



STAFF REPORT FOR
 REP. CHARLES MELANCON
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Hurricane Katrina Document Analysis: The E-Mails of Michael Brown

On September 30, 2005, Rep. Charles Melancon and Rep. Tom Davis, the chairman of the House select committee investigating Hurricane Katrina, wrote to Secretary of Homeland Security Michael Chertoff requesting documents and communications from the Department of Homeland Security and its components relating to the response to Hurricane Katrina. The request asked for a response within two weeks, by October 14, 2005.

To date, the Department of Homeland Security has provided few of the documents requested by Reps. Melancon and Davis. One exception, however, involves the e-mails of Michael Brown, the former director of the Federal Emergency Management Agency. Although it does not appear that the Department has provided a complete set of e-mails involving Mr. Brown, the Department has produced more than 1,000 pages of e-mail correspondence from Mr. Brown's office. About 100 pages of these e-mails were produced on October 14, 2005. The remainder, about 900 pages of e-mails, were produced on October 18, 2005.

At the request of Rep. Melancon, this staff analysis summarizes some of the key e-mails involving Mr. Brown. These e-mails paint a portrait of Mr. Brown that differs significantly from Mr. Brown's testimony before Congress about his actions. In his appearance before the House select committee, Mr. Brown described himself as an effective leader. He said, "I get it when it comes to emergency management. I know what it's all about."¹ The e-mails, however, reveal that Mr. Brown made few decisions and seemed out of touch. In the midst of the crisis, Mr. Brown found the time to exchange e-mails about his appearance, his reputation, and other nonessential matters. But few of his e-mails demonstrated leadership or a command of the challenges facing his agency.

Although the Brown e-mails provide a unique window into FEMA's decision-making process, they do not appear to be a complete set of Mr. Brown's e-mails. Mr. Brown testified before the select committee that he "exchanged e-mails" with White House officials, including White House chief of staff Andrew Card, yet none of these e-mails are included. There are also no e-mails between Mr. Brown and Secretary Chertoff. Moreover, despite the requests of Reps. Melancon and Davis, the select committee has not received any of the relevant e-mails and

¹ House Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, Testimony of Michael D. Brown, *Hurricane Katrina: The Role of the Federal Emergency Management Agency*, 109th Cong. (Sept. 27, 2005).

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communications involving Homeland Security Secretary Michael Chertoff, Defense Secretary Donald Rumsfeld, Army Corps of Engineers Commander Carl Strock, Health and Human Services Secretary Michael Leavitt, and White House chief of staff Andrew Card. The continued failure of Administration officials to comply with these document requests will impede congressional oversight of the federal response to Hurricane Katrina.

Mr. Brown's Testimony

On September 27, 2005, Michael Brown appeared before the House select committee to defend his response to Hurricane Katrina. At the hearing, Mr. Brown testified that "FEMA pushed forward with everything that it had, every team, every asset that we had, in order to help what we saw as being a potentially catastrophic disaster."²

He testified that he had made only two mistakes:

First, I failed initially to set up a series of regular briefings to the media about what FEMA was doing throughout the Gulf Coast region. ... Second, I very strongly personally regret that I was unable to persuade Governor Blanco and Mayor Nagin to sit down, get over their differences and work together. I just couldn't pull that off.³

Mr. Brown also testified to his own leadership skills. Asked what credentials he brought to his job as FEMA Director, he said, "Management skills. ... Organizational skills. ... You need to be able to lead people, put the right people in place, put good people around you ... not yes people but people who are going to argue and give you the pros and cons of the decisions that you have to make, and then be willing to make those decisions and carry forward with it."⁴

Mr. Brown's E-Mails

The e-mails from Mr. Brown paint a different picture of Mr. Brown than Mr. Brown conveyed during the hearing. They reveal that Mr. Brown made few decisions and seemed out of touch. A number of the e-mails address nonessential matters such as what Mr. Brown should wear, how he could defend his reputation, and even who would care for his dog. Other e-mails are devoted to banter with Mr. Brown's staff. There are few e-mails that show Mr. Brown taking charge or issuing tasking orders.

I. Failure to Make Decisions

There are almost no e-mails from Mr. Brown in which he makes decisions and communicates them to his subordinates. In the e-mails, Mr. Brown receives incoming messages about specific problems, but rarely reacts.

² *Id.*

³ *Id.*

⁴ *Id.*

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On Wednesday, August 31, 2005, at 12:20 p.m., Marty Bahamonde, one of the only FEMA employees on the ground in New Orleans, sent a desperate message to Mr. Brown:

Sir, I know that you know the situation is past critical. Here are some things you might not know.

Hotels are kicking people out, thousands gathering in the streets with no food or water. Hundreds still being rescued from homes.

The dying patients at the DMAT tent being medivac. Estimates are many will die within hours. Evacuation in process. Plans developing for dome evacuation but hotel situation adding to problem. We are out of food and running out of water at the dome, plans in works to address the critical need.

FEMA staff is OK and holding own. DMAT staff working in deplorable conditions. The sooner we can get the medical patients out, the sooner we can get them out.

Phone connectivity impossible.⁵

Mr. Brown responded to Mr. Bahamonde at 12:24 p.m. This is Mr. Brown's full response:

Thanks for the update. Anything specific I need to do or tweak?⁶

This indecisive response is not uncommon. Two days later, on Friday, September 2, 2005, Mr. Brown received a message with the subject "Medical help." At the time, thousands of patients were being transported to the New Orleans airport, which had been converted to a makeshift hospital.⁷ Because of a lack of ventilators, medical personnel had to ventilate patients by hand for as long as 35 hours.⁸ The text of the e-mail read:

Mike, Mickey and other medical equipment people have a 42 ft trailer full of beds, wheelchairs, oxygen concentrators, etc. They are wanting to take them where they can be used but need direction. Mickey specializes in ventilator patients so can be very helpful with acute care patients. If you could have someone contact him and let him know if he can be of service, he would appreciate it. Know you are busy but they really want to help.⁹

⁵ E-mail from Marty Bahamonde to Michael D. Brown (Aug. 31, 2005).

⁶ E-mail from Michael D. Brown to Marty Bahamonde (Aug. 31, 2005).

⁷ *Morning Edition*, National Public Radio (Sept. 14, 2005).

⁸ *Going Back For More*, Corvallis Gazette-Times (Sept. 17, 2005).

⁹ E-mail from "Carolyn" to Michael D. Brown (Sept. 2, 2005).

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Mr. Brown, however, did not respond to this message until four days later, when he finally forwarded it to FEMA Deputy chief of staff Brooks Altshuler and Deputy Director of Response Michael Lowder. The text of Mr. Brown's e-mail read: "Can we use these people?"¹⁰

On other occasions, Mr. Brown did not appear to respond at all to reports of problems he received from FEMA staff. For example, on Thursday, September 1, FEMA officials were exchanging reports of severe shortages of ice and water in Mississippi. The next day's delivery was reported as 60 trucks of ice and 26 of water, even though the requirements were for 450 trucks of each.¹¹ Robert Fenton, a FEMA regional response official, wrote: "We have not yet met any of our requirements even with two days' notice. If we get the quantities in your report tomorrow we will have serious riots."¹² William Carwile, FEMA's coordinator in Mississippi, confirmed this assessment: "Will need big time law enforcement reinforcements tomorrow. All our good will here in MS will be very seriously impacted by noon tomorrow. Have been holding it together as it is."¹³ FEMA Deputy Director of Response Michael Lowder forwarded this chain of messages to Mr. Brown.¹⁴ Yet there is no response from Mr. Brown in the e-mails produced by the Department.

In the 1,000 pages of e-mails, there are few e-mails from Mr. Brown that task FEMA officials to perform specific tasks or respond to pressing problems. One exception occurred on September 8, over a week after the hurricane. After receiving a message from a member of the public complaining about FEMA's policy of not allowing evacuees to bring pets with them,¹⁵ Mr. Brown sent an immediate message to his staff:

I want us to start planning for dealing with pets. If evacuees are refusing to leave because they can't take their pets with them, I understand that. So, we need to facilitate the evacuation of those people by figuring out a way to allow them to take their pets. Bill and Ron, this may not be an issue for you in AL and MS, but it is a huge issue in LA. Please get some sort of plan together to start handling the pets. Thanks. MB¹⁶

2. Misinformation about the Levee Break

A key question that has emerged is when federal officials learned that the levees in New Orleans actually breached and began flooding the city. In statements by senior Administration officials in the days after Hurricane Katrina, President Bush,¹⁷ Secretary Chertoff,¹⁸ and Chairman of the

¹⁰ E-mail from Michael D. Brown to Brooks Altshuler and Michael Lowder (Sept. 6, 2005).

¹¹ E-mail from Robert Fenton to William Carwile (Sept. 1, 2005).

¹² E-mail from Robert Fenton to "FEMA-LRC-Deputy-Chief" *et al.* (Sept. 1, 2005).

¹³ E-mail from William Carwile to Michael Lowder *et al.* (Sept. 1, 2005).

¹⁴ E-mail from Michael Lowder to William Carwile, Michael D. Brown, Patrick Rhode *et al.* (Sept. 2, 2005).

¹⁵ E-mail from Carol Springman to Michael D. Brown *et al.* (Sept. 8, 2005).

¹⁶ E-mail from Michael Brown to William Lokey *et al.* (Sept. 8, 2005).

¹⁷ President George W. Bush, White House, *President Tours Biloxi, Mississippi Hurricane Damaged Neighborhoods* (Sept. 2, 2005).

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Joint Chiefs of Staff Richard Meyers¹⁹ stated that the 17th Street and London Canal levees, which flooded much of northern New Orleans, did not breach until Tuesday, August 30. In fact, the levees actually broke on Monday, August 29.²⁰ The delay by federal officials in understanding when the levees broke has been criticized as a major failing in the federal response.

The e-mails reveal that Mr. Brown was apprised early on Monday of the levee failure and the dire consequences for New Orleans. For example, Mr. Brown received the following stream of e-mails on Monday, August 29:

- At 9:39 a.m., Mr. Brown received a message stating: "Report that the levee in Arabi has failed next to the industrial canal."²¹
- At 9:53 a.m., Mr. Brown received a message stating: "A LEVEE BREACH OCCURRED ALONG THE INDUSTRIAL CANAL AT TENNESSE[E] STREET. 3 TO 8 FEET OF WATER IS EXPECTED DUE TO THE BREACH ... LOCATIONS IN THE WARNING INCLUDE BUT ARE NOT LIMITED TO ARABI AND 9TH WARD OF NEW ORLEANS"²²
- At 10:20 a.m., Mr. Brown received a message stating:
 - From Marty Bahamonde in the New Orleans EOC (next to the superdome)
 - Severe flooding on the St. Bernard/Orleans parish line. Police report water level up to second floor of two story houses. People are trapped in attics.
 - Pumps starting to fail. The city has now confirmed four pumps are off line.
 - Windows and parts of the east side of the Amaco building blown out.
 - New Orleans shopping center (next to superdome) destroyed.
 - Windows and parts of the East side of the Hyatt Hotel have been blown out. Furniture is blowing out of the hotel.
 - Top floors of the Entergy building have been blown out
 - Area around the Superdome is beginning to flood.
 - We should have pictures shortly.²³
- At 11:57 a.m., Mr. Brown received a message stating: "New Orleans FD is reporting a 20 foot wide breach on the lake ponchatrian levy. The area is lakeshore Blvd and 17th street."²⁴

¹⁸ *Meet the Press*, NBC News (Sept. 4, 2005).

¹⁹ Gen. Myers, Department of Defense, *Defense Department Operational Update Briefing* (Sept. 6, 2005).

²⁰ *Katrina: Failure at Every Turn*, Knight-Ridder (Sept. 11, 2005) (citing U.S. Army Corps of Engineers reports).

²¹ E-mail from Michael Lowder to Michael D. Brown *et al.* (Aug. 29, 2005).

²² *Id.*

²³ E-mail from Michael Heath to Michael D. Brown (Aug. 29, 2005).

²⁴ E-mail from Michael Lowder, *supra* note 21.

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The e-mails indicate that Mr. Brown responded to only one of these messages. At 12:09 p.m., Mr. Brown responded to the 11:57 a.m. report of the “20 foot wide breach on the lake ponchatrain levy” by dismissing the report. He wrote: “I’m being told here water over not a breach.”²⁵ The e-mails do not indicate who told Mr. Brown this misinformation. There is also no indication in the e-mails that Mr. Brown recognized the seriousness of his mistake or took actions to correct it. There are no further e-mails from Mr. Brown that day about the levees.

3. E-Mails about Appearance, Reputation, and Dog-Sitting

Hurricane Katrina was one of the worst natural disasters to strike the United States. Mr. Brown emphasized the scope of the disaster in his testimony, saying that Katrina was far worse than any other disaster FEMA had handled during his tenure. He said, “the geographical size of it, the urban area nature of it, the extent of the devastation, the total destruction of the infrastructure. I mean, those are big, big items.”²⁶

Yet in the midst of the overwhelming damage caused by the hurricane and enormous problems faced by FEMA, Mr. Brown found time to exchange e-mails about superfluous topics such as his appearance, his reputation, and problems finding a dog-sitter.

On Friday, August 26, Mr. Brown e-mailed his press secretary, Sharon Worthy, about his attire, writing: “Tie or not for tonight? Button down blue shirt?”²⁷ On Monday, August 29, between 7:00 and 9:00 a.m. on the day the hurricane struck, Mr. Brown exchanged additional e-mails about his attire with Cindy Taylor, FEMA deputy director of public affairs. Ms. Taylor wrote Mr. Brown: “I know its early, but ... My eyes must certainly be deceiving me. You look fabulous — and I’m not talking the makeup!”²⁸ Mr. Brown’s reply was: “I got it at Nordstroms. ... Are you proud of me?”²⁹ An hour later, Mr. Brown added: “If you’ll look at my lovely FEMA attire you’ll really vomit. I am a fashion god.”³⁰

Several days later, Mr. Brown received yet another e-mail about his attire. This time, Ms. Worthy instructed Mr. Brown: “Please roll up the sleeves of your shirt ... all shirts. Even the President rolled his sleeves to just below the elbow. In this cris[is] and on TV you just need to look more hard-working ... ROLL UP THE SLEEVES.”³¹

Mr. Brown also found time to send multiple e-mails about his reputation. Alerted by a friend, Howard Pike, that the media was investigating his tenure at the International Arabian Horse

²⁵ E-mail from Michael D. Brown to Michael Lowder (Aug. 29, 2005).

²⁶ Testimony of Michael D. Brown, *supra* note 1.

²⁷ E-mail from Michael D. Brown to Sharon Worthy (Aug. 26, 2005).

²⁸ E-mail from Cindy Taylor to Michael D. Brown (Aug. 29, 2005).

²⁹ E-mail from Michael D. Brown to Cindy Taylor (Aug. 29, 2005).

³⁰ E-mail from Michael D. Brown to Marty Bahamonde, Cindy Taylor, and Michael Widomski (Aug. 29, 2005).

³¹ E-mail from Sharon Worthy to Michael D. Brown (Sept. 4, 2005).

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Association, Mr. Brown asked Mr. Pike to direct the media to people who would defend him: “Bazy and Sheila would be perfect. Can you make the connections?”³² Mr. Brown then forwarded Mr. Pike’s message to Natalie Rule, a DHS press contact, and Lea Ann McBride, Vice President Cheney’s press secretary, saying: “Howard Pike is the former head of the Air Line Pilots Association and a good friend of mine. I’ll get on my laptop and get his contact info shortly.”³³ Mr. Brown also sent a message to Andrew Lester, an Oklahoma lawyer, asking him to call reporters about this issue.³⁴

There are even e-mails about finding a sitter for Mr. Brown’s dog, for whom Mr. Brown’s wife was apparently having difficulties locating care. On Tuesday, August 30, the day after the hurricane struck, Mr. Brown sent this e-mail to his assistant, Tillie James: “Do you know of anyone who dog-sits? Bethany has backed out and Tamara is looking. If you know of any responsible kids, let me know. They can have the house to themselves Th-Su.”³⁵

Some of these e-mails from Mr. Brown convey the impression that he may have been overwhelmed by his responsibilities. In his e-mail to Ms. Taylor on the morning the hurricane struck, Mr. Brown wrote, “Can I quit now? Can I come home?”³⁶ A few days later, Mr. Brown wrote to an acquaintance, “I’m trapped now, please rescue me.”³⁷

The Need for Additional Documents

The e-mails received from Mr. Brown’s office reveal valuable insights into what went wrong during the critical days following Hurricane Katrina. They also highlight the need to receive a complete set of e-mails from Mr. Brown and similar documents from other key officials. To date, however, Administration officials have failed to respond to the document requests from Rep. Melancon and Rep. Davis.

1. Gaps in the Brown E-Mails

On September 30, Rep. Melancon and Rep. Davis sent a letter to Secretary Chertoff asking for “documents or communications, including internal communications, received, prepared, or sent by officials in . . . the Office of the Under Secretary of Emergency Preparedness and Response,” which is the office held by Mr. Brown.³⁸ The letter requested that these documents be provided by October 14, 2005.

³² E-mail from Michael D. Brown to Howard Pike (Sept. 5, 2005).

³³ E-mail from Michael D. Brown to Natalie Rule and ‘lmcbride@ovp.eop.gov’ (Sept. 5, 2005).

³⁴ E-mail from Michael D. Brown to ‘alester@lldlaw.com’ (Sept. 5, 2005).

³⁵ E-mail from Michael D. Brown to Tillie James (Aug. 30, 2005).

³⁶ E-mail from Michael D. Brown, *supra* note 29.

³⁷ E-mail from Michael D. Brown to ‘guhman@comcast.net’ (Sept. 2, 2005).

³⁸ National Archives and Records Administration, *United States Government Manual 2004-2005*.

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Although the Department has provided many e-mails from Mr. Brown, it does not appear that all of Mr. Brown's e-mails have been produced by the Department. In his congressional testimony, Mr. Brown referenced e-mails that he sent to the White House. Mr. Brown stated: "I exchanged e-mails and phone calls with Joe Hagin, Andy Card and the President."³⁹

However, no e-mail messages between Mr. Brown and Joe Hagin, who is White House deputy chief of staff, or Andrew Card, who is White House chief of staff, have been provided by the Department. There have also been no e-mails produced between Mr. Brown and President Bush or other senior White House officials. Moreover, it does not appear that any e-mails between Mr. Brown and Secretary Chertoff have been produced. These are significant gaps in the Department's compliance with the congressional document request.

2. Failure of Secretary Chertoff to Provide Documents

Secretary Chertoff has also failed to provide e-mails and other communications involving the Secretary or other officials in the Secretary's office. These documents were requested in the same letter that requested Mr. Brown's e-mails.⁴⁰

At an October 19, 2005, hearing with Secretary Chertoff, Rep. Melancon expressed his concern that the select committee had not received any documents or communications from Secretary Chertoff or his office. Rep. Melancon asked Secretary Chertoff directly for a commitment to providing the documents requested by October 27, 2005, and he agreed. The transcript reads:

Mr. Melancon: My understanding is that Chairman Davis had given you until October 27 to respond to our request. Are you committed to making that deadline?

Mr. Chertoff: Yes.⁴¹

The Department did produce additional documents on October 27, 2005, and still more documents on October 28, 2005. However, these documents do not appear to include e-mails or other communications involving Secretary Chertoff or his immediate office.

3. Failure of Other Administration Officials to Provide Documents

In addition to the letter sent to Secretary Chertoff on September 30, Reps. Melancon and Davis sent similar document request letters to Andrew Card, the White House chief of staff,⁴² Donald

³⁹ Testimony of Michael D. Brown, *supra* note 1.

⁴⁰ Letter from Rep. Tom Davis and Rep. Charles Melancon to Secretary of Homeland Security Michael Chertoff (Sept. 30, 2005).

⁴¹ House Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, *Hurricane Katrina: The Role of the Department of Homeland Security*, 109th Cong. (Oct. 19, 2005).

⁴² Letter from Rep. Tom Davis and Rep. Charles Melancon to White House Chief of Staff Andrew Card (Sept. 30, 2005).

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Rumsfeld, the Secretary of Defense;⁴³ Lt. Gen. Carl Strock, the Commander of the U.S. Army Corps of Engineers;⁴⁴ and Michael Leavitt, the Secretary of Health and Human Services.⁴⁵ Similar document requests were also sent to the governors of Louisiana, Mississippi, and Alabama. These letters requested an initial response within two weeks, a deadline of October 14, 2005. Rep. Davis extended the deadline to October 27, 2005.

Although the extended deadline has now passed, responsive documents have not been received from any of these officials.

Conclusion

The e-mails of former FEMA Director Michael Brown provide telling insights into the federal response to Hurricane Katrina. They depict a leader who seemed overwhelmed and rarely made key decisions. Many of the e-mails address superficial subjects — such as Mr. Brown's appearance or reputation — rather than the pressing response needs of Louisiana and Mississippi. Few of the e-mails show Mr. Brown taking command or directing the response.

The credibility and thoroughness of the congressional investigation into the response to Hurricane Katrina will hinge on access to key documents and communications. To date, there are significant gaps in the e-mails involving Mr. Brown that have been provided to Congress. Other key officials — including Secretary Chertoff, Secretary Rumsfeld, Secretary Leavitt, and White House chief of staff Andrew Card — have not provided any of their communications. The select committee will not be able to fulfill its objectives if these documents are not produced in a timely manner.

⁴³ Letter from Rep. Tom Davis and Rep. Charles Melancon to Secretary of Defense Donald Rumsfeld (Sept. 30, 2005).

⁴⁴ Letter from Rep. Tom Davis and Rep. Charles Melancon to Lt. Gen. Carl Strock (Sept. 30, 2005).

⁴⁵ Letter from Rep. Tom Davis and Rep. Charles Melancon to Secretary of Health and Human Services Michael Leavitt (Sept. 30, 2005).