Memo

To: Attorney General Elliot Spitzer
From: Julia Westhoff, Nonprofit Risk Management Consultant
Re: Recommendations on how to improve the reputation, responsiveness and capacity of New York's relief agencies in the wake of 9/11.

October 10, 2001

<u>Introduction:</u>

The philanthropic reaction to September 11th, 2001 represents general challenges of disaster preparedness, public administration, and modern philanthropy. A study of this crisis reveals that effective aid depends on a multitude of causes, including responsiveness, coordination, administrative capacity and strategy. What's more, in disaster situations organizations need to effectively manage all of these factors under extreme stress and urgency. This case also points to a larger trend in the nonprofit community – the need for greater accountability and transparency. Improving on these factors will help restore legitimacy in the eyes of a largely misinformed public.

<u>Summary:</u>

After September 11, 2001, charities received an unprecedented amount of money from people who felt compelled to help assist victims and rebuild disaster areas. The outpouring of money should have been more than enough to accomplish these goals, and yet finding a way to distribute the donations in a timely manner proved to be difficult. As charities struggled to create equitable and efficient methods of providing assistance in a short time period, the general public (fueled by an accusatory media) became increasingly upset by the lack of action. Soon government officials stepped in to negotiate networks and policy changes in the hope that the numerous organizations could form cohesive, unified rules and regulations. Unfortunately, these independent offices each had different goals, strategies, and procedures that made collaboration difficult. As famed nonprofit expert Lester Salamon (2002) stated, "What began as an inspiring demonstration of the power of America's charitable community thus became a demonstration of its shortcomings as well," (p. 4).

The complexities of this situation highlight a number of key issues that public administrators face every day. Among many others, the issues in this situation include the use of networks, the dilemmas and implications of ethical decisions, the challenges of quick capacity-building, and issues of responsibility, accountability, and transparency. I will touch on these issues, and provide recommendations for how to deal with them efficiently and equitably. As Attorney General, I suggest you pass these recommendations on to all of the organizations you are advising. Perhaps you can also hold seminars or conferences if people need more direction. If enacted, these recommendations should solve the above problems in a timely and affordable manner.

ISSUES AND RECOMMENDATIONS

Issue: Lack of Transparency/Accountability

Nonprofit and government agencies sometimes have tenuous relationships with the public, which often holds them more accountable for their actions than they do for private corporations (Brody, 2002). September 11th charities were especially scrutinized because the public noticed the huge disconnect between the money that came in via their own donations, and the money flowed out from the charities to the victims.

Accountability and transparency need to be high priorities for every nonprofit and governmental organization. Organizations should take the advice of public administration experts Robert and Janet Denhardt (2006) who advise nonprofit leaders to, "Maintain clarity about organizational priorities, goals, and objectives…The direction of the organization should be stated as clearly as possible and widely communicated to all members," (p. 185).

Transparency is an important public administration issue, one that calls for public and nonprofit organizations to become more open and inviting to the general public. It is especially important in this situation, due to the extreme grief that the American public is feeling. The unprecedented amount of donations is perhaps the greatest expression of that grief, and charities need to be clear that they are handling those donations responsibly. There are several strategies that 9/11 organizations can use to maintain a welcoming and positive relationship with the public.

Recommendations to improve accountability

1) *Publicly report the results of fundraising and spending.*

Organizations can do this by keeping their websites up-to-date with program details, financial reports and audits. These details should also be listed in annual reports, which should be made available to the public via websites such as Guidestar, Charity Navigator, or Global Giving. Websites and reports should state the goals for each organization and give a broad idea of how the organization operates everyday. Contact details should be prominently displayed, along with biographies of staff and board members. Providing such information to the public will empower citizens whose distrust of nonprofits may be linked to a limited understanding of how such organizations work (Shlesinger, Mitchell & Gray, 2004).

2) *Increase your human interaction with the public.*

Organizations should invite citizens to visit their offices and even sit in on meetings. This act alone should dispel any distrust that the public harbors. If organizations use volunteers, they should look at them as a way to strengthen ties to the community by using them to outreach to their fellow community members. If organizations do not rely on volunteers, perhaps they can engage citizens to help with administrative duties around the office. Organizations might even consider making their board meetings open to the public. In this way volunteers can act as ambassadors to the organizations they are serving.

John and Mary Kirlin (2002) say involving citizens is crucial for maintaining a good public image. “Increased civic engagement strengthens democracy and can contribute to the development of public judgment, which is critical to sustaining support of efforts to thwart terrorism,” (p. 80).

In general the more open organizations are with the public, the better. James L. Garnett (2005), an expert in public communications, is a strong advocate of two-way communication with the public. In “Administrative Communication” he points to a Cincinnati town that proactively engaged citizen feedback on the highly controversial issue of what to do with nuclear waste. “…instead of ignoring the problem and complaints about it or relying on persuading citizens that no problem existed or that they could learn to live with it, the government actively involved citizens in a mutual process of communicating and problem solving…This genuine spirit of reciprocity and partnership and the extra communication effort involved has resulted in improved performance and a deeper sense of mutual trust and credibility," (p. 267).

Jennifer Walker (2003), from the Center for Leadership Studies, agrees that organizations have a responsibility to reach out to citizens, and she suggests several options for how to do so. "Nonprofits can help spread power by enlisting citizen participation, organizing communities, and facilitating a society in which people on the "outside" can bring their talents to the center," (p. 25).

In short, reaching out to the public is a cheap and easy way for organizations to gain trust and understanding in the community at large.

3) *Mobilize a media campaign.*

A good public relations campaign is imperative for any agency, especially in times of crisis. Organizations should designate a spokesperson to hold daily or weekly press conferences. They should also send out press releases about their successes, and perhaps even their challenges.

Nonprofits must be forced to communicate more with the media, which seems to be playing a large part in causing the public to be unnecessarily upset. Emmett Carson (2002) from the Minneapolis Foundation advocates for nonprofits to actively respond to all media attacks, stating, "The nonprofit sector must learn to respond quickly and aggressively to every media inaccuracy, misrepresentation, or misunderstanding of the nonprofit sector, whenever it occurs," (p. 435).

Tom Seessel (2002), from the John S. Watson Institute for Public Policy, agreed that organizations needed to launch a public relations campaign to react to the media's unflattering portrayal of them. "By neglecting the public relations aspects of its work, much of philanthropy did little to counteract this image," (p. 6).

Responding to the media does not necessarily mean that organizations must always have something positive to say. In fact, organizations should be open about their challenges with the public and with their funders. This may give them a way of mobilizing resources to better fulfill their missions (Melcher & Mandl, 2003).

Getting the support of the public is incredibly important for organizations that find themselves in the public eye, as experts Hal Rainey and Paula Steinbauer (2002) point out. "Agencies tend to be more effective when they have favorable public support. This includes generally favorable public opinion and media coverage," (Rainey & Steinbauer, as cited in Stillman, p. 311).

Issue: No Networks

The lack of networks was a central downfall in the charitable response to 9/11. Public administration expert Donald Kettl (2002) said it best in his statement, "Coordination becomes the answer to government's problems; the lack of coordination is the diagnosis for its failures," (p. 59).

In this case, both governmental and nonprofit sectors responded to the disaster, and each contained dozens of groups, committees, and offices, making coordination nearly impossible. Of course, this coordination issue had a disastrous affect on service delivery. Lack of coordination led to overlapping or missing services, not to mention a lot of wasted time and money. Even when there was a relationship between stakeholders, it was often strained. This happened in part because the stakeholders came from all different backgrounds, from government appointed officials to experienced nonprofit leaders to volunteers who were just trying to give free aid. It can often be problematic for managers to expect their employees to create relationships where none previously existed. (Bowditch and Buono, 2005).

The vast array of organizations and leadership styles quickly led to major problems. Attorney Michael Melcher (2003) studied the relief response to 9/11 and concluded, “The response manifested the diversity and energy of a highly developed and resourceful nation. Yet this diversity was both strength and weakness. No one was running the show but everyone was free to contribute. Efforts were neither uniform nor centralized,” (p. 1).

The issue of coordination between agencies is endemic of modern public administration, as networking experts Stephen Goldsmith and William Eggers (2004) point out. “Problems have become both more global and more local as power disperses and boundaries (when they exist at all) become more fluid. One-size-fits-all solutions have given way to customized approaches as the complicated problems of diverse and mobile populations increasingly defy simplistic solutions,” (p. 7).

The crux of the issue can be stated as an issue of fuzzy boundaries, and it came up continuously for those who tried to make sense of the quagmire of relief organizations. Fuzzy boundaries exist because of the complexity of many social problems. As Kettl (2002) says, “The fuzzy boundary problem confounds the central task of administration – building coordinated efforts to solve complex problems,” (p. 59).

Although 9/11 organizations may be hesitant to combine forces, there are easy solutions to stop overlapping services.

Recommendations for creating strong networks

Use existing resources to forge partnerships.

Each relief organization has something unique to contribute to the larger mission, and, if done well, partnerships should focus on capitalizing on those assets, not squelching them. For instance, some grass roots organizations have established relationships with victims and larger, policy-oriented organizations might have more clout with politicians and philanthropists. When partnering, tasks should be allocated accordingly.

It is important that organizations open themselves up to the possibilities of partnerships and networking. It should be noted that partnering is distinctly different from combining organizations, and it does not mean that people will have to change their ways of doing things. Instead, it will help to make sure that victims and families are getting served efficiently and equitably.

Partnerships are increasingly important in today's nonprofit world, as Goldsmith and Eggers (2004) explain. In general, partnerships can raise the standards of all organizations involved. "Seeking feedback from potential or current network members and stakeholders helps to avoid a situation in which government sets unrealistic outcome goals that in turn can cause a general lack of acceptance of the goals and performance standards from the participants in the network," (p. 126).

Partnerships expert Naim Kapucu (2006) says that although it is a relatively new field, "…public nonprofit partnerships can prove to be an essential way to ensure effective community response to disasters," (p. 205).

There are specific groups that aim to help organizations find partners. The Society for Nonprofit Organizations, CompassPoint, and the Foundation Center all aim to provide resources to help nonprofits partner with each other.

It is too late to do something formal, such as creating a committee. That would be too laborious and slow to benefit a disaster situation. Instead, use existing coordination vehicles as informal ways to meet peers and counterparts. Share information with other agencies by making use of technology. The internet affords all sorts of quick and easy information-sharing technology, such as wiki sites, blogs, or social networking pages.

All these sites all make use of the key goal of partnerships - communication. "Communication of information regarding the current status of the community, as well as the actions in process by participating organizations, allows participants in the response system to make informed decisions about their own actions, and to adjust their actions in accordance with those taken by others to achieve the overall goal of protecting the community and restoring its functions," (Kapucu, 2006, p. 209).

Issue: Efficiency versus Responsiveness (Tradeoffs)

Many organizations failed in their missions simply because they didn't know or were unable to respond quickly to giving people what they needed. Organizations were attempting to distribute aid in an equitable manner, but in doing so they were criticized for their lack of efficiency. The tradeoff of efficiency versus responsiveness is a common one for many public administrators, say Robert and Jan Denhardt (2006). "As a public manager, you may often confront the potentially conflicting demands of operating as efficiently as possible while, at the same time, being fully responsive to administrative superiors, to the legislature, to the citizenry, and to the principles of democratic governance generally. This tension between efficiency and responsiveness characterizes many of the problems public managers face," (135).

In fact, tradeoffs in general are a core issue in public administration. As Donald Kettl (2002) states, "...public administration builds on recurring tradeoffs: responsiveness and efficiency; centralization and decentralization; strong executives and separation of powers; federal control and federalism. Resolving these tradeoffs in the short run has always been difficult; settling them permanently has been impossible. America's leaders and citizens have traditionally wanted both responsiveness and efficiency, both centralization and decentralization, and so on – and they have wanted different measures of each at different times," (50).

As a consequence of tradeoffs, public administration usually takes an incremental approach to policy making. A well-respected Public Administration theorist, Charles Lindblom (1959), spoke to this in his famous essay "The Science of Muddling Through" by saying, "Democracies change their policies almost entirely through incremental adjustments. Policy does not move in leaps and bounds," (p. 203).

Unfortunately, disaster relief calls for a faster response from public administrators than incrementalism can provide. And while it would be impossible to provide a one-size-fits-all solution for how organizations should confront tradeoffs, I can offer recommendations for organizations to become more efficient and responsive.

Recommendations on improving efficiency:

1) *Devise a universal intake form.*

A universal intake form is the first, basic step in improving efficiency. Find out from organizations which services they are providing (this can be done in conjunction with the aforementioned database), and compile them into one form. Make this form available at all police and fire stations, libraries, community centers, schools, shelters, and any other place victims and families might come.

The universal form will be your attempt at conducting a needs assessment, and the data you collect with these forms will help your organizations serve the public. “Administrators rely on data to make better decisions, to monitor them, and to examine their effects....as a public administrator, you know that adequate information is key to making effective decisions,” (O’Sullivan, Rassel & Berner 2003 p. 1).

The generic intake form will help organizations wade through the vast, complicated array of 9/11 needs. “A decided challenge in today’s public service (with an increasing number of complexity of issues and more numerous and diverse sets of stakeholders) is to provide sufficient useful information while avoiding overload” (Garnett, J.L. 2005) (p. 270).

2) *Create a “service-oriented” online database.*

In addition to the universal intake form, I propose that you set up an online database. I know that you initially ran into obstacles when you proposed using a database. However, this suggestion differs from yours in that you suggested that the database be used to track the financial movements of donations, whereas this database will simply detail what services different organizations provide. The database should simply indicate which organization does what, so that organizations stop overlapping their services. The database should be online so that it is quick and easy to operate. Google has a free online database tool, and I am sure there are many others. The database will be an invaluable tool, and should take just a matter of days to get up and running.

Through the database organizations should be able to gain a clear understanding of what is already being done, and what is lacking. As you can see, the task of partnering may seem complex because it affects so many large groups, but it does not have to be. Additionally, the rewards for doing so will be numerous.

Issue: Ethics

One of the most nebulous areas of this case has been how organizations decided whether or not people qualified for aid. The decision of if or how to compensate "untraditional" dependents, such as mistresses, illegal immigrants, or gay partners was a complicated one for organizations. The decision of choosing to fund a "safe" dependent meant that some people were being double or triple served, and others were getting nothing.

Issues of ethics and morality are of central importance to public administrators, as ethics professor and author James Svara (2007) points out. "Public administration ethics is rooted in duty in the sense that persons who seek positions in government or nonprofit organizations...are commonly motivated by a sense of duty to serve...They wish to help others, to benefit society, or to serve the public interest," (p.11).

But having ethical intentions is not enough. It is in the navigating and decision-making of these ethical dilemmas that public administrators are truly challenged. As author Richard J. Stillman III (2002) writes:

> Leading thinkers in public administration long ago recognized that the critical issues of government ultimately involved moral choices. The definitive policy decisions made by public officials often have at their base conflicting ethical issues…the strength and quality of an administrator lies in his or her capacity to deal effectively with the moral complexities of organizations without being broken by the imposed problems of choice (p. 501).

Issues of ethics are never easy to resolve, but there are things organizations can do attempt to help them make tough decisions.

Recommendations for mitigating ethical issues

1) *Clarify missions and funding regulations*

Sometimes the answers to ethical dilemmas are already built into an organization's mission. Sometimes ethical decisions might be implicit in legal or financial issues. For instance, agencies that rely on government funding may be restricted from providing aid to illegal immigrants. Catholic charities may be disbanded if they provide aid to gay partners. "According to the ethical approaches, honesty and integrity would also be linked to resisting pressures, as would the related principle of promise keeping…There is a great potential risk to credibility if the change in position were to become known. Supporters and future contributors would likely be repelled by the action," (p. 113, Svara, 2007).

2) *Ask specific organizations to help with underserved victims*

After individual organizations clarify regulations, the relief community as a whole needs to assess which victims will be underserved. Organizations which are not restricted from helping the underserved victims must then step up to fill the gap. You may need to specifically reach out to organizations that are capable of doing this. The good news is that in general, people who choose to work in nonprofit or public agencies usually aim to serve the public to the greatest extent possible (Svara, 2007). You should have no problem finding help for these populations as long as you reach out to the right organizations.

Issue: Low Capacity

The demands of responding to 9/11 were extraordinary and incomparable to any disaster in American history. They required more from relief providers than simply receiving and delivering donations. They required organizations to act and react in the face of a situation that was faster-paced and more emotionally intense than they were prepared for. And as hard as people were willing to work, many were limited in what they could do simply because their organizations lacked the necessary capacity.

In fact, the nonprofit world is constantly faced with problems of low capacity, says author Paul C. Light (2004). "Driven to do more with less, many nonprofits simply make do with the bare minimum, often denying their employees the training, technologies, and support they need to do their jobs," (p. vii). He also adds, "The nonprofit sector too often expects its work force to succeed in spite of organizational weaknesses that would collapse most businesses," (p. 7).

It is an extremely difficult and unusual situation when nonprofit organizations find themselves unable to handle large donations. Unfortunately, after 9/11 the huge influx of cash that poured forth from donors was too much for many charities to bear. The inability for organizations to structurally deal with what they needed to get done in the aftermath of the tragedy highlights a persistent issue in the history of nonprofits. As Lester Salamon (2002) put it, “Long celebrated as a fundamental part of the American heritage, America’s nonprofit organizations have suffered from structural shortcomings that limit the role they can play. This juxtaposition of strengths and limitations, in turn, has fueled a lively ideological contest over the extent to which we should rely on these institutions to handle critical public needs…” (p. 5).

While it may be too late to help with some of the immediate emergency responses, it is never too late to strengthen New York’s disaster-preparedness. Please ask the 9/11 organizations to heed the following recommendations.

Recommendations for capacity building

1) *Use “best practices” from top-down, flexible organizations*

Every disaster situation is unique, but that doesn’t mean there are no parallels. The closest comparison for 9/11 is probably the Oklahoma City bombing. Although that tragedy was a much smaller disaster than September 11, the charitable responses can still offer a lot of insight, especially in terms of dealing with consequences in the long-term. Study what the Oklahoma City organizations did right, and what they did wrong. You have already obtained some valuable information from them (for instance, the feedback on the long-term needs of the bombing could be very helpful for 9/11 organizations to make budget projections).

When analyzing public administration techniques, I recommend starting with organizations that are top-down, but flexible. This type of bureaucracy has the ability to be both responsive and accountable, with experienced people leading the way. Public Administration Expert Richard J. Stillman III (2002) agrees, saying, "…flexible yet top-down management and organization models drawn from business and military command experiences have returned to favor in developing sound administrative practices," (p.26).

Make note of both the small and the large tools that are used by these other organizations. Remember that small investments in capacity building can yield big results. As Light (2004) says, "…relatively small investments in capacity building can improve organizational capacity, which, in turn, can produce significant gains in output such staff morale, management focus, public reputation, efficiency, and productivity, which, in turn, can produce significant gains in perceived management and program effectiveness produce gains in public confidence, all the better. But the case for capacity building is well made on the basis of organizational effectiveness alone," (p. 12).

2) *Lobby for what you want.*

New York nonprofits and government agencies may feel as though they need help from federal and state resources, and now is the time to ask for it. The demands of responding to 9/11 were and are extraordinary and incomparable to any disaster in American history. They require more from relief providers than simply receiving and delivering donations, and even that turned out to be more difficult than anticipated. Because the disaster was so unprecedented, there were no consistent policies in place. However, the situation has created a policy window, which gives opportunities for organizations to push through policies that they feel are important. As policy experts

Chris Kofinis and Stella Theodoulou (2004) point out, "Public policies are developed to address some identified issue, social ill, or problem of public importance…Identifying which issues demand or deserve recognition as public policy problems remains open to considerable debate…" (p. 99).

Lobbying is an important part of the political process, say Kofins and Theodoulou (2004). "Those who support significant interest group participation in policy formulation would argue that in spite of disparities between groups in terms of their resources and their influence, interest group participation enhances the democratic process because it allows for more grass-roots participation in the policy-making process," (p. 137).

Policy makers will respond to 9/11 by enacting new rules and regulations in the coming months and years. The IRS has already imposed regulations that have presented difficulties for many of the 9/11 charities. Much of the legislation passed during this time period will have a direct impact on nonprofit and government agencies. Therefore, it is imperative that these agencies play a part in the creation of the policies themselves.

Conclusion

Attorney General Spitzer, as you can see from the above information, there are many factors that play into effective disaster management. As one expert said, "The response to the terrorist attacks showed that effective relief is a product of many different factors. It depends as much on outreach as coordination, as much on administrative capacity as strategy, as much on definitions as actions," (Melcher, 2003 p. 1).

This situation forces leaders to confront many of today's major public administration challenges. But in every great challenge lies great opportunity. I recommend that you use this policy window to reform New York disaster response strategies. Some pundits believe that this is a crucial time for agencies to gain back the legitimacy. “The growing divide between public expectations and nonprofit sector realities cannot be allowed to grow any larger. The time for the nonprofit sector to act is now,” (Carson, 2002 p. 436).

Luckily, if you do choose to act now on these recommendations, there is a strong chance that 9/11 organizations can achieve effective, efficient relief while maintaining the trust and loyalty of those who they so passionately serve – the American public.

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