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WASHINGTON – The following statement was prepared for delivery by Homeland Security and Governmental Affairs Committee Ranking Member Joe Lieberman, D-Conn., Monday at the Committee’s 16th hearing on the inadequate preparation and response to Hurricane Katrina.

Thank you Madam Chairman. In today’s hearing – “Managing Law Enforcement and Communications in a Catastrophe” – we examine two issues crucial to an effective response to any disaster – restoring order and maintaining communications.

Emergency response will never be successful if our government is unable to deliver on these two essential requirements.

The National Response Plan puts the Department of Homeland Security in charge of making sure communications and law enforcement work in an emergency.

It is DHS’s law enforcement assets, along with Justice Department agencies, that are expected to help maintain public safety and security.

Unfortunately, today’s hearing will show, DHS was largely unprepared to provide the emergency communications and law enforcement support the Gulf Coast needed after this Hurricane Katrina struck. That’s a serious failure.

And that failure was part of a larger failure from Jan. 6, 2005 – when the National Response Plan was issued – to Aug. 29, when Katrina struck, of the Department of Homeland Security to take steps to activate its role under the NRP and prepare to carry out its responsibilities under the National Response Plan in time of disaster.

Its unpreparedness left state, local police, firefighters, search and rescue teams, Red Cross and FEMA volunteers adrift without communications or the public safety support they needed from the federal government.

As early as 2001, in the run up to the Hurricane Pam exercise, southeast Louisiana disaster planners realized that a catastrophic hurricane would “overwhelm” local law enforcement officers just when they were most needed for search and rescue, restoring calm, and providing security for crucial rescue and relief efforts.

No Hurricane Pam exercise was devoted to mapping out how the security/law enforcement roles would be carried out if local law enforcement was incapacitated by a storm – apparently because of a lack of funds.

The portion of the National Response Plan that addresses public safety and security creates a framework for federal law enforcement to assist other federal, state and local authorities during what is labeled an “Incident of National Significance.”

But under this portion of the plan – designated ESF-13, for Emergency Support Function-13 – two agencies, instead of one, are designated as the coordinators – the Department of Homeland Security and the Department of Justice.

Evidence gathered by our staff makes clear that in the critical first days – before, during and after Katrina – there was little coordination between the two agencies – and little coordination within the agencies as well.

The Homeland Security’s department’s senior leadership failed to understand it had a leadership role for public safety and, so far, has produced no evidence that anyone

was given clear and explicit responsibility to take the lead on public safety for DHS in the days before landfall or in the days immediately afterward the hurricane struck.

[The responses to these emergency functions that we discussed today (ESF-2 “communications”; ESF-13 “public safety and security”) raise troubling questions about who was in charge of the NRP generally. Who was making sure that the NRP was being properly activated or implemented? Later this week we will hear from people from FEMA and DHS and, of course, next week we will hear from Secretary Chertoff.]

The Department of Justice waited to be asked for help and did receive a request from Louisiana on August 30th, the day after Katrina made landfall. But documents show the response was delayed while the Justice Department struggled to answer fundamental questions about its authority under the National Response Plan.

This confusion was compounded by lack of cooperation between DOJ and DHS. According to emails obtained from DHS, there appears to have been conflict between the two over who should be in charge of law enforcement in New Orleans.

Our exhibits specifically include an e-mail dated Sept. 4th that refers to a dispute as to who would take the lead – the FBI, which is under DOJ, or the Immigration and Customs Enforcement agency (ICE), which is under DHS.

This lack of coordination clearly slowed federal assistance, which could have avoided the breakdown of law and order that had serious consequences on the ground in the desperate and confusing aftermath of Katrina.

For example, FEMA Disaster Medical Assistance Teams deployed to the Superdome to assist evacuees with special needs were forced to abandon their posts – and patients – and leave their supplies and equipment behind because the teams grew concerned about security, including rumors that segments of the crowd at the Dome were plotting to stage a riot on the third day after landfall.

On the same day – Thursday, Sept. 1st -- search and rescue and communications teams were also forced to curtail critical operations in large parts of the stricken city for similar safety reasons.

So public safety fears limited the rescue and recovery efforts.

Our second panel today deals with communications and the twin problems of inability of first responders to talk to each other – or the ability to talk at all.

The heroes of search and rescue efforts in New Orleans testified last week about their inability to communicate with each other, with the victims, and with coordinators at the EOC.

Katrina’s high winds and subsequent flooding caused what the FCC called “extraordinary” destruction of communications facilities. Almost 3 million telephone lines were knocked down, 38 911-call centers were put out of action, more than 1,000 cell towers were left useless and most over-the-air and cable television service was wiped out.

These outages not only made it extremely difficult for hundreds of thousands of victims to get emergency information, or communicate with family and friends, they also crippled the ability of government officials and first responders to coordinate their activities.

Some failures were more basic. In earlier hearings, we learned that FEMA’s state-of-the-art mobile communication’s facility simply was not transported to the Superdome

and FEMA's few people on scene were essentially incommunicado, except when they could use cell phones belonging to the Louisiana National Guard.

Despite the clear responsibility given to the Department of Homeland Security under the National Response Plan to ensure communications support to federal and state and local response efforts in a disaster, the Department had no plan to provide such emergency support when Katrina struck.

While the National Communications System within the Department of Homeland Security engaged in daily contact with the telecommunications industry to help facilitate restoration of landline and cellular systems, it had not contact with state or local governments who were desperately in need of their help to restore communications.

The Department was caught off guard by the extensive destruction to local emergency networks, and was even unaware of the extent of the damage for several days.

DHS was totally unprepared to move in with mobile systems to provide emergency communications solutions to the police, fire departments, search and rescue teams, and other first responders who were struggling to save lives in the days after landfall.

Last week, New Orleans Mayor Ray Nagin, Louisiana Governor Kathleen Blanco and Mississippi Governor Haley Barbour each testified that communications failures greatly hampered emergency response efforts and, along with interoperability, is the number one issue that needs to be addressed.

This inability to communicate after Katrina serves as a grim reminder that four years after 9/11, our nation was still no where near as prepared for a major disaster as it should have been.

Restoring law and order and maintaining communications – both for first responders as well as the stricken population – are crucial missions for the federal government in the immediate aftermath of an American catastrophe – and in the case of Hurricane Katrina, which was an American catastrophe, neither happened.

We need to find out why if we are to make sure it never happens again.

Thank you Madam Chairman.