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The Stickney Memorandum on FEMA's Response Readiness

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Wallace E. Stickney was FEMA's fourth Presidentially appointed and Senate confirmed Director (Executive Level II). Wallace E. Stickney was confirmed in August 1990. That date was significant because Iraq was in the process of invading and seizing Kuwait.

Over the course of the fall of 1990, Director Stickney had systematically received briefings from FEMA staff, and held table-top exercises (no actual movement of personnel or materials) to learn the emergency management and response system as it then existed. Those briefings and exercises often involving both high-level political appointees and career officials, but never from outside FEMA, were filled with confusion and lack of detail. A simple reason for this confusion and lack of detail existed. Very few political appointees or career officials understood all the plans and response systems that FEMA has either promulgated or signed onto through unfunded Memoranda of Understanding (MOU) or funded Memoranda of Agreement (MOA). Now, for the first time in its history, the United States was faced with Iraqi sympathizers or nationals retaliating with domestic terrorist attacks. It should be stated that no formal threat assessment or warning was issued to the civil agencies, State or local governments or the general public or the civilian response community. In fact, despite general knowledge that such attacks were possible even if not directly threatened, FEMA was instructed by the staff of the National Security Council not to even discuss possible attacks. Although the Federal Civil Defense Act of 1950 (Pub.L. 81-920) had contained authority for the Administrator to declare a "Civil Defense Emergency," that authority lapsed in 1974.

The context of planning in FEMA in 1990 must be understood as the source of the confusion and lack of clarity. First, the FEMA National Security community had lived and died bureaucratically by planning for contingencies that would hopefully never occur. Various kinds of exercises, usually table-tops, concerned themselves with various contingencies. In the 1980's FEMA had participated with DOD in large scale mobilization exercises, such as Rex-Alpha and Bravo (1982 and 1984) and paid for it bureaucratically when various organizations sued FEMA to learn the details of what was alleged to be a secret government. Second, the HAZMAT community, pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) issued originally through agency mandates and then pursuant to E.O. 12316 of August 14, 1981 (now E.O. 12580, as amended), had undergone real life situations requiring actual deployment and response. Even as late as December 1993, however, in a report to Congress, EPA identified continued confusion and overlaps in federal hazmats planning and response. See "A Review of Federal Authorities for Hazardous Materials Accident Safety", December 1993, EPA 550-R-93-002.

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By November 23, 1988, when the Robert T. Stafford Disaster Relief Act, Pub.L. 100-707, had been signed, a Federal Response Plan for a Catastrophic Earthquake had been agreed to by all agencies. The plan had been mandated by the Earthquake Hazards Reduction Act of 1977. This plan was the last major civil plan to contain a law-enforcement section, because after that date the Department of Justice refused to agree to inclusion of any law enforcement annex where the plan arguably did not have the Attorney General as the lead. See for example, discussion of the National System for Emergency Coordination issued by the Domestic Policy Council in January 1988.

Additionally, there was the Federal Radiological Emergency Response Plan (FRERP) promulgated pursuant to E.O. 12241 which by its own terms addressed terrorism. This plan had been published in 1985. It should be noted that NRC, DOE, and FEMA had signed an MOU in 1981 on radiological incident/event response that still exists, even though arguably conflicting with the FRERP.

It is interesting to note that as early as 1982, in NSD 47, the National Security Council had attempted to facilitate a single domestic response system. That this issue still persists is evidenced by language in the National Strategy for Homeland Security issued in July 2002.

Trying to reconcile all this planning confusion, Director Stickney, four days before Desert Storm in a memorandum for all FEMA employees on January 24, 1991, mandated that the Federal Response Plan would be used to support State and local response plans. This was the first use of the term Federal Response Plan because deep in the bureaucracy the Earthquake Response Plan had evolved into the Natural Hazards Response Plan and now was becoming the Federal Response Plan. The formal adoption of the Federal Response Plan finally occurred in 1995. Documentation of planning and response confusion in FEMA in 1992 (even before Hurricane Andrew (August 1992)) exists in reports issued by the FEMA Inspector General. The Federal Response Plan was revised substantially in 1999 and then again in January 2003 to reflect the new Department of Homeland Security.

The Homeland Security Strategy published by the White House on July 6, 2002, had recommended combining (1) the Federal Response Plan; (2) the National Contingency Plan for Oil Spills and Hazardous Materials Release; and (3) the Federal Radiological Emergency Response Plan into a National Response Plan. This recommendation was the subject of Homeland Security Presidential Directive 5, issued on February 28, 2003, which also added the concept of a National Incident Management System (NIMS) and named the Secretary of Homeland Security as the National Incident Manager.



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