential declarations of disaster convey a basket of relief assistance to individuals and families, as well as significant government-to-government disaster aid for rebuilding infrastructure or paying state and local disaster-related expenses. Many have already asked if 9/11 victims and their families are casualties of war, victims of crime, or victims of human-caused disaster. In the realm of presidential disaster declarations before 9/11, the answer was “victims of human-caused disaster.” Should this remain so today? Should foreign-inspired terror attacks inside the US simply remain a category of all-hazards federal emergency management that does not warrant differentiation? Do domestic victims of terror and their families, and terror-damaged state and local governments, deserve the same basket of federal assistance conveyed to them by the president after natural and non-terror disasters? Should this and future presidents exercise disaster or emergency declaration authority under a homeland security regime exactly as they have under the federal emergency management regime of the 1990s? It was not until 1993 that federal emergency managers, and their dependent state and local counterparts, succeeded in breaking free from the influence or distortion of a “civil defense against nuclear attack” national preoccupation. It took only one day, 9/11, for the shotgun marriage of domestic emergency management and civil defense (now recast as homeland security) to be renewed with a vengeance. Does antiterrorism homeland security now trump non-terror disaster management or is balanced, all-hazards emergency management to be the norm? Will the president treat governor requests for declarations of major disaster or emergency differently in the era of homeland security? The nation awaits answers.

Sincerely,

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REFERENCES
3. For the US Department of Justice, terror victims and their families can still apply for “crime victim compensation” after terror disasters in the US.