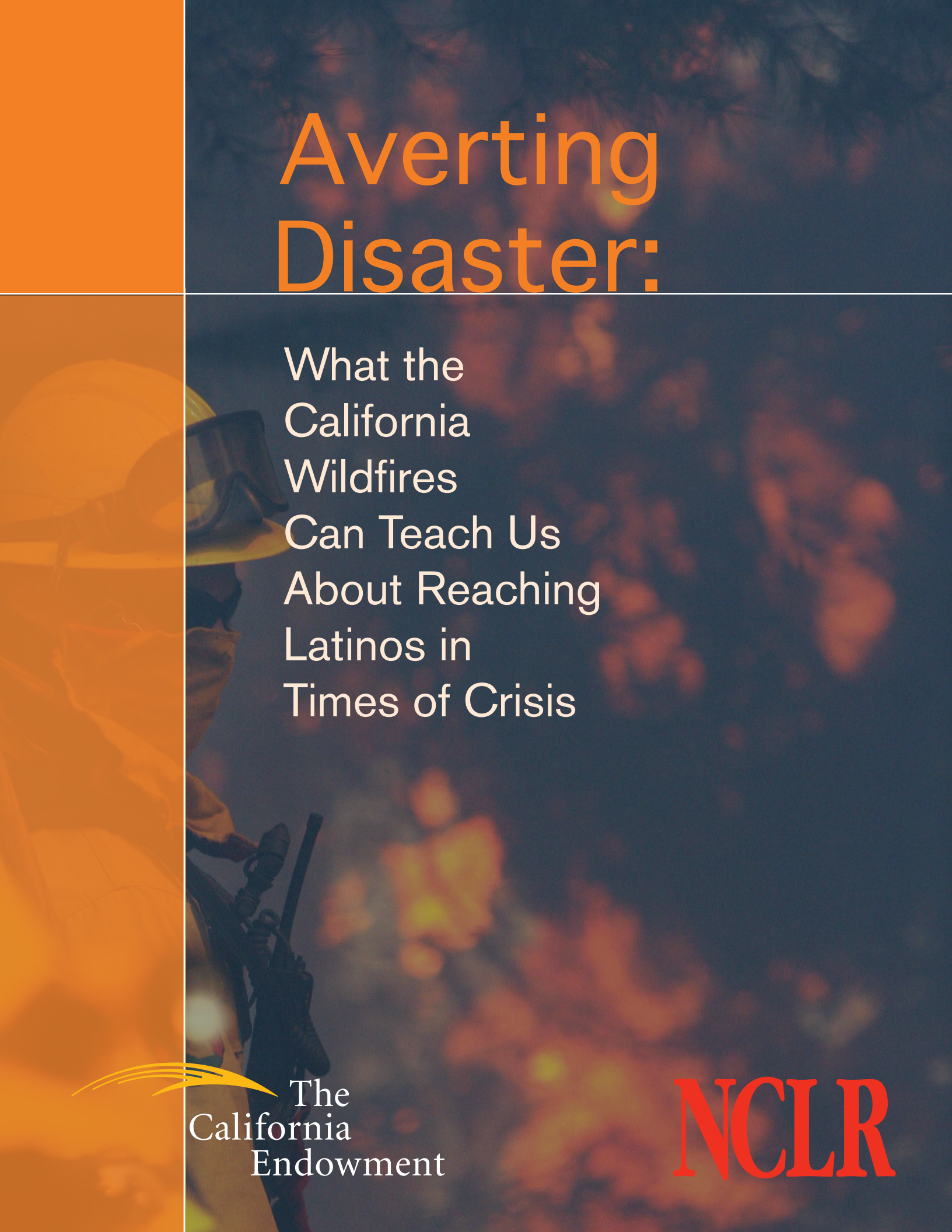
Averting Disaster:

What the California Wildfires Can Teach Us About Reaching Latinos in Times of Crisis



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The National Council of La Raza (NCLR)—the largest national Hispanic civil rights and advocacy organization in the United States—works to improve opportunities for Hispanic Americans. Through its network of nearly 300 affiliated community-based organizations (CBOs), NCLR reaches millions of Hispanics each year in 41 states, Puerto Rico, and the District of Columbia. To achieve its mission, NCLR conducts applied research, policy analysis, and advocacy, providing a Latino perspective in five key areas—assets/investments, civil rights/immigration, education, employment and economic status, and health. In addition, it provides capacity-building assistance to its Affiliates who work at the state and local level to advance opportunities for individuals and families.

Founded in 1968, NCLR is a private, nonprofit, nonpartisan, tax-exempt organization headquartered in Washington, DC. NCLR serves all Hispanic subgroups in all regions of the country and has operations in Atlanta, Chicago, Los Angeles, New York, Phoenix, Sacramento, San Antonio, and San Juan, Puerto Rico.

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Printed in the United States of America

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Foreword

In 2005, Hurricanes Katrina and Rita shined a national spotlight on the differential response of our public and private relief agencies to racial and ethnic communities. A number of reports from advocacy organizations, think tanks, and philanthropic groups found that the nation's emergency management system was, in effect, "culturally incompetent" in addressing the needs of an increasingly diverse population. NCLR was one of the organizations that documented severe inequities in the nation's disaster relief system; this was essential work that I hoped might contribute in a small way to system-wide improvements.

Two years later, in the fall of 2007, wildfires swept through Southern California, a region where a third of the population is of Hispanic origin, located within the first "majority minority" state in the nation. One might have expected that here, of all places, the lessons learned in Katrina and Rita—and previously in California's 2003 wildfires and the Loma Prieta earthquake of 1989—would have been applied efficiently and inclusively.

Instead, within days press reports and advocacy organizations documented problems distressingly similar to those exposed by previous emergencies—poor outreach, lack of sufficient bilingual-bicultural staff, racial profiling and civil rights violations, and inequitable access to relief services—which disproportionately affected the region's Latino community. Later surveys by independent researchers found that, while three-quarters of the overall population believed that the government's response in 2007 was better than in 2003, this view was shared by less than 40% of the region's Latinos.

Unlike the Katrina-Rita disaster, this couldn't be attributable to lack of diversity in the government overall, or in the emergency response system in particular. Nor could it be explained as a one-time unexpected catastrophe, since the region had experienced a similar episode barely four years before, and in the context of rapid development and climate change experts had been predicting continuing wildfire outbreaks for the foreseeable future. Lack of information wasn't the problem—over the 2003–2007 period there was arguably a greater focus on the intersection of diversity and disaster than at any other time in our history.

No, we had to look elsewhere to answer the key question: Why, in a foreseeable and predictable disaster in the most diverse state in our nation, in the wake of numerous reports filled with useful recommendations to improve our response to minority populations, is our emergency management system still "culturally incompetent"? The easy answer for advocates is to blame the lack of political will, reflecting both personal and institutional bias toward minority populations. And surely there is no lack of evidence that this may have been the case here.

But it is also true that this kind of answer isn't especially actionable, since presumably we would have to virtually eliminate all inequities in our society before our recommendations could be enacted. And it may not be fully accurate. I, for one, refuse to accept the notion that the largest and most prosperous state in the greatest nation on earth is incapable of developing a competent and inclusive disaster relief system. After all, one would think that even the most closed-minded among us should understand that a pandemic, or an infectious agent resulting from a biological attack, will not recognize race or national origin.

So, rather than issue another in a long line of reports outlining a "laundry list" of recommendations with little confidence that they would be adopted, we sought to identify systemic barriers that adversely affected a more inclusive response to the 2007 wildfires. In addition, we tried to think through and propose achievable structural changes that policymakers, emergency managers, and philanthropic institutions could act on to develop a more responsive, culturally competent emergency management system.

Toward that end, I believe we've arrived at some initial answers. I hope that readers will agree, and that this report stimulates more research, thinking, policy development, and advocacy which, one day, will produce an emergency management system worthy of and responsive to all of our people.

NCLR President and CEO

NCLR

Acknowledgments

This report was a collaborative effort of policy staff at the National Council of La Raza (NCLR). It is coauthored by Sara E. Benitez, Research Associate, State and Local Advocacy Project, and Eric Rodriguez, Deputy Vice President in the NCLR Office of Research, Advocacy, and Legislation (ORAL). Charles Kamasaki, Executive Vice President, provided overall substantive input; Catherine Han Montoya, former NCLR Capacity-Building Strategist, coordinated initial project activities; and Josef Lukan, Education Policy Analyst, assisted with research and design. Jennifer Kadis, Director of Quality Control, and Karen Nava, Director of Publications, provided overall technical support and prepared the paper for publication.

The authors thank Jonathan Blazer, Public Benefits Policy Attorney at the National Immigration Law Center, for reviewing the draft and sharing his expertise on policy issues affecting immigrants during disasters. Further, we thank the experts and practitioners from a peer session at the 2008 NCLR Annual Conference for reviewing the draft and offering valuable feedback.

NCLR is grateful to its Affiliates and partners in San Diego County for helping us bring to light the challenges that Latino families and community-based organizations confronted during the fall 2007 wildfires. The authors thank the following NCLR Affiliates: MAAC Project's President and CEO Antonio Pizano and staff for coordinating focus groups and interviews with community members; Community HousingWorks' Vice President for Community Building Patti Hamic-Christensen for providing contacts and organizing the community forum; and Casa Familiar's President and CEO Andrea Skorepa, Board Chair Fred Sotelo, and staff for assisting with the report's release. The authors also acknowledge the contributions of the following local partners: Dr. Arcela Núñez-Álvarez, Director, and Dr. Konane Martínez, Health Projects Coordinator, of the National Latino Research Center at California State University San Marcos for sharing their research and collaborating on the community forum held in San Diego North County; and the member organizations and *promotoras* of the Farmworker CARE Coalition for their invaluable support of this project.

Finally, NCLR acknowledges The California Endowment, whose generous support made this work possible. The conclusions of this paper are those of the authors and NCLR alone and do not necessarily reflect the opinions of our funder.

Executive Summary

Since 2000, the U.S. has been hit with two catastrophic national disasters. Furthermore, national emergencies and disasters have been on the rise. In 1990, there were less than 40 official disaster declarations compared to more than 60 in 2007. Whether natural or man-made, emergencies and major disasters are now a fixture in the public eye and a focal point for public policymaking.

Recent disasters have been concentrated in states where growing numbers of Latinos, especially immigrants, reside. In 2006 four of the states with the highest number of declared disasters—Texas, California, Florida, and New York—were also the top states with the highest number of Latinos. As the federal government and the states prepare for and develop policies and programs to respond to the potential threat of large-scale catastrophic events and national emergencies (such as pandemics), it is imperative to address the issues that vulnerable Latino and immigrant residents face.

Hurricanes Katrina and Rita in 2005 brought new national attention to the plight of vulnerable populations. Today, for example, there is a large body of research and analysis documenting the unique challenges that Latinos, immigrants, and individuals with limited English proficiency experience during natural disasters (such as inadequate information about evacuation and available assistance in languages other than English, lack of translators or bilingual staff at emergency shelters and recovery centers, and misinformation about the services and benefits that immigrants can access).

Even so, the experience of vulnerable Latinos during disasters has improved very little in recent years. For example, in California, massive, destructive wildfires in 2003, 2007, and 2008, garnered public attention and elevated policy issues surrounding disaster preparedness, emergency response, and disaster recovery. Yet, the challenges that Latinos and immigrants confront endure even in states, counties, and cities with relatively large numbers of Latino residents and Latino-serving institutions. Further, the challenges for vulnerable populations during disasters persist in spite of considerable political and policymaking efforts undertaken in both California and at the federal level since 2000.

Given how critical this issue is, NCLR sought to explore and identify factors that may explain why policy change on behalf of Latinos and immigrants in disaster management has been scant over this decade. The focus of the assessment is on the role of Hispanic-serving institutions in achieving policy change in disaster preparation, relief, and recovery efforts. The case study focuses on the California wildfires of 2007, and the analysis is based, in large part, on interviews with community leaders, policy experts, advocates, community organizers, and victims.

Major findings of this report include the following:

- **Administration of disaster or emergency preparation and relief programs can be an important means of enabling service advocacy activity among Latino-serving institutions in an impacted area.**
- **The predisposition of Hispanic-serving institutions, whether toward service or advocacy, in an impacted region tends to predict behavior and influence outcomes during and after a disaster.**
- **The depth and breadth of preexisting relationships between Hispanic-serving organizations and funders, political leaders, or emergency managers affects the degree to which organizations can effectively shape policy outcomes.**
- **Even states with well-established Hispanic-serving institutions and strong Latino political leadership can struggle to achieve significant policy outcomes for Latino and immigrant families in disaster management.**

NCLR's assessment also points to several recommendations:

- **Advance policy proposals at the state and federal level which can energize and empower Latino- and immigrant-serving organizations during natural disasters and major emergencies.** For example, a presidential Executive Order could be issued that would address providing disaster assistance and relief to all those in need including those who may lose identity documentation during a disaster. The Order could also officially suspend immigration enforcement activities during a natural disaster and during the recovery when families may be returning to their homes. Furthermore, lawmakers can enact laws that hold individuals accountable for actions during disasters which have

adverse consequences for vulnerable populations.

- **Allow community-based organizations (CBOs) that receive federal grants to use funds for disaster relief and recovery.** The flexibility to redirect federal grant funds after a disaster will empower CBOs to provide substantive disaster relief services in Latino and immigrant communities. The federal government can also create disaster preparedness and relief grant programs for minority communities. With federal funding, CBOs could develop preparedness plans, engage in emergency planning at the local level, and serve as a rapid response agency when needed. CBOs could also develop trainings for federal agencies on culturally competent and linguistically appropriate disaster preparedness, response, and recovery.
- **Train and engage public emergency managers and National Voluntary Organizations Active in Disasters (NVOADs) to work with and advocate on behalf of immigrant and Latino organizations.** Public emergency managers and NVOADs should incorporate an explicit focus on immigrant and limited-English-proficient (LEP) populations in exercises, trainings, and drills. The American Red Cross and other NVOADs should also establish a policy to prohibit the presence of immigration enforcement authorities at shelters or assistance sites. NVOADs could also train minority-serving CBO leaders and employees to serve as specialized volunteers.
- **Create new funding mechanisms that support CBO service and advocacy after a disaster.** Foundations should create an emergency fund to support state/local and federal advocacy capacity-building after a catastrophic event. Foundations should also reduce the administrative burden for organizations to apply for disaster funds.
- **Develop networks and collaboratives that are sustainable and responsive to the programmatic and advocacy needs of vulnerable communities.** Foundations should work together to provide resources to fund a major interdisciplinary collaborative. In addition, foundations should fund several Hispanic- and immigrant-serving institutions to educate, inform, research, develop policy, advocate, and mobilize constituencies around policy change at all levels in the disaster relief field. Foundations should also support the development of a mutual aid network among Hispanic- and immigrant-serving organizations, and develop and train a network of CBO first responders to share information, advocate for policy change at the state and national level, and create a core cadre that can be deployed during disasters.
- **National organizations with relevant expertise should develop mechanisms to support Hispanic- and immigrant-serving organizations in the impacted region or engaged in the response.** National organizations should develop an internal and inter-organizational team to coordinate a response and share information. National organizations should also connect local organizations with potential sources of relief aid and funding.

Introduction

Each year the President of the United States declares 10–15 national emergencies and 50–60 major disasters. Hurricanes, tropical storms, winter storms, and floods constitute the bulk of these declarations.[1] Whether natural or man-made, disasters cost the federal government billions of dollars each fiscal year.

Moreover, national emergencies and disasters have been on the rise over the last two decades. In 1990, 38 disaster declarations were made; significantly, in 2007 the number increased to 63.[2] Many of these disasters have occurred in states with large Latino* and immigrant populations. In 2006, four of the states with the highest number of declared disasters—Texas, California, Florida, and New York—are also among those with the highest numbers of Latinos.[3] The confluence of these factors has given rise to serious social and public policy questions that few practitioners, experts, lawmakers, community leaders, and nonprofit charitable and philanthropic institutions have fully addressed to date.

Hispanics now constitute more than 14% of the overall U.S. population; by 2050 their share of the population is projected to grow to nearly 29%.[4] Much of this growth is expected to occur among the foreign-born and their children.[5] Moreover, Latinos are widely dispersed throughout the country. While states such as California, Texas, New York, New Mexico, and Arizona have deeply rooted Hispanic communities which can trace their history in this country through many generations, other states where Hispanics traditionally have not resided in great numbers have experienced dramatic growth of relatively new communities of Hispanics. For example, Hispanic population growth from 2000 to 2006 was greatest in Arkansas, Tennessee, Georgia, South Carolina, and North Carolina.[6]

Furthermore, even states with long-standing and well-established Hispanic communities have a substantial number of foreign-born Hispanic residents—many are naturalized citizens, many are noncitizens, some are working unlawfully in the country, and a significant number are limited-English-proficient. For example, in 2006, 29.1% of Arizona's population was Hispanic and an estimated 7% to 8% were unauthorized migrants; 37% foreign-born, 29.5% noncitizen, and 11% non-English-speaking.[7]

The nation's demographic mix is shifting, and public policy issues of national and regional significance have a deeper impact on Latinos while, conversely, the well-being of the nation's Hispanic population has profound implications for the well-being of all Americans.

Policymaking after Disasters

Since 2000, the U.S. has experienced two catastrophic disasters—the terrorist attacks on September 11, 2001 and Hurricanes Katrina and Rita in the Gulf Coast region in 2005—both of which gave rise to the enactment of major comprehensive legislation on emergency management at the federal level and extensive policymaking at the state/local level. In addition, the media coverage and public awareness of both events and the subsequent volume of research, policy analyses, and studies—particularly on the experience and aftermath of the Gulf Coast hurricanes—is substantial, far-reaching, and growing.† The experience of immigrants and Latinos during and after Hurricanes Katrina and Rita and, more recently, the wildfires in California has also been relatively well-documented. For example, in the case of the October 2007 California wildfires, several organizations conducted studies and published reports that detailed the experience of vulnerable populations, including farmworkers and immigrants. The focus and timeliness of these analyses suggest that key societal institutions have recognized the need to keep a spotlight on the treatment of poor and vulnerable victims of disasters by government and charitable relief organizations.

However, increased public awareness of the Latino and immigrant experience during disasters has yet to translate fully into meaningful policy change. Although the public knows more today than a decade ago about the challenges that vulnerable populations face, to date public policy has not adequately addressed these challenges and how to overcome them. The current attitude toward and treatment of Latinos, immigrants, and individuals with limited English-language ability in the face of a disaster clearly illustrates the limitations of current federal and state emergency management and disaster relief policies. Furthermore, these limitations exist even though advocacy efforts to raise

* The terms "Hispanic" and "Latino" are used interchangeably by the U.S. Census Bureau and throughout this document to refer to persons of Mexican, Puerto Rican, Cuban, Central and South American, Dominican, Spanish and other Hispanic descent; they may be of any race.

† For a list of publications that focus on Latinos and immigrants and the Hurricane Katrina experience, please see Appendix A.

awareness of the relevant issues have been extensive during this decade.

Latinos ought to have the same opportunity as other Americans to prepare for and be protected from man-made or natural disasters. Given the recent rise in major disasters, it is imperative that the U.S. take into account vulnerable populations—citizen and noncitizen alike—in its development of policies that address large-scale catastrophic events and national emergencies, such as pandemics.

Accordingly, this report synthesizes and presents what we know about the experience of Latinos and immigrants and the role of Hispanic-serving providers during and after recent national disasters. The report also closely examines disaster response and assistance policymaking activities at the national, state, and local level with a focus on the role of Latinos in the process. To illustrate the issues and barriers for Latinos and immigrants, the report will highlight the hurricanes in the Gulf Coast region as background, but will focus particularly on recent events in California during the 2007 wildfires. Finally, the report contains recommendations for policymakers, charitable disaster relief organizations, government, and philanthropic institutions.

Glossary of Terms

Policy change. Policy change can be defined broadly as "constitutional amendments, major legislation, modification in regulations, standard operating procedures, and transformation in the behavior of 'street-level bureaucrats'."*

Street-level bureaucrats. This term refers to administrators of public services at the state and local level. While private relief agencies are not government-affiliated, they are involved in distributing services in a bureaucratic manner. Their change in behavior will also be measured as a type of policy change.**

Policymaking process. Several models describe how new policies are adopted. One of the predominant models represents the policymaking process as a series of stages that begins with identification of a problem, leading to heightened awareness, group mobilization, discussion of ideas, and the adoption of new policies. A focusing event such as a major accident, natural disaster, or catastrophe can quickly and suddenly bring a problem to public attention. After a focusing event, the media and government officials may begin to give more attention to an issue that had not previously been as prominent. With heightened awareness, groups concerned about the particular policy area may mobilize to push for certain policy solutions to the problem. Group mobilization can bring visibility and continuous attention to a policy issue through a variety of activities such as contacting the media, holding events (rallies or informational meetings) to show public support and interest, and communicating with elected officials.

Some mobilization activities lead to the discussion of ideas. For example, some groups publish research with policy recommendations. Congressional hearings, briefings, government reports and commissions, as well as media reporting all contribute to the discussion of policy solutions for a particular issue.

Advocacy. An action that attempts to influence government can be considered advocacy. The term can be expanded to mean "any attempt to influence the decisions of an institutional elite on behalf of a collective interest."*** For the purpose of this study, the broad definition of advocacy can be broken down into three types: legislative, service, and administrative. There are other types of advocacy not included in the scope of this study. Not included in these definitions, but equally relevant, is community organizing, which is also known as grassroots advocacy. Community organizing supports and is an element of the other three types of advocacy.

Legislative advocacy aims to introduce and pass legislation into law.

Service advocacy refers to any attempt to connect individuals to services, including government benefits, and in the case of disasters, private relief agency help for survivors.

Administrative advocacy refers to action taken during the "the implementation of the policy process, when rules and regulations are promulgated and service delivery systems are designed and put in place."†

CBO civic engagement. In general there are two main categories of CBOs: 1) advocacy or community organizers and 2) service providers. These two types of organizations tend to engage in the policy process in different ways. Community activists may hold large public forums such as rallies to bring attention to issues and mobilize their constituency. Though not always the case, the community activist approach is frequently associated with a grassroots, bottom-up approach to policy change. Service providers, on the other hand, tend to engage in issues that are connected to programs they administer. For example, they may advocate for funding and/or program modifications that can help increase their own involvement or improve program implementation.

These are not mutually exclusive categories, however. Some organizations overlap, with elements of both as part of their operations. In the advocacy category, but not necessarily those involved in community organizing, are organizations that focus only on policy change and engage in lobbying. CBOs also support lobbying or advocacy work through coalitions and networks at the local and national level. Finally, another area of CBO civic engagement is voter registration and education efforts.

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* Thomas Birkland, *Lessons of Disaster: Policy Change after Catastrophic Events* (Washington, DC: Georgetown University Press, 2006).

**Saul Becker and Alan Bryman, *Understanding Research for Social Policy and Practice* (The Policy Press, 2004).

*** María Josefa Canino-Arroyo, "Reflections on Latino Advocacy and Welfare Reform in New Jersey," *Centro Journal* XV, DD1 (2003): 176-195, http://redalyc.uaemex.mx/pdf/377/37715109.pdf (accessed June 28, 2008).

† Elizabeth J. Reid, *Nonprofit Advocacy and the Policy Process: A Seminar Series: Structuring the Inquiry into Advocacy* (Washington, DC: The Urban Institute, 2000), 13. http://www.urban.org/publications/309696.html (accessed June 28, 2008).

Background on Latinos and Immigrants in the Context of Disaster Policy

The catastrophic events of the terrorist attacks on September 11, 2001 and Hurricanes Katrina and Rita in 2005 raised the public consciousness of the government's preparedness to respond to major disasters and how minority and vulnerable populations are treated during all phases of an emergency. As such, these two events were formative in the disaster relief policy field. Both received significant public scrutiny and triggered considerable public outrage. Widespread public attention and anger fueled development and passage of major federal legislation and substantial policy change in the emergency management field.

The events that surrounded the hurricanes provide a foundation for understanding the disaster policymaking process. The experience of immigrants and Latinos, as well as Hispanic-serving organizations and advocates, during and after the Gulf Coast catastrophe is useful to ground our understanding of the barriers that victims face and the role that Hispanic leaders play in the process.

In Brief: History of Federal Disaster Relief Assistance

It was not until 1927 that the federal government played a major role in responding to natural disasters. At the time, many believed that disaster relief was the duty of charitable organizations and state and local governments.* However, over time the role of the federal government increased, and currently the government can effectively cover 100% of the costs of a major catastrophe or disaster. The evolution of U.S. disaster relief policy is reflected in selected major federal legislation.

Disaster Relief Act of 1950 and the Civil Defense Act of 1950

The Disaster Relief Act of 1950 was the first permanent general disaster relief law that formalized federal government funding for the repair of public facilities.** The Civil Defense Act of 1950 was created to respond to Cold War threats and create a nationwide system of shelters to protect against nuclear attack.*** The Civil Defense Act of 1950 also shifted responsibility for declaring a disaster from Congress to the president.† The president was given declaration power as part of a larger effort to define a uniform but limited federal government response to disasters. These two pieces of legislation revealed the distinction between natural disaster planning and war-related emergencies.

Disaster Relief Act of 1960, 1969, 1970, and 1974

Each of these pieces of legislation amended the original Disaster Relief Act, expanding the types of funding available for a disaster. Funding was extended for rural areas, higher education buildings, loan programs, food aid, unemployment benefits, debris removal, grants for temporary housing or relocation, and legal services.†† In addition, the 1974 amendments added definitions for "emergencies" and "major disasters." Emergencies were defined as smaller events with a limited federal role compared to larger events which can be declared major disasters and receive more federal funding and support.†††

FEMA: Executive Orders of 1979

President Carter issued two Executive Orders which established the Federal Emergency Management Agency (FEMA) as a cabinet-level agency. Executive Order 12127 created the agency and Executive Order 12148 defined FEMA's responsibilities for "responding to, planning for, recovering from and mitigating against any disaster."‡ Before the creation of FEMA, disaster relief was distributed across more than 100 agencies.‡‡

Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 and 1993

In addition to establishing FEMA, President Carter used his authority to issue disaster declarations for events that were not natural disasters. Federal disaster relief costs had escalated, and

Congress scrutinized the president's use of disaster declarations for the Cuban refugee crisis in Florida and the Three Mile Island nuclear power plant accident. As a result, the Stafford Act formalized the definition for natural disaster and when the president could declare an emergency. Under Stafford Act provisions, emergencies receive less federal funding than a major disaster declaration. The Stafford Act also established a 75% federal/25% state and local division of response costs. For the first time in disaster policy, the Stafford Act contained provisions for mitigation and established a mitigation grant in the 1993 amendments. In 1994 the Disaster Relief Act of 1950 was added to the Stafford Act, which "expanded FEMA's abilities to respond to disasters."[‡‡‡]

Disaster Mitigation Act of 2000

Congress has continually sought to control the cost of federal disaster assistance. A United States Government Accountability Office (GAO) report highlighted disaster mitigation as a means to reduce the cost of federal disaster assistance. Through the Disaster Mitigation Act, Congress created a national mitigation program and provided more funding to states to develop mitigation plans.[§] FEMA currently administers disaster relief "according to the guidelines set forth in the Stafford Act and amended by the Disaster Mitigation Act of 2000."[§§]

Homeland Security Act of 2002

On October 29, 2001 the Office of the President established the Council of Homeland Security to "reduce the potential for terrorist attacks and to mitigate damage should such an attack occur."[§§§] This council later became the Department of Homeland Security (DHS), which was described by the Office of the President as "a single, unified homeland security structure that will improve protection against today's threats and be flexible enough to meet the unknown threats of the future," with the goal of making Americans safer.[¶] The creation of DHS was the largest restructuring of the federal government since the establishment of the U.S. Department of Defense in 1947.[¶¶] By 2003, several agencies were fully integrated into DHS, including FEMA, United States Citizenship and Immigration Services (USCIS), and U.S. Immigration and Customs Enforcement (ICE). Today, FEMA emphasizes an all-hazards approach to emergency preparedness, response, recovery, and mitigation and encourages state and local governments to coordinate with the federal government. An all-hazards approach erases the division that existed between defense from outside threats, such as a terrorist attack, and natural disasters. Instead of preparing and responding for each of these types of events separately, the all-hazards approach seeks to develop plans that will address all emergencies.

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* Mitchell L. Moss and Charles Shelhamer, *The Stafford Act: Priorities for Reform* (New York: New York University, 2007), http://www.nyu.edu/ccpr/pubs/Report_StaffordActReform_MitchellMoss_10.03.07.pdf (accessed June 28, 2008), 3.

** Thomas Birkland, *Lessons of Disaster: Policy Change after Catastrophic Events* (Washington, DC: Georgetown University Press, 2006), 50.

*** National Preparedness Task Force, *Civil Defense and Homeland Security: A Short History of National Preparedness Efforts,* U.S. Department of Homeland Security. Washington, DC, September 2006, training.fema.gov/EMIWeb/edu/docs/DHS%20Civil%20Defense-HS%20-%20Short%20History.pdf (accessed June 2008), 7.

† Moss and Shelhamer, *The Stafford Act,* 11.

†† Birkland, *Lessons of Disaster*, 51.

††† Moss and Shelhamer, *The Stafford Act,* 11.

‡ Ibid., 3.

‡‡ Ibid., 10.

‡‡‡ Ibid., 12.

§ Pre-Disaster Mitigation Grant Program "Program Overview," Federal Emergency Management Agency, http://www.fema.gov/government/grant/pdm/index.shtm (accessed July 8, 2008).

§§ Moss and Shelhamer, *The Stafford Act*, 12.

§§§ U.S. Department of Homeland Security, "Department Celebrates Five Years," http://www.dhs.gov/xabout/history/gc_1206633633513.shtm (accessed June 3, 2008).

¶ President George W. Bush, The Department of Homeland Security (Washington, DC: June 2002), http://www.dhs.gov/xlibrary/assets/book.pdf (accessed June 3, 2008), 2.

¶¶ U.S. Department of Homeland Security, "Department Celebrates Five Years," http://www.dhs.gov/xabout/history/gc_1206633633513.shtm (accessed June 3, 2008).

Hurricanes Katrina and Rita: Policymaking Efforts

Overall, the terrorist attacks of 9/11 and Hurricanes Katrina and Rita exposed serious flaws in the nation's disaster response and relief system. The governmental, policy, and legislative framework for addressing disasters—whether caused by man or nature—did not fully consider the challenges associated with major catastrophic events in areas where infrastructure is virtually nonexistent and capacity is limited.

The response by government and charitable organizations to Hurricane Katrina, in particular, generated significant public outrage. A public opinion poll taken shortly after the disaster found that "more than 6 in 10 people polled were critical of federal government response to the storm" and "76% of the public favors an investigation of federal storm response."[8]

The monumental scale of the impact on human life consumed weeks of TV news coverage and generated volumes of news articles and opinion pieces. In the immediate aftermath and in the months following the disaster, political leaders, policymakers, administrators, stakeholders, and experts in the emergency response field took steps to place the issues that were brought to light squarely on the national policy agenda. Congressional lawmakers shifted priorities, held hearings, launched investigations, secured emergency federal funds for relief, gathered information from relevant government agencies and stakeholders, and issued reports. At least 40 congressional hearings were held on the subject of Hurricane Katrina during the 2005-2006 legislative sessions. Moreover, within weeks of the disaster, the Congressional Research Service had produced a range of documents for lawmakers on related subjects, and by May 2006 investigative reports had been published by the House Select Bipartisan Committee, White House Homeland Security Council, U.S. Department of Homeland Security's Office of Inspector General, FEMA, and the U.S. Senate Committee on Homeland Security and Governmental Affairs. Stakeholder organizations also wrote letters to lawmakers, developed testimony, produced studies and reports, and—in some cases—mobilized constituencies around specific policy solutions. Congressional hearings held in the months immediately after Hurricane Katrina explored the impact on small businesses, gasoline prices, and the energy sector and included testimony by representatives from the Dow Chemical Company, National Petrochemical & Refiners Association, American Automobile Association (AAA), American Petroleum Institute, and the National Environmental Trust, as well as small business owners representing national organizations such as the National Federation of Independent Business and Women Impacting Public Policy.

The studies, hearings, and investigative reports documented critical problems and recommended policy solutions. The various assessments of the federal government's response to Katrina revealed a number of issues. For example, FEMA reacted too slowly, did not employ sufficient numbers of well-qualified emergency personnel on the ground, and failed to implement a coherent housing strategy for victims. These problems were exacerbated by poor emergency planning and numerous missteps by the American Red Cross (ARC). For example, some of the shelters operated by ARC did not have enough supplies or adequate equipment, such as cafeterias and showers.[9] As policy experts sifted through the information and shaped it into a coherent policy agenda, several major issues were identified, such as:

- Poor plan execution. There was a widespread failure of existing plans and systems, specifically the "tardy and ineffective execution of the National Response Plan."[10] These plans were executed too slowly to reach the areas and people in need and relied on centralized resources and personnel.
- Unqualified emergency management leadership. In FEMA and at all levels of government, there was a lack of leadership and qualified personnel. The reports single out FEMA Director Michael Brown and his lack of experience in disaster response and describe FEMA as "under-trained and under-staffed."[11]
- Ineffective communication and coordination. There was a breakdown in communication within the federal government and between state, local, and federal agencies. Communication problems led to limited awareness of the situation outside of the Gulf Coast region.
- Inadequate response to housing needs. The federal government had insufficient plans for temporary and long-term housing of the hurricane victims.[12]

These areas served as a broad agenda for both policy and legislative change

in the disaster response field. For example, the Post-Katrina Emergency Management Reform Act of 2006 was signed by President Bush on October 4, 2006; among its many elements it established the following:

- Creation of Regional Strike Teams and a Surge Capacity Force to improve response speed and guarantee that FEMA arrives on site as soon as possible.[13]
- Requirement that the head of FEMA be a professional disaster manager who "possess[es] a demonstrated ability in and knowledge of emergency management and homeland security; and not less than 5 years of executive leadership and management experience in the public or private sector."[14]
- Development of FEMA staff by creating career plans for employees, recruitment and retention bonuses, and educational programs for senior staff.

The Stafford Act was also amended to require FEMA to develop a national disaster housing strategy. Altogether, the policymaking process in the aftermath of Katrina followed a more or less classic path: the public identified a problem, there was broad agreement that the problem needs to be fixed, the issues were placed high on the policy agenda, efforts were taken to document the problems as well as develop policy solutions, and interest groups were mobilized to support and fuel enactment of policy change. For example, affordable housing advocates supported a provision to allow FEMA to create a pilot program to rebuild housing in areas affected by natural disasters.

Federal Programs with Disaster Relief Components

In addition to the U.S. Department of Homeland Security and the Federal Emergency Management Agency, other federal programs provide aid and assistance during and after a natural disaster.

U.S. Department of Labor
Several programs for individuals and states, including unemployment assistance for workers displaced by a disaster

U.S. Department of Agriculture
Food and Nutrition Services

Disaster food stamp program to provide food for regular food stamp recipients and extend benefits to households who do not ordinarily qualify

U.S. Department of Health and Human Services
Disaster Relief Medicaid

Assistance to health care providers after a disaster, which was administered at the local level after 9/11 and Hurricanes Katrina and Rita

U.S. Department of Housing and Urban Development
Community development block grants to aid rebuilding efforts

U.S. Small Business Administration
Loans for businesses affected by a disaster

Social Security Administration
Supplemental Security Income and Social Security Disability Insurance for individuals disabled in a disaster

Hurricanes Katrina and Rita: Policymaking Efforts on Behalf of Latinos and Immigrants

Similar to other regions of the country, the Gulf Coast region experienced considerable growth in its Hispanic population between 1990 and 2000. Although Louisiana recorded a comparatively modest growth of 14% in its Hispanic population, Alabama experienced growth of more than 200% and Mississippi nearly 150% in the same period. The expansion of emerging Latino communities in the South would prove to have a profound effect on the treatment of Latinos during Hurricane Katrina.

During and after the storms, information poured in from the region about the experience of Hispanic and other immigrant victims. For instance, some immigrants who sought assistance were asked to show identification, even though other victims were not required to do so.[15] Others reported not receiving notification about evacuation procedures.[16]

Much of the information about the experience of Latino and immigrant victims during the response and recovery phase of Hurricane Katrina came from local and regional community leaders and community organizations who served as crucial first responders and advocates for victims. For example, José Velázquez, former Executive Director of Latino Memphis, an NCLR Affiliate in Tennessee, communicated his organization's attempts to reach out to immigrants in Mississippi and witnessed Latino immigrants living in uninhabitable conditions because they were too afraid to seek services from a FEMA distribution site.

Furthermore, during the disaster and in the immediate aftermath, Hispanic- and immigrant-serving institutions provided services that filled important gaps. For instance, in New Orleans, a Vietnamese church provided shelter and resources to residences during and after the storm.[17] In Houston, Hondurans turned to a Honduran restaurant, El Coquito, whose owner was also the president of the United Honduran Committee of Houston. The owner provided food and clothing while she connected refugees with larger disaster relief organizations.[18] One post-Katrina report states, "It was the federal, state and local governments' inability or unwillingness to respond to the needs of the very poorest residents that galvanized these national and regional organizations.[19]

Latino-serving CBOs also engaged in service-related advocacy. In one example, Patricia Fennell, Executive Director of the Latino Economic Development Corporation (LEDC) in Oklahoma City, offered to help a large group of Spanish-dominant evacuees at an ARC shelter in Tulsa. Ms. Fennell was told by the ARC that she would not be allowed to assist victims until she completed diversity training. After persisting for five days, Ms. Fennell was allowed to accompany ARC officials to the shelter. However, by the time she arrived, only two of the original 40 Latinos remained at the location.[20]

Anecdotal information from witnesses and service-providing organizations was relayed to national civil rights and advocacy organizations. Those organizations in turn shared information widely. For example, the National Immigration Law Center (NILC) included on-the-ground accounts in its immigrant rights updates.

National civil rights and advocacy organizations took several additional steps to engage in the recovery effort. For instance, NCLR and the League of United Latin American Citizens (LULAC) established funds for their members and other organizations to assist victims of Katrina. Further, NCLR and the Leadership Conference on Civil Rights (LCCR) held briefings on Capitol Hill featuring community leaders from the affected regions. Also, the Asian American Justice Center (AAJC) engaged ARC to press for organizational and programmatic changes and coordinated a congressional briefing with the Congressional Asian Pacific American Caucus (CAPAC). AAJC also organized a Community Speak Out Session with Congressman Mike Honda and Rev. Jesse Jackson as hosts, which served to "inform and educate the community on how to use its political voice to advocate for the community's proper due process rights."[21]

Despite these activities, mainstream media largely ignored the issues that Hispanic and immigrant victims faced but instead covered more extensively the tension associated with immigrant workers who moved to the region to contribute to reconstruction efforts.

Given the limited awareness among the broader public of the challenges presented to Hispanic and immigrant communities, it is not surprising that post-Katrina investigative reports and hearings did not include the perspective of Hispanic or immigrant victims. For example, while Congress held numerous hearings after Katrina, and several on the treatment of vulnerable populations, not one focused on immigrants or

those with limited English proficiency. Some hearings focused on vulnerable populations included witnesses representing Latinos and immigrants. In one such case, the President of NCLR, Janet Murguía, testified at a hearing entitled, "Fair Housing Issues in the Gulf Coast in the Aftermath of Hurricanes Katrina and Rita." In addition, one Tri-Caucus (Congressional Black Caucus, Congressional Hispanic Caucus, and Congressional Asian Pacific American Caucus) hearing was held in Houston.

The Government Printing Office's record of hearings held in the 109th Congress demonstrates the focus on government operations in the post-Katrina policy landscape. Of more than 40 hearings, 25 focused on the role of government in preparing for and responding to the hurricane and only two on the response of CBOs and charities. Overall, there were few instances in which community leaders or national organizations working on behalf of Latinos and immigrants, either nationally or regionally, provided testimony to lawmakers.

In addition, of all the major governmental investigative reports conducted and published in the year following Katrina, issues identified as critical to Latinos was mentioned only a handful of times. The White House report, *The Federal Response to Hurricane Katrina: Lessons Learned,* a 228-page document, mentions vulnerable populations twice, low-income populations twice, language barriers once, and immigration a few times when describing how ICE assisted in general law enforcement.

That said, in the immediate aftermath of Katrina, national civil rights and advocacy organizations produced policy analyses and engaged in modest policy development as a means of getting Hispanic and immigrant issues on the policy agenda. Several organizations and experts began to examine these incidents to better identify the barriers and possible solutions to disaster response and relief problems affecting immigrants and Hispanics. For example, six months after the hurricane, NCLR released *In the Eye of the Storm: How the Government and Private Response to Hurricane Katrina Failed Latinos*, a paper which outlined several major problems:

- Poor planning, preparation, and execution of disaster response and relief for limited-English-proficient (LEP) residents and victims. FEMA is responsible for the federal government's response to disasters.[22] Many Latinos and immigrants in the Gulf Coast region were left behind in some of the hardest-hit areas, in part because the government failed to issue warnings or evacuation instructions in a language they could understand.[23] While emergency plans accounted for immigrant and Hispanic communities, they did not specify clearly how the government would conduct outreach to these communities.
- Inconsistent and unclear communication of eligibility for FEMA-administered benefits. Under federal law, some categories of immigrants are ineligible for government assistance and benefits, but some programs have exceptions for particular circumstances including during times of disaster. Notwithstanding this, many immigrant victims of Katrina avoided FEMA personnel altogether and assumed they were ineligible for assistance. This was not an unreasonable assumption on the part of immigrants and Latinos with immigrant family members given the law and that FEMA did not communicate otherwise.[24]
- Inaccurate assumptions about immigration status. An article in the *Los Angeles Times* reported that FEMA did not prioritize an apartment complex in a suburb of New Orleans for temporary housing assistance because it assumed that the residents were undocumented and thus ineligible. The apartments were severely damaged by the storm and did not have potable water or electricity. Contrary to FEMA's assumption, most of the residents were legal immigrants and eligible for temporary housing assistance.[25]
- Racial/ethnic profiling and unnecessary identity verification. At some shelter locations volunteers and local law enforcement asked for identification from Latinos at shelters and relief centers to verify eligibility for services. In some instances, staff and local law enforcement assumed that Latinos arriving at shelters were workers trying to find housing and not victims directly affected by the hurricane.[26]
- No official suspension of immigration enforcement. Immigrants who sought assistance faced the risk of detention and deportation. In one instance, U.S. Marshals and a local sheriff in Long Beach, Mississippi raided an ARC shelter for hurricane victims.[27]

- Impact on individual immigration status and ability to verify status. Some immigrants faced loss of immigration status due to the circumstances created by Hurricane Katrina. Some legal immigrants and naturalized citizens lost their personal identification documents in the storm, such as naturalization certificates and employment eligibility documents, which would have verified their status. Without this documentation, immigrants faced numerous challenges in accessing benefits and employment. For a complete list of issues and findings, please see the reports in Appendix A.

The National Immigration Law Center (NILC) also led an effort to translate information into a modest, short-term legislative agenda, which was reflected in several pieces of federal legislation introduced following the hurricane.

The Hurricane Katrina Food Assistance Relief Act of 2005 and the Emergency Health Care Relief Act of 2005 were primarily intended to ensure that critical nutritional assistance and health benefits were available broadly to individuals and families impacted by Katrina so that people were not shut out from assistance due to strict application of ordinary rules limiting program eligibility. Immigrant eligibility rules were among numerous requirements broadened by the bills. However, neither bill was enacted.

The Immigration Relief for Hurricane Katrina Victims Act, which passed the House in 2005, would have protected immigrants whose status was tied to a sponsor who died or became disabled due to the disaster. It would have also protected certain immigrants who became disabled or whose places of employment were damaged or destroyed as a result of the hurricane. The Senate-passed the Comprehensive Immigration Reform Act of 2006, which included provisions (entitled "Preservation of Immigration Benefits for Hurricane Katrina Victims") that improved upon the House bill. For example, the Senate version protected all employment-based immigrants impacted by Katrina. The two bills were never reconciled, and no legislation was enacted.

These efforts were undertaken while disaster relief and response public policy was being developed and advanced at the federal level. Nevertheless, on the whole, there was relatively little congressional attention, public support, or national or community advocacy to support major policy change in these areas. In addition to limited mainstream media coverage, several other factors may help to explain insufficient policy outcomes for Latinos, including:

- Limited Hispanic and immigrant-serving CBO infrastructure in the region. In a report on the leadership needs of the Gulf Coast region, the Center for Social Inclusion confirmed that "prior to the 2005 hurricane season, nonprofit infrastructure in southern states was undercapitalized compared to that of other regions; there are far fewer nonprofit organizations per person in poverty in the South. Mississippi, for example, has half as many nonprofit organizations for each person below the poverty line as the national average and less than a third of the capacity of Connecticut, a state with significantly less poverty."[28]
- Inadequate capacity and focus. Given their limited capacity, Hispanic- and immigrant-serving organizations and advocates in the region found themselves overwhelmed by community demand and the need for direct services. In addition, many of those responding to local community needs did not have a policy or legislative advocacy lens, and many advocates in the region (who were focused on community organizing) exhibited an innate distrust of national organizations, politicians, and federal policymakers. These factors limited the extent to which public awareness of the events on the ground could be heightened and restricted the ability to build momentum for policy change.
- Constituency dislocation. In the aftermath of the hurricanes, the affected population was dispersed across many states and regions. Organizing and mobilizing victims around legislative issues was hampered by sustained displacement.
- Knowledge and expertise mismatch. Few national civil rights and advocacy organizations had standing, expertise, or credibility in the disaster management or policy fields, while experts in the field knew little about the issues that Hispanics and immigrants faced. This lack of depth limited the ability to develop and advance a comprehensive policy agenda on behalf of Latinos and immigrants.
- Restricted philanthropic funding. Although many foundations responded to the disaster, there were virtually no philanthropic resources dedicated to timely engagement in policy

development and advocacy on behalf of Hispanic and immigrant victims of the hurricanes. Open Society Institute was perhaps the lone exception, funding NILC. Moreover, national organizations with grants dedicated to public policy advocacy did not have much flexibility to shift focus, even though Katrina and disaster management had become the dominant policy issue.

Compounding these issues was a lack of political representation for Latinos within the affected area. Furthermore, because emergency management and response was not identified as an issue of particular importance to the Latino community, Hispanic political leadership was similarly lacking in intensity and focus. The Congressional Hispanic Caucus (CHC) issued a set of principles on Katrina recovery which reflected the policy solutions for Latinos and immigrants in proposed legislation described above. The CHC principles also addressed small businesses, rebuilding schools, investing in water infrastructure, and retaining environmental safeguards.[29] While these principles were included in various pieces of legislation, CHC did not propose a comprehensive legislative package or support specific pieces of legislation as a caucus.

Despite these factors, there were a number of notable policy outcomes.* For example, the Post-Katrina Emergency Management Reform Act of 2006 included a requirement for FEMA to work with state and local governments to identify LEP population groups and account for LEP groups in disaster planning. FEMA is also required to make sure that information is made available in formats that can be understood by LEP persons and individuals who have disabilities or special needs. To promote the use of similar programs at the local level, FEMA was charged with developing and maintaining a clearinghouse of information about model language assistance programs and best practices for state and local governments to consider in providing disaster services.[30] Several organizations, staff in congressional offices, and notably Congressman Mike Honda pushed for the new language access policies for FEMA.

In addition, extensive service-related advocacy ensued during and after the disaster. For example, scrutiny of the ARC's activities led to active engagement in dialogue about the need for diversity at all levels of the institution. Moreover, NCLR, Drexel University, and the National Urban League secured resources from the Office of Minority Health (OMH) under the U.S. Department of Health and Human Services to address disparities in emergency relief and response systems. NCLR used the funding to develop a tool kit for emergency managers.

Finally, during the Gulf Coast rebuilding process, immigrant workers were routinely exploited by employers and contractors. NILC, Advancement Project, and local community groups and organizers took steps to document incidences of abuse and work with communities to solve this problem.

Altogether, the experience of Hurricane Katrina revealed serious flaws in disaster mitigation and management which adversely impacted Latino and immigrant residents. Community leaders and Hispanic-serving organizations from in and around the Gulf Coast region stepped up to fill gaps in service where charitable and governmental agencies failed. Moreover, many pushed and cajoled bureaucrats to perform better in serving local immigrant residents. Those first-responding community groups and leaders who could connect to national organizations and share information were able to amplify the reach of their stories and generate a modest but significant effort to document that experience, develop policy solutions, and apply pressure for policy change.

Nevertheless, by the end of 2006—a year before the outbreak of the California wildfires—the Hispanic community, Hispanic-serving institutions, government at all levels, and philanthropic and charitable organizations remained woefully unprepared to serve immigrant, limited-English-proficient, and other vulnerable residents during and after a major national disaster, emergency, or catastrophe.

* In November of 2005 United States Customs and Immigration Services provided interim relief to foreign students, specifically F-1 visa holders, impacted by Hurricane Katrina. The action also granted deferred action to F-2 visa holders on a case-by-case basis. See: http://www.uscis.gov/files/pressrelease/F1Student_11_25_05_PR.pdf.

Disaster Relief and Response Policymaking: The Latino Experience in California

California is a critical epicenter for disaster relief and response work. Residents of California live under the constant threat of experiencing a deadly earthquake and—largely due to drought and the Santa Ana winds—the state is highly vulnerable to wildfires.

California also has the largest number of Hispanics among all other states, with an even mix of both foreign- and native-born as well as established and new communities. Moreover, Hispanics in California are relatively well-represented among the state's political leadership—in government and the legislative body—and have an established institutional infrastructure within communities. In 2007 there were 1,163 Latino elected officials in California, representing a 68% increase since 1996 when the total was just 693.[31] In addition, California has the largest number of Hispanic representatives from one state; of the 26 Hispanic representatives in Congress, nine are from California. Furthermore, within NCLR's national network of community-based Hispanic-serving Affiliates, 52 are in California.

In these ways, California serves as a stark contrast to the Gulf Coast region, suggesting that disaster relief and response efforts in California ought to be more effective for Latinos and immigrants. However, the Latino and immigrant experience during the 2007 California wildfires was more similar than one would have expected to that of the 2005 Gulf Coast hurricanes. This is even more surprising considering that California had a similar wildfire disaster just four years earlier, and policies were developed and enacted in the aftermath of that disaster. The experience of the 2007 wildfire season was shaped by policy outcomes of the 2003 wildfires. The policymaking experience of both events sheds some light on critical issues for Latinos in the disaster policymaking process in California and nationally.

2003 California Wildfires

On October 27, 2003, President Bush declared a major disaster for California. Six mega fires burned from October 21 to November 2. At the time, the Cedar Fire in Southern California was the largest and most destructive in the state's history, and the brunt of the damage was felt in San Diego County. Altogether, the fires destroyed 376,000 acres and 2,500 homes and businesses, and claimed 17 lives. The effect of the fires on individual lives is reflected in the 10,000 claims sent to the state's Department of Insurance for total and partial loss, smoke damage, and living expenses for the time individuals were evacuated.[32] Further, the fires were costly to the state and local government, even though the federal government shared in that burden. Firefighting costs for the Cedar Fire was $32 million, and the County of San Diego spent another $6.5 million in debris removal.[33]

This event received extensive media coverage from local, state, and national news outlets. The demographics of the region would suggest that a large number of Latinos and immigrants were impacted by the Cedar Fire, but it is striking that very few news reports, information, or post-analyses of the disaster highlighted the experience of vulnerable populations, even farmworkers who were undoubtedly affected by the fires. The bulk of news stories that covered human interest focused on individuals who died and property damage to reasonably high-income homeowners.

During the disaster, news reports also focused on several critical disaster response challenges including firefighter readiness, capacity, coordination, and communication between the state and county fire departments. Furthermore, poor communication of evacuation orders to residents in the affected areas emerged as an issue, and at least one article mentioned uneven news coverage in the Spanish-language media.

2003 Wildfires: Policymaking Efforts

The media attention heightened public awareness of the woefully inadequate disaster response, and the government's emergency management system became a critical focus. As a result, it became an immediate policy priority at the city, county, and state levels to document the deficiencies in the system and develop and advance a responsive policy agenda.

For example, at the state level, the Governor of California announced the formation of a Blue Ribbon Fire Commission to gather information and develop policy recommendations. The Commission largely consisted of county government officials, though local ARC officials and community representatives participated as well.

In terms of process, the Blue Ribbon Fire Commission did the following:

- Convened hearings. Hearings were held in the impacted counties,

including Los Angeles, San Diego, San Bernardino, Riverside, Orange, and Ventura. The hearing topics included funding/resources, mutual aid, fire prevention, fire siege, communications, and fire service training.

- Accepted written testimony. Many state legislators provided written testimony before the Commission which was included in its published report.
- Developed policy recommendations and produced a report. The Commission forwarded an extensive list of policy recommendations targeted to both state and congressional lawmakers as well as administrators.

Among the many policy recommendations developed by the Commission were the following:

- Establish a National Wildland Fire Insurance Program (NWFIP) under the direction of FEMA and by order of Congress.
- Establish a Joint Legislative Committee on Emergency Services and Homeland Security in the state assembly.
- Increase funding for firefighting and research and improve coordination among local jurisdictions. San Diego County does not have its own fire department and instead relies on local and state-funded firefighters.[34] Compared to Los Angeles County, which has its own firefighting aircraft, San Diego County had "a history of voting down financing of enhanced fire services." [35]
- Improve public education and develop efficient communications systems

in the event of an emergency and evacuation. The County of San Diego Office of Emergency Services (SD OES) was criticized for not opening the county's emergency command center or initiating the emergency broadcast system until many hours after the Cedar Fire began. Houses burned and communities were evacuated before the command center was opened. Sheriffs issued evacuation orders from helicopters 20 minutes before the first homes burned.[36] The emergency broadcast system was also roundly criticized as outdated and ineffective. For a more comprehensive review, please see the Blue Ribbon Fire Commission Report to the Governor.[37]

In addition to the Blue Ribbon Fire Commission, in November 2003 the mayor of San Diego and the Chairman of the Board of Supervisors created the San Diego Regional Fire Prevention and Emergency Preparedness Task Force to "provide a forum for representatives on all public safety disciplines to review, discuss and develop proposals for all risk service enhancements in the San Diego region."[38] The Task Force was charged with answering the following questions: How can the City and County be better prepared for emergencies? How can the City and County more efficiently use existing resources? What changes are needed to existing codes, regulations and ordinances?

The Task Force established subcommittees that focused on several notable issues including: 1) public education and volunteerism in the community; 2) regional mutual aid agreements; 3) communications systems for emergency responders; and 4) notification of civilians. The Task Force also published a report with recommendations, many of which were more process- than outcome-focused. For example, "encourage all agencies that develop/provide educational or informational literature/presentations to promote the universal message of self-reliance in times of disaster."[39]

Efforts by state, county, and city governments to explore the issues and develop policy solutions served to inform lawmakers. At the state level two major disaster-related laws were enacted following the fires: the California Emergency Services Act of 2006 and a supplement passed in 2007. In a separate piece of legislation the California State Legislature created a Joint Legislative Committee of Emergency Services and Homeland Security.[40] While the bulk of the legislation deals with funding issues and mutual aid pacts, it does address some of the concerns raised during the 2003 wildfires by enacting measures to improve communication and coordination across agencies, and facilitate local agencies' ability to obtain firefighting equipment. Some of the measures aimed at promoting coordination included the creation of a master mutual aid agreement which would allow agencies to assist each other even if they do not have written agreements established before the emergency. The legislation also requires the Office of Emergency Services to establish the State Computer Emergency Data Exchange Program (SCEDEP) to collect and disseminate data for emergency management. In addition, the OES was charged with investigating the establishment of a

digital emergency broadcast system to send information to broadcast outlets to relay warnings and instructions to the public through television and radio. The OES was also tasked with acquiring new or used firefighting equipment to resell to local agencies and creating an information system to identify firefighting equipment available to local agencies.[41] The 2007 Act focused on the establishment of the Emergency Council, a group charged with oversight of emergency preparedness for catastrophic disasters.

Passage of these and other related laws was enhanced by advocacy and mobilization from a wide range of constituencies. For example, many survivors of the 2003 Cedar Fire became advocates who sought policy changes within the insurance industry. Fire survivors created Twiced Burned, an advocacy organization, to pursue policy changes for resolving obstacles with insurance companies, including underinsurance, and attempting to pay less than what policyholders are owed or need for rebuilding their homes. Fire survivors who lost their homes successfully pushed for policy fixes at the state level which would allow homeowners to challenge insurers through mediation instead of lawsuits. Additional pieces of legislation signed by Governor Schwarzenegger require insurers to clearly state limits on replacement coverage and overturn policies that force homeowners to rebuild within 12 months. In total, ten pieces of legislation related to insurance were passed after the 2003 wildfires.

Policymaking Efforts on Behalf of Latinos and Immigrants

In 2003, Latinos constituted a large and growing segment of the population in San Diego; many were poor, and of those Latinos who were foreign-born many did not speak English very well. For example, in 2000, 27% of the population in San Diego was Latino, and 52% of Latinos in San Diego were foreign-born.[42] Further, the 2000 Census revealed that, in San Diego County, 22% of Latinos lived in poverty.[43] Of the population that is foreign-born and from Latin America, 54% report speaking English less than "very well." Many Hispanic residents in 2003 would have been considered for disaster relief purposes as "vulnerable" and "hard-to-reach."

That said, there is very little documented information about the experience and treatment of Latinos or immigrants during the 2003 California wildfires. News outlets and media coverage scarcely mentioned immigrants, farmworkers, or language access challenges during the evacuation, emergency response, or recovery period. One area on the Pala/Pauma Reservation in San Diego's North County area was affected in both the 2003 and the 2007 wildfires. Migrant farmworkers living in trailers lost their homes in 2003; with assistance from local agencies, FEMA, and the United Way, they were able to buy new homes and move to less vulnerable locations. This story and others revealed during interviews with community members largely went unnoticed and unreported during and in the aftermath of the 2003 disaster.

The scarcity of a Latino perspective in the disaster response is, in some ways, surprising. Unlike in the Gulf Coast region, San Diego County has an established Hispanic community which includes several long-standing community-based institutions. The Hispanic-serving CBOs in San Diego represent an array of services, size, and history. For example, MAAC Project was founded in 1965, employs more than 300 people, provides a range of services, and administers programs such as Head Start, culturally competent recovery and treatment centers, a charter school, low-income weatherization, and nutrition programs.[44] MAAC Project's services are located throughout the county, with headquarters in Chula Vista, an area in South San Diego. Another organization, the Frente Indígena de Organizaciones Binacionales (Binational Front of Indigenous Organizations [FIOB]), was founded in 1991 as a coalition of indigenous organizations and individuals from Oaxaca, Mexico. FIOB organizes cultural events, collaborates with academics who research migrant indigenous issues in California, and educates community members about their rights in the United States.

Hispanic-serving institutions in the area undoubtedly served affected workers and families during the 2003 wildfires. As the Katrina experience demonstrates, providing services to an affected population is closely associated with service advocacy and raising awareness of unfair and inadequate treatment of victims. But there is little documented evidence that the efforts of Hispanic-serving CBOs heightened broader public awareness of issues facing Latinos and immigrants during the

2003 fires. Because these issues were largely unreported in the media, Latinos and immigrants were easily overlooked by the public and policymakers in the post-fire period. Not surprisingly, Latino-serving or immigrant rights groups were nonparticipants in the most prominent investigations and efforts to document the issues. The reports, studies, hearings, testimony, and subcommittee efforts failed to note or mention any relevant issues for Latino and immigrant residents.

Other factors that may explain the relative absence of Latino perspectives during the post-fire disaster policymaking process include:

- Impact area and public profile of victims was predominately non-Latino. The fires more heavily impacted regions of the county where there were relatively few Latinos or immigrants. The hardest-hit homes and businesses were owned by comparatively high-income and politically enfranchised residents whose issues and concerns dominated the policymaking process. Moreover, Hispanic- and immigrant-serving organizations, many of whom are local service-providers, were not located in the affected regions.
- Priority mismatch between disaster response stakeholders, as well as the emergency management policy agenda, and Latino-serving institutions. The Latino- and immigrant-serving infrastructure in San Diego consisted of mostly service providers that tend to focus on developing and administering programs. In the aftermath of the Cedar Fire, disaster assistance and response work did not translate easily into programs that CBOs could receive funding for and administer. Policy efforts focused heavily on governmental system change as well as capacity-building for official first responders, ignoring the critical role of community-based providers.
- Limited advocacy capacity among Hispanic- and immigrant-serving institutions. In addition to having an unclear role in administering response and relief programs which hampered engagement for many groups, few community-based service providers had staff dedicated to working on advocacy. Although some forms of civic engagement may have been present, most Hispanic- and immigrant-serving CBOs did not have resources set aside for advocacy, nor were they connected to advocacy networks and coalitions. This barrier was even more applicable to state-level legislative advocacy and further hindered by the low levels of both knowledge and expertise about the Latino and immigrant experience in the disaster response and emergency management fields.
- Underrepresentation of Latinos in San Diego government. Latino political representation in California increased during the 1990s yet remained low in San Diego County. For example, in 2008, of the eight City Council positions for the City of San Diego, only one is Latino. Councilman Ben Hueso represents the most heavily Latino-populated area of San Diego County. Further, San Diego County elects five representatives to the Board of Supervisors, all of whom are White. At the elected and appointed official level for county departments, six out of 41 are Latino. Similarly, three of the15 state-level elected officials representing San Diego County are Latino. State Senator Denise Moreno Ducheny (D-San Diego) represents a portion of San Diego County and neighboring Riverside and Imperial Counties. State Assemblymember Lori Saldaña (D-San Diego) represents San Diego City. Both are members of the California Latino Legislative Caucus. State Assemblymember Bonnie Garcia (R-Cathedral City) also represents a portion of San Diego County. In addition, none of the federal-level elected representatives for San Diego County are Latino.

Despite this, major emergency management legislation at the state level did include several notable measures, such as:

- Local disaster registry. The OES was charged with developing guidance for local governments and CBOs that wanted to develop a disaster registry program. The law specified that those whose first language is not English would be eligible for the registry.
- Language access. Under a funding provision, the law stipulated that "All applications, forms, and other written materials presented to persons seeking assistance shall be available in English and in the same language as that used by the major non-English-speaking group within the disaster area." The funding provision was later repealed in 2007.
- Public communication. The OES was charged to "investigate the feasibility of establishing a toll-free

800 telephone hotline, including TDD (telecommunications device for the deaf) accessibility, which would be accessible to the public, including deaf, hearing-impaired, and non-English-speaking persons, for use during nonemergency and emergency periods to respond to inquiries about emergency preparedness and disaster status."

However, on the whole, the lack of inclusion of Latino perspectives, Latino service providers, and Hispanic and immigrant advocates during the policy process ensured virtually no major policy change in California's disaster response system on behalf of Latinos.

2007 California Wildfires

In October 2007, the President declared a major disaster for Riverside, San Diego, Santa Barbara, Ventura, San Bernardino, Orange, and Los Angeles Counties.[45] In 23 separate fires in the affected region, more than 500,000 acres of land and more than 2,000 homes were destroyed, while half a million people were evacuated, ten civilians died, and more than 140 people were injured.[46] The fires also destroyed more than 1,000 buildings and 2,000 vehicles, and damage was estimated to exceed $2 billion.[47] San Diego County, which suffered the worst devastation with more than 1,600 homes destroyed and 70% of the burn area, has a large Latino population, most of whom are native-born and naturalized citizens; according to 2006 U.S. Census data, 30% of the San Diego County population is Hispanic.[48] In addition, the 2007 fires impacted areas of San Diego County where concentrated populations of Latino farmworkers, who are predominantly immigrants from Mexico, live and work. It is estimated that 24,570 farmworkers are employed in San Diego County's $1.4 billion agricultural industry.[49]

The fires were covered extensively by local, state, and national media. Both Governor Schwarzenegger and President Bush made visits to the impacted areas and the evacuation shelters. The federal and California emergency management response systems were under constant watch during the disaster and received a thorough examination in the aftermath.

2007 Post-Fire Major Policymaking Activity

In contrast to the 2003 Cedar Fire, the 2007 California wildfires were striking in the amount of media coverage while the fires burned as well as the breadth and volume of post-fire assessment activities. In addition to mainstream media, blogs followed detailed events in real time, and video was carried widely throughout the Internet. A survey of San Diego residents conducted by the San Diego Institute for Policy Research in November found that almost all San Diego residents followed the unfolding of events, most by watching television news. Altogether, residents gave the government's response high marks, and more than 70% said that the response was better than in 2003.[50] Nonetheless, public and policymaker attention became focused on the need for brush removal and inadequate firefighting equipment and vehicles during and immediately after the fires were contained.

Similar to the 2003 incident, the 2007 wildfires quickly moved to the top of the political and policy agenda at the city, county, and state levels. For example:

- On October 26, 2007 Governor Schwarzenegger announced an Executive Order to assist victims in accessing emergency services and benefits, such as unemployment insurance. The Governor followed up this Order with a request in November that the Blue Ribbon Fire Commission, initially formed after the 2003 fires, reconvene to assess how local, state, and federal governments can work together to better prevent future fires.

- State and federal officials also established a housing task force, debris management task force, tribal task force, and a Multi-Agency Support Group (MASG) to coordinate a response to post-fire risks exacerbated by the winter rainy season.

- Immediately following containment of the fires, the City and County of San Diego both began developing After Action Reports to examine the disaster response, compare the response to 2003, and update previous and propose new recommendations. Furthermore, no fewer than three separate entities were established or used to examine issues associated with the 2007 wildfire response: for example, the Regional Fire Protection Committee, the San Diego Regional Fire Safety

Forum, and the Ad Hoc Committee on Fire Prevention and Recovery.

At the national level, California Senator Dianne Feinstein pushed for immediate federal response and recovery aid and convened a field hearing in November to investigate the events and the government's response.

Compared to 2003, the 2007 post-fire assessments were extensive and conducted relatively swiftly. By the spring many had already prepared and widely released their evaluation findings which became the framework for policy and legislative proposals. Overall, reviews of the government's response were largely positive, but several persistent policy issues were highlighted, including inadequate brush removal, too few fire trucks and firefighter training/equipment at all levels, insufficient radio equipment, limited personnel capacity in critical state agencies, lack of clarity and guidance with respect to military support, and insufficient aerial firefighting support.

With policy issues identified, advocacy commenced from traditional disaster assistance and emergency management stakeholders. For example, the recommendations from the Blue Ribbon Fire Commission were translated into legislation and, with the backing of the California Professional Firefighters, some measures were included in the Governor's proposed budget plan.

The funding and firefighting capacity issues identified at the county/city level culminated in placement of a controversial measure on the ballot in the fall of 2008. The measure would have imposed an additional tax to build local firefighting capacity; a similar measure failed to pass in 2004.

At the national level, Senator Feinstein introduced the Fire-Safe Communities Act and the Mortgage and Rental Disaster Relief Act of 2007 on November 16, 2007. In December 2007, Rep. Loretta Sanchez introduced in the U.S. House of Representatives H.R. 4689 and H.R. 4919, companion legislation to Senator Feinstein's. Congressional Hispanic Caucus Chairman Joe Baca also introduced H.R. 3987 on October 29, 2007, to provide emergency tax relief for victims.

Senator Feinstein was successful in securing federal funding for disaster response in a congressional supplemental budget package in 2007. In late September 2008, Governor Schwarzenegger signed into law ten bills related to wildfires and emergency management. Among them are:

- A.B. 38, which seeks to combine the Office of Emergency Services and the Office of Homeland Security into a new cabinet-level agency, to enhance coordination
- S.B. 1227, which reauthorizes a fund that provides disaster response resources to state agencies
- S.B. 1595, which seeks to reduce the amount of embers that cause rapid spreading of fires
- A.B. 2859, which allows the Department of Forestry and Fire Protection to thin or remove trees to promote healthy forests.

For a complete list, see the California Office of the Governor's press release dated September 27, 2008.[51]

Policymaking Efforts on Behalf of Latinos and Immigrants

Unlike in 2003, the 2007 California wildfires elicited a heightened level of public, charitable, media, and governmental consciousness about the treatment of vulnerable populations including immigrants, farmworkers, and those with limited English proficiency. The San Diego Immigrant Rights Consortium listed 23 local articles about immigrants and the fires during the one-week period of October 24–November1. The increased focus on vulnerable populations during the wildfires might have stemmed from a raised consciousness at all levels of disaster response in the aftermath of Katrina. In addition, earlier in 2007 a national debate over immigration reform, a particularly sensitive issue in California, placed a greater public focus on immigrants.

National news channels, including CBS and ABC, broadcast reports on the farmworkers who continued to work in the fields despite the danger of remaining and on the climate of fear that kept some immigrants from evacuating or seeking assistance. On October 28, 2007 the *San Diego Union–Tribune*, the major newspaper in San Diego, published an editorial which stated that "illegal immigration is an important subject about which many Americans feel very passionately…, it should be kept at bay and should have never been allowed to enter the public debate over the wildfires."[52] The story

of Mexican migrants caught in the fire while attempting to cross the border also received substantial media attention.

In the early days of the fires, community advocates from several organizations received phone calls reporting irregularities, including accounts of ICE and Border Patrol agents detaining people who were attempting to evacuate.[53] Individuals also called into the Spanish-language radio stations to alert people to the presence of Border Patrol in certain areas.[54] The American Friends Service Committee (AFSC) did not find evidence of ICE and Border Patrol detaining and deporting evacuees, but they did see Border Patrol in Fallbrook, California, in an area that was under a mandatory evacuation. In response to the phone calls and radio reports, advocates from AFSC went to observe what was taking place at Qualcomm Stadium, a shelter set up and operated by the city of San Diego. As a result, they were present when a family was detained and deported.*

Other emerging stories about Latinos and immigrants focused on loss of employment or source of income, linguistic and cultural barriers at evacuation shelters and emergency relief centers, damage to and loss of housing, lack of housing insurance, and negative health impact on their families.

Advocates saw the need to document the firsthand accounts of Latinos and immigrants. When advocates began to receive calls from community members reporting immigration raids and the presence of Border Patrol in neighborhoods and at emergency shelters, they sought to verify these reports and began to record and investigate what they saw and heard. For example, the AFSC went to Tijuana, Mexico to speak to the family previously mentioned who was removed from Qualcomm Stadium and deported.

The particular experiences and needs of Latino and immigrant communities were documented in several reports. One, *Firestorm: Treatment of Vulnerable Populations during the San Diego Fires*, was based on accounts collected by the San Diego Immigrant Rights Consortium, Justice Overcoming Boundaries of San Diego County, and American Civil Liberties Union (ACLU) of San Diego & Imperial Counties. AFSC's San Diego area office wrote a report on the civil and human rights of migrant workers. AFSC also created a DVD with video of some of the incidents described in its report. The stories and reports heightened awareness and informed first responders.

In addition, with support from the Office of the Governor, the National Latino Research Center at California State University San Marcos—in collaboration with the Farmworker CARE Coalition—collected surveys and conducted interviews and focus groups for a report on the health impact of the fires on farmworkers and the migrant community in San Diego North County. The survey found that 99% of respondents reported loss of job or source of income. Most of the respondents worked in the agricultural or nursery industry which was heavily impacted by the fires. San Diego County farms reported $42.6 million in damage, yet have received only enough FEMA assistance to rebuild individual homes. Further, the impact on health was documented; 26% reported flu-like symptoms, and 14% reported respiratory-related problems. A smaller number, 8%, lost their homes or shelter. Other documented issues include damage and loss experienced by the community, trouble with access to assistance and relief, an atmosphere of fear and intimidation among immigrants in San Diego, racial profiling, and lack of Spanish-language evacuation and emergency preparedness information.[55]

Not surprisingly, a survey conducted in November by the San Diego Institute for Policy Research found that Spanish-speaking residents were substantially less likely than others to rate the government's response as better than in 2003; only 41%, compared to 76% of all respondents.[56]

Service Delivery

Similar to the community's response to Katrina, Hispanic-serving institutions played a critical role in filling important gaps in response and relief services for families. Some agencies anticipated the impact of the wildfires on the Latino community and responded quickly to deliver services. The majority of them were already service-providing agencies, but some were coalitions or advocacy-focused organizations that

* The Santiago family had gone to Qualcomm after receiving mandatory evacuation orders for the areas in which they lived in Scripps Ranch and the City of Escondido. Based on an interview with the family the AFSC report explains that "the Santiago family became aware that evacuation orders were lifted for their communities… as they prepared their belongings, another volunteer accused them of taking more than their share of the material aid." The volunteer requested assistance from the San Diego Police Department. The police officers asked the Santiago family for their driver's licenses and asked about their immigration status. Once they determined that members of the family were undocumented, the officers called Border Patrol. Ultimately, seven members of the Santiago family were deported. Statements from the San Diego Police Department and the mayor of San Diego depicted the family as looters.

became involved in the procurement and distribution of services after receiving requests from community members. In some instances, members of the community contacted agencies or individual advocates they knew to ask for assistance.

The initial response to the wildfires was based on the perceived needs of Latino immigrant communities. A staff member from an agency expressed concern about the farmworkers, especially given the political climate in San Diego North County. Many community activists had the same concern and created ad hoc points of distribution for supplies such as generators, food, water, face masks, and other goods. Individuals coordinating these services communicated through email and telephone to plan how they would collect and distribute goods. These points of distribution were not connected to any local government and were advertised on the local Spanish-language radio station. Agencies who worked in the farmworker community collected supplies from informal points of distribution and delivered them directly to farmworkers in the fields of North County.

Some agencies developed comprehensive relief operations. For example, one Latino-serving agency in southern San Diego County recruited 100 volunteers, asked for donations of goods, and turned one of its meeting sites into an emergency shelter. This agency reached out to local Spanish-language radio and television to inform the Spanish-speaking community about the services they could receive at their locations. This agency was located far from the areas most heavily impacted by the fires. In an effort to coordinate and redistribute goods and volunteers, advocates in the northern part of the county reached out to this agency. Working together, they were able to send vans to North County to locate and offer transportation to people who needed to evacuate but who were hesitant to leave the fields for fear of losing their employment. Community members were offered a ride and the option of going to the emergency shelter run by the Latino-serving agency.

Some agencies' response was driven by the particular sector of the Latino community with whom they work. For example, a newer organization that serves indigenous Mexicans who work primarily in agriculture and nursery industries heard that some farmworkers were continuing to work in spite of evacuation orders. Advocates heard these stories at the same time that they were deliberating on how best to reach and inform the community about the evacuation. Mexican indigenous communities in San Diego County experience major communication barriers because of the lack of translators who speak indigenous languages. Based on this knowledge and the reports that farmworkers weren't leaving the fields to evacuate the area, these advocates responded by going to the fields and canyons where farmworkers live and work and informing them of the evacuation notice.

Organizations with preexisting relationships with government were able to draw on those networks to leverage services or publicize the assistance they were providing. A small number of organizations were connected with the state and local government and worked with the official response system. For instance, one community-based agency—funded through the Department of Community Services and Development (DHHS at the federal level)—was activated as a service provider once the Governor declared a disaster. Through this mechanism the CBO was connected to the official response effort and was required to go to the 2-1-1 call center, a countywide referral service, where its staff answered calls from and assisted Spanish speakers. The same CBO also shifted its funding to distribute hotel vouchers at disaster relief centers, where in addition it provided translation services for ARC and for the county. The interviewees from this CBO stated that they were also needed to help translate in the town of Ramona because they were the only staff present who spoke Spanish.

Service delivery agencies who worked in the Latino community continued to assist with the same programs and services they normally provide. Several community members identified one agency's food bank as a place where they received assistance. Access to food banks was a crucial element for families who went without pay during the time they were out of work or whose food was lost to spoilage when they were forced to leave their homes.

Notwithstanding success in providing services, some Hispanic-serving organizations experienced serious delays and barriers in their efforts. The wildfires affected a vast area and many people in San Diego County. For many CBOs this meant that their doors were closed for one or two days because they were in an area that was evacuated or their staff were not able to make it to work. This delayed the response of CBOs to provide

any type of advocacy to the community. Some additional examples include:

- A health clinic was closed for two days.
- A director of a small, legal nonprofit could not get to her office because she lived further south; she made it to the office a few days later.
- An outreach worker for a legal services nonprofit was evacuated.
- A nonprofit was closed for two days (ARC wasn't set up yet).
- CBO employees were affected directly by the fires.

Because service delivery raises collective knowledge about the treatment and needs of the impacted community, and is closely associated with service advocacy, these barriers undoubtedly affected civic engagement.

Service Advocacy

As in the case of Katrina, during the 2007 wildfires disaster response service delivery often spilled over to service advocacy within many organizations.

As the immediate evacuation and relief efforts wound down, agencies who primarily served the farmworker community saw that there was still a great need in their communities. They turned their attention from direct delivery of services to advocating for services from established agencies, local government, and other nonprofit organizations. A coalition of organizations that work within and on behalf of the farmworker community convened a meeting to gather information and plan the next steps. Some of them had received reports of families who had lost their homes in the fire and were being relocated from their initial emergency shelter, while others received reports of families who took shelter at a relative's home but were now running out of food. One of these agencies traveled to emergency shelters to survey community members about their needs. Based on the surveys and the reports that various advocates had received, the coalition asked the local ARC to meet with them, resulting in ARC agreeing to deliver food directly to areas where community members were reluctant to evacuate, rather than holding food at a shelter.

One of the challenges that the coalition had to overcome was ARC's attempts to relocate families to a shelter located more than an hour away from the families' local community. The coalition devised a plan to provide Latino farmworker families with temporary housing that was close to their work and schools. Agencies within this coalition also helped families file FEMA applications to receive disaster relief funding for temporary housing, and followed through with their applications. One coalition member whose office is located in the county's health and human services agency had heard reports from community members who qualified for food stamps that they were being turned away. She spoke with the individuals administering the disaster relief food stamp program and discovered that there was gross misinformation among them as to who qualified for benefits. This same coalition successfully submitted and received several grants to fund their own service delivery projects, including buying mobile homes for several families.

Policy Development

As noted, information about the treatment and experiences of Latinos and immigrants during and after the 2007 wildfires was widely documented in a number of reports, far surpassing what was produced following previous disasters. However, this information failed to be fully integrated into the official assessment process. The county and state post-fire assessments barely mention the issues documented in the aforementioned studies on the treatment of non-English-speaking residents and immigrants. While Latino organizations submitted letters of support for legislation introduced after the wildfires, there is little evidence that Latino leaders or victims of the wildfires were invited to provide testimony or participate in the post-fire information-gathering activities led by county or state government officials. The U.S. Senate field hearing also did not focus on human needs or related issues, although testimony from ARC did highlight the important work of community organizations, including MAAC Project.

National Hispanic-serving organizations were much less engaged in post-wildfire activities compared to post-Katrina and Rita activities. Documentation of the problems and challenges during and after the disaster and development of a substantive policy agenda on behalf of Latinos and immigrants were left to Hispanic-serving organizations, community leaders, and advocacy organizations with a relatively strong presence at the local, county, and state levels.

After the fires were contained and the evacuation orders were lifted, the

American Friends Service Committee and the San Diego Immigrant Rights Consortium wrote two reports about the experiences of immigrants and Latinos, which were widely disseminated, and called for meetings with local decision-makers to discuss their findings and recommendations. Similarly, the National Latino Research Center's report on the impact of the fires on farmworkers and migrant communities in San Diego's North County report included recommendations for government and CBOs. Among the recommendations from the reports: [57]

- Law enforcement agencies county-wide should develop a clear policy on collaboration with immigration authorities during natural or environmental disasters.
- Local, state, and federal government should establish a formal multilingual communications system between government authorities and CBOs.
- San Diego County Health and Human Services should provide immediate medical attention to migrant farmworkers at no cost.
- Local, state, and federal agencies charged with providing humanitarian relief aid during disasters should be trained in cultural sensitivity.
- Entities charged with providing relief aid during disasters must provide information in multiple languages, such as culturally and linguistically appropriate outreach materials.
- Local, state, and federal governments in collaboration with CBOs should develop a post-disaster housing and food assistance plan.
- Local, state, and federal governments in collaboration should prioritize health issues and health programs in the post-fire period.

The San Diego Regional Disaster Fund (The San Diego Foundation) also prepared and released a community needs assessment in December. This evaluation, compared to others, focused more on community and human needs and had a relatively greater focus on housing, case management, community civic engagement, and volunteerism.

Finally, the Tomás Rivera Policy Institute and the Asian Pacific American Legal Center produced a report in June 2008 which focused on disaster preparedness in immigrant communities. Among the findings:

- County and city government agencies as well as nonprofit relief organizations are not providing adequate culturally sensitive preparedness education.
- There is a lack of established tools to provide rapid translation services.
- Native-language radio stations may be underutilized by city and county first responders.
- No mechanism is in place to reassure the public about issues related to immigrant eligibility for disaster assistance and services.

For a detailed list of findings and corresponding recommendations please see report.[58]

The City of San Diego's After Action Report on the 2007 wildfires did include a page in its recommendations entitled "Special Needs Considerations." This document contains specific recommendations: 1) have a ready team of translators and bilingual professionals to enhance response efforts; 2) tap into volunteer organizations and provide citizen emergency response team training to enhance the culture of preparedness and develop plans to reach residents with special needs including those who are non-English-speaking; and 3) leverage volunteer resources preexisting within the community to expand capacity and improve community relations.[59]

At the state level, two pieces of legislation were introduced into the California State Legislature which would benefit the immigrant and Latino communities during and after disasters. Introduced by Assemblymember Anna Caballero (D-Salinas), the first bill, AB 2327, aimed to ensure that eligible applicants have access to the services they need without being asked for unnecessary information or documents. The second piece of legislation, AB 1930, introduced by Assemblymember Alberto Torrico (D-Newark), would require the Director of Emergency Services to incorporate the needs of limited-English-proficient populations in emergency preparedness, planning, response, and recovery training and to provide local ethnic CBOs and ethnic media outlets with emergency information. AB 1930 was also introduced in the 2006-2007 session of the California Assembly. Both attempts to pass AB 1930 were unsuccessful. While supporters put the cost at $150,000 to implement the requirements of the law, the State Department of Finance's analysis of the legislation concluded that the measure

would cost $90 million, effectively killing the bill, given the state's budget crisis. These two bills were brought to the table by organizations who were involved in responding to the reports of immigration enforcement at shelters. For example, efforts to pass AB 2327 were led and supported by organizations such as the California Immigrant Policy Center, ACLU of San Diego & Imperial Counties, Mexican American Legal Defense and Educational Fund (MALDEF), Catholic Charities, American Red Cross, California Association of Nonprofits, and others. Proponents of the bill built a broad coalition and drew attention to the burden identification requirements for disaster-related services placed on vulnerable populations, including immigrants, low-income individuals, seniors, and persons with disabilities. The bill was attached to a comprehensive legislative package sponsored by Assemblymember Pedro Nava (D-Santa Barbara), chair of the Joint Committee on Emergency Services and Homeland Security. The legislation earned bipartisan support in the State Legislature and was signed into law in September 2008. The relevant language is reprinted below:

"Entities providing disaster-related services and assistance shall strive to ensure that all victims receive the assistance that they need and for which they are eligible. Public employees shall assist evacuees and other individuals in securing disaster-related assistance sand services without eliciting any information or document that is not strictly necessary to determine eligibility under state and federal laws. Nothing in this subdivision shall prevent public employees from taking reasonable steps to protect the health or safety of evacuees and other individuals during an emergency." [60]

Another disaster-related bill that supports coordination of nonprofit organizations with government was enacted. AB 2796 establishes a statewide registry of private businesses and nonprofit organizations that are interested in donating services, goods, labor, equipment, resources or other facilities. Similar to the government, those organizations and private entities on the registry would be immune from liability associated with providing assistance and aiding the response effort. This bill had the support of the California Association of Nonprofits.

Altogether, the policymaking process in the aftermath of the 2007 California wildfires produced some positive outcomes for Latinos and immigrants. Media coverage increased awareness of the issues, and Hispanic- and immigrant-serving organizations filled important gaps in services during the disaster. Moreover, service advocacy conducted by Hispanic-serving organizations influenced how charitable and governmental disaster response assistance and services were being providing to Latinos, non-English-speaking individuals, and immigrant residents. Immigrant rights advocates and others developed policy recommendations, advocates with a statewide presence helped to formulate legislation and build support for measures, and—in the end—the Governor signed two new bills into law. The case in California represents significant progress in improving both the opportunity and ability for Latinos to be prepared for and protected from the threat of man-made or natural disasters.

Nevertheless, in a state where half of the population is either Latino or Asian, many are foreign-born, and many do not speak English well, there is a reasonable expectation that more significant policy change on their behalf would have occurred in 2008. Only two bills were introduced in the Assembly and only one measure was signed into law which directly addressed the myriad of issues that advocates and researchers identified. Further, while modest administrative advocacy with the U.S. Department of Homeland Security may have helped reduce U.S. Customs and Border Patrol presence, no federal legislation was introduced in the aftermath of the wildfires to directly address concerns raised by local advocates or national Hispanic- and immigrant-serving organizations.

Some critical factors may help to explain the outcomes:

- Ad hoc administration of disaster assistance programs by Hispanic-serving organizations. Many of the most engaged Hispanic-serving organizations during the 2007 fires were those that already administered programs that could directly respond to the needs and demands of Latino and immigrant victims (e.g., housing, food assistance). Even those organizations that were not service providers, but whose mission was to address the needs of immigrants, sought to provide some kind of service to families and workers during the wildfires. Administering programs is

a critical means of building capacity at the community level, but very few Hispanic-serving organizations in San Diego and statewide manage programs that involve disaster or emergency preparation, response, and/or relief. However, stakeholders that successfully achieved policy change in the disaster field in California had disaster assistance as a core element of their work.

- Breadth and depth of preexisting relationships with and connections to key decision-makers. Most Hispanic- and immigrant-serving organizations noted that they were unaware of local players and not involved in local processes associated with disaster preparation, response, and relief. Two agencies that were part of the emergency response plan received funding through the Severe Weather Energy Assistance and Transportation Services (SWEATS) Policy, but even they were unaware of any disaster-related trainings or meetings in San Diego County before the fires. Moreover, while some Hispanic-serving CBOs were able to coordinate with others, several coordination challenges presented roadblocks to advocacy activities. One CBO described the difference in its experience in trying to set up a table to distribute hotel vouchers in a city-run relief center compared to the county-run center, where it had established relationships. One agency described how preexisting relationships with city and county government affected their ability to distribute benefits after the wildfires:

  "City and county centers were set up differently; to get in to one run by the city in Rancho Bernardo, it was harder for us to get in there because it was a very small place for all the agencies and they didn't really know who we were because we had been working with the County. It took a little bit more for them to look into who we were, what we were doing…normally county refers clients throughout the year, easier for us to work with the county than with the city."

  By contrast, Hispanic- and immigrant-serving organizations who were involved in coalitions were able to connect to, seek out, share, and leverage resources.

  Even groups whose primary focus was advocacy benefited by having preestablished relationships with decision-makers. These agencies were able to call and ask for meetings with key government officials in the aftermath of the fires. These same agencies also called state- and national-level figures who they believed might be influential to ask them to contact government officials in San Diego County about the treatment of immigrants and Latinos. The advocacy-focused agencies also mobilized volunteers to observe the treatment of immigrants at different shelters and relief centers throughout the county. They were able to respond more quickly and call upon their networks, including setting up meetings with local government offices to engage in service advocacy. The connections were critical to information-sharing and helped to create issue awareness and generate a collective discussion of solutions.

  Organizations generally without preexisting relationships with coalitions or local government had to work harder to effectively serve victims, and this limitation may have minimized the intensity of their engagement in the post-fire period.

- Limited role of policy advocacy within Hispanic service organizations. Many Hispanic-serving organizations in San Diego did not have staff dedicated to or resources set aside for policy analysis or policy advocacy. In the aftermath of the fires, while official investigations were ongoing, service providers could not "shift gears" to conduct policy analysis and timely policy development on disaster relief. Research conducted in the post-fire period helped to shed light on issues and inform decision-makers but failed to generate significant policy advocacy from local organizations. Those most likely to engage in policy advocacy on emergency assistance and response were those who had a preexisting disposition toward advocacy and those with a presence in the state capitol. Limited and uneven advocacy capacity among Hispanic- and immigrant-serving organizations weakened efforts to mobilize or coalesce around a comprehensive policy agenda.
- Insufficient and inflexible funding. The need persists for flexible funds that can be used to aid in the disaster relief response for Hispanic- and immigrant-serving providers. Most of the agencies interviewed felt compelled to redirect their limited resources to responding to the immediate needs of their constituents. Typically, CBOs do not have a deep pool of flexible

funds they can shift from their usual activities to sudden and unexpected events such as a natural disaster. This was particularly true of Hispanic-serving CBOs in San Diego County, who stated that the event taxed them both individually and as organizations. Moreover, even though funding was available through large foundations, many CBOs lacked the staff capacity to write grants and attend foundation meetings on short notice. However, the organizations that had successfully contributed directly to policy change had flexible resources available and/or were able to secure new resources that allowed them to shift their focus to disaster work.

- Intense anti-immigrant climate in San Diego County. San Diego County's proximity to the U.S.-Mexico border puts immigration squarely at the forefront of the political agenda. The area has experienced periods of intense anti-immigrant rhetoric, most notably in the 1990s and more recently in the wake of the national debate on immigration reform.* Local agencies confront a hostile environment in simply delivering services to Latino and immigrant communities and in making their message heard by local decision-makers and the public at large. Some local decision-makers are wary of attracting the attention of anti-immigrant groups or of seeming too immigrant-friendly to the general electorate. At the state level, immigration is perceived as a controversial issue, and lawmakers avoid confronting it head-on. Therefore, legislation that is immigrant-specific cannot gain traction.

  Anti-immigrant sentiment has great potential to endanger public health. While differing views on immigration policy are certainly both understandable and legitimate, in this context the predominant anti-immigrant perspective could adversely affect emergency preparation and management, to the detriment of everyone in the affected area. Certain types of events—e.g., a pandemic flu or biological attack—require highly disciplined and coordinated actions by a broad spectrum of people, organizations, hospitals, and government offices to ensure appropriate responses, which might include orderly distribution of vaccines, prompt medical check-ups, careful disease monitoring and management, and self-quarantine. The failure to inform any significant portion of the population, such as immigrants and their families, and to ensure their adherence to the prescribed sequence of actions, could have catastrophic consequences for public health.

  The event of a natural disaster, such as an earthquake or severe storm, also requires concentrated coordination; evacuation may be warranted, or other preparations may need to be established prior to the event, such as a system for communicating important information to the public. Further, a plan must be in place for ensuring rapid access to food, water, shelter, and sanitation facilities. Inadequate diffusion of information about, and thus non-adherence to, an evacuation plan—such as occurred in Houston prior to Hurricane Rita—runs the risk of endangering the public. Similarly, inadequate or inequitable access to staples and shelter in the wake of a disaster poses potential public health dangers, including exposure to various water-borne diseases. To the extent that strong anti-immigrant sentiments prevent or deter public officials and private relief agencies from fully including everyone, regardless of immigration status, in an emergency management system, all residents of the area will suffer in the event of a major disaster.

* For example, the San Diego Minutemen (SDMM) gather at seven day labor sites on a regular basis to videotape and harass employers hiring laborers. SDMM also holds demonstrations at churches that provide services to immigrants. The anti-immigrant sentiment in the region is reflected in the agenda of some elected officials. For example, Congressman Brian Bilbray, who represents San Diego North County, is the chairman of the Immigration Reform Caucus in the House of Representatives. After becoming chairman Bilbray sponsored the "Birthright Citizenship Act of 2007," which would deny citizenship rights to children born of undocumented immigrants in the United States.

Summary of Major Findings

Administration of disaster or emergency preparation and relief programs can be an important means of enabling service advocacy activity. The well-established Hispanic- and immigrant-serving organizations in San Diego understand the steps necessary to administer and manage the delivery of social services. When confronted with the immediate needs of those who had suffered loss of home, community, and livelihood in the wake of the wildfires, Hispanic-serving institutions advocated on behalf of their communities in overcoming barriers to services. They applied pressure on public and private agencies to ensure that the Latino and immigrant community had adequate benefits and services. Without these organizations' efforts, Latino and immigrant families might not have received the material goods, long-term housing assistance, or other benefits for which they were qualified to receive. Service delivery is a means of building capacity and knowledge and is a critical means of ensuring service advocacy during disasters. Moreover, organizations that provide services to families during and after disasters serve as a powerful conduit of information both to and from policymakers. As in previous disasters, without broader public awareness of the issues related to the deportation of people who had taken shelter at Qualcomm Stadium, the presence of U.S. Border Patrol, and the failure of some relief agencies to reach certain communities, there would have been little reason to engage decision-makers.

The pre-disaster predisposition of organizations in affected regions tends to predict behavior during and after a disaster. As in the case of previous disasters and catastrophes, in San Diego, service providers during and after the disaster offered services that filled the gaps, and advocates engaged in a broad spectrum of advocacy activities. In San Diego County, there was considerably more activity on the advocacy and civic engagement front during the California wildfires in 2007 than in 2003, in part because more immigrant rights-focused advocates had been established in the interim. While those organizations lacked a depth of expertise and credibility in disaster and emergency management, they had significant standing to serve as an authentic voice on behalf of immigrant workers and families.

The experience reveals the difficulty in successfully adding new functions to organizations quickly, even if the need is great. Consequently, service providers may focus on seeking additional resources for expanding their service capacity rather than building policy analysis or advocacy capacity. Hispanic- and immigrant-serving organizations also tend to resort to the "default" disposition during and after a disaster. In the case of Hurricane Katrina, community organizers who generally recognize the importance of federal advocacy were relatively more willing to work with national organizations in information-sharing and developing policy measures. In contrast, service organizations were more overwhelmed by service demands and exhausted all of their time and resources responding to local needs.

The depth and breadth of relevant relationships prior to a disaster is related to successfully achieving policy outcomes. At all levels, policy change has been more achievable in disaster policymaking when organizations have strong relationships in a number of directions and levels. In the case of Katrina, relationships between national organizations and on-the-ground organizers and community leaders in the affected area were critical in applying pressure on ARC to modify its policies. At the same time, national and local Hispanic- and immigrant-serving institutions in the Gulf Coast region have not been able to collaborate in a way that would have achieved more significant federal policy change. In the case of the 2007 wildfires, institutional relationships with charitable relief organizations, local first responders, and peers helped to improve outcomes for Latino and immigrant victims. For example, those with preexisting relationships with institutions that have grant-making ability facilitated quick access to funding for disaster relief work. Further, institutions that had a presence in and critical relationships established at the state level helped to achieve modest policy change. But many Hispanic-serving organizations in the impacted areas did not have a strong presence at the state capitol; without strong relationships on a number of levels, more comprehensive policy change on behalf of immigrants and Latinos was difficult to achieve.

The disaster preparedness, assistance, and relief field is difficult to navigate for community organizations, and policymaking tends to be innately top-down and insular. In all of the cases mentioned above, the policymaking process was dominated by the same set of stakeholders (e.g., first responders, administrators, charitable relief organizations, and environmental engineers). The field is complicated with a preponderance of processes, plans, and technical elements that narrow the base of experts and stakeholders who can engage credibly in the process. In the case of Katrina, federal policy was largely developed by staff on Capitol Hill with the help of policy experts in the disaster management field. In California, disaster relief policymaking that takes place in Sacramento, the state capital, is a powerful driver. Influencing that process and shaping the disaster relief policy agenda in a meaningful way require sustained and intense efforts on the part of any new stakeholders.

Even states with a well-established Hispanic-serving infrastructure and strong Latino political leadership struggle to achieve significant policy outcomes for Latino and immigrant families in disaster management. Achieving policy change requires more than adequate representation of Latinos among decision-makers. Much is required to focus the attention of existing leaders on the urgent need for policy change in this area. One key element to achieving policy change is to empower CBOs with the knowledge and resources to build effective networks, support community mobilization efforts, and participate in coalitional activities. CBOs need support to enhance their advocacy capacity and expertise in disaster preparedness and relief, and to establish "pre-positioned" links with service organizations, advocates, and decision-makers at the local, state, and federal levels.

The 2007 wildfires in southern California were modest and contained. While service challenges were relatively moderate, if a Katrina-level disaster—such as a major earthquake—had hit southern California, the consequences for Latinos, immigrants, and their families could have been catastrophic. Similarly, if a pandemic involving a communicable disease or a biological weapon had been unleashed, the public health consequences, while initially concentrated among Latinos and immigrants, inevitably would extend to the entire population.

Recommendations

NCLR's assessment points to a number of steps and recommendations required to effectively improve the opportunity and ability of Latinos and immigrants to be fully included in preparation for and response to man-made or natural disasters. These recommendations are focused on ways to generate greater advocacy on disaster policy from Hispanic- and immigrant-serving institutions. Other researchers and organizations have developed policy recommendations to improve outcomes for victims, and where appropriate we highlight those as well.

Recommendations for Public Policymakers

The existence of formulated legislation or visible policy proposals can provide the impetus for civic engagement and advocacy at all levels. Moreover, creating more Hispanic-serving providers of disaster relief and assistance programs will strengthen the Latino perspective in policy design and implementation.

- Issue a Presidential Executive Order. A history of important antidiscrimination Executive Orders shape federal policy.* An Executive Order should be issued which would direct federal emergency personnel and those who receive federal funds to provide disaster assistance and relief to all in need regardless of citizenship status, limit documentation requirements to only those instances where it is essential to determine eligibility for services, and suspend border enforcement during an emergency. Such an Executive Order would elevate the critical importance of these issues within the community, take away the discretion from DHS, and force future administrations that wish to change policy to do so publicly by revoking the Order.
- Create a federal disaster preparedness and relief program for minority communities. FEMA should be authorized to provide grants to CBOs to develop preparedness plans, receive training, develop case management, and serve as a rapid response agency when needed. CBOs can inform developing federal agency training on some of the "fear factors" of immigrant and LEP communities.
- Allow federal and state grantees to use funding for disaster response work. Hispanic and immigrant service providers that receive federal or state funds and provide services in an impacted area need to be able to serve victims. Federal and state programs should create mechanisms either via waivers or statutorily which allow providers to use federal funding to support a range of other services for disaster victims. For example, an organization that receives federal funding to provide pre-purchase homeownership counseling should be allowed to use those funds to pay for staff time needed to engage in case management that helps victims apply for FEMA aid. Similarly, farmworker service organizations should be permitted to use their job training or Head Start funds to provide emergency support for food, shelter, utilities, transportation, and other needed services.
- Hold public and private agencies accountable for actions during disasters which have adverse consequences for vulnerable populations. State and local agencies should pass legislation or enact policies that make it unlawful for agencies or individuals to effectively hinder access to disaster services and assistance. For example, laws should be passed to prohibit agencies involved in disaster assistance from soliciting documents or information that is not strictly necessary under state and federal rules to determine eligibility for assistance. Moreover, state legislative bodies and Congress should be encouraged and empowered to investigate and make examples of individuals who do harm to eligible victims by denying them assistance. One national advocacy organization that has substantial expertise in the disaster-related field is the National Immigration Law Center (NILC). NILC has proposed a series of policy measures that would help to ensure inclusion of immigrants and limited-English-proficient communities in disaster preparedness and relief. (See page 28 for a description of the policies that have not yet been mentioned in the above discussion.)

* Two examples of anti-discrimination Executive Orders (E.O.) are E.O. 11478 and E.O. 13166. Executive Order 11478, signed by President Richard Nixon on August 8, 1969 and amended in subsequent administrations, prohibits discrimination and requires affirmative equal employment practices in federal employment and empowered the Equal Employment Opportunity Commission to enforce the policy. Executive Order 13166 enacted by President Clinton on August 11, 2000, and continued under the Bush Administration, was issued to improve access to services for persons with limited English proficiency. The order has garnered significant attention by agencies and stakeholders since its enactment.

Federal Policy Agenda

Recommendations from the National Immigration Law Center*

Fear of Immigration Enforcement. DHS should develop a standing policy, reiterated in times of disaster, not to conduct immigration enforcement in association with any phase of disaster preparedness or recovery. Federal agencies should not make inquiries regarding immigration status or any other information that is not strictly necessary for effectuating evacuation or determining eligibility for critical services, and should not use information obtained in the course of humanitarian disaster relief efforts for immigration enforcement. Neither ICE nor Customs and Border Patrol (CBP) should be visibly present in disaster relief settings.

If DHS is unwilling to commit officially to the temporary cessation of all local immigration enforcement activity, DHS should, as a matter of discretion, limit enforcement activity to a bare minimum in disaster areas immediately following the disaster in order to help promote cooperation and participation by immigrants and their family members, and so that it does not undermine emergency relief efforts.

Loss of Documentation. In the aftermath of disasters that cause widespread destruction of documentation, USCIS should expedite issuance of temporary documents to replace lost immigration papers, such as work authorization cards.

State and local agencies should pass legislation or enact policies prohibiting agencies involved in disaster assistance from soliciting documents or information that is not strictly necessary under state and federal rules to determine eligibility for assistance.

Loss of Immigration Status. The federal government is solely responsible for enacting and administering immigration laws. Protecting victims of disaster from losing their preexisting immigration status solely as a consequence of disaster should be a federal priority.**

Language Barriers. FEMA should comply with the directives of Executive Order 13166 by developing and implementing a language assistance plan for its federally conducted activities, and policy guidance on providing meaningful access by LEP persons for programs receiving federal financial assistance from FEMA.

Benefits. Public programs that assist low-income disaster survivors in meeting basic necessities, such as nutrition assistance, housing, and medical care, should be made available to all victims regardless of status for at least a temporary period. At a minimum, essential public benefits should be made available to victims of disaster who are lawfully present in the U.S. If the federal government is unwilling to take this step, state governments should exercise their prerogative to utilize state funds to deliver this assistance to all persons who critically need it.

Agencies at all levels should become familiar with the rules governing immigrant eligibility for disaster-related benefits and services. Government agencies providing disaster benefits should examine their applications to ensure that they do not intimidate parents from applying for benefits on behalf of their eligible children based on concerns that the application will place the family at risk of immigration enforcement.

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* Jonathan Blazer and Brett Murphy, "Addressing the Needs of Immigrants and Limited English Communities in Disaster Planning and Relief," *Immigrants' Rights Update,* (National Immigration Law Center, October 28, 2008), http://www.nilc.org/pubs/iru/iru2008-10-28.htm (accessed October 2008).

** In the weeks following Katrina the National Immigration Law Center published a set of recommendations including numerous provisions aimed at safeguarding immigrants from loss of status as a consequence of disaster. These recommendations can be found at www.nilc.org/disaster_assistance/katrina_relief_091905.pdf.

Recommendations for Philanthropic Institutions

- Provide resources to fund a major interdisciplinary collaborative. Given the vital importance of this work, foundations should combine resources and fund an array of Hispanic- and immigrant-serving institutions to educate, inform, develop policy, research, advocate, and mobilize constituencies around policy change at all levels in the disaster relief field. Examples might include national, state, and local-level work on immigration policy supported by a number of national and regional foundations. In the immigration policy context, nearly a half-dozen major national foundations (Ford Foundation, Carnegie Corporation of New York, Atlantic Philanthropies, Open Society Institute, and John S. and James L. Knight Foundation), supported by dozens of other national and regional funders, support a robust "field" of scholars (e.g., Migration Policy Institute, Urban Institute), national policy advocates (e.g., National Immigration Forum, Immigration Policy Center, NILC), ethnic civil rights organizations and coalitions (e.g., Asian American Justice Center, Leadership Conference on Civil Rights, MALDEF, NCLR), grassroots organizations and coalitions (e.g., Coalition for Humane Immigrant Rights of Los Angeles, New York Immigration Coalition), and intermediary organizations to support local groups and coalitions (many of the above, plus the Center for Community Change). This field is largely responsible for enacting some major sweeping changes, such as three successive restorations of benefits for legal immigrants in the late 1990s and early 2000s, for numerous smaller policy victories at the federal and state levels, and for positioning other contemporary proposals such as comprehensive immigration reform, the DREAM Act, and AgJOBS, for potential enactment.
- Support the development of a mutual aid network among Hispanic- and immigrant-serving organizations, perhaps beginning in California. In California, counties form mutual aid pacts to augment and leverage the capacity of nearby jurisdictions during wildfires. In the case of Katrina, many Latino-serving institutions from surrounding states took action to help serve immigrants and non-English-speaking victims in the Gulf Coast region. Given the wealth of expertise, service experience, and cultural knowledge reflected in these institutions, developing and training a network of CBO first responders could be a critical means of ensuring policy change for Latinos and immigrants. The network can also share information and stories widely and serve as a foundation for collective action and advocacy at the state and national level. National and state/local organizations should begin to identify and build a list of local organizations and individuals that have a predisposition to engage in advocacy on behalf of Latinos, and build a network that can be deployed during disasters.
- Enable more flexibility with grant funds during a disaster or catastrophe. Recognizing that organizations and institutions have the ability to play an important functional role in disaster relief and policymaking, philanthropic funders should allow grantees to use existing grant funds to direct endeavors toward relief efforts. In the case of Katrina, national organizations with advocacy grants had to continue to carry out and meet funder deliverables in target policy areas even though the policy atmosphere had shifted and was completely dominated by Gulf Coast recovery. Rather than seeking to add more capacity on top of existing deliverables, it may be a better option if funders allow institutions to use existing funds to shift their focus when required. Certain major intermediaries such as United Way or community foundations could permit grantees to eliminate certain types of deliverables, such as interim reports, or automatically reduce caseloads in the event of a declared emergency.
- Develop an emergency fund that specifically supports state/local and federal advocacy capacity-building. Particularly during catastrophic events, funds are needed to put personnel on the ground (or support existing staff in an impacted area); assess the situation; and inform state/federal administrators, policymakers, and decision-makers in real time about events and needs. Moreover, organizations need to build capacity to respond rapidly to national emergencies, engage quickly in service as well as administrative advocacy, and get information into the hands of organizations with a presence at the state capitol and in Washington, DC.

- Reduce the administrative burden for organizations to apply for disaster funds. Foundations with emergency fund resources need to find ways to streamline the process for getting groups resources quickly during disasters. One example could be a process of prequalifying organizations every few years for potential disaster fund draw-downs from a special account, with preapproved disaster activities.
- Support strategic communications work at the intersection of race, immigration, and emergency management. Especially given a largely established "master narrative" about race and immigration in the U.S., absent a well-designed communications strategy a major disaster is likely to reaffirm views already held by much of the public. In areas where anti-immigrant sentiment is well established, or is perceived to be, public officials may be reticent to aggressively pursue steps needed to ensure full inclusion of immigrants in emergency management. Advocates and the media may also unknowingly reinforce negative stereotypes, undermining their own case. But because disasters and other emergencies are unique situations in which protection of the public health requires full inclusion of everyone regardless of race, ethnicity, or immigration status, public opinion research and message development may be able to uncover communications strategies that can overcome the common "master narrative."

Recommendations for National Organizations

- Develop mechanisms to respond to and support Hispanic- and immigrant-serving organizations that are in the impacted region or are engaged in the response. Especially in the case of a catastrophe and in locations with serious capacity limitations, national organizations should develop an internal and inter-organizational team to coordinate a response and share information. Those organizations with capacity should consider developing a "surge" capacity team to travel to the affected area to monitor and support local relief efforts. Moreover, these organizations should include their advocacy departments in these efforts.
- Connect local organizations with potential sources of relief aid and funding. The recent experience demonstrates that, during and after disasters, there is demand from some potential funders and/or donors to channel resources to efforts that directly reach Latino, immigrant, and LEP populations. National organizations can serve as a conduit and connect willing funders to needy organizations on the ground.

Recommendations for Emergency Managers

The emergency management system develops and evolves gradually by identifying issues and training staff to respond to them. The process also has the benefit of creating and empowering administrators to serve as service advocates during disasters and experts in the aftermath. A number of reports and studies have focused on immigrants and limited-English-proficient populations, with inclusion of recommendations for emergency managers. Several of those recommendations have the potential to increase advocacy that leads to policy change. For example, a report published by the Annie E. Casey Foundation for the Grantmakers Concerned with Immigrants and Refugees proposed the following:

- Train public emergency management personnel on disaster assistance eligibility rules for immigrants and how to communicate with limited-English-proficient populations.
- Designate a point person responsible for oversight and coordination of preparedness among LEP and immigrant populations.

Another recently published report by the Tomás Rivera Policy Institute and the Asian Pacific American Legal Center suggested that local providers work to ensure that simulation exercises incorporate the language needs of LEP community members. Reports by NILC and NCLR also suggest:

- The American Red Cross and other national Voluntary Organizations Active in Disasters (VOADs) should establish and train staff regarding policies preventing employees from making unnecessary inquiries into immigration status, and forbidding employees from calling upon immigration or law enforcement authorities or other agencies that are not involved in determining eligibility for disaster assistance.
- Neither the American Red Cross nor any other national VOADs should invite, welcome, or permit the presence of immigration enforcement authorities to operate in the vicinity of its shelters or assistance sites. American Red Cross should subsidize training for minority-serving CBO leaders and employees to participate at a higher level of impact than other volunteers.
- Community-based organizations and health centers should allow release time and pay employees to go to American Red Cross trainings.

Furthermore, with respect to training, to an unusual degree, perhaps matched only by military planners engaged in war gaming, emergency planners and the officials who oversee them rely heavily on exercises and drills for planning, policy-making, and resource allocation decisions. Yet, there appears to be a paucity of exercises and drills that specifically focus on the consequences of failing to effectively account for the interests and behavior of diverse groups in the event of a disaster. To the extent that such exercises and drills are developed and are widely used, a larger proportion of the emergency management system is likely to "live the experience" and thus become advocates for full inclusion of diverse populations. Indeed, it was a major evacuation drill in the heavily Hispanic-populated Lower Rio Grande Valley of Texas in early 2008 which uncovered Immigration and Customs Enforcement policies that are likely to hamper an orderly evacuation from the region in the event of a hurricane.[61] The resulting outcry led to an initial modification of the policy before Hurricane Dolly struck South Texas, and likely contributed to further relaxation of the policy prior to the arrival of Hurricane Ike in Houston.[62] Furthermore, the "teachable moments" resulting from such drills and exercises would help provide the "political cover" that emergency management and elected officials may need to overcome anti-immigrant sentiment that might otherwise impede actions and policies required for full inclusion of diverse populations.

Appendix A
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Appendix B
Methodology

The methodology for this report consisted of primary and secondary research. The primary research included in-depth interviews, focus groups, and a community forum. The secondary research consisted of a review of the literature on disaster preparedness and response in vulnerable communities. The literature on disaster policy and nonprofit advocacy was also reviewed as background.

The National Council of La Raza (NCLR) conducted in-depth interviews with Hispanic-serving and non-Hispanic-serving community-based organizations (CBOs), local government, emergency responders, health clinics, disaster relief agencies, and media in San Diego. A total of 38 in-depth interviews were carried out by researchers on two separate site visits. NCLR's community-based Affiliates in San Diego helped to identify and contact interviewees. In-depth interviews were also conducted with six community members who lived in areas affected by the California wildfires in 2007.

Interviewers used separate sets of questions for each category of interviewee, with a core set concerning organizations' response to the wildfires and the impact on their constituencies. For example, interviewees were asked how their constituencies were affected by the fires, what types of assistance were available to their community, how services were delivered to the community, how the constituency learned about these services, what type of outreach was undertaken to inform the Latino community about services, and how the particular CBO or government agency coordinated their response and relief efforts with other agencies or CBOs. CBOs were also asked to describe how their organizations were affected by the fires and the challenges they experienced in responding to constituent needs in the immediate and long-term recovery after the fires were contained.

Two focus groups were held with Latino community members. The focus groups took place at two housing development sites through one of NCLR's Affiliates, MAAC Project. Both housing developments were located in areas that were under a mandatory evacuation during the wildfires—one in San Diego North County and the other in East County. Focus groups consisted of 10-15 community members and were conducted in Spanish. Community members were asked about their experiences during the fires, where they took shelter during the evacuation, where they sought assistance and services during the evacuation and after they returned home, and the challenges they experienced in seeking and receiving assistance.

In addition, a community forum was held in San Diego North County where Latino community members shared their experiences with government representatives and talked about how the community should prepare for future emergencies.

A draft of this report was shared with experts and practitioners at a peer review session at the 2008 NCLR Annual Conference. Feedback from the session was incorporated into the report.

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