

Evaluation of NOAA's September 6, 2019, Statement About Hurricane Dorian Forecasts

FINAL REPORT NO. OIG-20-032-I

JUNE 26, 2020



U.S. Department of Commerce
Office of Inspector General



June 26, 2020

INFORMATION MEMORANDUM FOR SECRETARY ROSS

FROM: Peggy E. Gustafson
Inspector General

A handwritten signature in black ink, appearing to read "Peggy E. Gustafson".

SUBJECT: *Evaluation of NOAA's September 6, 2019, Statement
About Hurricane Dorian Forecasts*
Final Report No. OIG-20-032-I

On Friday, September 6, 2019—the day Hurricane Dorian made landfall in the United States as a Category 1 hurricane—the National Oceanic and Atmospheric Administration (NOAA) issued an unsigned statement (Statement) in response to a request by the White House then-acting Chief of Staff to your office. The Statement rebuked the NOAA National Weather Service's (NWS's) Birmingham, Alabama, office (NWS Birmingham) for a September 1, 2019, tweet that advised that “Alabama will NOT see any impacts from #Dorian” after the White House then-acting chief of staff requested a “correction or an explanation or both” of this NWS Birmingham tweet. This raised the possibility of political interference in the Department's and NOAA's handling of events that began on September 1, 2019.

On September 7, 2019, I issued a memorandum to the acting head of NOAA to notify him that our office was going to examine the circumstances surrounding the unsigned Statement and instituting a preservation hold on relevant documents.¹

¹ Inspector General memorandum to Dr. Neil Jacobs. September 7, 2019. *Request for Information Pursuant to the Inspector General Act of 1978, as Amended*. Available online at https://www.oig.doc.gov/OIGPublications/Memorandum_from_the_Inspector_General.pdf (accessed April 27, 2020).

There was significant internal and public backlash against the Statement, resulting in multiple complaints to our office from the public as well as Congressional inquiries. Among the complaints was that the Statement violated NOAA's Scientific Integrity Policy; NOAA has since conducted an inquiry to determine whether its Scientific Integrity Policy had been violated. Our work to date, reported here, is separate and distinct from NOAA's work under its Scientific Integrity Policy.

The attached report presents our findings as a detailed chronology and analysis of (I) the events leading up to the Statement, (II) the issuance of the Statement, and (III) the aftermath of the Statement. Our objective was to examine the circumstances surrounding the Statement, providing an independent account of the events that transpired in the interest of transparency and good government. Our conclusions, in brief, are the following:

- I. The Department led a flawed process that discounted NOAA participation.
- II. The Department required NOAA to issue a Statement that did not further NOAA's or NWS's interests.
- III. The Department failed to account for the public safety intent of the NWS Birmingham tweet and the distinction between physical science and social science messaging.
- IV. One NOAA employee deleted relevant text messages, and the Department's federal records guidance is outdated.

We are providing a fully unredacted copy of the report for your review. This report is undergoing a privilege review, and the final report that will be publicly released on OIG's website may be redacted for privilege purposes. In addition, OIG has applied minimal elective redactions for privacy purposes to the version of the report that will be publicly posted on OIG's website on Monday, June 29, 2020, pursuant to section 8M of the Inspector General Act of 1978, as amended (5 U.S.C. App., § 8M). We are also providing you a copy of this version of the report for your information.

If you have any questions concerning this report, please contact me at (202) 482-4661.

Attachment

cc: Karen Dunn Kelley, Deputy Secretary of Commerce
Michael J. Walsh, Jr., Chief of Staff
Dr. Neil Jacobs, Assistant Secretary of Commerce for Environmental
Observation and Prediction, performing the duties of Under Secretary
of Commerce for Oceans and Atmosphere, NOAA
Benjamin Friedman, Deputy Under Secretary for Operations, NOAA

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Cover: Herbert C. Hoover Building main entrance at 14th Street Northwest in Washington, DC. Completed in 1932, the building is named after the former Secretary of Commerce and 31st President of the United States.

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Acronyms and Abbreviations

AL	Alabama
CDT	Central Daylight Time
CIGIE	Council of the Inspectors General on Integrity and Efficiency
DAO	Department Administrative Order
Department	U.S. Department of Commerce
DOC	U.S. Department of Commerce
EDT	Eastern Daylight Time
EMA	Emergency Management Agency
FEMA	Federal Emergency Management Agency
IDSS	impact-based decision support services
MIC	Meteorologist-in-Charge
MMS	multimedia messaging service
NARA	U.S. National Archives and Records Administration
NHC	National Hurricane Center
NOAA	National Oceanic and Atmospheric Administration
NRCC	National Response Coordination Center
NSC	National Security Council
NWA	National Weather Association
NWS	National Weather Service
NWS Birmingham	NWS's Birmingham office
OIG	Office of Inspector General
POTUS	President of the United States
RCS	rich communication service
SMS	short message service
Statement	the unsigned NOAA statement issued on September 6, 2019
VTC	video teleconference
WFO	Weather Forecast Office
WRN	Weather-Ready Nation

Introduction

[W]eather . . . is the most apolitical thing you could possibly do. Because that tornado doesn't care who you're voting for. It will rip up your house
[W]e don't bring politics in here. . . . We work as a team to serve people.

— Forecaster, National Weather Service, Birmingham, AL

At the Department of Commerce's (Department's) direction, the National Oceanic and Atmospheric Administration (NOAA) issued the following unsigned statement on Friday, September 6, 2019 (Statement):

From Wednesday, August 28, through Monday, September 2, the information provided by NOAA and the National Hurricane Center to President Trump and the wider public demonstrated that tropical-storm-force winds from Hurricane Dorian could impact Alabama. This is clearly demonstrated in Hurricane Advisories #15 through #41, which can be viewed at the following link.¹

The Birmingham National Weather Service's Sunday morning tweet spoke in absolute terms that were inconsistent with probabilities from the best forecast products available at the time.

The Department and NOAA issued the Statement in response to a request by the White House then-acting Chief of Staff, Mick Mulvaney, to Secretary of Commerce Wilbur Ross. The request and resulting sequence of events gave rise to the question of political interference in the Department's and NOAA's handling of events that began on September 1, 2019.² Significantly, the Statement rebuked the National Weather Service's (NWS's) Birmingham, AL, office (NWS Birmingham) for a September 1, 2019, tweet that advised that "Alabama will NOT see any impacts from #Dorian" after Mr. Mulvaney requested a "correction or an explanation or both" of this NWS Birmingham tweet.

Mr. Mulvaney's request appears to have been based on the perception that NWS Birmingham "intentionally contradicted" President Trump, who tweeted on September 1, in reference to Hurricane Dorian, that "[i]n addition to Florida – South Carolina, North Carolina, Georgia, and Alabama, will most likely be hit (much) harder than anticipated." However, evidence demonstrates that NWS Birmingham was responding to questions from the public, and we found no evidence that NWS Birmingham was aware that President Trump had tweeted that Alabama would most likely be hit harder than anticipated by Hurricane Dorian. Further, on September 1, NWS Birmingham appropriately addressed public confusion about the current

¹ National Oceanic and Atmospheric Administration National Weather Service. *DORIAN Graphics Archive: 5-Day Probability of Tropical-Storm-Force-Winds* [online]. https://www.nhc.noaa.gov/archive/2019/DORIAN_graphics.php?product=wind_probs_34_F120 (accessed April 27, 2020).

² September 5, 2019, email from Mick Mulvaney to Wilbur Ross, attached in redacted form as appendix G. It is not clear why Mr. Mulvaney referenced a Saturday tweet about Alabama in this email. Our review of President Trump's tweets related to Hurricane Dorian did not find a Saturday, August 31, 2019, tweet related to Hurricane Dorian affecting Alabama.

forecast for Hurricane Dorian with respect to Alabama, which was an important measure to ensure public safety.

NWS is a component of NOAA, which is a scientific agency within the Department. NWS's mission—and consequently one of NOAA's and the Department's missions—is to provide weather, water, and climate data, forecasts and warnings for the protection of life and property and enhancement of the national economy.³ The Department defended the issuance of the Statement as a necessary correction of the NWS Birmingham office to ensure the scientific accuracy of weather forecasts. But the direct accounts of how and why the Statement was drafted vary significantly. Upon our review of the evidence in its totality—including these varied accounts, and in the light of the stated mission of NWS to “protect life and property”—we found that the NWS Birmingham weather forecasting staff acted properly on September 1 in tweeting a public safety message to inform the public and emergency management partners that Alabama would not see impacts from Hurricane Dorian.

The Department's reaction 5 days later to the NWS Birmingham tweet was prompted by a White House request—rather than to correct a 5-day old forecast, or to alleviate any confusion about that forecast—and revealed that the Department failed to understand the public safety intent underlying the Birmingham NWS tweet. In addition, the Department's mismanagement of the response to the White House, which took place on a day when Secretary Ross and his Chief of Staff traveled from Greece to Turkey, resulted in both a tense process and final product that caused some NOAA employees to assume that jobs were on the line. The rushed process also failed to fully include NOAA stakeholders and thereby undermined the Department's goal of issuing a public statement that would be supported by NOAA employees.

Further, the very issuance of the Statement had public safety implications. An immediate, but briefly lived, consequence was that leaders at some NWS offices lost or had diminished connections with their emergency management contacts after having to turn off their mobile phones due to the number of calls about the Statement. However, the broader, longer-term consequence is that NOAA's rebuke of the NWS Birmingham office could have a chilling effect on NWS forecasters' future public safety messages, as well as undercut public trust in NWS forecasts.

There was significant internal and public backlash against the Statement, resulting in multiple complaints to our office from the public as well as Congressional inquiries. Among the complaints was that the Statement violated NOAA's Scientific Integrity Policy; NOAA has since conducted an inquiry to determine whether its Scientific Integrity Policy had been violated. Our work to date, reported here, is separate and distinct from NOAA's work under its Scientific Integrity Policy.⁴

³ NOAA NWS. *NWS Mission* [online]. <https://www.weather.gov/about/> (accessed April 27, 2020).

⁴ We did not evaluate NOAA's compliance with that policy or make any judgment with respect to the scientific accuracy of the Statement.

Background

I. NOAA and NWS

The Department includes numerous operating units; its largest bureau is NOAA, which accounts for nearly half of the Department's annual budget. NOAA summarizes its mission as "Science, Service, and Stewardship":

1. To understand and predict changes in climate, weather, oceans and coasts;
2. To share that knowledge and information with others; and
3. To conserve and manage coastal and marine ecosystems and resources.⁵

NOAA's status as a scientific agency is evident: the agency's commitment to science statement makes clear that "[s]cience is the foundation for all NOAA does."⁶ This includes NOAA's weather forecasts and warnings and the work performed by NWS, which operates as one of NOAA's line offices.⁷ NOAA is currently led by Dr. Neil Jacobs, the Assistant Secretary of Commerce for Environmental Observation and Prediction, whose background is in atmospheric science. Dr. Jacobs was confirmed to his position in March 2018 and has been performing the duties of the Under Secretary for Oceans and Atmosphere—that is, performing as NOAA's acting administrator—since February 2019.⁸ Prior to joining NOAA, Dr. Jacobs ran a research division in the private sector.

NWS, including its 122 Weather Forecast Offices (WFOs), "provides weather, water, and climate forecasts and warnings for the United States, its territories, adjacent waters and ocean areas, for the protection of life and property and the enhancement of the national economy."⁹ In June 2011, NWS finalized a new strategic plan entitled "Building a Weather-Ready Nation," and in April 2013, issued a revised Weather-Ready Nation (WRN) Roadmap. The WRN Roadmap included a Services Plan, a Workforce Evolution Plan, a Science and Technology Plan, and a Business Plan.¹⁰

Within the Services Plan, NWS identified the need to shift from "product-focused service" toward an "impact-based decision support services [IDSS] approach," so that users may better utilize NWS information "to plan and take preventive actions." NWS stated that this

⁵ NOAA. *Our mission and vision* [online]. <https://www.noaa.gov/our-mission-and-vision> (accessed April 27, 2020).

⁶ NOAA. *Our commitment to science* [online]. <https://www.noaa.gov/our-commitment-to-science> (accessed April 27, 2020).

⁷ NOAA "is the sole U.S. government authority for issuing official weather and water warnings." See NOAA NWS, April 2013. *National Weather Service Weather-Ready Nation Roadmap*, version 2.0. Silver Spring, MD; NOAA NWS, p. 1.

⁸ President Trump nominated Dr. Jacobs to the position of Under Secretary for Oceans and Atmosphere on January 6, 2020, and his confirmation to this position is pending.

⁹ NOAA NWS. *Forecasts and Service* [online]. <https://www.weather.gov/about/forecastsandservice> (accessed April 27, 2020).

¹⁰ NOAA NWS, April 2013. *Weather-Ready Nation*, version 2.0. Silver Spring, MD: NOAA NWS [online]. https://www.weather.gov/media/wrn/nws_wrn_roadmap_final_april17.pdf (accessed June 8, 2020).

goal would require a change in how NWS personnel convey information such as weather forecasts and warnings to communicate “in terms of societal impacts to those most at risk.” NWS described this as a “transformational change,” in which it moved “away from simply disseminating what weather will occur to . . . disseminating and communicating how and when weather will affect communities.” The “transformation to a culture of IDSS will enable NWS to accomplish its strategic goal of improving weather decision services for events that threaten lives and livelihoods.” Within the Workforce Evolution Plan, NWS identified the need to train personnel to “incorporate social science principles into day-to-day operations, including effective communication.” One specific requirement for NWS to improve IDSS was for its personnel to “[a]rticulate forecast uncertainty and how weather-related impacts translate to risk.”

The Birmingham WFO, referred to in this report as NWS Birmingham, is responsible for forecasts for 39 counties in central Alabama. One NWS Birmingham meteorologist described the forecasters’ duties as assisting with forecast operations, including the official 7-day forecast, watches, and warnings for the general public in central Alabama. The forecaster also noted that they issue fire weather forecasts and aviation forecasts for their seven major airport locations—and that they coordinate with the national centers, such as the Storm Prediction Center and National Hurricane Center (NHC). This forecaster told us that “we closely work with our partners, our emergency management partners, as well as the public when we issue [our] forecasts.”

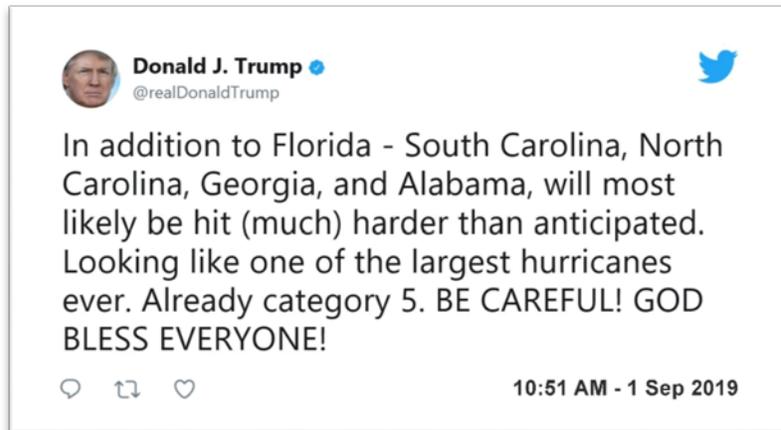
II. Hurricane Dorian

As early as August 24, NWS and its NHC were monitoring Tropical Storm Dorian as the potential for impact to the United States grew. By Friday, August 30, the storm had strengthened to a major hurricane.

During this time period, President Trump received regular updates and briefings on Hurricane Dorian. At 10:51 a.m. Eastern Daylight Time (EDT)¹¹ on September 1, 2019—as Hurricane Dorian neared landfall as a Category 5 hurricane in the northwestern Bahamas—President Trump tweeted:

¹¹ All times in this report are based on times shown on Twitter and in emails, text messages, and phone records.

Figure 1. President Trump September 1 Tweet



Source: Twitter

Twenty minutes later, at 11:11 a.m. EDT, NWS Birmingham tweeted:

Figure 2. NWS Birmingham September 1 Tweet



Source: Twitter

The apparent contradiction between these two tweets caught public attention and transformed into a national media story that ultimately resulted in NOAA's September 6 Statement:

From Wednesday, August 28, through Monday, September 2, the information provided by NOAA and the National Hurricane Center to President Trump and the wider public demonstrated that tropical-storm-force winds from Hurricane Dorian could impact Alabama. This is clearly demonstrated in Hurricane Advisories #15 through #41, which can be viewed at the following link.¹²

¹² NOAA NWS. *DORIAN Graphics Archive: 5-Day Probability of Tropical-Storm-Force-Winds* [online]. https://www.nhc.noaa.gov/archive/2019/DORIAN_graphics.php?product=wind_probs_34_F120 (accessed April 27, 2020).

The Birmingham National Weather Service's Sunday morning tweet spoke in absolute terms that were inconsistent with probabilities from the best forecast products available at the time.

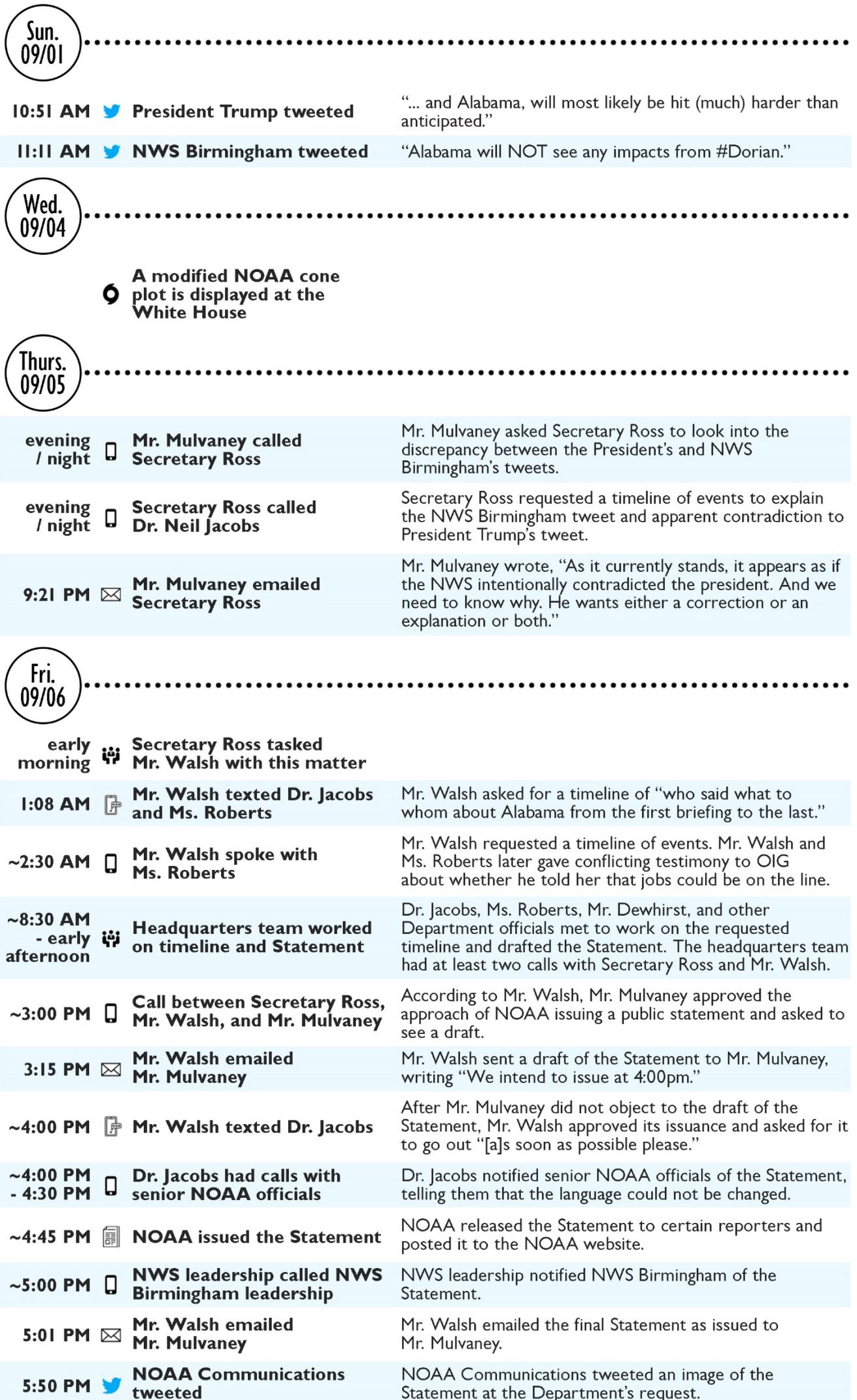
Hurricane Dorian eventually made landfall in the United States in the early morning of September 6, 2019—when it hit Cape Hatteras, NC, as a Category 1 hurricane. NOAA's weather forecasting model had correctly predicted the path of Hurricane Dorian, and preliminary statistics on September 6, 2019, showed that NHC's track forecast for Hurricane Dorian was more accurate than NHC's 5-year average for track forecast accuracy.¹³

The following section sets forth a chronology and analysis of the events surrounding NWS Birmingham's tweet and NOAA's September 6, 2019, Statement.

¹³ September 6, 2019, email from Neil Jacobs and attachment, attached as appendix I.

Figure 3. NOAA Statement Timeline of Events

Times prefixed with ~ indicate approximations based on collected evidence. All times are represented in Eastern Daylight Time (EDT)



Objective, Findings, and Conclusions

On September 7, 2019, the Inspector General issued a memorandum to Dr. Neil Jacobs, the acting head of NOAA, to notify him that our office was opening a matter to examine the circumstances surrounding the Statement and instituting a preservation hold on relevant documents.¹⁴ Appendix A details the objective, scope, and methodology of this work.

Our findings are presented as a detailed Chronology and Analysis of (I) the events leading up to the Statement, (II) the issuance of the Statement, and (III) the aftermath of the Statement. Our conclusions follow, which in brief are:

- I. The Department Led a Flawed Process That Discounted NOAA Participation
- II. The Department Required NOAA to Issue a Statement That Did Not Further NOAA's or NWS's Interests
- III. The Department Failed to Account for the Public Safety Intent of the NWS Birmingham Tweet and the Distinction Between Physical Science and Social Science Messaging
- IV. One NOAA Employee Deleted Relevant Text Messages, and the Department's Federal Records Guidance Is Outdated

Findings—Chronology and Analysis

I. The Events Leading up to the September 6 Statement

A. *President Trump Announced That Alabama Would Likely Be Hit by Hurricane Dorian*

The National Security Council (NSC) conducted President Trump's regular briefings on Hurricane Dorian. NOAA does not send forecast products and information directly to President Trump. Rather, NOAA is required to send this information to the NSC. According to Dr. Jacobs, information sent to the NSC passed through multiple intermediaries before reaching the President.

Dr. Jacobs, however, participated in or attended three Presidential briefings on Hurricane Dorian, including a briefing with the President and Vice President in the Oval Office on Thursday, August 29, 2019, and, along with FEMA leadership, a video teleconference (VTC) briefing to President Trump on Saturday, August 31, 2019. According to Julie Roberts, who was then serving as NOAA's Director of Communications and Deputy Chief of Staff,¹⁵ no questions about Alabama arose during the Saturday briefing.

¹⁴ Inspector General memorandum to Dr. Neil Jacobs. September 7, 2019. *Request for Information Pursuant to the Inspector General Act of 1978, as Amended*. Available online at https://www.oig.doc.gov/OIGPublications/Memorandum_from_the_Inspector_General.pdf (accessed April 27, 2020).

¹⁵ These positions are political appointee positions, not career staff positions. Ms. Roberts moved to a position in another component of the Department in December 2019.

Then, on Sunday, September 1, 2019, at 10:51 a.m. EDT, President Trump tweeted:

In addition to Florida - South Carolina, North Carolina, Georgia, and Alabama, will most likely be hit (much) harder than anticipated. Looking like one of the largest hurricanes ever. Already category 5. BE CAREFUL! GOD BLESS EVERYONE!

A short time later on September 1, President Trump received a briefing from FEMA. Dr. Jacobs and Ms. Roberts went to FEMA headquarters for the briefing, although the director of the NHC gave the actual briefing to the President via VTC. Ms. Roberts told us that, given her focus on preparing for the briefing, she was “oblivious to a tweet that had gone out [from President Trump] or a tweet from [NWS] Birmingham at this point.”

President Trump spoke at FEMA at approximately 12:30 p.m. EDT on September 1. The transcript of the remarks released by the White House show that, in discussing Hurricane Dorian, President Trump stated:

And, I will say, the states—and it [Dorian] may get a little piece of a great place: It’s called Alabama. And Alabama could even be in for at least some very strong winds and something more than that, it could be. This just came up, unfortunately. It’s the size of—the storm that we’re talking about. So, for Alabama, just please be careful also.¹⁶

Dr. Jacobs and Ms. Roberts both stated that they first heard President Trump mention Alabama on Sunday and were “baffled.” According to Dr. Jacobs, during the briefing, the director of the NHC “actually tried to say . . . the model guidance has shifted more towards the east coast. . . . [T]he thinking now is that the track is going to go up.” Dr. Jacobs continued: “[T]hat was the first time when I was wondering why are we still talking about Alabama, you know? Even though some of the Hurricane Center guidance still had Alabama in the percent probability impact region, the actual center of the track was going to bust the coast.” He elaborated that “[w]hat [the NHC director] was trying to explain was the wind field and the storm is 300 miles across. So even if it stays east of Savannah, Alabama could still see some impacts. But I don’t think anyone at that point thought Alabama would get a direct hit.” Dr. Jacobs did not recall seeing the President’s tweet referencing Alabama but remembered getting emails about the tweet.

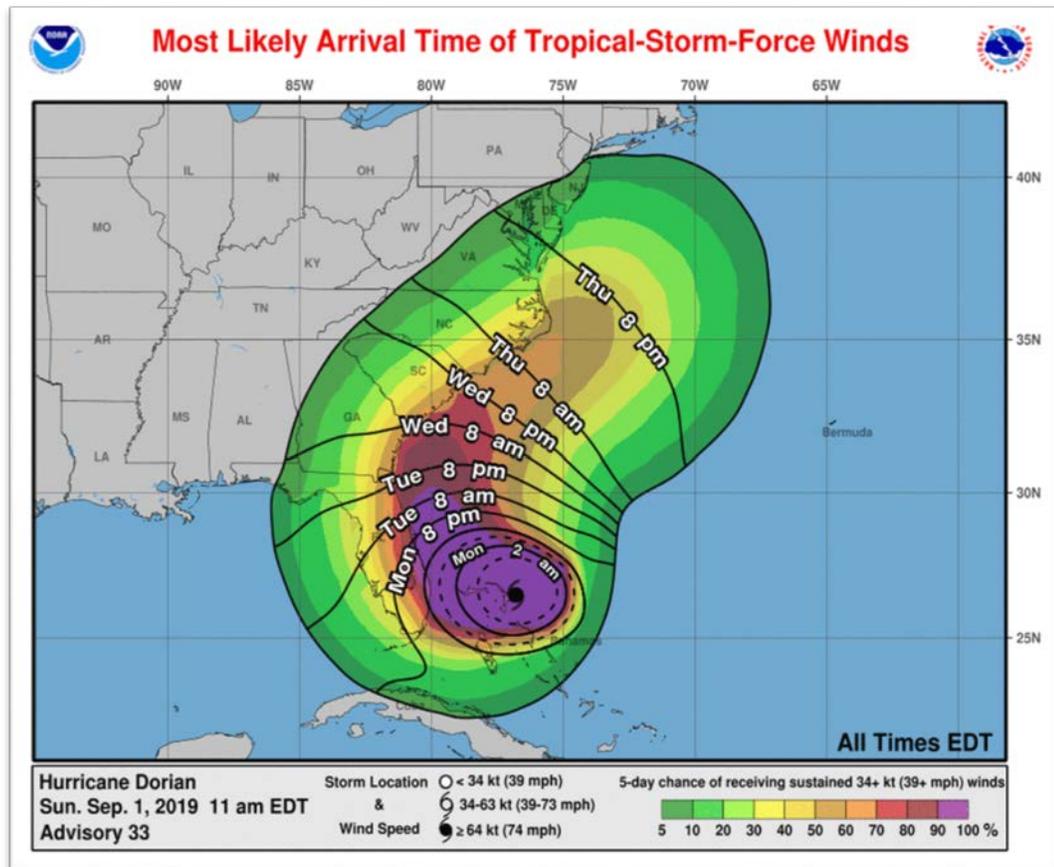
Ms. Roberts also described being surprised when the President mentioned Alabama on Sunday, September 1. She first realized the tweets could become a story around 2:30 or 3:00 p.m. EDT the afternoon of September 1.

After hearing the President’s remarks, Ms. Roberts and Dr. Jacobs tried to understand why President Trump would mention that Alabama was at risk from Hurricane Dorian. At 6:09 p.m. EDT on September 1, Ms. Roberts forwarded to Dr. Jacobs public relations response points that FEMA circulated in coordination with White House

¹⁶ The White House. *Remarks by President Trump in Briefing on Hurricane Dorian* [online]. <https://www.whitehouse.gov/briefings-statements/remarks-President-trump-briefing-hurricane-dorian/> (accessed April 27, 2020).

Communications. FEMA's response points stated that, if a party were asked about the President's remarks on Alabama impacts from Hurricane Dorian, that party should respond that, "[a]ccording to the National Hurricane Center's late morning update – released just prior to the President's briefing – a small portion of the southeast coast of Alabama could in fact see some tropical storm force wind and rainfall impacts as a result of Hurricane Dorian." FEMA's response points included a map showing "Most Likely Arrival Time of Tropical-Storm-Force Winds" issued at 11 a.m. EDT on September 1.¹⁷ Ms. Roberts wrote to Dr. Jacobs, "This [map] explains Alabama comment" (see figure 4 and appendix C).

Figure 4. Ms. Roberts September 1 Email Attachment to Dr. Jacobs



Source: From OIG collected emails

B. NWS Birmingham Responded to Alabama Residents' Questions About Hurricane Dorian

Meanwhile, on the morning of September 1, three experienced meteorologists worked a shift in the NWS Birmingham WFO beginning at 7:00 a.m. Central Daylight Time (CDT). Coming into that shift, the office had been involved with regular briefings with state officials regarding the potential impacts of Hurricane Dorian for the state of Alabama, because earlier models showed Dorian crossing Florida into the Gulf of

¹⁷ Tropical-storm-force winds are winds exceeding 39 miles per hour, up to 73 miles per hour.

Mexico toward Alabama. However, on Saturday, August 31, 2019, the State of Alabama discontinued these briefings because, according to one forecaster, “there was enough of a trend in the model data where . . . there [were] no impacts [on Alabama] and the state decided to kind of spin down.” This decision was consistent with information from the NHC about Hurricane Dorian. The State Coordination Group¹⁸ held its last official call on Saturday morning, August 31—because, by this time, the official forecast track had shifted even further east and north “with even the direct Florida landfall becoming less likely.” At this point, emergency managers and meteorologists were in agreement that Alabama was no longer in danger of a direct landfall.

On the morning of September 1, 2019, according to reviewed phone records, NWS Birmingham received six phone calls from the beginning of the 7:00 a.m. CDT shift until the office issued the tweet about Hurricane Dorian at 10:11 a.m. CDT (four of the calls came before the President’s tweet at 9:51 a.m. CDT), as well as at least one direct message on social media, from people inquiring about Hurricane Dorian hitting Alabama.¹⁹ According to one forecaster, it would not be unusual to receive six phone calls during the Sunday morning shift, but it would be unusual to receive that number of calls from people all asking the same question. In response to these inquiries, the forecaster who was responsible for social media that morning decided to tweet that Alabama would not be impacted by Hurricane Dorian. The forecaster also posted the same message on the NWS Birmingham Facebook page.

The three NWS Birmingham forecasters that worked that Sunday morning and the Meteorologist-in-Charge (MIC) all testified they were not aware of President Trump’s tweet at the time the office tweeted that Alabama would not see any impacts from Dorian. As one forecaster said, “we weren’t responding to anyone [specifically]. We were just saying that we weren’t going to be impacted.” We did not uncover any evidence that contradicts this testimony.²⁰ The forecasters first learned of the President’s tweet when they “started noticing just tons of feedback on social media” and specifically when a local broadcast meteorologist in Birmingham commented on the President’s message. In fact, as initial comments on Twitter came in, including a mention of the President, one forecaster recalled remarking to the other forecasters: “‘Why do

¹⁸ An NWS Birmingham meteorologist explained that State Coordination Group calls involve the Alabama Emergency Management Agency (EMA) and the Governor’s Cabinet.

¹⁹ According to an NWS Birmingham forecaster, the WFO in Mobile, AL, had also received questions about Hurricane Dorian that morning, and forecasters there were thinking of sending out a similar message. We learned that some emergency management partners of NWS Birmingham were also getting similar calls about Hurricane Dorian that morning, and local broadcast meteorologists confirmed to the Birmingham Meteorologist-in-Charge (MIC) that they received questions the morning of September 1 about Dorian hitting Alabama, including questions about evacuating family from the Gulf.

²⁰ Three forecasters testified that the NWS Birmingham office followed weather-related Twitter accounts, but did not follow political accounts, including President Trump’s Twitter account. This is consistent with testimony from a NOAA Communications employee, who dismissed the idea that weather forecasters would be following President Trump’s Twitter account on the job: “[T]here is not a forecaster just following [what appears on] TweetDeck. . . . [T]he Agency’s not built like that, it’s not savvy like that. . . . [T]hey’re pushing out forecast tweets and Facebook posts, but they’re not actively . . . monitoring what’s happening in the broader world.”

we have to make everything political?’ . . . because, you know, I didn’t know what was going on.”

According to testimony and the phone records provided, some inquiries—including four phone calls—about Hurricane Dorian came in before President Trump tweeted that Alabama (among other states) would be hit by Dorian, suggesting more generalized confusion about Hurricane Dorian as the forecast had shifted over the past few days. The Birmingham forecasters explained that “part of our job is to dispel rumors,” and the September 1 tweet was intended as a public safety message to dispel any rumor or misunderstanding that Hurricane Dorian was expected to hit the state of Alabama.²¹ The forecaster responsible for social media that morning elaborated that the tweet was both “reactive and proactive” The forecaster explained that the tweet

was in reaction to things that had happened that morning. [B]ut you know, we try to take it a step further. And then I thought, well, if there are some people with questions calling, there’s got to be a lot of people out there that have the same questions or concerns that aren’t contacting us. So it was proactive as well to try to kind of keep additional questions and things like that from coming into the office.

The forecaster elaborated that NWS Birmingham takes seriously its interactions with the public, and “we try to do a really good job of engaging and interacting with people, like answering questions. . . . [T]hat’s what we’re here for.”

Once the President’s and NWS Birmingham’s tweets were linked together in media accounts and on social media, however, the Birmingham forecasters notified the MIC and inquired how to handle the situation. The MIC initially suggested that the office forward press inquiries to him. He later sent an email to NWS Birmingham staff again instructing them to forward questions to him. He copied NWS Communications for their awareness and stated that NWS Birmingham had not been responding to President Trump’s tweet.

Later that day, NWS alerted all WFOs “to only stick with official NHC forecasts if questions arise from some national-level social media posts” and forward any incoming questions to NOAA Public Affairs. This email was prompted by an NWS official deciding that WFOs “[n]eed to keep [their] folks safe and out of the fray.” On September 1, a senior NWS official forwarded this email to Ms. Roberts who explained to us that NOAA asked NWS offices to send any questions about the tweets to NOAA Public Affairs “to help control the message,” not to restrict people from talking about science. Ms. Roberts testified that NOAA’s standard communications process had been followed, and she agreed that the decision for NOAA Communications to handle questions was made to protect NWS employees. Ms. Roberts also explained that directions to send questions up to NOAA Communications are generally (and in this

²¹ One reason that NWS forecasters consider it a part of their job to dispel rumors is because of potential negative impacts if an incorrect rumor takes hold, such as “people running paranoid” or NWS losing credibility, potentially affecting future situations when NWS needs people to take action based on a forecast.

case) “put out to try to take the pressure off of [WFO employees] so they can actually continue to do their jobs.”

On the afternoon of Sunday, September 1, NOAA Communications began responding to press inquiries about Hurricane Dorian affecting Alabama by providing NHC’s official forecasts and stating that the “current path of Dorian does not include Alabama.”

C. *Alabama Stayed In the News*

As media accounts continued to link the NWS Birmingham tweet with President Trump’s September 1 tweet referencing Alabama, NWS Birmingham meteorologists expressed frustration that they were unable to explain that they had not been responding to President Trump. NWS leadership knew on September 1 that NWS Birmingham had not been responding to President Trump. By September 2, 2019, NWS leadership had informed NOAA senior leadership that NWS Birmingham was not responding to or intentionally contradicting President Trump—it had sent its tweet in response to “anxious and panicked questions and calls” from “citizens and core partners.”²²

When asked why NOAA did not do more to clarify that NWS Birmingham had not been responding to President Trump on September 1, 2019, Ms. Roberts said that “[i]t’s a White House story; it’s not a NOAA story.” In addition, she said that “normally if you just don’t feed the media beast and all the misinformation, the story just goes away.” However, Ms. Roberts indicated that “in hindsight . . . we would have found a way to address that more directly.”

Ms. Roberts explained that NOAA Communications had tried to manage the story from September 1 through September 3, 2019, but then things “blew up” on September 4, 2019, when the President displayed a modified NOAA Hurricane Dorian cone plot.²³ Ms. Roberts noted that the story somewhat died off by Tuesday, September 3, but “people kept keeping it out there.” Between September 1, 2019, and the issuance of the Statement on September 6, 2019, President Trump sent 11 tweets related to Alabama being affected by Hurricane Dorian.

NOAA employees—including Ms. Roberts, Dr. Jacobs, and career Communications staff—gathered information to understand why President Trump had raised Alabama in the September 1, 2019, tweet and again in remarks he made at FEMA on September 1.

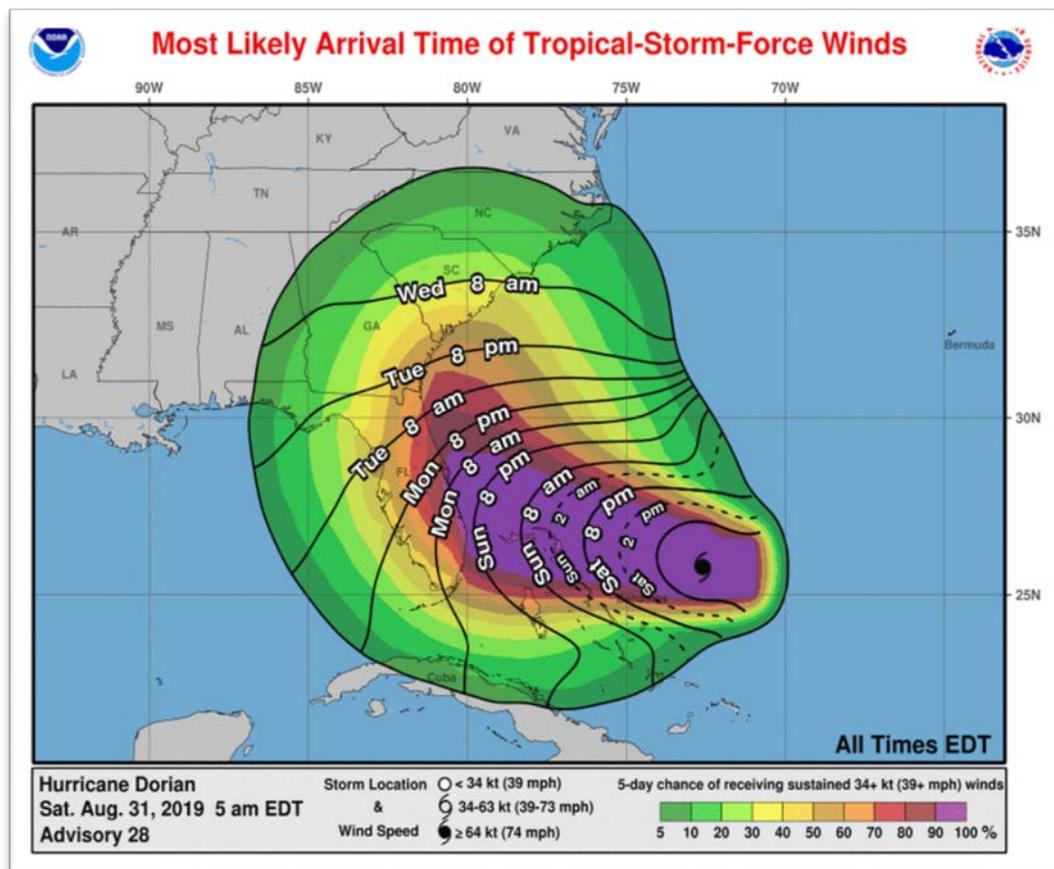
²² On September 2, a senior NWS official emailed this explanation to Ms. Roberts. The NWS official continued that “[the office] did not know what created the escalation [of questions and calls], but thought a message would be the best way to reach a large audience quickly. With the active tornado and flooding the state has had this past season, they knew that Alabama and Gulf Coast citizens were very on edge.” Dr. Jacobs and other NOAA employees were copied on this email.

²³ The cone plot contains the probable path of the storm center but does not show the size of the storm. The enlarged Hurricane Dorian cone plot was left at the White House on Thursday, August 29, 2019, when Dr. Jacobs provided a briefing on Hurricane Dorian to President Trump and Vice President Pence. According to Dr. Jacobs, the cone plot had not been modified with a marker when NOAA left it at the White House.

In addition, they prepared talking points and graphics for the NSC to explain what basis President Trump may have had for mentioning Alabama.

In the course of gathering this information, on September 3, 2019, Ms. Roberts emailed Dr. Jacobs a 5:00 a.m. EDT, August 31, 2019, version of the map showing “Most Likely Arrival Time of Tropical-Storm-Force Winds.” She noted that “[f]or a couple of days he [President Trump] was seeing where Alabama could be impacted with tropical storm force winds. Sent this to FEMA public affairs for distribution to the WH.” (See appendix D.) Dr. Jacobs explained that “we went through all of our different plots to see what could he have possibly seen that came out of NOAA that would have suggested Alabama. And the likely time of tropical storm force winds was the only plot . . . because the actual cone plot of the track never went into Alabama.”

Figure 5. Ms. Roberts September 3 Email Attachment to Dr. Jacobs



Source: OIG collected emails

After President Trump displayed the modified NOAA cone plot on September 4, 2019, Dr. Jacobs and Ms. Roberts exchanged several emails with NOAA Communications employees about the basis for the President’s comments on Hurricane Dorian and Alabama. At 3:10 p.m. EDT that day, Ms. Roberts emailed Dr. Jacobs a draft explanation for President Trump’s remarks to be sent to the NSC:

Early forecasts showed the potential of Hurricane Dorian crossing Florida and moving into the Gulf of Mexico where a second landfall along the upper Gulf Coast would have been possible. At that time, other graphics (such as the likelihood of tropical storm-force winds) included a large part of the Southeast U.S., including Alabama. As NOAA began collecting more data about the storm, subsequent updates to the forecast correctly showed Dorian's northward [turn] would occur earlier and spare Florida from a direct hit.

That afternoon, a NOAA Communications employee emailed this statement to the NSC, along with the graphic from 5:00 a.m. EDT on Saturday, August 31, 2019, showing "Most Likely Arrival Time of Tropical-Storm-Force Winds."²⁴ Dr. Jacobs forwarded the statement and graphic to NOAA's then-Chief of Staff the next day and explained the "Saturday 5am plot was what NSC showed him before the original tweet." Dr. Jacobs added that "[i]t is technically *true* that Alabama was included; however, the green shades are 5–20% chance of seeing >39 mph winds."

At 3:52 p.m. EDT on September 4, 2019, Dr. Jacobs emailed a member of the NSC who had been briefing President Trump about Hurricane Dorian, concerning what the President may have been referencing. In an email with the subject matter "AL plot (urgent)," Dr. Jacobs wrote "I believe this was the graphic that POTUS was referencing. It shows AL included in a small (5–20%) but non-zero chance to see winds exceeding 39 mph. If you need more info, feel free to call." (See appendix E.) In response, a member of the NSC inquired about whether Dr. Jacobs had a similar chart from Sunday morning or spaghetti plots²⁵ from the Oval Office briefing that occurred on Thursday, August 29 and said he was "[s]till trying to put to bed the Alabama/fake news issue." Dr. Jacobs responded that "[w]e don't produce spaghetti plots with our output because it generates confusion; however, many private sector companies do." He also provided links to all of NOAA's 5-day cone graphics, 5-day wind speed probabilities for winds greater than 39 mph, and all NHC plots. Dr. Jacobs noted that "[i]n the wind speed probability plot, you can see that Alabama *is* included from advisory #15 all the way to advisory #41. Granted, it never exceeded a 30% chance (light green)." The NSC contact replied that "[f]ront office says they have all they need now." (See appendix F.)

On Thursday, September 5, 2019, President Trump tweeted:

²⁴ NOAA Communications also began referring press inquiries to the White House after the modified NOAA cone plot was displayed.

²⁵ An NWS Birmingham meteorologist described a *spaghetti plot* as showing the track of every possible model run, in this case, for Hurricane Dorian.

Figure 6. President Trump September 5 Tweet

Source: Twitter

This tweet included a picture of the August 29, 2019, graphic of “Earliest Reasonable Arrival Time of Tropical-Storm-Force Winds.” Ms. Roberts forwarded a link to the tweet to Dr. Jacobs that afternoon, in an email with the subject line “New Tweet . . . w/NHC products from last Thursday/Friday.”

Shortly thereafter, Dr. Jacobs responded to an email from his contact at the NSC and stated: “I think what POTUS tweeted was good. It shows Alabama was within the non-zero probabilities of seeing tropical storm force winds. Even though the state was in the 5–20% range, which are very low odds, it was not zero.” He also added “[g]oing forward, if anyone needs clarification on the best ways to interpret our graphics, I’m available. Even our publicly available plots are meant for more trained meteorologists.” (See appendix F.)

Dr. Jacobs told us that his comment that “what POTUS tweeted was good” meant he thought the tweet “was fair” because “somebody showed [President Trump] our plots, which showed a five to 20 percent chance of impact. . . . So when he went out there and said Alabama could see impacts, he technically wasn’t wrong.” Dr. Jacobs qualified this explanation by noting that “[i]t’s not a five to 20 percent chance of a direct hit.” The evidence indicates that Dr. Jacobs repeatedly told the Department that the process by which information flowed through the NSC for the President’s briefings created the potential for error. As further illustrated by Dr. Jacobs, this potentially flawed process resulted in NOAA’s meteorological graphics and forecast products, “being shown to

someone who's not a meteorologist, by someone who's not a meteorologist." We note, however, that Dr. Jacobs himself participated in three briefings to the President.

Dr. Jacobs testified that a member of the NSC released a statement on September 5, 2019, of which he said: "NSC basically took the blame for the whole thing, and I thought, okay, fair enough. End of story." As described below, however, the Department and NOAA became more involved after this point.

II. September 5–6, 2019—The Drafting and Issuance of the September 6, 2019, Statement

The direct accounts of how and why the Statement was drafted vary significantly. This subsection recounts the varied perspectives of what occurred on the night of September 5, 2019, and on September 6, 2019. At a high level, we established that all the following events occurred:

- On September 5, 2019, at 9:21 p.m. EDT, Mr. Mulvaney emailed Secretary Ross after speaking to him on the phone. Mr. Mulvaney wrote that "[a]s it currently stands, it appears as if the NWS intentionally contradicted the President. And we need to know why. He wants either a correction or an explanation or both." (See appendix G.)
- On September 5, 2019, Secretary Ross called Dr. Jacobs and requested a timeline of events.
- During the morning of September 6, 2019 (Greece time), Secretary Ross tasked Michael Walsh, the Department's Chief of Staff and acting General Counsel, with this matter and also requested a timeline of events. Secretary Ross and Mr. Walsh were in Greece (and traveled later that day to Turkey) as a part of a Departmental travel delegation.
- Mr. Walsh started the task when he texted Dr. Jacobs, Ms. Roberts, and others starting at approximately 1:00 a.m. EDT (see appendix P) and then spoke with Ms. Roberts at approximately 2:30 a.m. EDT.
- During the morning (EDT) of September 6, 2019, Dr. Jacobs and Ms. Roberts met with David Dewhirst, the Department's then-acting Deputy General Counsel, at the Department's headquarters at the Herbert C. Hoover Building in Washington, DC. The Deputy Secretary's then-Chief of Staff and the then-Deputy General Counsel for Special Projects also participated in this meeting.²⁶ The September 6 Statement was drafted during this meeting. Other Department and NOAA employees went in and out of the meeting at various times.
- The team at Department headquarters that drafted the Statement spoke with Mr. Walsh and Secretary Ross at least twice—and the Department's then-Director of

²⁶ Mr. Dewhirst has since left the Department. The Deputy Secretary's then-Chief of Staff is now serving within another Department component, and the then-Deputy General Counsel for Special Projects—who was also performing the delegated duties of the Assistant Secretary for Legislative and Intergovernmental Affairs at this time—is also now serving in another Department component.

Policy, who was also a part of the travel delegation, was on one of these phone calls.²⁷

- Mr. Walsh and Mr. Mulvaney spoke during the afternoon of September 6 (EDT), and Mr. Mulvaney approved the approach of NOAA issuing a public statement about the NWS Birmingham tweet and Dorian forecasts as they related to Alabama.
- On September 6, 2019, at 3:15 p.m. EDT, Mr. Walsh forwarded to Mr. Mulvaney a copy of the final wording of the Statement, which he had received from Mr. Dewhurst, and wrote: “Per our discussion, please see the draft release below. We intend to issue at 4:00pm [sic]. Please feel free to call with any questions. Thanks.” (See appendix J.)
- Mr. Walsh texted Dr. Jacobs that the Secretary wanted the Statement out “now” and that Mr. Mulvaney did not object to the Statement. (See appendix P.)
- Dr. Jacobs informed certain senior NOAA officials (both political and career) of the Statement shortly before it was released, and Dr. Jacobs told some of them the Statement could not be changed without going to the highest levels at the White House.
- NOAA issued the unattributed Statement by sending it to a group of reporters who had been following the story, posting it on the NOAA public website, and tweeting it.

A. *The White House Involved Secretary Ross in the Alabama Story*

On Thursday, September 5, 2019, President Trump’s then-acting Chief of Staff, Mick Mulvaney, called Secretary Ross, who was in Greece on Departmental travel and thus recalled being awakened early in the morning on Friday, September 6, 2019 (Greece time).²⁸ According to Secretary Ross, during this call, Mr. Mulvaney described the President’s tweet referencing Alabama and the NWS Birmingham September 1, 2019, tweet, “and said they couldn’t understand why there was this discrepancy . . . and [asked] would I look into it and see what could be done to kind of close the gap?” Secretary Ross did not recall Mr. Mulvaney specifically asking for NOAA to issue a public statement in their call and told us that it struck him as “unusual” to have a “Presidential statement” (that is, the President’s tweet) that differed from a “NOAA statement” (that is, the NWS Birmingham tweet on September 1). Secretary Ross testified that he had not been familiar with this situation prior to the call from Mr. Mulvaney and remembered that the situation “totally blindsided” him.

Following this call, at 9:21 p.m. EDT, Mr. Mulvaney emailed Secretary Ross:²⁹

²⁷ The Department’s then-Director of Policy retired from the Department earlier this year.

²⁸ Later on September 6, the Department delegation traveled from Greece to Turkey. The delegation’s travel schedule thus affected their availability while the headquarters team worked on this matter on September 6.

²⁹ As discussed above in footnote 2, Mr. Mulvaney’s reference to a Saturday, August 31, 2019, tweet about Hurricane Dorian appears to be incorrect.

Figure 7. Mr. Mulvaney September 5 Email to Secretary Ross

From: Mick Mulvaney
To: Wilbur Ross
Date: Thu. 05 Sep 2019 21:21:01
Subject: Fwd: National Weather Service corrects Trump on Hurricane Dorian: 'Alabama will not see any impacts'

Wilbur: here is the issue: the NWS put this release out — ON SUNDAY — saying Alabama was not at risk.

I was with the President on Saturday when he put out the tweet about Alabama. And all the maps at that point included Alabama. So the question is: why would the NWS put this out on Sunday?

If they had, as you suggested, received inquiries from people in Alabama, it seems that the more appropriate response — on Sunday — would have been to say either 1) Alabama is at risk, though slight or 2) Alabama is no longer at risk (if more recent maps that they had that I haven't seen, showed that change).

As it currently stands, it appears as if the NWS intentionally contradicted the president. And we need to know why.

He wants either a correction or an explanation or both.

Hope this makes sense.

MM

Source: Mr. Mulvaney, email message to Wilbur Ross, September 5, 2019 (see appendix G)

Secretary Ross testified that he went back to sleep after speaking with Mr. Mulvaney and did not see this email until he woke up again later that morning on September 6, 2019. That morning, Secretary Ross spoke to Mr. Walsh, who was traveling with the

Secretary, and told him about the phone call. Secretary Ross tasked Mr. Walsh with finding out what had happened and specifically requested a timeline of events.³⁰

Mr. Walsh confirmed that the Secretary tasked him to work with NOAA leadership and “figure out what was the National Weather Service saying about impacts of Hurricane Dorian, generally, to Alabama in particular, when did they say them, who did they say them to?” Mr. Walsh became aware of Mr. Mulvaney’s involvement in this matter “[a]t some point between receiving the direction of the project and commencing the project.” He and NOAA leadership were also tasked with determining whether there was any point at which communications broke down between NOAA and the White House.

Secretary Ross told us that he received an explanation (although he did not specify from whom) for why NWS Birmingham sent its tweet, as well as an explanation for why President Trump referenced Hurricane Dorian hitting Alabama. First, he was told that “after the President made his communique [tweet], there were a lot of phone calls and panicky . . . communiques to the NWS in Birmingham,” which prompted NWS Birmingham’s tweet stating that Alabama would not be impacted by Dorian. In Mr. Mulvaney’s email to Secretary Ross, however, Mr. Mulvaney suggested that, if that had been the case, the NWS Birmingham should have taken different actions to respond “more appropriate[ly].” Second, Secretary Ross told us he was informed that NOAA and NWS did not communicate directly to the White House but rather through staff at the NSC. Secretary Ross called Mr. Mulvaney back to report this explanation about the NSC process. In response, Secretary Ross recalled that “Mulvaney said he was aware of that, but he didn’t think that was the explanation.” While Mr. Mulvaney had requested a “correction or an explanation or both,” the explanations that Secretary Ross provided did not appear to meet Mr. Mulvaney’s request fully, because the process of responding to Mr. Mulvaney’s request continued under the direction of Mr. Walsh.

B. Secretary Ross Called Dr. Jacobs for a Timeline

On Thursday evening (EDT), September 5, 2019, Secretary Ross called Dr. Jacobs, who remembered receiving the call when he was at home. During this call, Dr. Jacobs recalled that Secretary Ross requested a timeline of “who showed what and just have everything ready in case we need it.” Dr. Jacobs and Ms. Roberts spoke on the phone after Dr. Jacobs’s call with Secretary Ross. However, Dr. Jacobs’s recollection of the call with Secretary Ross varied significantly from Ms. Roberts’s recollection of what Dr. Jacobs told her about his call with Secretary Ross. The contradictory accounts from each demonstrate their different understandings of the nature of Secretary Ross’s call with Dr. Jacobs:

- In discussing the call, Dr. Jacobs testified that “when I talked to [the Secretary] he wasn’t mad at all. He wasn’t even upset; he just wanted to know what was going on. . . . And I didn’t really think anything would come of it, but he said put

³⁰ Mr. Walsh stated that Secretary Ross did not share this email with Mr. Walsh on the morning of September 6, 2019, and that he in fact had not seen this email from Mr. Mulvaney prior to his interviews with us.

together a timeline. So I started doing that. And then I think the next time I heard anything [about the Secretary’s request] was like Friday morning. I turned my ringer off when I go to sleep and I guess they tried to call me Thursday night.”

- In contrast, Ms. Roberts testified that Dr. Jacobs called her at about 9:00 or 10:00 p.m. EDT on September 5, after Secretary Ross had called him. She described Dr. Jacobs as having a “sense of concern, urgency in his voice.” He reportedly told her that he had just gotten a call from Secretary Ross, who had received a call from Mr. Mulvaney asking about the “Alabama situation,” and the Secretary wanted a timeline to understand what was going on. Ms. Roberts continued that “there was something in Neil’s voice, and I don’t know if the Secretary said it, but Neil definitely felt like his job or somebody’s job could be on the line.” When asked about this phone call in a second interview, Ms. Roberts admitted that she was not sure that “he actually said, oh, I think my job is on the line, I just, I think he felt more of like there could be something more” to it. She explained that “I don’t know that he even explicitly said that he felt like his job was on the line or it was just kind of this like tone and . . . sense of angst in his voice.”³¹

After hearing from Dr. Jacobs, Ms. Roberts said that she then called the then-Chief of Staff to the Deputy Secretary, telling him that the Secretary wanted them to gather information and that “Neil feels like maybe his job’s on the line.” According to Ms. Roberts, she and the Deputy Secretary’s then-Chief of Staff then planned to meet the next day, along with Dr. Jacobs and the Deputy Secretary to figure out what was going on. The Deputy Secretary’s then-Chief of Staff did not remember this specific call, but did say that Ms. Roberts may have called him given the amount of communication he had from her.

C. *Overnight Communications Continued*

Dr. Jacobs recalled that, after he turned his ringer off on September 5, “things went crazy in the middle of the night” before the Statement was drafted on September 6. Specifically—after Mr. Mulvaney contacted Secretary Ross, who in turn tasked Mr. Walsh with the “Alabama situation”³²—Mr. Walsh began a flurry of

“ . . . things went crazy in the middle of the night ”

Dr. Neil Jacobs, describing the events that transpired before the Statement was drafted

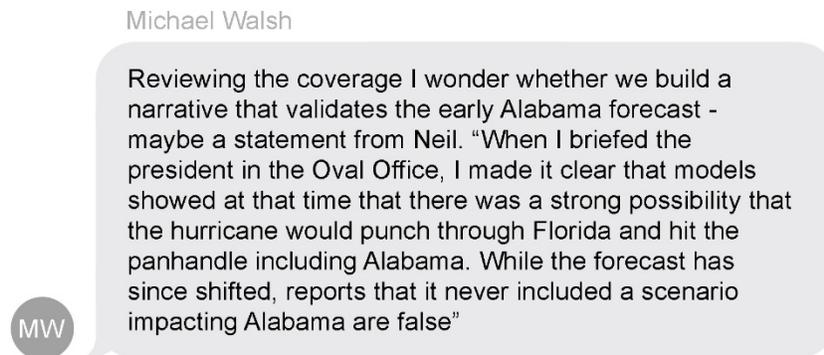
³¹ Ms. Roberts’s testimony on this point, in two interviews with us, is contradictory to her interview statements in NOAA’s Scientific Integrity inquiry—in which she said that, after Dr. Jacobs spoke with Secretary Ross, he was not “concerned” but “knew that we kind of needed to figure out what was going on.” Ms. Roberts’s interview in NOAA’s Scientific Integrity inquiry occurred 12 days before her first interview for our work.

³² Ms. Roberts referred to this matter as the “Alabama situation” during her interview, and we use this phrase in several places to refer to these circumstances.

communications to Dr. Jacobs, Ms. Roberts, and senior Departmental officials.

At 1:08 a.m. EDT on Friday, September 6, 2019, Mr. Walsh texted Ms. Roberts and Dr. Jacobs that Secretary Ross “wants a chronology of who said what about Alabama from first briefing to the last. I thought you took Alabama out of play at the Sunday fema [sic] briefing but swr [Secretary Wilbur Ross] says you told him that Alabama was still in play then.” He continued:

Figure 8. Mr. Walsh September 6 Text Message



Source: OIG-created graphic based on collected text messages. (See appendix P.)

Then, a little before 2:30 a.m. EDT, a Departmental staff member tried to call Dr. Jacobs, who did not answer his phone, and then immediately called Ms. Roberts. After the staff member told her that the Secretary needed to speak to Dr. Jacobs, who had not answered his phone, Ms. Roberts tried to call Dr. Jacobs from her personal phone to see whether he would answer. When Dr. Jacobs again did not answer, the staff member placed Mr. Walsh on the phone to speak with Ms. Roberts. Mr. Walsh and Ms. Roberts recall significantly different conversations. Their contradictory accounts are described below.

According to Ms. Roberts, Mr. Walsh told her he needed to understand “what’s going on with the Alabama tweet.” When Ms. Roberts responded that she and Dr. Jacobs would figure out what happened first thing when she got up in the morning, Mr. Walsh reportedly said he needed the information “before the White House is awake in the morning,” creating a sense of urgency around the request. Ms. Roberts also testified that Mr. Walsh told her that “there are jobs on the line. It could be the forecast office in Birmingham. Or it could be someone higher than that. And the higher is less palatable.”

In contrast, Mr. Walsh recalled telling Ms. Roberts that he wanted a chronology of what happened and what NWS had said about Alabama. He did not recall whether he shared that the NWS Birmingham tweet was a part of the matter at that point. Mr. Walsh did recall “having to repeat myself. . . . I think it was just – it took a while to – took a while to make clear that we just really needed the chronology. I didn’t need any commentary on top. Just the facts. . . . I remember that being the theme, we need the facts. We need the facts. We need the facts.” Mr. Walsh testified that he did not tell Ms. Roberts or anyone else that jobs were on the line.

In response to Mr. Walsh's request, Ms. Roberts prepared and emailed him a document at 3:48 a.m. EDT, providing some background and a chronology of events related to the tweets.³³ She also responded to his text message sent to her and Dr. Jacobs at 3:14 a.m. EDT:

Figure 9. Ms. Roberts September 6 Text Message³⁴

Julie Roberts

We did not tell [the President] Alabama was in play on Sunday. Neil, [the NHC Director] and I along with FEMA were all surprised he brought up AL in the opening statement. That did not appear to be written he seems to have added it. The four governors were in the room that were in the impact area at the time.

JR

If you can review the information and see if that helps explain the order. I can have Neil draft a statement on what was discussed that Thursday in the Oval Office.

Source: OIG-created graphic based on collected text messages. (See appendix P.)

Dr. Jacobs first saw these texts when he woke up on the morning of September 6, 2019, and his "anxiety level went through the roof." Upon seeing Mr. Walsh's suggested statement, he thought, "oh, you know, that doesn't sound like something I want my name on."

That morning, Dr. Jacobs joined a lengthier text message exchange that Mr. Walsh started that also included Ms. Roberts, the Department's then-Director of Public Affairs, and the Department's then-Press Secretary.³⁵ Mr. Walsh started this chain with the same texts, explaining Secretary Ross's request for information and offering a sample statement from Dr. Jacobs. Mr. Walsh also stated that "[b]ased on this chronology it appears that NWS Birmingham's 11:11 Sunday tweet about NO IMPACT was not consistent with the public forecast at the time."

³³ The chronology is attached as appendix H.

³⁴ In an interview, Ms. Roberts asserted that her texts referring to a statement meant putting together a "holding statement" for future press inquiries, an explanation that seems inconsistent with the context of the text conversation. Ms. Roberts admitted to deleting these texts from her government mobile phone, an issue discussed in more detail in section III.

³⁵ The Department's then-Director of Public Affairs and then-Press Secretary currently work in the private sector.

Dr. Jacobs, however, explained the forecasts and circumstances by which the President was briefed—and seemingly pushed back on the notion that NWS Birmingham had acted incorrectly. He sent several pictures of the track cone from Saturday and Sunday and noted that “AL was never in the track cone. . . . AL was in the percent probability of seeing tropical storm force winds.” Dr. Jacobs continued that “[t]his is really NSC not keeping him up to date. We sent NSC the latest updates as they come out.” Further, “[President Trump] did have old information. I had been directly updating [NOAA’s contact at the NSC]. Never mentioned Alabama.” He further continued that “[i]t’s literally impossible for them not to have the updated information unless they’re all in a [SCIF]³⁶ somewhere. . . . NSC needs to stop trying to translate our plots for us. Nobody here would have said that AL was going to have impacts with a 15% chance of seeing 39 mph winds. That’s just a windy day even if it was 100% chance.”³⁷

“NSC needs to stop trying to translate our plots for us. Nobody here would have said that AL was going to have impacts with a 15% chance of seeing 39 mph winds. That’s just a windy day even if it was 100% chance.”

Dr. Neil Jacobs, describing the circumstances by which the President was briefed

In subsequent texts, Dr. Jacobs and Mr. Walsh discussed the “flawed process” by which the President is briefed as the “top line story.”³⁸ Dr. Jacobs continued, “[t]hat’s the exact and only story. NSC should not be translating our plots to him. And they should also make sure he has the most up to date info. And should not be using non nws [sic] guidance from other sources. . . . If anything needs explaining it should be me doing it. And most of our plots do need explaining. . . . Forecasts can change on a dime which is why we do 3 hour intervals with hourly updates.” In the midst of this explanation, Mr. Walsh interjected “Perfect.”

At this point, the then-Director of Public Affairs texted: “I think we are on the backside of the wave . . . on this even if we had a better angle.” She continued that “best case we show that he [President Trump] was making public statements about old info when the up to date info was already publicly available. . . . [W]e can make it wors[e] here by accident.” The then-Director of Public Affairs later agreed in her interview that the Department was no longer receiving many inquiries from news outlets at that point—and that the Statement was “responding . . . to a question that no one’s asked.” She confirmed that “[l]eft to my own devices,” she would have counseled the Department

³⁶ SCIF stands for Sensitive Compartmented Information Facility.

³⁷ This is consistent with one NWS Birmingham forecaster’s testimony that “[w]orst-case scenario, you might get a wind gust of 30 miles an hour, and on any given day, you could. [W]ith any kind of storm in the summertime, you’re going to get a wind gust of 30, 35 miles an hour.”

³⁸ This process is outside of NOAA’s and the Department’s control, as well as outside of our jurisdiction. NOAA has reportedly engaged NSC contacts on this issue to avoid a repeat scenario and ensure that NOAA’s forecast products are adequately explained.

and NOAA not to issue the Statement. However, on September 6, 2019, the then-Director of Public Affairs traveled to Turkey and joined the travel delegation late that day after NOAA issued the Statement. She thus had limited involvement with drafting and issuance of the Statement.

Mr. Walsh told us that he began “[m]aking sure other folks in leadership roles at the Department of Commerce who are in the United States know that NOAA is doing this particular task, so that if, due to the time difference, they can’t get ahold of me, there’s other senior figures available to go to for guidance.” He contacted Mr. Dewhirst, the then-Deputy General Counsel for Special Projects, the Deputy Secretary’s then-Chief of Staff, the then-Director of Public Affairs, and the then-Press Secretary. He also had a one-on-one conversation with the Deputy Secretary that morning, in which he conveyed that the White House wanted something done, and the Deputy Secretary understood that this was a time-sensitive matter. Phone records also indicate that Mr. Walsh had short calls with Dr. Jacobs the morning of September 6, 2019. Mr. Walsh wanted to “tell everybody first hand” because “information gets distorted if it doesn’t . . . flow in a top-down manner sometimes.” Mr. Walsh, however, expected to be consulted on “any major decisions.” When asked whether he had said anything to Ms. Roberts, Dr. Jacobs, or anybody else about losing jobs, Mr. Walsh responded: “Absolutely not.” He elaborated that he hoped no one got the idea that people could lose their jobs from him “because that is not what I was looking to convey.”

D. The Goal of Creating a Timeline Shifted to Drafting a Public Statement

On the morning of September 6, Dr. Jacobs and Ms. Roberts convened with others in a conference room on the 5th floor of the Department’s headquarters, at the Herbert C. Hoover Building in Washington, DC. In this meeting, the Department and NOAA finalized the Statement. The space in which the group met is secured space occupied by senior political leadership at the Department, and is not within NOAA’s space.³⁹ The core group included Dr. Jacobs, Ms. Roberts, and Mr. Dewhirst, along with the then-Deputy General Counsel for Special Projects, and the Deputy Secretary’s then-Chief of Staff. The Department’s then-Press Secretary, the Deputy Secretary, and two career NOAA Communications staff members came in and out of the conference room, and others may have also left the room at times. Dr. Jacobs and Ms. Roberts were the only NOAA employees consistently in the room. Dr. Jacobs had been scheduled to spend the day at FEMA’s National Response Coordination Center (NRCC) in coordination with work related to Hurricane Dorian. His NOAA leadership team, other than Ms. Roberts, did not know he had been pulled into a conference room with Department senior leadership to instead deal with the “Alabama situation.”

One absence from the room that some at NOAA later noted as conspicuous was NOAA’s then-Chief of Staff.⁴⁰ In explaining why he did not contact anyone other than

³⁹ Dr. Jacobs recalled that Ms. Roberts specifically “asked if the DOC people could meet down by DOC instead of where our offices normally are” and that she seemed “apprehensive” about telling many people that they were going to the Department.

⁴⁰ NOAA’s then-Chief of Staff currently works in another component of the executive branch.

Ms. Roberts on the NOAA political leadership team, Dr. Jacobs said that “I certainly could have called them up, but I really viewed this as sort of a DOC led process. I mean, the whole thing Thursday, basically was, you know, came from DOC, that wasn’t, that wasn’t NOAA’s idea.”⁴¹ However, he also said he felt “isolated” and that “in retrospect I should have said we need to loop in [the then-Chief of Staff].”⁴²

We interviewed each person who was in the conference room, and each person on the travel team who was on a call with that group, while the Statement was drafted. Each person gave a different account (to varying degrees) of how the Statement was conceived of and drafted. Participants consistently stated, however, the meeting began with the original task of trying to figure out a timeline and what had happened with respect to the NWS Birmingham tweet and the President’s communications about Alabama. According to Mr. Dewhirst, the team “wanted to basically confirm our understanding that NOAA had provided all the right information” to the White House.

There is a consensus that the headquarters team who drafted the Statement included Dr. Jacobs, Ms. Roberts, and Mr. Dewhirst, as well as the Deputy Secretary’s then-Chief of Staff and the then-Deputy General Counsel for Special Projects. They began the morning spread out around a large table, focused on separate tasks. Dr. Jacobs was on his computer, reviewing advisories, then reviewing print-outs of advisories. Ms. Roberts was compiling weather advisories into a large document for the Deputy Secretary. The Deputy Secretary’s then-Chief of Staff observed Ms. Roberts’s work product and began drafting a table with key information to “whittl[e] down what [Ms. Roberts] had been doing . . . into something that was a little bit more . . . digestible.” The Deputy Secretary wanted this key information because the team reportedly did not have enough facts and data “to answer all the questions” when she first met with them on the morning of September 6—and she advised them that “you got to make sure you’ve got full facts before you decide, you know, how to handle this thing.”

The headquarters team had two phone calls with the Secretary’s travel team on Mr. Dewhirst’s government mobile phone.⁴³ According to some, during the first call, the team discussed what deliverable to provide to the travel team—and it was during this

⁴¹ Dr. Jacobs explained that “the whole thing Thursday” meant “the middle of the night calls, the ‘you better get a statement out,’ all that stuff.”

⁴² Ms. Roberts apparently objected to including NOAA’s then-Chief of Staff—but, according to Dr. Jacobs, had requested not to include him “on almost every decision for the past year and a half.” The personnel and personal issues within NOAA’s political leadership team are outside the scope of our work on this matter. However, it appears that this background issue bled into how NOAA was represented in dealing with the Department on September 6, 2019.

⁴³ Mr. Dewhirst testified that they “had a phone call or two with the team who was in Europe . . . that morning” and that Mr. Walsh probably called him. Mr. Dewhirst did not remember whether he talked to Mr. Walsh again that day after the group calls. In fact, Mr. Dewhirst’s government mobile phone records show that between 11:36 p.m. EDT on September 5, 2019, and 6:29 p.m. EDT on September 6, 2019, the government phones assigned to Mr. Walsh and Mr. Dewhirst sent or received calls from each other 11 times for a total of 81 minutes, including 5 calls totaling 49 minutes between 11:15 a.m. EDT and 1:06 p.m. EDT, on September 6.

call that the team’s goal shifted from creating a timeline to drafting a public statement.⁴⁴ Mr. Walsh recalled that “a larger group conferred, Department leadership, NOAA leadership. . . . [T]here was a call and it’s my recollection that we came to the conclusion that something needed to be said to clarify that this [NWS Birmingham tweet] was somewhat imprecise.” But Dr. Jacobs and Ms. Roberts said they were unaware of a statement until they first saw a draft on Mr. Dewhirst’s iPad. Most participants we interviewed could not or would not pinpoint what caused this shift, who raised the idea of NOAA issuing a statement, or who made the decision to move forward with work on a public statement.⁴⁵ However, Secretary Ross recalled that he asked, “through Mike [Walsh],” for the team or Dr. Jacobs “to work on something, some sort of statement that we could give either [to the] public or to the White House or to someone . . . explaining what happened. And ultimately, there was the little statement . . . read to me . . . over the phone.” But, when we asked directly, Secretary Ross denied that he gave Mr. Walsh an instruction to put out a statement. Rather, Secretary Ross recalled that they needed a way “to close the gap” between the NWS Birmingham tweet and the President’s statements.

The team worked through iterations of a draft statement once this became its focus. All participants’ testimony, including Mr. Dewhirst’s, was in agreement that Mr. Dewhirst was responsible for the physical typing of various versions of the Statement on his iPad. Testimony varies greatly, however, on the exact role and influence Mr. Dewhirst had in drafting the statement. According to Mr. Dewhirst, he was merely a “scrivener” and a “facilitator” who was just “taking the inputs from the folks in the room,” and would take issue with saying that he “drafted” this statement. He said that Dr. Jacobs contributed the most to the statement and that, “I don’t think anybody has suggested that, you know, we didn’t work together on this. But I will say that it was NOAA, it was NOAA’s language, it was Neil’s language. It’s the final version that was made public.” Rather, Mr. Dewhirst was “just happy to facilitate” and, when asked what he and the other Department officials provided in terms of offering input, he replied “I don’t know.”

Mr. Dewhirst said that everybody in the room “absolutely” contributed to the wording of the Statement. However, based on others’ testimony, the significance or substance of some participants’ contributions were minimal compared to Mr. Dewhirst’s. For example, one participant simply recalled adding dashes to the phrase “tropical-storm-force winds.” Another participant remembered asking to change one word, while a third participant did not recall any specific inputs he made to drafts of the Statement. And—while Mr. Dewhirst described two NOAA Communications employees as providing feedback on the statement—one of those employees said that, when they were in the room, “[t]his was not an editing process, it [the Statement] was just read out loud.” Dr.

⁴⁴ As facts were gathered, Mr. Walsh recalled that what he thought would be the “worst case scenario”—discovery that NOAA had failed to provide up-to-date information to the White House about Hurricane Dorian, and specifically whether Alabama was in the “impact zone”—“did not come to pass.”

⁴⁵ A public press release was not the only option discussed. According to Dr. Jacobs, at one point “they” wanted us to tweet back, “not a statement, but a tweet.” He recalled that this idea arose during discussion with Departmental officials, but he did not know where the idea originated.

Jacobs agreed with Mr. Dewhirst that everyone in the room had input in the Statement, but he disagreed that Mr. Dewhirst was merely taking dictation.

Several others described Mr. Dewhirst as having a central role in the substantive drafting of the Statement. When the Deputy Secretary's then-Chief of Staff was asked whether Mr. Dewhirst just sat down and started working on a statement, he replied "He – yes." When asked who worked on the Statement, Ms. Roberts similarly answered: "David Dewhirst. And then, I mean, I think at some point like [the then-Deputy General Counsel for Special Projects] and others were looking at it. But it was mainly David that was working on the statement." Ms. Roberts testified that she did not know when Mr. Dewhirst started drafting it or who directed him to do so. In addition, she recalled that Dr. Jacobs "was not instructing Mr. Dewhirst" while Mr. Dewhirst was drafting. Another participant described Mr. Dewhirst as the "center of gravity" in the room.

Dr. Jacobs testified that there were different versions of the Statement. The first version he saw on Mr. Dewhirst's iPad "wasn't scientifically or technically correct and it was a lot more kind of inflammatory, just ripping [NWS] Birmingham." Dr. Jacobs was not sure who had drafted the first version of the Statement he saw in the conference room.⁴⁶ In describing his role, Dr. Jacobs stated that he "really tried to make it a scientifically accurate statement, which [it] was ultimately, and put a link to the Hurricane Center plots and explaining them, so that was the first paragraph."

Mr. Dewhirst also described the Statement as taking "several different forms" and said that "the wording definitely changed considerably from sort of the first, the first blush to the final." But Mr. Dewhirst also said that he did not recall the precise wordings of previous versions and that they were not "substantially different in character." Because Mr. Dewhirst drafted the Statement in the Notes application on his iPad, and did not save any different versions while drafting, there are no records of earlier versions of the Statement. In addition, Mr. Dewhirst only emailed the final wording of the Statement to Mr. Walsh for his and the White House's review. The lack of preserved versions of the Statement makes it impossible to corroborate, or reconcile discrepancies in, testimonies about the drafting process.

E. Why Was NWS Birmingham Rebuked?

In our interviews, two different storylines—a NOAA version and a Department version—emerged with respect to the inclusion of the line in the Statement that rebuked NWS Birmingham by stating that the "Birmingham National Weather Service's Sunday morning tweet spoke in absolute terms that were inconsistent with probabilities from the best forecast products available at the time."

⁴⁶ The wording of the possible statement that Mr. Walsh texted to Dr. Jacobs and Ms. Roberts in the early morning of September 6 was not the more inflammatory version of a statement that Dr. Jacobs remembered first seeing in the conference room later that morning.

According to the NOAA version, the Department required the inclusion of the line criticizing the NWS Birmingham tweet. Dr. Jacobs testified that at least three or four people (himself, Ms. Roberts, and one or two NOAA Communications employees) objected to the inclusion of the line calling out NWS Birmingham for its tweet.⁴⁷ But, during a call with the travel team, “we were basically overruled and [someone] said Birmingham’s got to stay in there.” Dr. Jacobs specified that he thought that it was someone in the travel delegation who overruled the objection to the sentence calling out NWS Birmingham. Ms. Roberts concurred that she and Dr. Jacobs “definitely pushed back on . . . that part of the statement,” as did the career NOAA Communications employees when the two of them were briefly in the conference room at the same time. Ms. Roberts “remember[ed] being specifically told, and I believe it was by Dave Dewhirst, I think it was Dave, that if the Birmingham part didn’t stay in, it wouldn’t meet the need. Whatever that meant.” Similarly, one NOAA Communications employee recalled that, after he asked whether the NWS Birmingham line could come out, Mr. Dewhirst turned to him and said “I don’t think so. . . . [S]ome part of that is going to stay.” The other NOAA Communications employee recalled that the two of them, after hearing the Statement, said “we can’t be naming these folks” and “what’s the point of the statement?” He did not, however, recall a response to the concerns they voiced. He said that “we weren’t necessarily asked for comment or in any way edited the document, but we raised concern over explicitly mentioning” the Birmingham office.

In Dr. Jacobs’s view, the line about the NWS Birmingham tweet was not technically wrong, but “it was just a bad idea.” That is, “impugning them for doing what they thought was the right thing was the wrong thing to do.” Furthermore, “we don’t want to point fingers, we don’t want to act like we are questioning credibility because it was a knee-jerk tweet that they were just trying to calm the public down. They weren’t sitting around thinking like how would this pass the peer review scientific paper process. They were thinking I got to send a tweet out in ten seconds, my phone is ringing off the hook.” During testimony, Dr. Jacobs pointed out that others, possibly other forecast offices, sent out tweets about Hurricane Dorian similar to Birmingham’s September 1 tweet and were not called out the way NWS Birmingham was.

Dr. Jacobs relied on the September 1 NHC maps showing “Tropical-Storm-Force Wind Speed Probabilities” as support for the technical and scientific accuracy of the sentence in the Statement that called out the NWS Birmingham tweet as “inconsistent with probabilities from the best forecast products available at the time.” The NHC maps

⁴⁷ The Deputy Secretary’s then-Chief of Staff testified that he did not recall seeing the draft of the Statement when it included this line because he left the conference room earlier than others. We note, however, that one NOAA Communications employee described the Deputy Secretary’s then-Chief of Staff as present in the room when the NOAA Communications employees heard a draft of the Statement that included this line. The Deputy Secretary’s then-Chief of Staff said it was “certainly” not his idea to include the line, “because . . . I don’t have a confrontational demeanor” and would not naturally come up with that statement on his own. According to Dr. Jacobs, the Deputy Secretary commented that she did not think it was “a good idea . . . to call out Birmingham specifically.” She agreed it was possible that she made this comment, but she did not specifically recall having done so. In addition, she did not read the final Statement with that line until after it had been issued, when nothing could be done.

from that morning showed that a small piece of Alabama had a 5–10 percent chance of having tropical-storm-force winds (displayed in figure 10).

Figure 10. Hurricane Dorian September 1, 2019, Tropical-Storm-Force Wind Speed Probabilities



Source: NHC Hurricane Dorian Graphics Archive (www.nhc.noaa.gov)

Because this chance of tropical-storm-force winds was a non-zero percent probability of tropical-storm-force winds, it was inconsistent with NWS Birmingham’s September 1, 2019, tweet stating that Alabama would not see “any” impacts from Hurricane Dorian. As Dr. Jacobs noted, however, this is “splitting hairs over a technicality that no one in the Birmingham office was actually really thinking about when their phone was ringing off the hook.” Further, “these forecast offices tweet stuff similar to this out all of the time, you know. I mean, as a scientist, I cringe a little bit on the technical aspect of it, but no one cares. They’re doing their job. They’re warning the public.”

In contrast, according to the Department version, no one objected to the line referencing the NWS Birmingham tweet. Specifically, Mr. Dewhirst, Mr. Walsh, the Department's then-Press Secretary, the then-Deputy General Counsel for Special Projects, and Secretary Ross did not recall any objection to the line referencing the NWS Birmingham tweet.⁴⁸ Rather, from the Department's perspective, the very purpose of the statement was to correct or to clarify the NWS Birmingham tweet.⁴⁹

According to Mr. Dewhirst, "I think what we laid out is we looked back . . . and we looked at the timeline, and then we looked at the tweets. . . . And it appeared to everyone that the Alabama tweet was maybe a little overstrident in its language. And you know, how were we going to address that." He concluded that "the Birmingham office got that one wrong." The Department's then-Director of Policy, who was traveling with Secretary Ross and participated in one call about the Statement, opined that "the President wasn't wrong, and Birmingham wasn't wrong. They were ships passing in the night." But the statement needed to "tilt" slightly against NWS Birmingham to counteract "the press folks" who have tilted the story "against the President." "[I]n a perfectly neutral world . . . we never would have had to put that statement out."

"[T]he President wasn't wrong, and Birmingham wasn't wrong. They were ships passing in the night."

The Department's then-Director of Policy, opining on the seemingly contradictory statements

Dr. Jacobs said that he suggested including language to focus on "what a great job the forecasters have done with the storm" to end the statement on "a good note." But "all those ideas, you know, [of] ending on a good note were shot down." He thought that his idea may have been overruled in the conference room, perhaps by Mr. Dewhirst. Dr. Jacobs noted that, even though he technically outranked Mr. Dewhirst, "I might have at the time thought he was conveying a message from the Secretary or Walsh." But "[t]here was no logical reason for Birmingham to be called out independently and there didn't seem to be a logical reason not to say great job, team."

The participants also disagree as to the level of the involvement of NWS and the NWS Birmingham office in the drafting of the Statement. The Deputy Secretary, who visited the conference room twice on September 6, said that she had wanted the Statement, after it was finalized, to be "run through career and political leadership" and that this was to be a "collaborative process." She expected that the Statement would be provided to them "[t]o get their reaction, to get their buy-in, and so they know what's going on, so you've got communication." Mr. Walsh similarly thought that the "various NOAA constituencies" were comfortable with the Statement as drafted. Mr. Walsh recalled that, among other questions asked during the calls with the headquarters team, he and Secretary Ross inquired what the meteorologists in Birmingham would say about

⁴⁸ According to Ms. Roberts, if someone testified that no one objected to the line about the NWS Birmingham tweet, "[t]hey were lying, or they weren't in the room."

⁴⁹ The then-Deputy General Counsel for Special Projects, however, testified that he did not know what the purpose of the Statement was.

the Statement as drafted. Secretary Ross also either assumed or understood that the Statement “went through the normal NOAA statement issuance process,” which Secretary Ross thought included going through NOAA’s Office of General Counsel. However, the Statement did not go through a review process within NOAA and NOAA’s General Counsel, who told us he was out of the office on September 6, was never involved in the drafting, review, or issuance of the Statement.

Dr. Jacobs and Ms. Roberts said that they were never asked to consult with these parties during the drafting process, and they did not voluntarily do so. A NOAA Communications employee contacted NWS Birmingham that morning, but only to clarify the timing of the September 1, 2019, social media posts. Dr. Jacobs stated that he raised the idea of contacting the head of NWS to give him notice of the Statement before it was issued. Shortly before the Statement was issued, Dr. Jacobs spoke with NOAA’s then-Chief of Staff, who recalled advising Dr. Jacobs during that call to give notice to the head of NWS about the issuance of the Statement. The head of NWS, however, was not given the opportunity to provide input on the Statement. The Birmingham MIC also confirmed that he “had no input whatsoever” into the Statement.

In discussing the line in the Statement that rebuked NWS Birmingham, the office’s forecasters disagreed that their September 1 tweet was “inconsistent with probabilities from the best forecast products available at the time.” One forecaster said that, looking at NWS Birmingham’s actual forecast, “our grids and things like that,” the forecaster could tell from what the NHC had published that their central Alabama forecast area would not see any impacts from Hurricane Dorian. Another forecaster pointed out that NWS Birmingham was not “advertising any threat to Alabama” on September 1 in the “hazardous weather outlook,” a product that emergency managers and other decision makers use to plan ahead. This forecaster explained that the wind probability map for tropical-storm-force winds is not something they “advertise” or were basing the forecast on—and the state and local decision makers they had been briefing had already decided that they did not need any more briefings on Hurricane Dorian. The statement that Alabama would not be impacted was also consistent with the information that NWS Birmingham received during conference calls with the NHC.

A third forecaster also explained that they have to use science and local knowledge when providing information to the public, and the forecasters knew that the probabilities for tropical-storm-force winds were going down over time.⁵⁰ This forecaster elaborated that the tropical-storm-force wind probability map is not wrong, “but it’s just one snapshot in time,” which does not capture the trend. Trying to explain probabilities would make a tweet very long and “you just lose people,” but knowing the trend of the probabilities allowed the forecasters to communicate that Alabama would not be impacted by Hurricane Dorian. In addition, because the wind probability maps are created without human intervention, the maps display certain features that require trained forecasters to interpret them. For example, as this forecaster explained, the

⁵⁰ As a senior NOAA official said, meteorologists use the phrase “the trend is your friend.” Dr. Jacobs made a similar point, noting that the probability for Alabama having tropical-storm-force winds had decreased over the last several forecasts, and a forecaster could extrapolate out and assume that this trend would continue.

tropical-storm-force wind probability map from 8:00 a.m. EDT on September 1 showed that Cuba had the same chance of having tropical-storm-force winds as a small part of Alabama (see figure 10)—but, for Cuba to have experienced that, the storm would had to have turned and gone “due south” and “[t]here’s no way the storm is going to turn to the left” and hit Cuba. In addition, another forecaster described the graphic as artificially symmetrical when, in some cases, the eastern and western sides of a hurricane would not have the same chance of having tropical-storm-force winds. It is this analysis and understanding that forecasters provide to add value to forecasts and public safety messaging.

Finally, to put the 5–10 percent probability of tropical-storm-force winds in perspective: one forecaster said that NWS Birmingham typically looks at about 30–40 percent probability when issuing a watch for a weather event and about 50–60 percent probability when issuing a warning for a weather event.

F. *Secretary Ross and Mr. Mulvaney Approved the Statement*

During a later call between the headquarters team and the Secretary’s travel team, someone in the conference room read the statement to Mr. Walsh, Secretary Ross, and the Department’s then-Director of Policy.⁵¹ During this call, the Secretary’s travel team offered comments and had questions about the draft⁵²—and the wording was finalized. According to Mr. Walsh, as the head of the Department, Secretary Ross is “ultimately responsible for everything in the Department” and “does not do cursory reviews” before signing off on work products. In this instance, according to Mr. Walsh, the Secretary heard the text over the phone (that is, he did not have a written draft to review) and asked questions rather than cursorily approving the wording of the Statement. Secretary Ross recalled relying on Dr. Jacobs in his decision to approve the final wording of the Statement. In Secretary Ross’s recollection, Dr. Jacobs told him that, from the perspective of a meteorologist, “the statement is fine,” and so “as far as I was concerned, that ended [the discussion].” At this point, Secretary Ross said “let Mulvaney know that this is what we’re going to do.”

Later that afternoon, shortly before or around 3:00 p.m. EDT, Mr. Walsh and Secretary Ross spoke with Mr. Mulvaney. In Mr. Walsh’s recollection, they told Mr. Mulvaney “that NOAA was prepared to issue a statement . . . explaining the situation,” and Mr. Mulvaney seemed “satisfied with the approach.” At 3:05 p.m. EDT, Mr. Walsh called Mr. Dewhirst, and Mr. Dewhirst emailed the text of the statement to Mr. Walsh at 3:11 p.m. EDT. Shortly thereafter, Mr. Walsh forwarded the statement to Mr. Mulvaney, stating: “Per our discussion, please see the draft release below. We intend to issue at 4:00pm. Please feel free to call with any questions. Thanks.”⁵³

At about 3:45 p.m. EDT, Dr. Jacobs texted Mr. Walsh, as illustrated in figure 11, to ask whether the White House was “ok with [the] statement as written.” Mr. Walsh

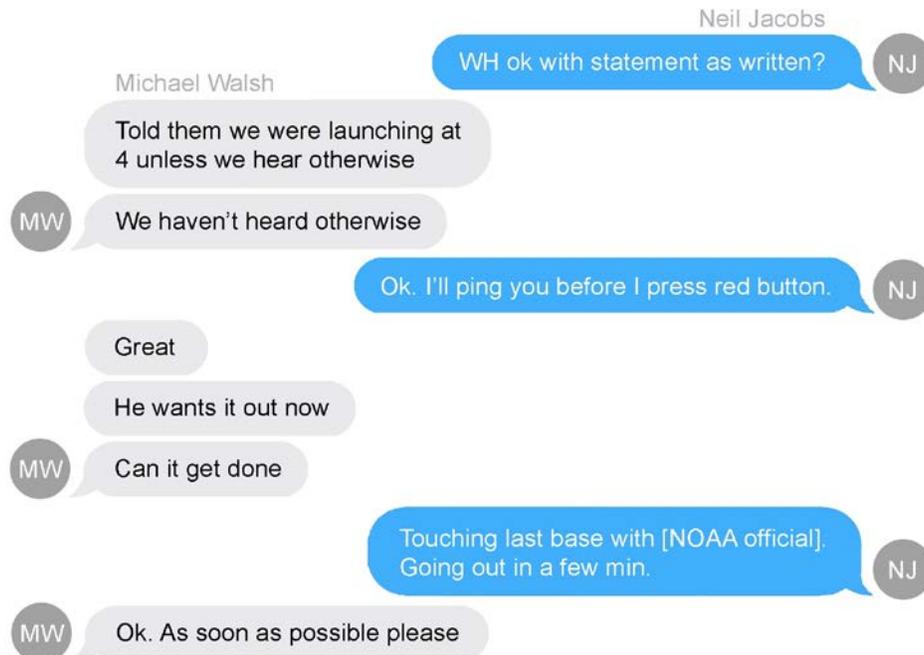
⁵¹ Dr. Jacobs recalled that it was Mr. Dewhirst who read the statement aloud to the Secretary and his travel team.

⁵² Participants did not remember the substance of those comments or questions.

⁵³ The email chain is attached as appendix J.

responded that he told them that the Department/NOAA was “launching” the statement at 4:00 p.m. EDT unless they heard otherwise from the White House. Shortly thereafter, Mr. Walsh texted Dr. Jacobs that “[h]e wants it out now . . . [c]an it get done[?]” “He” appears to refer to Secretary Ross as the person wanting the Statement out “now,” because Mr. Walsh texted that he had “negative consent” from Mr. Mulvaney and testified that he did not hear back in this instance from Mr. Mulvaney on the draft statement. This is consistent with testimony from Ms. Roberts stating that Secretary Ross wanted the Statement issued by the close of business.⁵⁴

Figure 11. Dr. Jacobs and Mr. Walsh Text Message Conversation



Source: OIG-created graphic based on collected text messages (see appendix P)

G. Were Jobs Threatened?

Despite press accounts about possible threats to jobs, we did not receive any credible evidence that showed that Secretary Ross or anyone else directly threatened to fire Dr. Jacobs or any other Department or NOAA employee.⁵⁵ Nonetheless, Dr. Jacobs, Ms. Roberts, and perhaps others involved in the drafting of the Statement, felt that jobs were on the line on September 6, 2019. When asked why he did not refuse to include the line about the NWS Birmingham tweet, Dr. Jacobs responded that he “definitely felt

⁵⁴ Department officials involved on September 6 either deny or do not remember any deadline for NOAA to issue the Statement.

⁵⁵ The only evidence that we received indicating that Secretary Ross threatened to fire Dr. Jacobs are contemporaneous notes that NOAA’s then-Chief of Staff reportedly took during a call with Dr. Jacobs in the early morning of September 7, 2019 (a call from approximately midnight until 2:00 a.m. EDT). In those notes, the then-Chief of Staff wrote that Secretary Ross made that threat when he called Dr. Jacobs at 2:30 a.m. EDT. The then-Chief of Staff since indicated that he is not sure that his initial understanding was accurate. Testimony is consistent that Dr. Jacobs did not speak to Secretary Ross at 2:30 a.m. EDT on September 6, 2019.

like our jobs were on the line.” Dr. Jacobs specifically stated that “nobody told me I was going to get fired.” However, he recalled having a conversation at least with Ms. Roberts, and possibly even Mr. Walsh, Mr. Dewhirst, and others, in which people agreed that “we could definitely lose our jobs over this if we don’t do what, you know, we’re told.” Dr. Jacobs felt that this pressure extended to all involved, not just himself. He explained that he got some of this sense from Mr. Walsh’s tone of voice, which he described as “pretty upset and pretty panicked.” Dr. Jacobs thought that Mr. Walsh was acting under a sense of “urgency of we got to get something out there,” and the Deputy Secretary’s then-Chief of Staff also described Mr. Walsh as having “an urgency” around getting the task completed. In addition, as described above, Ms. Roberts also recalled that Mr. Walsh told her that jobs could be on the line, a point that he disputes.

Dr. Jacobs explained his decision-making thought process in the context of feeling this pressure. He summarized his options that day as (1) resigning, (2) refusing to allow NOAA to issue the Statement (and thus potentially being fired), or (3) revising the Statement to make it less inflammatory and more technically correct than the first version he was shown in the conference room. While Dr. Jacobs said he did not like the decision he had to make, he stood behind the third option as the least bad of his options and the best option for leading NOAA—and said he would make the same decision again. In Dr. Jacobs’s view, he could make the statement more accurate, but the Department would issue, or would cause NOAA to issue, a statement one way or another. If he resigned or were fired, he reasoned, the final statement likely would have been worse and more inflammatory.

Departmental employees with whom we spoke rejected the notion that anyone’s job was on the line that day. Secretary Ross dismissed questions about any threats to fire Dr. Jacobs or other NOAA employees, and even whether jobs were on the line: “Working on a press release as a threat to someone’s job? That’s silly.” Secretary Ross ultimately answered “no” when asked if he had made any threats to anyone’s employment. Mr. Walsh was adamant that he did not suggest or mean to suggest that anyone’s jobs were on the line, saying he “absolutely” did not convey any potential negative consequences to anyone involved in the drafting of the Statement. Ms. Roberts also recalled that she thought Mr. Walsh sounded “normal” during the conference calls on September 6, and Mr. Walsh recalled that someone on the travel team commented that Mr. Walsh was “remarkably calm.” Others, including Mr. Dewhirst and the Deputy Secretary’s then-Chief of Staff, do not recall discussing the possibility that they or anyone could lose their jobs while the headquarters team met on September 6.

The dismissal of the notion that jobs were on the line, however, may not entirely reflect the reality of the pressure that the group—and, in particular, Dr. Jacobs as the head of NOAA—faced that day. Dr. Jacobs pointed out, “we work at the pleasure of the President, right. I mean he could fire me for no reason, he doesn’t need a reason, but, you know, not doing what you are asked to do seems like a pretty reasonable reason to get fired.” Evidence shows that Mr. Mulvaney requested “a correction or an explanation or both,” for the NWS Birmingham tweet—and, as discussed above, Mr. Mulvaney was apparently not satisfied with the explanations provided to him, seemingly leaving the

Department the option of issuing a “correction.” The reality of the stress of those circumstances is perhaps best captured by a senior NOAA official describing his conversation with Dr. Jacobs on the afternoon of September 6, when Dr. Jacobs told him and others that any revision to the Statement would have to “go all the way up to the top of the White House.” The senior official said that, when Dr. Jacobs mentioned Mr. Mulvaney, the senior official grew extremely anxious. A career NOAA Communications employee also noted that, in a short visit to the conference room on September 6, “there was a lot of pressure in the room. I could just feel it.” While different individuals may have felt different degrees of pressure as this event unfolded on September 6, we find it credible that the drafting and issuance of the Statement was a pressurized event in light of the involvement of authorities outside of NOAA and the Department. Even if Secretary Ross or Mr. Walsh did not explicitly threaten jobs, it was reasonable under these circumstances for Dr. Jacobs, and possibly others, to infer that their jobs depended on compliance with a directive from the White House—particularly when the Department, reportedly through Mr. Dewhirst, insisted on the inclusion of the line in the Statement that criticized NWS Birmingham.

H. NOAA’s Issuance of the Unsigned Statement

When NOAA issued the Statement, it was not signed or attributed to any person at NOAA. Three NOAA Communications employees uniformly testified that it was unusual for NOAA to distribute an unsigned or unattributed statement. These employees described issuing either (a) statements attributed to a NOAA spokesperson or employee or (b) press releases that included “vetted” quotes. However, Ms. Roberts, as the Director of Communications, had refused to sign the Statement earlier that day, because she asserted that she had not written it and did not support it. The Department’s then-Press Secretary recalled Ms. Roberts’s refusal to sign the Statement, although others do not recall that conversation. He also recalled that Ms. Roberts objected to Dr. Jacobs signing the Statement. Ms. Roberts asserted that issuing an unsigned statement was not an uncommon practice⁵⁶ and that a long-time NOAA Communications employee (her subordinate) did not push back on her decision. But one of her subordinates offered the opinion that “Julie’s name should have been on it because she’s the political from NOAA and . . . unfortunately sometimes the political people have to take the hit.” A senior NOAA official suggested that the Statement should have come from Dr. Jacobs because “he signed on to it.”

After the final wording of the Statement had been approved, Dr. Jacobs contacted key NOAA officials to give them advance warning of the Statement. NOAA’s then-Chief of Staff and other senior officials pushed back against the Statement, but Dr. Jacobs told them that he had already softened the wording significantly and there was no choice but

⁵⁶ Ms. Roberts elaborated that “it’s not completely uncommon to speak off the record or on background to media,” practices that are not akin to NOAA’s issuance of the Statement on September 6, 2019. The only unattributed public NOAA statement that a NOAA Communications employee could identify was a March 30, 2018, statement explaining why the broadcast of the SpaceX Iridium-5 launch from an onboard camera was shut down. This employee added that NOAA Communications contacts were handling media calls to explain what happened and that “the media was talking to a real person.”

for the Statement to be released. A senior NOAA official then called the NWS Birmingham office to give them their first notice of the Statement.

Ms. Roberts tasked NOAA Communications employees with formatting and publicizing the Statement that afternoon. One career employee said that “there was no prescribed rollout plan, per se, it was just everything was very piecemeal.” According to this employee, public statements typically would have a rollout plan and would be “very organized,” although the rollout might be a little more piecemeal in an urgent situation.

The NOAA Communications team (1) sent the Statement to a group of reporters, (2) posted the Statement on NOAA’s public website, and (3) tweeted an image of the Statement.⁵⁷ The Statement was distributed to reporters at 4:45 p.m. EDT that day and was not tweeted until approximately an hour later. A NOAA Communications employee recalled that “the Twittersphere lit up” within 10 minutes of the distribution to reporters and posting of the Statement on the NOAA website—before the Statement had been tweeted—prompting that employee to inquire whether it was necessary for NOAA to push it out on Twitter, too. Ms. Roberts confirmed to the employee that the Department had said that the Statement needed to be put out on Twitter. Indeed, the Department’s then-Press Secretary wrote NOAA Communications employees at 5:38 p.m. EDT in an email with the subject line “Birmingham Tweet”: “I hate to be a pest given how much y’all have worked today, but do you know when the tweet will go out?” He wanted the Department to re-tweet the Statement to “amplif[y]” it. But, as a NOAA Communications employee commented, the Department telling NOAA to tweet the Statement “really just opened a can of worms . . . say[ing] to a half a million people here’s something really weird . . . and very uncharacteristic” of NOAA.

III. Reaction and Backlash to the Statement

Mr. Dewhirst described the Statement as an unremarkable statement on a “weedsy” issue, which was only viewed negatively due to “disingenuous” media coverage. But the actual reactions within NOAA and from the public show that Mr. Dewhirst’s characterization reflects a misunderstanding of the significance of NOAA issuing an unsigned public statement rebuking one of its own WFOs.

A. NOAA and NWS Reaction

The internal negative reaction against the Statement began almost immediately as NOAA employees learned that it would be issued.

⁵⁷ Mr. Walsh also sent an email to Mr. Mulvaney containing an image of the final statement at 5:01 p.m. EDT. (See appendix K.)

First, within the NOAA Communications group, career employees were critical of the Statement. One of the involved NOAA Communications employees felt “deflated” by working on the issuance of the Statement, stating that in numerous years of service with NOAA, “for the first time in [my career] I was ashamed of my Agency.” Another noted the negative impact the Statement would cause to their reputation because NOAA “spent years, you know, building our relationship with reporters and [we] have a good reputation and NOAA has a great reputation for scientific integrity and this was just not our usual work.” The employee noted “disappointment that Commerce didn’t protect Neil from that [bad situation].”

“[F]or the first time in [my career] I was ashamed of my Agency.”

NOAA Communications Employee, describing how they felt working on the issuance of the Statement

Next, from a NOAA Communications perspective, the Statement did not make sense because it was backward-looking in the midst of an ongoing hurricane:

[W]e have hurricane warnings along the Southeast Coast . . . we can’t talk about what did or didn’t occur a week ago, we need to be talking about what’s happening in the next three days. So, from an operational standpoint, . . . this ha[d] us keep looking back . . . we need to be talking about what the storm is going to be doing to Florida and the Southeast coming up, as opposed to what it didn’t do a week ago.

In addition, even before the Statement was publicly issued, the internal reactions were negative. When Dr. Jacobs contacted key people at NOAA, including NOAA’s then-Chief of Staff and senior career employees, to notify them of the forthcoming Statement, the immediate reactions included shock, disappointment, and attempts to talk Dr. Jacobs out of letting the Statement go forward, particularly with the line rebuking the NWS Birmingham office.⁵⁸ After the Statement was issued, in an email to NOAA’s then-Deputy Chief of Staff for Policy, the then-Chief of Staff described the Statement as “really ugly” and commented that “[i]t’s pathetic and embarrassing to have a statement from a nameless spokesperson on the NOAA website.” The then-Deputy Chief of Staff for Policy had predicted in an email—sent to the then-Chief of Staff as soon as he saw the Statement—that the Statement would hurt NOAA’s credibility, cause some to question Dr. Jacobs’s scientific integrity, and make it harder for NOAA to negotiate a collective bargaining agreement with the NWS union. He also inquired whether Ms. Roberts had a “plan for managing the fallout and congressional oversight that [would] surely ensue.”

Finally, the then-head of the NWS Employees Organization promptly tweeted, “I have never been so embarrassed by NOAA. What they did is just disgusting.”⁵⁹ He also

⁵⁸ As one senior NOAA official recalled, Dr. Jacobs responded to these attempts by explaining that he could not change the Statement and any change “would have to go all the way up to the top of the White House.”

⁵⁹ Twitter Capital Weather Gang. *BREAKING: NOAA Has Sided with President Trump, Rather Than Its Own Scientists* [online].

spoke out against the Statement in an interview with an online media outlet, describing NWS employees as “shocked, stunned and irate” and management as having “thrown them under the bus.”⁶⁰ NWS employees, and employees throughout NOAA, also began speaking out against the Statement.

B. NWS Birmingham

As described in more detail in the MIC’s statement (see appendix N), NWS leadership contacted its Birmingham office to give notice of the forthcoming Statement and to reassure the forecasters that, from the perspective of NWS leadership, the Statement was not a negative reflection on their services. NWS Birmingham employees nonetheless had strong reactions to the Statement. During our interview, one employee said:

I had gotten a text from a member of management . . . basically just saying, hey don’t let any of this get to you or whatever. . . . [O]ut at dinner that evening, I saw the statement and kind of broke down. . . . It was basically just the – the gist of them not having our back [that upset me]. . . . [I]t just hurt, I guess, personally and professionally that at that time what appeared to be, you know, our parent agency . . . not believing us and that it wasn’t related to the [President] Trump tweet . . . at one point I . . . started to kind of wonder about my job a little bit. . . . [I]t appears that . . . they were not siding with us . . . and it was kind of like . . . I-did-my-job-and-now-I-could-be-in-trouble-for-doing-my-job kind of thing.

Another forecaster first thought upon seeing the Statement were that they were “not being supported,” even though the forecaster knew that they were doing their jobs. This forecaster elaborated: “[T]here are so many things that you really don’t know are the truth anymore, it seems like these days. It’s very hard, and so at first I was like, is this for real? Is that the real deal kind of thing? . . . [A] lot of emotions hit you right when you first see something like that.” Upon seeing the reactions on the employees’ Facebook page, another recalled thinking “this is going to spiral out of control and I don’t know where this is going to end.”

One NWS Birmingham forecaster was initially upset enough to briefly ask for reassignment from duties working in Operations. That forecaster has since returned to regular duties in Operations.

Despite the distress engendered by the criticism of the September 1, 2019, tweet in the Statement, as described above, the NWS Birmingham forecasters stood behind their September 1 message that Alabama would not be impacted by Hurricane Dorian.

https://twitter.com/formpres_nwseo/status/1170114019291783168?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1170114019291783168&ref_url=https%3A%2F%2Fwww.thedailybeast.com%2Fnoaa-left-federal-weather-workers-shocked-and-irate-by-backing-trump-union-head-says (accessed April 27, 2020).

⁶⁰ Connor, Tracy. September 7, 2019. “Federal Weather Workers ‘Shocked’ and ‘Irate’ by NOAA Backing Trump, Union Head Says.” *The Daily Beast*. Available online at <https://www.thedailybeast.com/noaa-left-federal-weather-workers-shocked-and-irate-by-backing-trump-union-head-says> (accessed April 27, 2020).

C. *Public Reaction*

In the first several days after the issuance of the Statement, Dr. Jacobs and Ms. Roberts received many hundreds of emails criticizing them and NOAA for issuing the Statement—often in crude, vulgar, or colorful terms. Dr. Jacobs, Ms. Roberts, and their families were also threatened, prompting additional security measures. The criticisms came from the meteorological and academic communities and the general public, with the most common theme being that NOAA should be ashamed of its action. In discussing the public reaction, Dr. Jacobs said that “I’ve always prided myself on being an objective scientist. You know, I’m not a politician or political. I’m just a scientist, and, you know, I don’t like to play political games, and I felt like I got sucked into that and I felt like I let the agency down because, you know, I let them get sucked into it.” He continued, “I felt like a failure, and so then I got all of these people emailing me telling me that.”

The public also targeted other senior NOAA officials who were not involved with the Statement, and media reached out to WFO employees to speak about this matter—including making calls to personal phones, sending messages to personal emails, and, in the case of NWS Birmingham, going to forecasters’ homes. The overwhelming contacts at the WFO level had serious operational and public safety implications: leaders at some WFOs had to turn off their mobile phones due to the number of calls—which, in turn, impacted their connections with emergency management contacts.

IV. NOAA and Departmental Actions After the September 6, 2019, Statement

NOAA leadership undertook several actions to address the agency’s employee morale and reassure the NWS workforce in particular.

On the night of September 6, 2019, the NWS Director, Deputy Director, and Executive Council began working on an all-hands message to NWS personnel. The NWS Director recalled that, shortly after NOAA issued the Statement, he and other senior NWS officials looked at the employee Facebook page and saw that “[t]here was all kinds of stuff flying around.” They decided “then and there” that they would write an all-hands message and worked Friday night into Saturday to send the message on Saturday, September 7, 2019. The all-hands message, titled, “Our Appreciation for the NWS Performance for Dorian,” signed by the entire Executive Council, was sent at approximately 3:00 p.m. EDT on Saturday afternoon and complimented NWS employees’ “commitment and outstanding work.”⁶¹ Although the all-hands message did not expressly reference the Statement or NWS Birmingham, the message stated that “we continue to embrace and uphold the essential integrity of the entire forecast process as it was applied by ALL NWS offices to ensure public safety first and foremost.” NWS leadership sent the all-hands message without going to NOAA or the Department for approval. The Birmingham MIC contacted the NWS Director in response and expressed that the message “helps, and hopefully will reassure some out there that are reeling right now.”

⁶¹ A copy of this message is attached as appendix L.

The NWS Director and Dr. Jacobs were previously scheduled to speak at the annual meeting of the National Weather Association (NWA) in Huntsville, AL, the following week. In his keynote address on Monday, September 9, 2019, the NWS Director addressed the NWS Birmingham tweet directly and commended the Birmingham WFO for “act[ing] quickly to reassure their partners, the media and the public—with strong language—that there was no threat.” He asked those present from the Birmingham WFO to stand to be recognized, and the Birmingham WFO received a standing ovation from their peers.

Dr. Jacobs had been scheduled to speak on Tuesday, September 10, 2019. Throughout the weekend, senior NOAA officials, both career and political, encouraged Dr. Jacobs to go forward with giving remarks at the NWA annual meeting—with NOAA’s then-Chief of Staff saying that he and others were “adamant” that Dr. Jacobs go to the NWA meeting, and Dr. Jacobs also said he wanted to go to the meeting. He explained that he did not care whether people walked out of the room, because there were forecasters he had worked with his entire career in attendance and he felt he needed to talk to them. He decided to change what he originally planned to speak about so that he could address the Statement. The Department, following the Deputy Secretary’s lead, deferred to Dr. Jacobs on his decision to go forward with the speech and supported his decision to go to Alabama.

At the annual meeting, Dr. Jacobs addressed the Statement by stating: “The purpose of the NOAA statement was to clarify the technical aspects of the potential impacts of Dorian. What it did not say, however, is that we understand and fully support the good intent of the Birmingham WFO, which was to calm fears in support of public safety.” Dr. Jacobs also stated that no one’s job “is under threat” and that he and the Department supported the weather service team. On a personal note, he remarked that the recent events had been hard for him but that he was the “same Neil” he had been “last Thursday” [September 5, 2019]. Dr. Jacobs and others described his NWA speech as beneficial for him and for NOAA, and forecasters from NWS Birmingham also described the speeches from the NWS Director and Dr. Jacobs as events that helped them move forward. Dr. Jacobs also issued an all-hands message to NOAA on Friday, September 13, 2019. This message is attached as appendix M.

Dr. Jacobs announced during his speech that he would visit as many local WFOs as possible and call the WFOs he was unable to visit. He visited numerous WFOs in the Southeast shortly thereafter, including the Birmingham WFO. During his visits, he wanted to make sure that NWS employees understood that their jobs were not on the line and to talk about lessons learned.

The Deputy Secretary also recognized that the Statement created a “bad situation,” and she was concerned with how NOAA and the Department could heal and move forward. The Deputy Secretary went to NOAA offices in Silver Spring, MD, to meet with senior NOAA career staff several times. Senior officials at NOAA recognized the Deputy Secretary’s outreach, with one commenting “she’s the only one from the Department who’s done anything in this regard to try to make up for this after the fact.”

Conclusions

I. The Department Led a Flawed Process That Discounted NOAA Participation

We conclude that the drafting and issuance of the Statement was conducted through a Department-led process that had significant flaws and that the acting head of NOAA acquiesced in that Department-led process.⁶² Secretary Ross tasked Mr. Walsh with this process after Mr. Mulvaney was apparently not satisfied with Secretary Ross’s explanations that (a) Birmingham NWS may have been responding to questions from the public and (b) NOAA and NWS communicated with the NSC, not directly with the President. This raises concerns about the extent to which Secretary Ross attempted to push back against this request or prevent NOAA from acting on a request detrimental to its mission. Secretary Ross and Mr. Walsh initiated the process of responding to Mr. Mulvaney’s request and involved more people from the Department than from NOAA or NWS. Despite his authority to do so, Dr. Jacobs did not bring additional NOAA officials into the decision-making with respect to how to respond to Mr. Mulvaney’s request or into the drafting process. The Department and NOAA participants did not follow a standardized clearance process for the final Statement and did not get buy-in from the affected NOAA and NWS constituencies. And, at a minimum, miscommunication or a lack of clarity surrounded the key issues of whether anyone’s job was at risk and whether NOAA constituencies were or should have been consulted before the wording of the Statement was finalized.

More specifically, Mr. Walsh set into motion a process involving himself and multiple high-level Department political officials. Despite NOAA’s issuance of the Statement, most of the NOAA counterparts were not included or consulted beforehand.⁶³ NOAA’s then-Chief of Staff, then-Deputy Chief of Staff for Policy, and General Counsel had no opportunity to advise or influence the decision-making process or wording of the Statement. From the perspective of one senior career NOAA official, “this was a process fail where [the Department] didn’t trust [its] own political team” at NOAA.

Mr. Walsh assembled the team of NOAA and Departmental officials to work on the task for Secretary Ross and the White House. Of the team he assembled, the most involved participants were Mr. Walsh, Dr. Jacobs, and Mr. Dewhirst. While Dr. Jacobs had the relevant substantive, scientific knowledge, senior officials on NOAA’s political team suggested that they should have been involved to advise him on how to navigate this

“[T]his was a process fail where [the Department] didn’t trust [its] own political team” at NOAA.

Senior NOAA Official, opining on why NOAA leaders were not involved in the development of the Statement

⁶² As discussed above, NOAA is a bureau within the Department of Commerce. Dr. Jacobs, NOAA’s acting administrator, reports to the Department’s political leadership.

⁶³ As the then-NOAA Chief of Staff said afterwards: “I told the Deputy Secretary, I said, ‘your General Counsel was in that room, but NOAA’s General Counsel wasn’t in the room. Your Director of Policy was in the room, but not NOAA’s Director of Policy. Your Chief of Staff was in the room, but not the NOAA Chief of Staff.’”

situation. To our knowledge, Mr. Walsh and Mr. Dewhirst do not have formal training or work experience in meteorology or emergency communications. Nonetheless, they both said that they concluded that the NWS Birmingham tweet needed to be corrected. Mr. Dewhirst, who was described as someone who “tends to not be afraid to just blow things up,” took a leading role in drafting the Statement and, according to Ms. Roberts and one NOAA Communications employee, overruled an objection to the line that rebuked NWS Birmingham.

It is not a best practice for Department lawyers who lack subject-matter expertise in meteorology or emergency communications to have such leading roles in the drafting and issuance of a NOAA statement and to overrule objections to the content of the Statement raised by Dr. Jacobs, Ms. Roberts, and two NOAA Communications employees. Mr. Walsh and Mr. Dewhirst did not exercise the appropriate judgment or have the appropriate science background to have leading roles in navigating these events on behalf of a science agency. It struck one senior career NOAA official as “a management foul” that more NOAA leadership was not involved. As this official said: “And this is a big deal. And you got – you can’t just dump this on us. You got to trust us and bring us into the conversation.” While Mr. Mulvaney issued a request for “a correction or an explanation or both,” the Department, and significantly Mr. Walsh and Mr. Dewhirst, bear responsibility for transforming what could be interpreted as an innocuous request for an explanation of the NWS Birmingham tweet into a request that required a publicly issued statement that rebuked NWS Birmingham. In the end, Mr. Walsh and Mr. Dewhirst were poorly equipped for formulating a response to the incoming request that also protected NOAA’s best interests.

At Secretary Ross’s direction, Mr. Walsh ran the response process, and Mr. Walsh bears significant responsibility for the process and issuance of the Statement. As he testified, he did not “hand off” responsibility to anyone else at the Department and expected to be consulted on any major decisions. Dr. Jacobs also bears responsibility for not involving other senior NOAA officials earlier on September 6, 2019, when he had the authority to do so. He noted that, in retrospect, this is something he would have changed, but his thought process was in part apparently influenced by his view that the events of September 6 were Department-led. Dr. Jacobs did not include NOAA personnel (aside from Ms. Roberts) in the process, or assert NOAA’s control over what began as a Department-led process. But neither did Mr. Walsh verify that Dr. Jacobs had consulted all relevant NOAA personnel during the process—a necessary step to achieve the stated goal of getting full NOAA buy-in to the Statement. Ms. Roberts also bears some responsibility for failing to respect her chain of command and notify her direct supervisor, NOAA’s then-Chief of Staff, of what was occurring but rather advocated for his exclusion from the decision-making process.⁶⁴ To her credit, Ms. Roberts sought brief input from two NOAA Communications employees, but the Statement ultimately did not take into account these employees’ objections.

⁶⁴ Ms. Roberts has stated that she did not intentionally exclude the NOAA leadership team. But she also said that she did not want to have to educate them on the issues, an explanation that is not entirely sound because none of the Department officials involved that day had had any prior involvement in the NWS Birmingham/Hurricane Dorian story and also needed to be educated.

On balance, Mr. Walsh tried to coordinate this project in a limited amount of time while he was traveling in Europe. These circumstances likely contributed to the flawed process that resulted in the Statement—but do not justify the flawed process or poor judgment.

Mr. Walsh failed at one of the core responsibilities as a Chief of Staff: clear and effective coordination of a Departmental task. Miscommunication, or the distortion or lack of clarity of his instructions, surround both issues of whether jobs were at risk and whether NOAA constituencies were consulted about the Statement.

First, as Mr. Walsh himself noted, “information gets distorted if it doesn’t . . . flow in a top-down manner sometimes.” As described above, Mr. Walsh and Ms. Roberts recall significantly different conversations when they first spoke at approximately 2:30 a.m. EDT on September 6. Mr. Walsh’s reliance on Ms. Roberts to communicate with Dr. Jacobs after his call with her at approximately 2:30 a.m. EDT may have contributed to the pressure that Dr. Jacobs and Ms. Roberts felt on September 6, because Ms. Roberts recalled Mr. Walsh telling her that jobs were on the line. Phone records indicate that Mr. Walsh spoke briefly with Dr. Jacobs later that morning, but Ms. Roberts still had a role in conveying a message from Mr. Walsh to Dr. Jacobs. At a minimum, a lack of clarity or common understanding surrounds the issue of whether Dr. Jacobs’s and others’ jobs were on the line on September 6. Mr. Walsh denies that he communicated that jobs were on the line or intended to communicate that. Nonetheless, a pressurized process with a short deadline ensued after Secretary Ross tasked Mr. Walsh with this project.

Second, Mr. Walsh also considered it important that “NOAA constituencies” found the Statement acceptable—and Secretary Ross and the Deputy Secretary also thought that those affected at NOAA, such as the head of NWS and NWS Birmingham, had been consulted on the Statement. As Mr. Walsh said, “the last thing anyone wanted was to put out a statement and then to have someone within the NOAA community raise their hand and say not true. . . . [T]hat does no one any good.” Nevertheless, people throughout the NOAA community strongly objected to the Statement. Mr. Walsh’s failure to ensure that appropriate stakeholders were consulted undermined the stated goal of ensuring that “NOAA constituencies” found the Statement acceptable.

It is undisputed that the head of NWS and NWS Birmingham did not have an opportunity to provide input on the Statement. Either Mr. Walsh’s instructions or expectations were not clearly communicated to Dr. Jacobs and Ms. Roberts, or Mr. Walsh failed to ensure that these steps were taken before he contacted Mr. Mulvaney for approval of the approach and Statement wording. Secretary Ross and the Deputy Secretary appear to have understood that the Statement would follow NOAA’s normal review and clearance process before the issuance of the Statement, but this did not occur. We conclude that good governance required a more deliberate review and clearance process than what happened during these events.

The Department—particularly Mr. Walsh and Mr. Dewhirst—did not take responsibility for these failings. Mr. Walsh and Mr. Dewhirst distanced themselves from the matter, with Mr. Dewhirst saying that the Statement was a “NOAA statement” and the language was “NOAA’s language.” Similarly, Mr. Walsh said that “I don’t put out statements on

hurricanes. . . . [T]his is a NOAA statement.” Conversely, we found both Mr. Walsh and Mr. Dewhirst to be key figures with significant, although not full, responsibility for this incident, with others following their lead.

II. The Department Required NOAA to Issue a Statement That Did Not Further NOAA’s or NWS’s Interests

With the release of the September 6, 2019, unattributed Statement, the Department and NOAA acted contrary to the apolitical mission of NWS. Department participants pointed to the importance of issuing accurate weather forecasts as an explanation for issuing the Statement. We conclude that this justification fails to acknowledge the underlying fact that the Statement was the end result of events triggered by an external demand placed on Secretary Ross—specifically, a request from the White House to, in Secretary Ross’s words, “close the gap” between President Trump’s statement and the NWS Birmingham tweet.

Ultimately, NOAA issued a Statement that, from the perspective of one senior NOAA official, “hurt the Department and it hurt NOAA, it hurt the White House, it hurt the public, it hurt the science community.” And, specifically with respect to NWS, the line in the Statement that rebuked NWS Birmingham undercut NWS forecasters and created the possibility that forecasters would second-guess or delay their public safety tweets or warnings—an issue with life-and-death consequences, given the public safety role of NWS. In our interviews, the Department pointed to Dr. Jacobs’s input as NOAA’s blessing of the Statement. However, the Department’s reliance on that input, which arguably made the NWS Birmingham line scientifically accurate,⁶⁵ ignores that Dr. Jacobs and other NOAA officials objected to the very inclusion of that line but were overruled.

“[The Statement] hurt the Department and it hurt NOAA, it hurt the White House, it hurt the public, it hurt the science community.”

Senior NOAA Official, opining on impact of the Statement

The Department, with its direct line of communication to Mr. Mulvaney, failed to ensure that NOAA, including Dr. Jacobs, was insulated from an external request. To the contrary, the Department required NOAA to respond in a manner that hurt NOAA’s and NWS’s reputation and morale.

⁶⁵ The NWS Birmingham line is referring to the last sentence of the NOAA statement, which stated “The Birmingham National Weather Service’s Sunday morning tweet spoke in absolute terms that were inconsistent with probabilities from the best forecast products available at the time.”

III. The Department Failed to Account for the Public Safety Intent of the NWS Birmingham Tweet and the Distinction Between Physical Science and Social Science Messaging

The Department justified the issuance of the Statement—and in particular the line calling out the NWS Birmingham tweet—as “technically” or “scientifically” correct and, further, necessary to correct the accuracy of a 5-day-old NWS Birmingham tweet. According to Mr. Walsh, the Statement was necessary to clarify the confusion “about the accuracy of the initial tweet.” He continued that “accuracy is important in weather forecasting; precision is important” and expressed concern “from a departmental perspective” that NWS Birmingham made a statement inconsistent “with the weather forecasts from NOAA.” Mr. Dewhirst similarly stated that “what we did discuss about public safety is that it’s very important that we put out accurate statements.”

However, we find that this justification is not credible, as it was unnecessary to correct the accuracy of a 5-day-old tweet, taking into account all evidence and past practice with respect to correcting WFOs’ social media posts. For example, prior to an interview with us, a Birmingham NWS forecaster searched Twitter and Facebook to find all of the office’s social media posts about forecasts—and found that there had never been any second-guessing or pushback on numerous such social media posts other than the Statement’s criticism of the September 1, 2019, tweet.

Moreover, the Department—significantly, Mr. Walsh and Mr. Dewhirst—failed to fully understand and prioritize NOAA’s and NWS’s public safety role. As a part of NWS’s mission to protect life and property, NWS forecasters are tasked with communicating risk, or the lack thereof, in clear terms that the public and emergency management partners can understand. As a senior NOAA official explained as background information, forecasters who interact with emergency managers, such as those in NWS Birmingham, understand that emergency managers need “direct messaging” and that the public needs messaging designed for human reaction. As summarized by another senior NOAA official,

[e]ven though at the time there was maybe a 5-percent chance that they could see . . . strong wind gusts in Alabama . . . that technically made [the line rebuking the NWS Birmingham tweet] accurate – that’s not how we communicate risk. There’s a difference in what we see as scientists and what we communicate and distill in the message. And that was, I think, at the heart of the problem.

A senior NOAA official concurred: “And from a social science perspective, they tell you that once you’re ready to do one of these messages [to take action], like in a tornado emergency, there’s no probabilities involved. . . . It’s, ‘take action now.’” In this context, if people were asking whether parts of Alabama needed to evacuate due to Hurricane Dorian, it would not have made sense for NWS Birmingham to respond to those questions by providing the small probability that a sliver of Alabama might receive strong winds. A subject matter expert on emergency management communications with whom we consulted said that the NWS Birmingham tweet on September 1, 2019, responded to inquiries about Hurricane Dorian in the manner that would be expected.

In the case of the NWS Birmingham tweet, the call to action was that no action should be taken (for example, evacuating family from the Gulf Coast) because Hurricane Dorian would not hit Alabama. Nonetheless, in discussing the distinction between how scientific forecasts and public safety messages are worded, Mr. Walsh said that he had “a tough time buying into a world where the rules are different based on what NOAA is trying to communicate.” Thus, either ignoring or lacking an understanding of how social science research supports the absolute language of the NWS Birmingham tweet, the Department maintained a myopic focus on the tropical-storm-force wind probability maps to provide sufficient cover for, in its view, correcting the NWS Birmingham tweet.

The clarity of risk messaging, rather than simply the communication of probabilities, could have life-and-death consequences, as could false beliefs about weather events in areas that might be impacted. The NWS Birmingham forecasters understood that dispelling rumors about weather forecasts is a part of their job.⁶⁶ If the incorrect belief that Alabama was going to be hit harder than expected took hold, Alabama residents may have begun to take unnecessary protective actions under the impression that Alabama could be directly hit by a hurricane. For example, if people unnecessarily evacuate a region, that puts unnecessary stress on limited emergency management resources and potentially clogs roads and bridges in a way that could harm those populations that actually need to evacuate. An evacuation itself may create public safety issues. As an NWS Birmingham forecaster pointed out, when Houston made the call to evacuate for Hurricane Rita, “interstates got clogged” and “people panicked,” resulting in more deaths in Texas from the evacuation than from the actual hurricane, which ended up curving into Louisiana. In addition, evacuations exact significant economic tolls on communities affected by the evacuation, for example, through the closure of businesses and loss of tourism.

As described in the NWS Weather-Ready Nation Roadmap (see the Background section of this report), NWS has undertaken a “significant culture shift” to communicate in terms of societal impacts. The WRN Roadmap illustrates this shift with the following table:

Table 1. Examples of Transformation

Traditional NWS Forecast	IDSS Forecast
“60 percent chance of thunderstorms this afternoon”	“Thunderstorms between 2:00 and 4:00 pm will likely cause 30–60 minute flight delays”
“Thunderstorms will be in the response area this afternoon”	“People in the immediate area should take shelter due to the possibility of lightning from 2:00 to 4:00 pm”
“Heavy snow with accumulations of 8 to 12 inches tonight”	“I-80 will likely be impassable after midnight due to heavy snowfall”

Source: NOAA NWS, April 2013. *National Weather Service Weather-Ready Nation Roadmap*, version 2.0. Washington, DC: NOAA NWS, pp. 6–7.

⁶⁶ Prior to their interview, a forecaster searched NWS Birmingham’s Facebook and Twitter accounts for the word “rumor” and found numerous social media posts where the office had dispelled rumors.

In phrasing the September 1 tweet to communicate impacts clearly to the public, NWS Birmingham acted appropriately and in accordance with goals set forth in the NWS's WRN Roadmap. The NWS Birmingham tweet on September 1, 2019, was a public safety message sent quickly in reaction to incoming questions. This tweet also reflects NWS training and the goal of communicating in terms of societal impact. In this case, the important impact to convey was that Alabama was not at risk of being directly hit by Hurricane Dorian. The shift to impact-based communication and impact-based decision support services (IDSS) is intended to enable users to be able to take protective actions.

The critical message to communicate to concerned Alabama residents on the morning of September 1 was that they did not need to take protective actions with respect to Hurricane Dorian. From this perspective, a "traditional" message, in which NWS Birmingham just disseminated the probability of tropical-storm-force winds without interpreting that information, would not convey the necessary information that Alabama residents needed to understand the likely impact and whether they needed to take protective actions—particularly in the face of a growing narrative that Alabama would be hit much harder than anticipated.

We understand that NOAA is placing greater emphasis on researching this very issue—the social science of risk communications and how to message for human reaction—and this aspect of NOAA's and NWS's public safety role deserves greater attention and understanding, including understanding at the Departmental level. As one NOAA official summarized, "[t]he gray area of risk is what we should focus on [and] how you distill that information."

IV. One NOAA Employee Deleted Relevant Text Messages, and the Department's Federal Records Guidance Is Outdated

During her interview, Ms. Roberts said that she deleted from her government mobile phone the relevant text message chains from September 6, 2019. Although she replied in both chains, Ms. Roberts said that she did not read the messages and "immediately" deleted them from her phone when she woke up the morning of September 6 at roughly 7:00 a.m. EDT. She explained that she could not follow the messages because the people traveling were using travel mobile phones with numbers she did not recognize⁶⁷—and recalled: "I couldn't tell who was talking, and I was like, I'm never going to figure this [thread] out, it's useless, so I just deleted it. Never even looked at it."

We found Ms. Roberts's explanation unconvincing. First, Ms. Roberts participated in two of the text message threads, sending messages at about 3:14 a.m. EDT and 3:43 a.m. EDT. Second, the thread of messages involving five people included messages around 11:05 a.m. EDT and 2:56 p.m. EDT, so Ms. Roberts would have received some of these messages well after she woke up on the morning of September 6 at approximately 7:00 a.m. EDT. Additionally, Ms. Roberts also said that she deleted the texts from her work mobile phone

⁶⁷ For security reasons, the Department issues specialized mobile phones to employees to use during international travel.

on a regular basis and did not file text messages because “99 percent of the time you’re never going to need a text message.”

While the Department preserved the data on the travel mobile phones used by the travel delegation on September 6 at our request, it is not clear that any text messages on those mobile phones would have otherwise been preserved because Department policy allows, and sometimes requires, travel mobile phones to be wiped after foreign travel.⁶⁸ This raises the concern that the Department does not routinely preserve text messages on travel mobile phones that demonstrate decision-making or the conduct of government business.

Despite our request for the production of text messages on September 7, 2019, Dr. Jacobs is one of only three parties who preserved and produced text messages.⁶⁹ Of his own accord, he took screen shots of the text messages on his government mobile phone and emailed himself the images in order to preserve them—because he was concerned that the texts would be automatically deleted from his government phone as they were texts from people he did not have saved as contacts. The other parties who preserved and produced text messages were not involved in the drafting of the Statement.

The handling of text messages in this matter has raised concerns about whether the Department and NOAA sufficiently preserve mobile phone messages that constitute federal records.⁷⁰ Text messaging, as well as other sorts of mobile messaging, can play an increasingly significant role in federal agency communications, deliberations, and decision-making. This is especially relevant when officials are attempting to coordinate from different

⁶⁸ See “Annex C-6: Safeguarding Information While on Foreign Travel” in DOC, June 2019. *Information Technology Security Baseline Policy*, version 1.0. Washington, DC: DOC [online]. https://connection.commerce.gov/sites/connection.commerce.gov/files/media/files/2019/final_doc_it_security_baseline_policy_6.24.19.pdf (accessed June 8, 2020). Annex C-6 provides that, if there is evidence of malware or compromise of a foreign travel device, a forensic image is taken and maintained for 90 days and the device is wiped. In addition, operating units are allowed to implement processes for wiping foreign travel devices, even if malware is not detected. Although a forensic image is supposed to be maintained for 90 days, Annex C-6 does not address preservation of federal records beyond that 90-day period. In addition, this policy requires users of foreign travel devices to be warned about possible data loss when devices are wiped and re-imaged.

⁶⁹ At our request, the Department preserved the relevant travel mobile phones; however, for technical reasons, we were unable to recover fully the text messages on the travel phones.

⁷⁰ The term *records* is broadly defined to include “all recorded information, regardless of form or characteristics, made or received by a Federal agency under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the United States Government or because of the informational value of data in them.” 44 U.S.C. § 3301. In addition, the Federal Records Act was amended in November 2014 and added a new definition for electronic messages at 44 U.S.C. § 2911. The law states, “The term ‘electronic messages’ means electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals.” Although this definition applies specifically to disclosure requirements for official business conducted using non-official electronic messaging accounts, it further supports the conclusion that text messages can constitute federal records. NARA guidance also makes clear that agencies must capture and manage electronic records, including text messages, in compliance with federal records management laws, regulations, and policies. See U.S. National Archives and Records Administration, July 29, 2015. *Guidance on Managing Electronic Records*, Bulletin 2015-02. Washington, DC: NARA [online]. <https://www.archives.gov/records-mgmt/bulletins/2015/2015-02.html> (accessed June 8, 2020).

time zones or even different countries. For example, Mr. Dewhirst testified that he generally communicated with Mr. Walsh by text message.

The Department's records management policies did not explicitly address mobile phone messaging, and many of the Department's policies that should contain up-to-date information are too old to contemplate mobile phones or mobile phone messaging. The Department Administrative Orders (DAOs) on managing and preserving electronic records are at least 25 years old.⁷¹ We requested that the Department provide documents detailing how, and by whom, mobile phone record information is saved and retained in accordance with federal records retention requirements—as well as what training it provides to employees regarding how to save text messages or other mobile phone messages constituting federal records. The Department provided a single document in response to this set of requests, but no materials that were substantively relevant to these issues.⁷²

In 2017, U.S. National Archives and Records Administration (NARA) assessed the Department's Records Management Program.⁷³ NARA stated several findings on the state of the Department's records management policies, including

- the Department is working under outdated directives and policy;
- the Department's electronic records management policy is outdated, and the draft to replace it is incomplete;
- the Department's methods for making records management information available to all staff are ineffective; and
- the Department's information technology strategic plan does not incorporate records management.

Despite receiving these findings more than 2 years ago, the Department has not responded adequately. Notably here, the Department has not demonstrated that it has in place procedures to prevent federal records from being destroyed or deleted from mobile phones. Moreover, it appears that federal records may have been destroyed—although we leave to the Department and NOAA, in coordination with NARA, to determine whether (1) any text messages were federal records and (2) the text messages were federal records that should have been retained or were transitory records appropriate for destruction. NOAA has more recent policies concerning records management that include links to

⁷¹ Department Administrative Orders “document and mandate continuing policies, standards requirements, and procedures prescribed by the Office of the Secretary for Department-wide application or for application to two or more major program areas of the Department.” See <http://www.osec.doc.gov/opog/dmp/daos.html> (accessed April 27, 2020). The cited DAOs—DAOs 205-1, *Records Management*; 205-3, *Removal of Records and Other Documents*; and 205-16, *Managing Electronic Records*, dating from 1992, 1978, and 1987, respectively—are the Department's relevant policies on these records issues.

⁷² Our requests are attached as appendix O. In response, the Department provided copy of the *Final DOC IT Security Baseline Policy*, “which specifies enterprise IT security and privacy requirements to meet the minimum legal and federal mandates for information security.”

⁷³ National Archives Office of the Chief Records Officer, June 14, 2017. *Department Of Commerce Records Management Program: Records Management Inspection Report*. Washington, DC: NARA. Available online at <https://www.archives.gov/files/records-mgmt/pdf/doc-inspection.pdf> (accessed April 27, 2020).

NARA guidance stating that text messaging can be considered federal records.⁷⁴ However, it is not clear that NOAA employees are any more diligent in preserving mobile phone messaging that may constitute federal records, as demonstrated by Ms. Roberts's deletion of text messages.

We are concerned that mobile phone messages that may constitute federal records were destroyed prior to our September 7, 2019, document request and preservation notice—and that additional mobile phone messages that may constitute federal records would have been destroyed without proper authorization had we not issued our September 7 memorandum. In addition, we are concerned that the possible destruction of federal records in the form of mobile phone messaging may be a more systematic problem that extends beyond this matter. It does not appear that the Department is providing adequate training on employees' responsibilities with respect to the preservation of all electronic records, including text or mobile phone messages.

⁷⁴ NOAA Office of the Chief Administrative Officer, January 19, 2010. NOAA Records Management Program, NAO 205-I. Washington, DC: NOAA, available online at https://www.corporateservices.noaa.gov/ames/administrative_orders/chapter_205/205-I.html (accessed April 27, 2020); see also, NARA, "Documenting Your Public Service" (Last reviewed by NARA, Oct. 24, 2019), available online at <https://www.archives.gov/records-mgmt/publications/documenting-your-public-service.html> (accessed April 27, 2020).

Final Observations

At the conclusion of our fieldwork, NOAA employees said that they did not think that NOAA will be permanently damaged by the issuance of the Statement. Although NOAA's credibility and employees' morale took a serious hit, NOAA employees expressed their readiness to move forward. As one NWS Birmingham forecaster stated:

I think at this point we're ready to move forward. . . . I think that's the biggest thing, so we can get back to our jobs, protection of life and property. That's what we love doing. I know this is my dream job, and so I love doing it every single day. And when stuff prevents me from doing that, and focusing on that, it really bothers me a lot.

Despite employees' readiness to move forward, we pursued this work because the Department's and NOAA's actions, in the words of one senior NOAA official, "hit at the core" of NOAA. The Statement undercut the NWS's forecasts and potentially undercut public trust in NOAA's and the NWS's science and the apolitical nature of that science. By requiring NOAA to issue an unattributed statement related to a then-5-day-old tweet, while an active hurricane continued to exist off the east coast of the United States, the Department displayed poor judgment in exercising its authority over NOAA.

The attention generated by the Statement cost NOAA and NWS the opportunity to highlight what Dr. Jacobs suggested should have been an important success story that week: that NOAA's weather forecasting model correctly predicted the path of Hurricane Dorian and proved more accurate than the European model. As stated in an email that Dr. Jacobs sent on September 6, 2019, preliminary statistics showed a "[v]ery good forecast for a tricky storm that stalled." (See appendix I.) In the end, this apparent success story of the important science-based accomplishment was overshadowed by actions the Department set in motion in response to an external demand.⁷⁵

Instead of focusing on NOAA's successful hurricane forecast, the Department unnecessarily rebuked NWS forecasters for issuing a public safety message about Hurricane Dorian in response to public inquiries—that is, for doing their jobs. Interviews with four NWS Birmingham forecasters, NWS leadership, and NOAA leadership demonstrated their commitment to NWS's mission "to protect life and property." This apolitical public service—and ability to further the mission of NWS—should be supported, not undermined.

⁷⁵ We did not assess the accuracy of NOAA's weather model forecast for Hurricane Dorian.

Appendix A: Objective, Scope, and Methodology

Our objective was to examine the circumstances surrounding the Statement, providing an independent account of the events that transpired in the interest of transparency and good government. Through the course of our work, we focused on a review of electronic records and interviews with identified persons of interest.

The scope of this work included any persons, entities, or evidence of the Department's Office of the Secretary or NOAA determined to be connected in any way to tweets, Facebook posts, press releases, or statements of any kind related to Hurricane Dorian.

To meet our objective, we conducted multiple interviews of Department and NOAA employees, including senior officials under oath. We also reviewed extensive documentary evidence to include the following:

- Records and communications, including email and text messages, discussing, referring to, or in any way relating to or involving the circumstances and events leading to or surrounding NOAA's issuance of the September 6, 2019, statement regarding Hurricane Dorian (the Statement)
- The Department's account of all calls, meetings, and other oral communications regarding or discussing the Statement, including the names and titles of participants, the dates and times of such communications, and any records documenting such calls, meetings, or other oral communications, including but not limited to call logs and calendars
- Telephone records for certain persons of interest
- Documents discussing or in any manner addressing the applicability of any law, rule, regulation, policy, directive, or other authoritative NOAA document, including the Scientific Integrity Policy, to the Statement
- Communications between the NWS Birmingham office and NWS or NOAA and/or Departmental leadership, made on or after September 1, 2019
- Departmental and NOAA directives, policies, and procedures related to records management
- Departmental communication directives
- The NARA Records Management Inspection Report of the Department of Commerce Records Management Program (June 14, 2017)
- NARA's "Documenting Your Public Service"
- The *Department Travel Policy Handbook*
- Department Information Technology Security Baseline Policy
- NOAA Scientific Integrity Policy

- The NWS Weather-Ready Nation Roadmap
- NWS Messaging Guidance and Training
- NWS Service Description Document Impact-Based Decision Support Services for NWS Core Partners
- NOAA-archived Hurricane Dorian forecast products and graphics
- Relevant tweets, Facebook posts, and official statements from the Department and NOAA
- Interview transcripts from interviews conducted in NOAA's scientific integrity inquiry with persons of interest

We reviewed these materials to assist in identifying persons of interest and to construct a timeline of events. We conducted a total of 32 interviews with 26 persons of interest, which included the Secretary, Deputy Secretary, and others from the Office of the Secretary; the Assistant Secretary of Commerce for Environmental Observation and Prediction, performing the duties of Under Secretary of Commerce for Oceans and Atmosphere; other NOAA officials; staff from NWS Birmingham; and two subject-matter experts, one on weather forecasting and emergency management communications and one on the social science of emergency management communications.

Although we could not independently verify the reliability of all the information we collected, especially that of unreconciled testimonies, we compared it with other available supporting evidence to determine consistency and reasonableness. Based on these efforts, we believe the information we obtained is sufficiently reliable for this report.

We conducted our work from September 2019 through January 2020 under the authority of the Inspector General Act of 1978, as amended (5 U.S.C. App.), and Department Organization Order 10-13, dated April 26, 2013. We performed our fieldwork at Department of Commerce headquarters in Washington, DC, and NOAA offices in Silver Spring, MD, and Calera, AL.

We conducted our work in accordance with the *Council of the Inspectors General on Integrity and Efficiency Quality Standards for Inspection and Evaluation*. Those standards require that the work be adequately planned and that evidence supporting findings and conclusions be sufficient, competent, and relevant and should lead a reasonable person to sustain the findings and conclusions. We believe that our work and the evidence obtained meets those standards.

Appendix B: Related Congressional Correspondence

RICHARD C. SHELBY, ALABAMA, CHAIRMAN

MITCH MCCONNELL, KENTUCKY	PATRICK J. LEAHY, VERMONT
LAMAR ALEXANDER, TENNESSEE	PATTY MURRAY, WASHINGTON
SUSAN M. COLLINS, MAINE	DIANNE FEINSTEIN, CALIFORNIA
LISA MURKOWSKI, ALASKA	RICHARD J. DURBIN, ILLINOIS
LINDSEY GRAHAM, SOUTH CAROLINA	JACK REED, RHODE ISLAND
ROY BLUNT, MISSOURI	JON TESTER, MONTANA
JERRY MORAN, KANSAS	TOM UDALL, NEW MEXICO
JOHN ROEVEN, NORTH DAKOTA	JEANNE SHAWHEEN, NEW HAMPSHIRE
JOHN BOOZMAN, ARKANSAS	JEFF MERKLEY, OREGON
SHELLEY MOORE CAPITO, WEST VIRGINIA	CHRISTOPHER A. COONS, DELAWARE
JAMES LANKFORD, OKLAHOMA	BRIAN SCHATZ, HAWAII
STEVE DAINES, MONTANA	TAMMY BALDWIN, WISCONSIN
JOHN KENNEDY, LOUISIANA	CHRISTOPHER S. MURPHY, CONNECTICUT
MARCO RUBIO, FLORIDA	JOE MANCHIN, III, WEST VIRGINIA
CINDY HYDE-SMITH, MISSISSIPPI	CHRIS VAN HOLLEN, MARYLAND

SHANNON HUTCHERSON HINES, STAFF DIRECTOR
CHARLES E. KIEFFER, MINORITY STAFF DIRECTOR

United States Senate
COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-6025
<http://appropriations.senate.gov>

September 9, 2019

Inspector General Peggy E. Gustafson
U.S. Department of Commerce
Office of the Inspector General
1401 Constitution Ave. NW
Washington, DC 20230

Dear Inspector General Gustafson:

I write to express my concerns about the National Oceanic and Atmospheric Administration's (NOAA) statement dated September 6, 2019, that reprimands National Weather Service (NWS) experts in the Birmingham Weather Forecast Office (WFO) for communicating to the public that Hurricane Dorian would not impact Alabama. The Birmingham WFO statement corrected President Donald Trump's contention that Hurricane Dorian would severely impact the state. I am deeply troubled that NOAA is politicizing weather prediction critical for the protection of life and property in contravention of internal operations services and policy directives. I believe that the NOAA statement seeks to silence NOAA meteorologists and I request that you investigate whether it violates the agency's Administrative Order on Scientific Integrity (NAO 202-735D).

On September 1, 2019, President Trump tweeted that the State of Alabama "will most likely be hit (much) harder than anticipated" by Hurricane Dorian. However, the NWS experts, including those at the National Hurricane Center, were already reporting that Alabama was outside of the forecast storm track. At this point in time, it was already known that the storm would remain off the Florida coast before heading up the Atlantic seaboard. To prevent public confusion and to clarify to emergency managers who rely on NOAA weather predictions for critical decisions about evacuations and disaster preparedness, the Birmingham WFO tweeted "Alabama will NOT see any impacts from [Hurricane Dorian]."

NOAA released a statement September 6, 2019, attributable to an unnamed spokesperson supporting the President's assertion and undermining the Birmingham WFO, stating "The Birmingham National Weather Service's Sunday morning tweet spoke in absolute terms that were inconsistent with probability from the best forecast products available at the time." I believe that NOAA released this statement to defend the President's position, while ignoring the best available science. This statement violates NOAA's internal scientific integrity order. NAO 202-735D states that all staff, including political and career, "must preserve the integrity of the scientific activities it conducts." This includes, "In no circumstance may any NOAA official ask or direct Federal scientists or other NOAA employees to suppress or alter scientific findings."

NOAA's September 6, 2019, statement could have a detrimental effect on future forecasts during extreme weather events if meteorologists are concerned about political repercussions from storm predictions. The public must have confidence that forecasts are based on scientific, not political, models. I request that you investigate whether this statement violated NOAA's Administrative Order on Scientific Integrity or any other relevant statutes. Thank you for your consideration.

Sincerely,



Jeanne Shaheen
Vice Chair
Subcommittee on Commerce,
Justice, Science and Related Agencies

United States Senate
WASHINGTON, DC 20510

September 10, 2019

Inspector General Peggy E. Gustafson
U.S. Department of Commerce
Office of Inspector General
1401 Constitution Avenue N.W.
Washington, DC 20230

Dear Ms. Gustafson,

We are aware that you have opened an investigation and are writing to request you gather information on specific activities that have been highlighted in recent reporting.¹ These reports have indicated that officials at the National Oceanic and Atmospheric Administration (NOAA) have put forward directives interpreted as warning NOAA employees against contradicting the President, regardless of the veracity of his statements and the negative impact they may have. These incidents appear to be another example of this administration's attempts to silence and undermine important science that is critical in preserving the safety and well-being of millions across the country.

On September 1, 2019, President Trump tweeted about Hurricane Dorian, warning that beyond Florida, "South Carolina, North Carolina, Georgia, and Alabama will most likely be hit (much) harder than anticipated by the storm." Birmingham National Weather Service (NWS) quickly issued a factual tweet stating that the hurricane would remain too far east for Alabama to be impacted. Reporting by the Washington Post indicates that later that day an agency-wide directive issued that was interpreted as a warning to NOAA staff against contradicting the President.

According to the same reporting, a second directive "warning scientists and meteorologists not to speak out" was handed down on September 4, after the President showed a map that had been modified to support his claims that Alabama had been in the hurricane's path. Finally, on September 6, NOAA officials released a statement attributed to an unnamed spokesperson that supported the President's claim that Alabama had been at risk and was understood to be a rebuke of the Birmingham NWS office.

In response to these actions, the acting chief scientist at NOAA announced that they will open an investigation as to whether or not NOAA's response to the President's tweets violated the NOAA Administrative Order on Scientific Integrity. Taken in their totality, the reported activities are a part of an alarming pattern within this administration, where officials have repeatedly shown a lack of support for the federal scientific community and a willingness to suppress and disregard science in favor of political expediency. The U.S. Departments of

¹ https://www.washingtonpost.com/politics/noaa-staff-warned-in-sept-1-directive-against-contradicting-trump/2019/09/07/12a52d1a-d18f-11e9-87fa-8501a456c003_story.html?noredirect=on

Agriculture and the Interior as well as the U.S. Environmental Protection Agency have taken actions under the direction of the Trump administration to withhold and handicap science and the federal scientists that produce it.

Scientists within the federal government work for the American people, not for private industry or the President's personal vanity. Individuals and families across the country rely on weather forecasting to determine everything from what they wear each day to the decision to evacuate a home during extreme weather events. As deadly extreme weather becomes more and more common, maintaining public trust in these reports becomes increasingly important. Agency officials should not be sacrificing trustworthy weather reporting for political gain.

As such, we request that, as part of your investigation, you seek information related to the circumstances surrounding these events within NOAA, specifically:

1. Whether Department officials who are not subject matter experts have suppressed or altered—or are actively suppressing or altering—scientific products or communications;
2. Whether Department officials were pressured or explicitly directed by the White House to take the actions reported in Footnote 1 or to overrule career staff;
3. The legality of any actions by Department officials, who are not subject matter experts, who altered or witnessed any alterations to scientific products of communications; and
4. Whether Department officials retaliated or made political decisions that have impacted NOAA's ability to fulfill its mission to understand and predict changes in climate, weather, oceans, and coasts, to share that knowledge and information with others, and to conserve and manage coastal and marine ecosystems and resources.

Thank you for your attention to this request.

Sincerely,



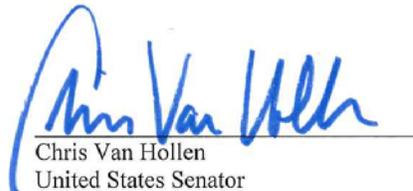
Mazie K. Hirono
United States Senator



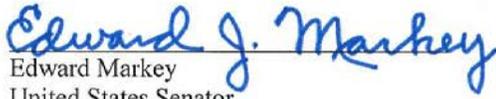
Richard Blumenthal
United States Senator



Ron Wyden
United States Senator

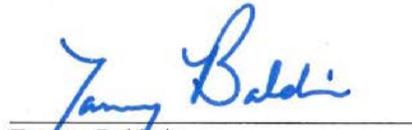


Chris Van Hollen
United States Senator

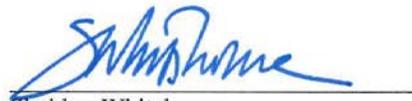

Edward Markey
United States Senator


Mark R. Warner
United States Senator

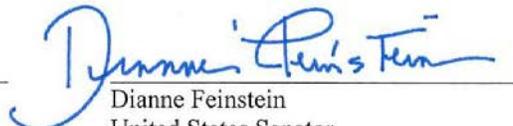

Tammy Duckworth
United States Senator


Tammy Baldwin
United States Senator


Margaret Wood Hassan
United States Senator


Sheldon Whitehouse
United States Senator


Bernard Sanders
United States Senator


Dianne Feinstein
United States Senator


Amy Klobuchar
United States Senator


Elizabeth Warren
United States Senator

EDDIE BERNICE JOHNSON, Texas
CHAIRWOMAN

FRANK D. LUCAS, Oklahoma
RANKING MEMBER

Congress of the United States
House of Representatives

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September 10, 2019

The Honorable Peggy E. Gustafson
U.S. Department of Commerce
Office of Inspector General
1401 Constitution Avenue NW
Washington, DC 20230

Dear Ms. Gustafson,

I am writing in support of your investigation of the statement issued by the National Oceanic and Atmospheric Administration (NOAA) on September 6, 2019.¹ Additionally, I am requesting a copy of the letter you sent to NOAA staff notifying them of this investigation, referenced in a New York Times article updated this morning.²

I am in full agreement with your assessment, as quoted in the New York Times piece, that this is an issue of scientific integrity and potentially disrupts the ability of the National Weather Service to disseminate critical safety information in the midst of hurricane season. I am eager to remain apprised of your office's work on this issue. As the scope of your investigation develops in the coming week, please keep my staff informed. As Chairwoman of the Committee on Science, Space, and Technology, I take very seriously any threat to the integrity of our federal science agencies and their ability to communicate with the public.

Sincerely,


EDDIE BERNICE JOHNSON
Chairwoman

Committee on Science, Space, and Technology

¹ "Statement from NOAA," National Oceanic and Atmospheric Administration, U.S. Department of Commerce, September 6, 2019, accessed here: <https://www.noaa.gov/news/statement-from-noaa>

² Christopher Flavelle, Lisa Friedman and Peter Baker, "Commerce Chief Threatened Firings at NOAA After Trump's Dorian Tweets, Sources Say," *New York Times*, September 9, 2019, accessed here: <https://www.nytimes.com/2019/09/09/climate/hurricane-dorian-trump-tweet.html>

CORY GARDNER
COLORADO

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United States Senate

COMMITTEES:
COMMERCE, SCIENCE,
AND TRANSPORTATION
ENERGY AND
NATURAL RESOURCES
FOREIGN RELATIONS

September 11, 2019

The Honorable Peggy Gustafson
Office of the Inspector General
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, DC 20230

Dear Inspector General Gustafson:

I write today in full support of an inquiry into the recent events involving the National Oceanic and Atmospheric Administration (NOAA) and the National Weather Service (NWS) assessment of Hurricane Dorian.

According to recent reports, political considerations may have led NOAA to disregard the overwhelming consensus among the agency's scientists about the path Hurricane Dorian was likely to take and issue a statement contradicting the NWS. If true, this is deeply disturbing and antithetical to the mission of the agencies. Such actions would seriously endanger the public trust in our institutions and lower staff morale at the agencies involved.

Science should not be a partisan issue. The Office of Inspector General should pursue a thorough inquiry into this matter and determine why NOAA released this contradictory statement. Weather forecasting is integral for the safety of our people, property, and our economy. It is essential that science and forecasting remain nonpartisan and that we recognize and support the work of the scientific community.

As Chairman of the Commerce Subcommittee on Science, Oceans, Fisheries, and Weather, I look forward to continuing our work together in the future to bolster the work of the dedicated professionals at the Department of Commerce on these matters and others. Thank you for your prompt attention to this important matter.

Sincerely,



Cory Gardner
United States Senator

Appendix C: Ms. Roberts Email to Dr. Jacobs— Alabama Comment Explanation

Fwd: ****IMPORTANT**** RTQ re: POTUS Briefing

From: Julie Roberts - NOAA Federal <[REDACTED]@noaa.gov>
To: Neil Jacobs <[REDACTED]@noaa.gov>
Date: Sun, 1 Sep 2019 18:09:53 -0400

This explains Alabama comment

Kindest regards,
Julie Kay Roberts
Deputy Chief of Staff
National Oceanic and Atmospheric Administration

Begin forwarded message:

From: [REDACTED]@noaa.gov
Date: September 1, 2019 at 5:55:50 PM EDT
To: Julie Roberts - NOAA Federal <[REDACTED]@noaa.gov>, [REDACTED]
<[REDACTED]@noaa.gov>
Subject: Fwd: FW: ****IMPORTANT**** RTQ re: POTUS Briefing

Hi Julie and [REDACTED]

Please see below for FEMA's response points following POTUS briefing, coordinated with WH Comms.

Thank you,
[REDACTED]

[REDACTED]

----- Forwarded message -----
From: [REDACTED]@fema.dhs.gov>
Date: Sun, Sep 1, 2019 at 5:42 PM
Subject: FW: ****IMPORTANT**** RTQ re: POTUS Briefing
To: [REDACTED]@noaa.gov>

-
-

Subject: **IMPORTANT RTQ re: POTUS Briefing**

-
Good evening.

-
For those of you who are doing media, please see below. If you receive any questions, please stick to the talking points we coordinated with WH Comms below. If you have any questions, please let me or [REDACTED] know.

-
All Regional personnel and EA staff deployed in response to Dorian have been instructed to direct any inquiries on these topics to the [HQ News Desk](#) for response.

-

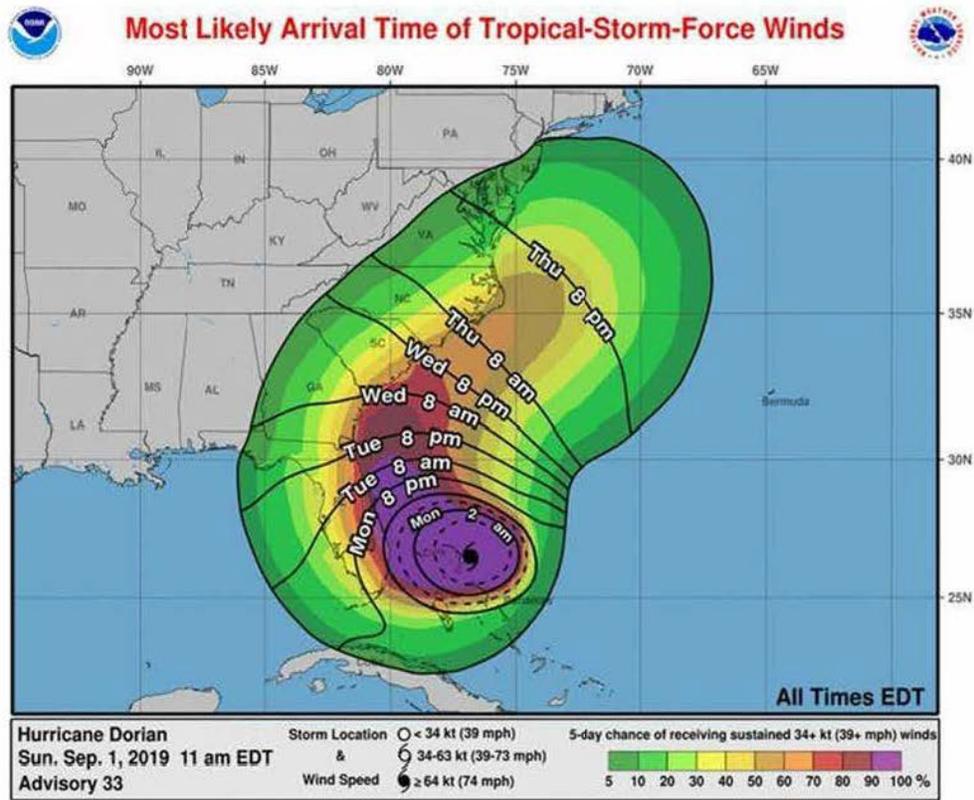
-
If asked re: POTUS remarks during today's briefing –

- **Category 5 Designation:**

- During his briefing today, the President conveyed the potentially devastating magnitude of Hurricane Dorian – a large system with significant potential for dangerous impacts along the East Coast of the United States.
- As Hurricane Dorian approaches, the President has been constantly engaged; receiving daily briefings from DHS, FEMA and Federal interagency leadership who are coordinating to ensure an effective whole of government response.
- The President also continues to emphasize the importance of the American people remaining vigilant and using the slower pace of the storm as additional time to finalize their preparations.

- **Alabama Impacts from Hurricane Dorian:**

- According to the National Hurricane Center's late morning update – released just prior to the President's briefing – a small portion of the southeast coast of Alabama could in fact see some tropical storm force wind and rainfall impacts as a result of Hurricane Dorian.
- As we have seen over the past week, storm tracks can change quickly and everyone in the potential path of the storm, as well as neighboring states, should continue to monitor the weather for the most up-to-date information.



#####

[Redacted]

FEMA U.S. Department of Homeland Security

[Redacted]

Appendix D: Ms. Roberts Email to Dr. Jacobs— Tropical-Storm-Force Winds Graphic

Alabama

From: Julie Roberts - NOAA Federal <[REDACTED]@noaa.gov>
To: Neil Jacobs - NOAA Federal <[REDACTED]@noaa.gov>
Date: Tue, 3 Sep 2019 16:25:28 -0400
Attachments: 5am August 31.png (368.24 kB)

On August 31 at 5am this is graphic we distributed. For a couple days he was seeing where Alabama could be impacted with tropical storm winds. Sent this to FEMA public affairs for distribution to the WH.

Kindest regards,
Julie Kay Roberts, CEM
Deputy Chief of Staff
National Oceanic and Atmospheric Administration

“You can tell a lot about a fellow’s character by his way of eating jelly beans.” President Ronald Reagan

Appendix E: Dr. Jacobs Email to NSC Contact—Tropical-Storm-Force Winds Graphic

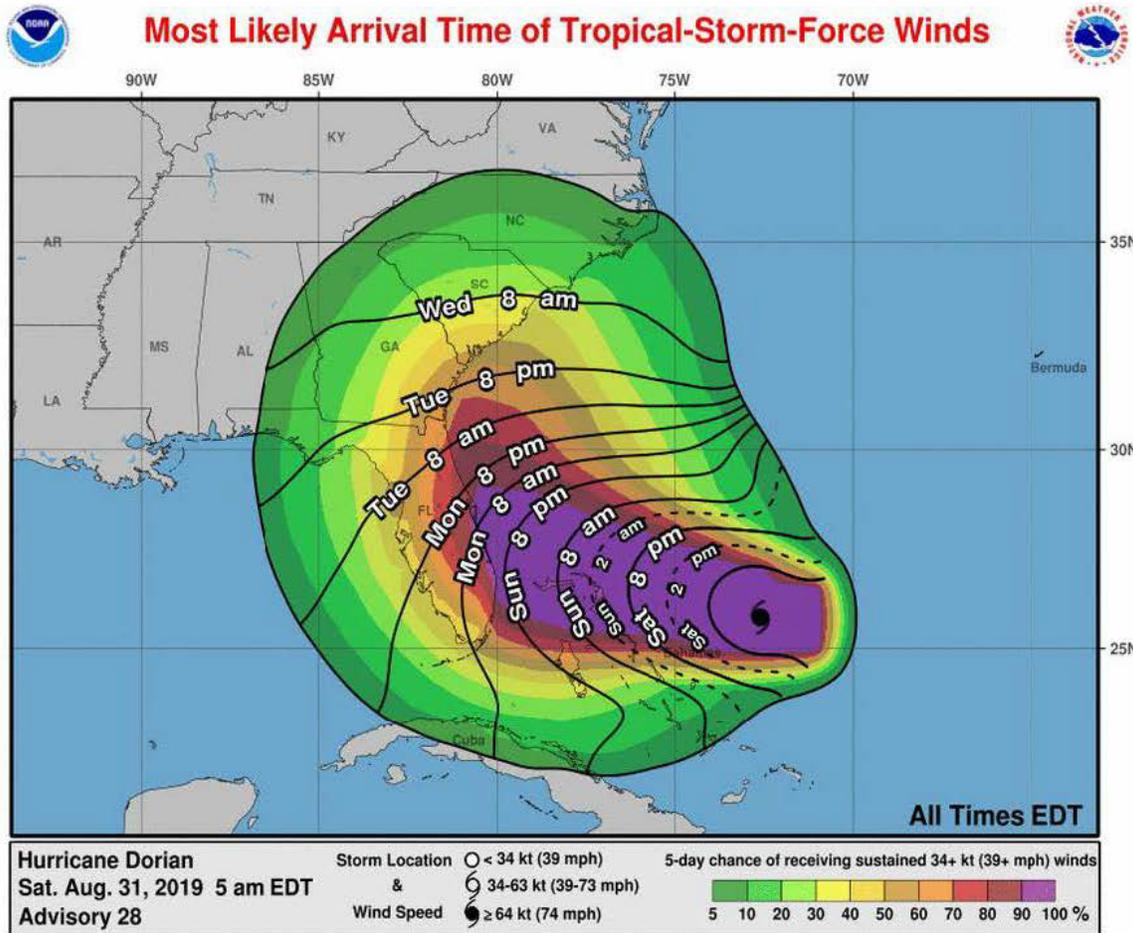
AL plot (urgent)

From: Neil Jacobs - NOAA Federal [redacted]@noaa.gov>
 To: [redacted]@nsc.eop.gov>
 Date: Wed, 4 Sep 2019 15:51:55 -0400

I believe this was the graphic that POTUS was referencing. It shows AL included in a small (5-20%) but non-zero chance to see winds exceeding 39 mph.

If you need more info, feel free to call.

-Neil



Appendix F: Dr. Jacobs Email to NSC Contact—Offering Assistance

Re: AL plot

From: Neil Jacobs - NOAA Federal <[REDACTED]@noaa.gov>
To: [REDACTED]@nsc.eop.gov>
Date: Thu, 5 Sep 2019 17:37:03 -0400

Very much appreciate it, as well as your sense of humor. I think what POTUS tweeted was good. It shows Alabama was within the non-zero probabilities of seeing tropical storm force winds. Even though the state was in the 5-20% range, which are very low odds, it was not zero.

Anything I can do to help? Going forward, if anyone there needs clarification on the best ways to interpret our graphics, I'm available. Even our publicly available plots are meant more for trained meteorologists.

Also, it looks like the US model outperformed the European model on this storm. I can calculate the stats, but that is a big win for the US. Most of the runs taking the storm into the Gulf were the Euro.

On Sep 5, 2019, at 5:27 PM, [REDACTED]@nsc.eop.gov> wrote:

Neil,

I'm trying to keep you out of the eye of the Sharpie storm.

[REDACTED]

From: [REDACTED]
Sent: Thursday, September 5, 2019 12:13 PM
To: 'Neil Jacobs - NOAA Federal' <[REDACTED]@noaa.gov>
Subject: RE: AL plot

Super helpful and timely, Neil, thanks.

I'll tell you the poster story next time we meet.

Front office says they have all they need now.

Thank again,

[REDACTED]

From: Neil Jacobs - NOAA Federal <[REDACTED]@noaa.gov>
Sent: Thursday, September 5, 2019 11:51 AM
To: [REDACTED]@nsc.eop.gov>
Subject: Re: AL plot (urgent)

We don't produce spaghetti plots with our output because it generates confusion; however, many private sector companies do.

Here is a link to all the 5-day cones:

https://www.nhc.noaa.gov/archive/2019/DORIAN_graphics.php?product=5day_cone_no_line_and_wind

Here is a link to all the 5-day wind speed probabilities for >39mph:

https://www.nhc.noaa.gov/archive/2019/DORIAN_graphics.php?product=wind_probs_34_F120

Here is a link to the archive of all the NHC plots:

https://www.nhc.noaa.gov/archive/2019/DORIAN_graphics.php

In the wind speed probability plot, you can see that Alabama ***is*** included from advisory #15 all the way to advisory #41. Granted, it never exceeded a 30% chance (light green).

Let me know how I can help with this issue. [REDACTED] (OSTP) is also tracking, and can be helpful. Do you know what the reason was for the marker on the poster? Perhaps it was with respect to something else? Maybe where Michael made landfall last year?

On Sep 5, 2019, at 11:32 AM, [REDACTED]
[REDACTED]@nsc.eop.gov wrote:

Neil, do you a similar chart from Sunday morning, or spaghetti models from Thursday's oval office briefing?

Still trying to put to bed the Alabama/fake news issue.

Thanks,



From: Neil Jacobs - NOAA Federal <[REDACTED]@noaa.gov >
Sent: Wednesday, September 4, 2019 3:52 PM
To: [REDACTED]@nsc.eop.gov >
Subject: AL plot (urgent)



I believe this was the graphic that POTUS was referencing. It shows AL included in a small (5-20%) but non-zero chance to see winds exceeding 39 mph.

If you need more info, feel free to call.

-Neil

<image001.jpg>

Appendix G: Mr. Mulvaney Email to Secretary Ross—Requested Correction or Explanation

Fwd: National Weather Service corrects Trump on Hurricane Dorian: 'Alabama will not see any impacts'

From: "Mulvaney, Mick M. EOP/WHO" <[REDACTED]@who.eop.gov>
To: Wilbur Ross <[REDACTED]@doc.gov>, "Ross, Wilbur (Federal)" <[REDACTED]@doc.gov>
Date: Thu, 05 Sep 2019 21:21:01 -0400

Wilbur: here is the issue: the NWS put this release out — ON SUNDAY — saying Alabama was not at risk.

I was with the President on Saturday when he put out the tweet about Alabama. And all the maps at that point included Alabama. So the question is: why would the NWS put this out on Sunday?

If they had, as you suggested, received inquiries from people in Alabama, it seems that the more appropriate response — on Sunday — would have been to say either 1) Alabama is at risk, though slight or 2) Alabama is no longer at risk (if more recent maps that they had that I haven't seen, showed that change).

As it currently stands, it appears as if the NWS intentionally contradicted the president. And we need to know why.

He wants either a correction or an explanation or both.

Hope this makes sense.

MM

Sent from my iPhone

Begin forwarded message:

From: "Mulvaney, Mick M. EOP/WHO" <[REDACTED]@who.eop.gov>
Date: September 5, 2019 at 9:16:24 PM EDT
To: "Mulvaney, Mick M. EOP/WHO" <[REDACTED]@who.eop.gov>
Subject: National Weather Service corrects Trump on Hurricane Dorian: 'Alabama will not see any impacts'

<https://www.msn.com/en-us/news/us/national-weather-service-corrects-trump-on-hurricane-dorian-alabama-will-not-see-any-impacts/ar-AAGETqh>

Sent from my iPhone

Appendix H: Ms. Roberts Email to Mr. Walsh— Chronology of Events

Alabama Tweet History

From: Julie Roberts - NOAA Federal <[REDACTED]@noaa.gov>
To: "Walsh, Michael (Federal)" <[REDACTED]@doc.gov>, [REDACTED] <[REDACTED]@doc.gov>, "Jacobs, Neil (Federal)" <[REDACTED]@noaa.gov>
Date: Fri, 06 Sep 2019 03:48:51 -0400

Mike

Here is the summary of the tweets issued on Saturday and Sunday with timeline. The document attached as the link to YouTube video where you can listen to the statement by the President on Alabama, NHC Director [REDACTED] weather briefing. There are two follow-up questions one of the related to the storm going across the State of Florida into the Gulf and [REDACTED] explained that was not the forecast as of Sunday. The second question was about the likelihood of the storm moving up the East Coast which [REDACTED] addressed.

I also provide the two graphics sent to the NSC on Wednesday that shows where Alabama was in a small risk 10-15 for Tropical-Storm-Winds on NHC packages sent earlier in the weekend.

The last item in the document is the NHC 11am Advisory for Sunday September 1 that was distribute to my list.

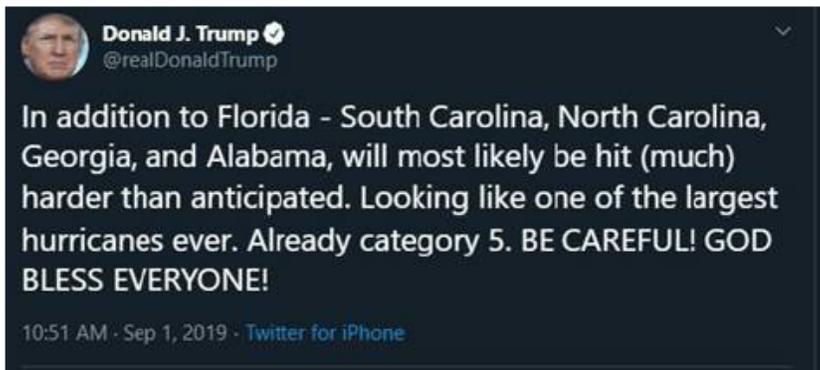
It should be noted that beginning last Friday, August 30 the NHC Advisories were distributed to the NSC Resilience and NSC Staff distribution list pre their request, including the 5am each day. Those advisories were presumably used to brief the President throughout the weekend at Camp David. Another quick note, Vice President Pence called Neil two times directly to discuss the forecast changes prior to his international press engagements on Monday and Tuesday. Neil was able to talk through his remarks and provide correct information.

Let me know if you need something more. I have not been able to reach Neil by phone. Since Thursday night he has slept only a couple hours because he was tracking the forecast. I flag this email so he can respond as soon as sees his phone. One last point, I have personally been working with the NSC and FEMA communication team on how to manage the situation. As soon I understood there was the original tweet and the follow-up from Birmingham we sent direct to all NWS employees to not respond to information on social media. I have been ensured by the leadership at NWS Birmingham, the follow-up tweet was not in response to the President's tweet, they had not seen it. The NWS tweet was in response to phone calls being received from the community.

Saturday August 31 – President's Tweet 10:00am (GA, NC)



Sunday, September 1 - President Tweet 10:51am (FL, SC, NC, GA, AL)



NWS Birmingham 11:11am – after receiving numerous phone calls at the WFO, tweet was issued



Kindest regards,
Julie Kay Roberts, CEM
Deputy Chief of Staff
National Oceanic and Atmospheric Administration

“You can tell a lot about a fellow’s character by his way of eating jelly beans.” President Ronald Reagan

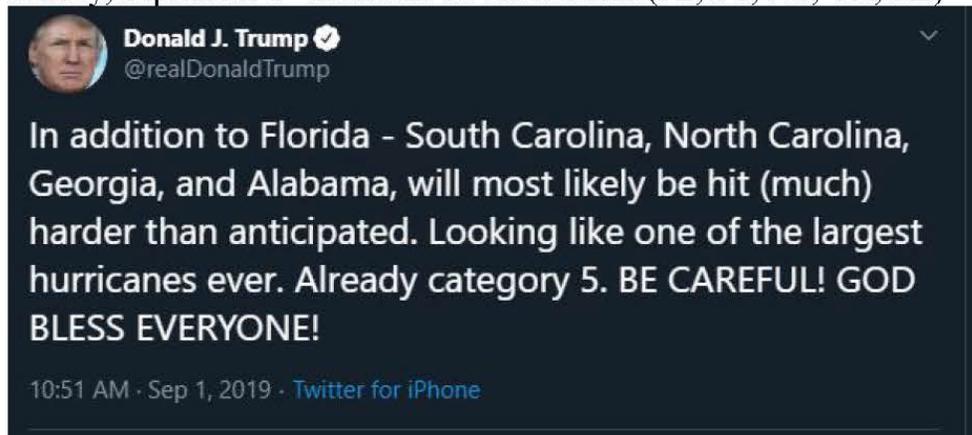


Alabama Tweet

Saturday August 31 – President’s Tweet 10:00am (GA, NC)



Sunday, September 1 - President Tweet 10:51am (FL, SC, NC, GA, AL)



NWS Birmingham 11:11am – after receiving multiple phone calls at the WFO



President Briefing at FEMA began 12:30pm
YouTube video of the FEMA briefing with NHC [REDACTED]

<https://youtu.be/R2XUwLTufZ4>

Video Mark (1:23) President stated “Alabama may get a small sliver” – should be noted Alabama was not invited to the VTC with Florida, Georgia, SC, and NC because they were not under advisory

Video Mark (4:15) NHC Director [REDACTED] briefing started, focused on the Southeast portion of the United States

Video Mark (8:17) President asks question about the original forecast showing it going through Florida. [REDACTED] explained how forecast nudged north showing the new track which did not show Alabama in the area

President Follow-up: How certain are you that the track will go north.

[REDACTED] Responded: Every model shows pulling north, edge of cone along Florida Coast up to North Carolina.

President Wraps Up and say Good job to [REDACTED]

No other statement was made about Alabama at that briefing.

The statement about Alabama was the first time the group in the room heard mention of Alabama. Because everyone was prepping for the meeting we had not seen the tweet the President issued at 10:51am that morning.

SUPPORTING INFORMATION PROVIDED TO THE NSC ON WEDNESDAY – SEPTEMBER 4

NSC briefed the President over the weekend using the official NHC Advisory packages. The graphics below showed a small likelihood of tropical storm force winds and rainfall impacts to Georgia and Alabama. As NOAA began collecting more data about the storm, subsequent updates to the forecast correctly showed Dorian's northward turn would occur earlier and spare Florida from a direct hit.

August 31, NHC 5am Advisory - Tropical-Storm-Force Winds (AL 5-15% chance of impact)



August 29, NHC 11am Advisory - Tropical-Storm-Force Winds (AL 5-15% chance of winds starting Monday at 8pm)



NHC 11AM ADVISORY SEPTEMBER 1, 2019 (MORNING BEFORE FEMA 12:30 BRIEFING)

Dorian Now Strongest Hurricane On Record For Northwestern Bahamas; Catastrophic Conditions for Abacos Islands

Summary of 1100 AM EDT INFORMATION:

LOCATION...26.5N 76.8W
ABOUT 20 MI...30 KMENE OF GREAT ABACO ISLAND
ABOUT 205 MI...330 KM E OF WEST PALM BEACH FLORIDA
MAXIMUM SUSTAINED WINDS...180 MPH...285 KM/H
PRESENT MOVEMENT...W OR 270 DEGREES AT 7 MPH...11 KM/H
MINIMUM CENTRAL PRESSURE...913 MB...26.96 INCHES

WATCHES AND WARNINGS

CHANGES WITH THIS ADVISORY:

- A Hurricane Watch has been issued for the east coast of Florida from north of Deerfield Beach to the Volusia/Brevard County Line.
- A Storm Surge Watch has also been issued from north of Deerfield Beach to the Volusia/Brevard County Line.
- A Tropical Storm Watch has been issued for Lake Okeechobee.

SUMMARY OF WATCHES AND WARNINGS IN EFFECT:

A Storm Surge Watch is in effect for...

* North of Deerfield Beach to the Volusia/Brevard County Line

A Hurricane Warning is in effect for...

* Northwestern Bahamas excluding Andros Island

A Hurricane Watch is in effect for...

* Andros Island

* North of Deerfield Beach to the Volusia/Brevard County Line

A Tropical Storm Warning is in effect for...

* North of Deerfield Beach to Sebastian Inlet

A Tropical Storm Watch is in effect for...

* North of Golden Beach to Deerfield Beach

* Lake Okeechobee

Interests elsewhere along the east coast of Florida should continue to monitor the progress of Dorian, as additional watches or warnings may be required later today.

DISCUSSION AND OUTLOOK

At 1100 AM EDT (1500 UTC), the extremely distinct eye of Hurricane Dorian was located near latitude 26.5 North, longitude 76.8 West. Dorian is moving toward the west near 7 mph (11 km/h). A slower westward motion should continue for the next day or two, followed by a gradual turn toward the northwest. On this track, the core of extremely dangerous Hurricane Dorian will continue to move over Great Abaco and move near or over Grand Bahama Island later tonight and Monday. The hurricane should move closer to the Florida east coast late Monday through Tuesday night.

Maximum sustained winds have increased to near 180 mph (285 km/h) with higher gusts. Dorian is an extremely dangerous category 5 hurricane on the Saffir-Simpson Hurricane Wind Scale. Some fluctuations in intensity are likely, but Dorian is expected to remain a powerful hurricane during the next few days.

Dorian has grown larger in size. Hurricane-force winds extend outward up to 45 miles (75 km) from the center and tropical-storm-force winds extend outward up to 140 miles (220 km). Ham radio reports indicate that Hope Town in the Abacos just reported wind gust to 100 mph. The minimum central pressure measured by both NOAA and Air Force reconnaissance plane was 913 mb (26.96 inches).

HAZARDS AFFECTING LAND

WIND: Catastrophic hurricane conditions are occurring in the Abacos Islands and will spread across Grand Bahama Island later today and tonight. Hurricane conditions are possible within the hurricane watch area in Florida by late Monday or early Tuesday. Tropical storm conditions are expected within the tropical storm warning area on Monday and Tuesday. Tropical storm conditions are possible within the tropical storm watch area by Monday night.

STORM SURGE: A life-threatening storm surge will raise water levels by as much as 18 to 23 feet above normal tide levels in areas of onshore winds on the Abaco Islands and Grand Bahama Island. Near the coast, the surge will be accompanied by large and destructive waves. The combination of a dangerous storm surge and the tide will cause normally dry areas near the coast to be flooded by rising waters moving inland from the shoreline. The water could reach the following heights above ground somewhere in the indicated areas if the peak surge occurs at the time of high tide...

- Volusia/Brevard County Line to Jupiter Inlet FL...4 to 7 ft
- North of Deerfield Beach to Jupiter Inlet FL...2 to 4 ft

The surge will be accompanied by large and destructive waves. Surge-related flooding depends on the how close the center of Dorian comes to the Florida east coast, and can vary greatly over short distances.

RAINFALL: Dorian is expected to produce the following rainfall totals through late this week:

- Northwestern Bahamas...12 to 24 inches, isolated 30 inches.
- Coastal Carolinas...5 to 10 inches, isolated 15 inches.
- Central Bahamas and the Atlantic Coast from the Florida peninsula
- through Georgia...2 to 4 inches, isolated 6 inches.

This rainfall may cause life-threatening flash floods.

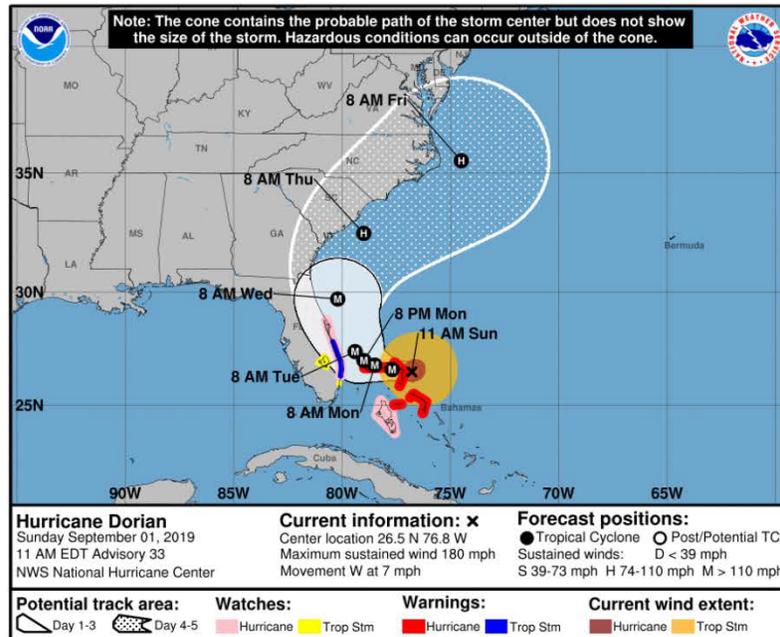
SURF: Large swells are already affecting east-facing shores of the Bahamas, the Florida east coast, and will spread northward along the southeastern United States coast during the next few days. These swells are likely to cause life-threatening surf and rip current conditions.

Links

- [NWS National Hurricane Center - Hurricane Dorian Homepage](#)
- [NOAA QuickLook for Hurricane Dorian](#)
- [NOAA GOES Satellite Viewer - Hurricane Dorian Loop](#)
- [NWS Weather Ready Nation](#)

Graphics

Forecast Track for Hurricane Dorian as of 11 am EDT Sept 1



Key Messages for Hurricane Dorian



Key Messages for Hurricane Dorian
Advisory 33: 11:00 AM EDT Sun Sep 01, 2019



1. A prolonged period of catastrophic winds and storm surge will affect the Abaco Islands today. Everyone there should take immediate shelter and not venture into the eye. These catastrophic conditions are likely on Grand Bahama Island later today or tonight, and efforts to protect life and property there should be rushed to completion.
2. Storm surge and hurricane watches and tropical storm warnings are in effect for portions of the Florida east coast. Life-threatening storm surge and dangerous hurricane-force winds are possible along portions of the Florida east coast through mid-week, as only a slight deviation to the left of the official forecast would bring the core of Dorian near or over the coast. Residents should listen to advice given by local emergency officials.
3. There is an increasing likelihood of strong winds and dangerous storm surge along the coasts of Georgia, South Carolina, and North Carolina later this week. Residents in these areas should continue to monitor the progress of Dorian.
4. Heavy rains, capable of producing life-threatening flash floods, are possible over northern portions of the Bahamas and coastal sections of the southeast and lower mid-Atlantic regions of the United States through late this week.




For more information go to hurricanes.gov

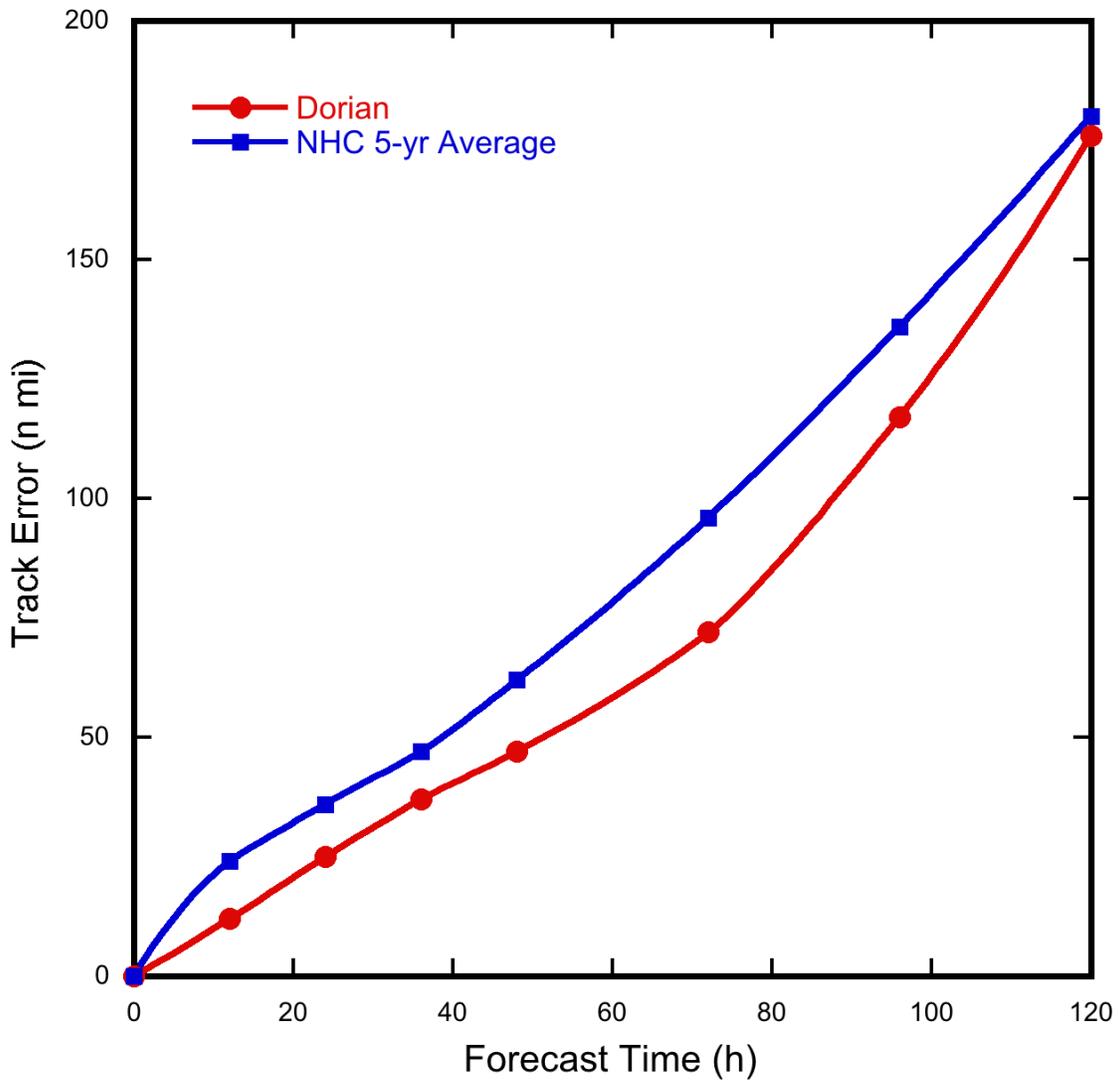
Appendix I: Dr. Jacobs Email to Department Deputy Secretary—Good Dorian Forecast

Dorian forecast accuracy

From: Neil Jacobs - NOAA Federal <[redacted]@noaa.gov>
To: [redacted]@doc.gov>
Cc: [redacted] (Federal)" <[redacted]@doc.gov>, David Deubirer <[redacted]@doc.gov>, Julie Roberts - NOAA Federal <[redacted]@noaa.gov>, [redacted] (Federal)" <[redacted]@doc.gov>, [redacted] (Federal)" <[redacted]@doc.gov>, [redacted] (Federal)" <[redacted]@doc.gov>
Date: Fri, 6 Sep 2019 13:05:21 -0400

Preliminary stats. Very good forecast for a tricky storm that stalled.

Dorian NHC Track Forecast Verification



Appendix J: Mr. Walsh Email to Mr. Mulvaney— Statement Final Wording

DRAFT

From: "Walsh, Michael (Federal)" <[REDACTED]>
To: "Mulvaney, Mick M. EOP/WHO" <[REDACTED]@who.eop.gov>
Cc: Wilbur Ross <[REDACTED]@doc.gov>
Date: Fri, 06 Sep 2019 15:15:17 -0400

PRE-DECISIONAL/DELIBERATIVE/CONFIDENTIAL

Per our discussion, please see the draft release below. We intend to issue at 4:00pm. Please feel free to call with any questions. Thanks.

From: Dewhirst, David (Federal) <[REDACTED]@doc.gov>
Sent: Friday, September 6, 2019 10:11 PM
To: Walsh, Michael (Federal)
Subject: <no subject>

CUI/PRIV

From Wednesday, August 28, through Monday, September 2, the information provided by NOAA and the National Hurricane Center to President Trump and the wider public demonstrated that tropical-storm-force winds from Hurricane Dorian could impact Alabama. This is clearly demonstrated in Hurricane Advisories #15 through #41, which can be viewed at the following [link](#).

The Birmingham National Weather Service's Sunday morning tweet spoke in absolute terms that were inconsistent with probabilities from the best forecast products available at the time.

--

David Dewhirst
Deputy General Counsel
U.S. Department of Commerce
[\[REDACTED\]@doc.gov](#)

Appendix K: Mr. Walsh Email to Mr. Mulvaney —Issued Statement

Fwd: Statement from NOAA

From: "Walsh, Michael (Federal)" <[REDACTED]>
To: "Mulvaney, Mick M. EOP/WHO" <[REDACTED]@who.eop.gov>
Cc: Wilbur Ross <[REDACTED]@doc.gov>
Date: Fri, 06 Sep 2019 17:01:03 -0400

As sent

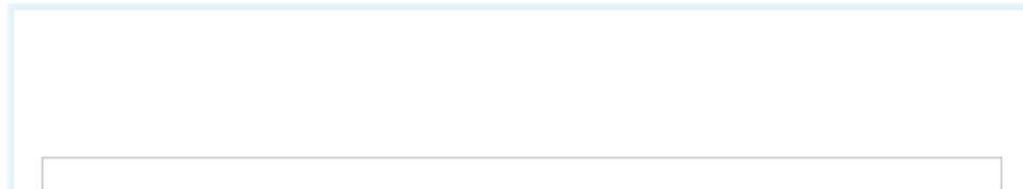
From: Dewhirst, David (Federal) <[REDACTED]@doc.gov>
Sent: Friday, September 6, 2019 11:48 PM
To: Walsh, Michael (Federal)
Subject: FW: Statement from NOAA

CUI/PRIV

--

David Dewhirst
Deputy General Counsel
U.S. Department of Commerce
[REDACTED]@doc.gov
c. [REDACTED]

From: Julie Roberts - NOAA Federal <[REDACTED]@noaa.gov>
Date: Friday, September 6, 2019 at 4:47 PM
To: "Dewhirst, David (Federal)" <[REDACTED]@doc.gov>, [REDACTED] (Federal)" <[REDACTED]@doc.gov>
Subject: Statement from NOAA





Statement attributable to a NOAA Spokesperson

September 6, 2019

From Wednesday, August 28, through Monday, September 2, the information provided by NOAA and the National Hurricane Center to President Trump and the wider public demonstrated that tropical-storm-force winds from Hurricane Dorian could impact Alabama. This is clearly demonstrated in Hurricane Advisories #15 through #41, which can be viewed at the following [link](#).

The Birmingham National Weather Service's Sunday morning tweet spoke in absolute terms that were inconsistent with probabilities from the best forecast products available at the time.



NOAA's mission is to understand and predict changes in the Earth's environment, from the depths of the ocean to the surface of the sun, and to conserve and manage our coastal and marine resources. Join us on [Twitter](#), [Facebook](#), [Instagram](#) and our other [social media channels](#).

Stay Connected:



Appendix L: NWS Head All-Hands Email

Our Appreciation for the NWS Performance for Dorian

From: NWS Communications Office - NOAA Service Account <nws.communications.office@noaa.gov>
To: _NWS All Hands <nws.all.hands@noaa.gov>
Date: Sat, 07 Sep 2019 15:11:15 -0400

From:	Louis W. Uccellini, Director and Mary Erickson, Deputy Director and the Executive Council - John Potts, John Murphy, Kevin Cooley, Peyton Robertson
--------------	---



Team NWS -

First and foremost, we want to acknowledge the challenging and trying time we have been through for Hurricane Dorian. This storm presented forecast and warning challenges and tremendous stresses and strains to our workforce, given its complexity, duration and its toll on our time and talent. We want to assure you that we stand behind our entire workforce and the integrity of the forecast process, including the incredible scientific, technical and engineering skill you demonstrated for this event. Your commitment and outstanding work were on display in everything we did from infrastructure support to forecasts and warnings to working with our core partners, providing travel logistics...and more during the long course of Hurricane Dorian.

You put your shoulders to the wheel for this hurricane---starting with ensuring the Puerto Rico radar was up, and releasing extra radiosondes throughout most of the event. Your tireless work ensured all partners and the general public were ready and responsive for wind, heavy rain, flash floods, storm surge and surf impacts, violent tornadoes and high wind and waves over the open ocean as Dorian moved toward Puerto Rico, then from the Bahamas toward and along the Florida coast, toward the Mid Atlantic region and finally toward the Northeast into Canada. We saw tremendous forecasts, warnings and amazing IDSS and public outreach at every level (NHC, other NCEP Centers, WFOs, RFCs, Water Center, ROCs and CWSUs and at every turn, even in the face of a unique, complex and uncertain forecast. We also saw actions taken through the night to quickly restore resilience and robustness to our information architecture. We are absolutely amazed at how you all pulled together to support one another to put the most accurate information science allows and put your best judgements into the hands of key decision makers who are making life/death decisions.

Given the possible tracks and impacts of this storm, our warnings and the resulting responses by the public safety officials up and down the East Coast, including focused evacuations, all demonstrated everything we have been working towards---continuously updated information, clear messaging of scenarios, and calls to action to support near precision level evacuations. International, Federal, State and local officials were at our side the entire time, listening and making impact-based decisions with a high level of specificity and at the right time to protect lives and property. Now we continue to see... not only is it possible... you are making it happen.

We saw first hand that our integrated forecast process works, and we continue to embrace and uphold the essential integrity of the entire forecast process as it was applied by ALL

NWS offices to ensure public safety first and foremost. Suffice it to say, it takes the entire team to achieve these repeated levels of success and we want you all to know it is recognized and honored.

The NWS leadership team is proud of your service, expertise and relentless dedication to our mission. You are leading us into the future---and displaying clearly what building a Weather Ready Nation looks like. We honorably met the mission of the NWS for Dorian, and have again shown how vital the NWS is to public safety.

We are grateful to each and every one of you, each and every day.

-- Louis, Mary, and the NWS Executive Council - John Potts, John Murphy, Kevin Cooley,
Peyton Robertson

 | [Reply](#) [Forward](#)

Appendix M: Dr. Jacobs All-Hands Email

Keeping NOAA's Mission in Focus

From: "Neil A. Jacobs, Ph.D." <announcement@noaa.gov>
Date: Fri, 13 Sep 2019 15:41:19 -0400



NOAA NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION
UNITED STATES DEPARTMENT OF COMMERCE

September 13, 2019

I am extremely proud of the professional dedication, intellectual expertise, and personal devotion that our NOAA employees display on a daily basis. The products and services NOAA provide are built upon vast amounts of robust and objective scientific research. Scientific integrity is at the heart of NOAA's mission and culture, and is essential for maintaining the public's trust. I understand and fully support this fundamental NOAA principle.

For the past 25 years, I've had the fortunate opportunity to conduct collaborative research in weather forecasting and modeling, including several NOAA projects that involved multiple labs and operational centers. I have always been proud of NOAA and its core values, and it has been an honor to lead this organization. Since I have come to NOAA, I've gained an even broader understanding of the products and services created across this agency and a deeper appreciation for the people who work here.

During hurricane Dorian, our Weather Forecast Offices, including Birmingham and the National Hurricane Center, did their utmost to produce accurate and timely weather forecasts to inform the general public and ensure public safety. Hurricane Dorian was a persistent, challenging, and historic storm, and I am humbled by the tireless effort and countless hours spent by the hardworking forecasters around the country, who are tasked with the challenge of communicating risk to emergency managers and the general public.

We are in the peak of hurricane season, and more storms will likely form, some of which may potentially threaten landfall. Potential Tropical Cyclone Nine is forecast to strengthen into a named storm off the southeast coast over the next few days. The American people are depending on our agency. There is no question in my mind that we will continue to provide expert analyses and predictions to keep Americans safe, and that all our line and staff offices will support the American public during these events. Our work saves lives.

Beginning tomorrow, I will be visiting our forecast offices and other NOAA facilities around the country to hear from you directly. Our team is committed to upholding scientific integrity, which together with public service, makes our agency a uniquely wonderful and impactful place to work.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil A. Jacobs".

Neil A. Jacobs, Ph.D.
Assistant Secretary of Commerce for Environmental Observation and Prediction
Performing the duties of Under Secretary of Commerce for Oceans and Atmosphere

Appendix N: NWS Birmingham MIC Statement



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric
Administration
NATIONAL WEATHER SERVICE
WEATHER FORECAST OFFICE BIRMINGHAM
 465 Weathervane Road
 Calera, Alabama 35840
www.weather.gov/bmx

October 18, 2019

Memorandum For: The Record

From:

[REDACTED]
 Meteorologist-in-Charge
 Birmingham, Alabama

Digitally signed by

[REDACTED]
 .1365848706
 Date: 2019.10.17
 14:31:59 -05'00'

Subject: Opening Statement for DOC IG Visit

The National Weather Service Office in Birmingham Alabama has primary watch, warning, and decision support responsibility for 39 counties in central Alabama. In just the past decade, Alabama has experienced many episodes of hazardous weather from tornado outbreaks to major winter storms to drought to the threat of hurricanes. In fact, on March 3rd of this year 23 lives were lost in a tornado in Beauregard, the largest loss of life from weather in the US this year. On April 27th, 2011, 256 people perished in the state from tornadoes. The worst single day loss of life from tornadoes in a single state in modern history. In short, the people of Alabama have experienced more than their fair share of tragic weather events and for many the weather impacts every decision they make on a daily basis.

So fast forward to late August of this year. Early in the week of August 25th, the potential for a tropical system to impact the southeast portions of the United States had begun to grow. Tropical Storm Dorian was forecast to impact the central Leeward Islands and then move toward Puerto Rico and the Dominican Republic. After that time, the guidance diverged on whether Dorian would take a more westward track toward the Gulf of Mexico or curve toward north Florida and the southeast US. Even this far out, attention along the Gulf Coast were raised about the timing and track of the storm. In fact, we started posting updates from the National Hurricane Center on our social media and NOAA Weather Radio as early as August 24th.

Interest on the state level, including planning and preparedness, continued to heighten during the week. In fact, NWS Birmingham participated in State Coordination Group calls with Alabama State EMA and the Governor's Cabinet beginning on August 28th. For reference, Alabama State EMA coordinates resources and deployments along with mutual aid assistance and responds directly to the Governor's office with recommendations. Decisions on evacuations, contraflow, and other actions to move citizenry out of harms way must be done at least 96 hours before any expected impacts from a tropical system.

By Friday, August 30th, the storm had moved to the east of the Bahamas and strengthened to a major hurricane. The official forecast track still had the east coast of Florida under the gun, and thus Dorian was the top story on most of the national networks. It should be noted that by midday Friday, the track



had shifted notably north and east with time with the threat lessening for the storm emerging westward into the Gulf of Mexico. It was decided by Alabama state officials to wait one more day to continue to monitor trends, and the last official State Coordination Group Call was held Saturday morning August 31st. By this time, the track had shifted even further east and north with even the direct Florida landfall becoming less likely.

The Sunday morning September 1st shift at the NWS Birmingham office started out like most. The public service/DSS meteorologist was reviewing the new river stages and forecasts. The primary forecaster was reviewing the current weather and short term forecast to anticipate any potential changes. The Senior Forecaster was overseeing the shift and organizing the plan for the day. Around 800 AM, the staff took several phone calls with Dorian being the primary concern. There was a lull in the activity until just after 1000 AM when two additional phone calls came into operations. Both calls were inquiring about the track of Dorian and when Alabama might see impacts. This was in addition to a direct message inquiry on social media concerning Dorian. Given these inquiries, and the publicity that Dorian and the impacts to the Bahamas was receiving (with Dorian reaching Category 5 strength), the staff decided to send out a quick update on social media to calm any fears or concerns or potentially dispel any rumors.

Shortly after sending out the social media posts – both on Twitter and Facebook – the staff noticed an additional surge of replies. Specifically, the tweet stating in part “Alabama will not see any impacts from Dorian” was sent at 10:11 AM CDT and was followed by a flurry of replies, direct messages and retweets. The staff thought this level of traffic was a bit unusual, but still did not know either the genesis of the initial uptick in questions or the responses until a direct retweet response with comments from ██████████ to the POTUS showed up on our office situational awareness feed at 10:31 AM CDT. To reiterate, the staff posted the 10:11 AM CDT messages to calm any concerns or dispel any rumors. The tweet was NOT in direct response to the POTUS as the staff did not even know about the tweet at that time.

For my part, I was off on Sunday, September 1st and was not aware of any of this until I was text messaged by the ██████████ an hour later at 11:11 AM. I then notified ██████████ and ██████████ via text just to keep ██████████ in the loop. After that, I called the office just to coordinate and find out more about the timeline of things. I spoke first with ██████████ and then with ██████████. They confirmed the timeline I mentioned earlier, and I suggested – as best I can recall – that if we receive any media inquiries to forward them to me. That Sunday evening, I sent a note to the staff outlining the events of the day, and I cc’d the email to ██████████ and ██████████. In that email, I suggested any formal inquiries from then on go through the NWS Communications Office. I provided the number and email for ██████████ in the email.

Over the course of the next several days, we would receive sporadic calls, messages, and requests from a variety of news outlets including the Washington Post, Washington Examiner, OAN, and the NY Times. Eventually, I believe it was on the afternoon of Wednesday September 4th, the request came down to forward all inquiries directly to ██████████ and the NOAA Communications Office. Perhaps the most frustrating aspects of this whole ordeal was how the timeline of events was misconstrued in the media and we felt helpless to correct them or provide more accurate information in response. Via text messages and emails to ██████████ and ██████████ I clearly laid out the timeline, rationale, and reasoning

for our actions on September 1st. I do not know whether that was shared with anyone in the media, but it seemed to be in somewhat of a vacuum until at least the Washington Post story on September 13th.

On Friday morning, September 6th, [REDACTED] and I were preparing for our vacation. I took the dog to the vet and was finishing up the packing when [REDACTED] came home from [REDACTED]. I stepped away for a minute to finish up some final checks around the house before heading out of town. Just after 4 PM CDT, I noticed I had missed a call from [REDACTED]. I immediately called [REDACTED] back and when [REDACTED] answered [REDACTED] asked me to hold as [REDACTED] needed to bring some other folks in on a three way conference call. After a few moments, I heard other voices on the call. I specifically recall the following people on the call: [REDACTED] and I'm fairly certain that Dr. Neil Jacobs was also on the call as well.

The conversation that took place is honestly a bit clouded in my mind because for one I was already half focused on starting vacation and two I was shocked to be thrown into a call with the top leadership in NWS and NOAA. However, they started telling me about a official statement that had been written and was being sent out concerning the September 1st BMX tweet. [REDACTED] kept emphasizing that the office (i.e. BMX) should not take it as a negative reflection on our services. At some point, I intervened with "What statement?" and was told to check my email. I booted up my laptop and logged into my email while on the call. I had an email with multiple forwards titled "Media Guidance on Statement from NOAA". I said on the call that I was reading the memo, and as I scanned through I was shocked by the wording and immediately objected to the content in the email. There was a lot of back and forth conversation on the call, mostly about how "we" had no choice but send out the memo and they (NOAA and NWS) did the best they could to limit the negativity in it.

After listening to me rant on the call for a while I pretty much said "ok I understand" about 5 times without really listening much after that. In other words, I just checked out because I was so shocked at the content. I do remember asking if I could send a note to the staff and [REDACTED] said yes, but cautioned me against putting too much information or editorializing too much in the email. After the call, I discussed the issue with [REDACTED] briefly and tried to clear my head enough to send out an email. At exactly 5 PM CDT, I sent out an email to the BMX staff titled "Today's Statement". The content of that email is available, along with all Dorian related correspondence on the shared google folder. Once the email was sent out, we left for our "vacation".

The next week or so would be the most surreal "vacation" I can remember. Truthfully, this had already been a long year both personally and professionally and we really needed to get away. And more importantly the staff needed to move on from this episode and get back to what they have been called to do. However, the renewed spotlight caused by the NOAA Statement and resulting media firestorm quite frankly was difficult for everyone. The media, particularly the national media, had an incredible thirst for any kind of comment, tidbit of information or sound bite once the memo was released. For example, the Washington Post and New York Times contacted members of the staff via personal phone, social media, and email on multiple occasions trying to get a comment or response. Two members of the NY Times showed up at forecaster's houses asking for comments and were very aggressive in their tactics. I was personally contacted on multiple occasions via phone, email, and social media requesting interviews or comment. This included requests from CNN and NBC to appear on their Sunday morning (September 8th) news shows. I was even called multiple times while [REDACTED] and I were on vacation [REDACTED]. It got so bad, that somehow, they got [REDACTED] number and [REDACTED] was called at [REDACTED]. [REDACTED] just stopped answering [REDACTED] phone altogether for fear of the media.

Quite simply, the staff was doing its job. The same job we've done countless times in the past, and that's updating our customers on the latest information and trying to reduce any confusion about the forecast or expected impacts to the area. In fact, looking back at our Facebook feed alone we have done countless posts through the years to dispel rumors or ensure folks aren't confused by potentially conflicting information that could have impacts to their families or impair their ability to protect their families from adverse weather. The staff, based on their knowledge of the situation, not only acted appropriately but should be commended for their proactiveness and professionalism. Instead they found themselves under the microscope of second guessing and scrutiny.

All the actions that transpired after September 1st have placed an emotional toll on our staff and impacted them in ways that I honestly can't even imagine. No staff member should ever have to ask whether they are going to be fired for actually doing their job. And this episode has the potential to impact future operations and the safety of our citizenry. What happens next time we need to ring the alarm bells about a potential weather event? Will we be hesitant for fear of retribution? The most frustrating and helpless part as a leader and supervisor is there's not a thing I can do about it. I only ask that in the final report the privacy of the staff is preserved as they have been through too much already and don't deserve additional harassment by those who see everything through a partisan lens. They acted appropriately and professionally at all times, and made decisions consistent with my guidance and direction.

Appendix O: OIG Request for Record Retention-Related Documents



UNITED STATES DEPARTMENT OF COMMERCE
Office of Inspector General
Washington, D.C. 20230

December 9, 2019

MEMORANDUM FOR: Andre Mendes
Acting Chief Information Officer

FROM: Wade Green, Jr. 
Counsel to the Inspector General

SUBJECT: Request for Information Pursuant to the Inspector General Act of 1978, as Amended

In order to assist the Office of Inspector General (OIG) in conducting its statutory oversight duties, please provide the following documentation by **Friday, December 13, 2019**:

1. Any and all current procedures, policies, and training pertaining to record retention and/or data deletion from official Department of Commerce foreign travel devices (such as mobile phones).
2. Any and all documents, including policies and procedures, evidencing the Department of Commerce's practices regarding the deletion of data, or "wiping," of official foreign travel devices.
3. Any and all documents detailing or evidencing how, and by whom, mobile phone record information, including mobile phone texts and other messaging, are saved and retained in accordance with federal records retention requirements.
4. Any and all training provided to employees as to how to save text messages or other mobile phone messages constituting federal records.

If there are no responsive documents to any of the itemized requests listed above, please confirm the absence of responsive documents. Moreover, please note that the OIG will consider the materials produced in response to this memorandum to constitute all current, extant materials that are responsive to this request and in the Department's possession.

The Inspector General Act of 1978, as amended, guarantees the OIG "timely access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials available" to the Department,¹ and authorizes the Inspector General "to make such investigations and reports relating to the administration of the programs and operations of [the Department] as are, in the judgment of the Inspector General, necessary or desirable[.]"² Further, you are obligated to cooperate with this request. Department Administrative Order 213-2, § 4.03 states that "[i]t is Department policy that all employees fully cooperate with the OIG," and that "Departmental officials shall make every effort to assist the OIG in achieving the objective of effective inspections and evaluations." Similarly, Department Organization Order 10-13, § 4.01 states that "[t]he officers and employees of the Department shall cooperate fully with the

¹ 5 U.S.C. App. § 6(a)(1)(A).

² 5 U.S.C. App. § 6(a)(2).

officials and employees of the OIG and shall provide such information, assistance, and support without delay as is needed for the OIG to properly carry out the provisions of the [Inspector General] Act [of 1978].”

If you have any questions or need additional information, please contact me at (202) 482-5992.

cc: Thomas Gilman, Chief Financial Officer and Assistant Secretary for Administration

Appendix P: Text Message Threads

Mr. Walsh, Dr. Jacobs, and Ms. Roberts Text Thread

Fri, Sep 6, 1:08 AM

Michael Walsh

He wants a chronology of who said what to whom about Alabama from the first briefing to the last. I thought you took Alabama out of play at the Sunday fema briefing but swr says you told him that Alabama was still in play then

I'm around if you want to talk

It's mike from my travel phone by the way

Reviewing the coverage I wonder whether we build a narrative that validates the early Alabama forecast - maybe a statement from Neil. "When I briefed the president in the Oval Office, I made it clear that models showed at that time that there was a strong possibility that the hurricane would punch through Florida and hit the panhandle including Alabama. While the forecast has since shifted, reports that it never included a scenario impacting Alabama are false"

MW

Fri, Sep 6, 3:14 AM

Michael Walsh

I'll be in the air for 2 hours but available after that at this number

MW

Julie Roberts

We did not tell him Alabama was in play on Sunday. Neil, [REDACTED] and I along with FEMA were all surprised he brought up AL in the opening statement. That did not appear to be written he seems to have added it. The four governors were in the room that were in the impact area at the time.

If you can review the information and see if that helps explain the order. I can have Neil draft a statement on what was discussed that Thursday in the Oval Office.

Julie Roberts

I will ask FEMA team tomorrow if they heard any question about Alabama on the Saturday VTC with President from camp David. I have my notes from VTC at Camp David and do not see anything regarding Alabama. Neil did explain on that call the forecast no longer showed a chance for it to go across into the Gulf. The forecast takes up East Coast

We will work with [REDACTED] and [REDACTED] on a statement. Do you want to discuss the email and document I sent to you to see if that works as a starting for the Secretary to know the history?

We tried to provide NSC with information to help them shut down the story on Sunday into Monday but was told they were using the talking point WH and FEMA drafter

JR

Michael Walsh

Just landing and reviewing everything now

Interesting. My twitter timeline was using local time. That's changing the approach. What happened at the live briefing at fema on Sunday. Didn't al come up then

Sorry still catching up. I see it. Give me a few minutes

MW

Mr. Walsh, Dr. Jacobs, Ms. Roberts, and Others Text Thread

Fri, Sep 6

Michael Walsh

Reviewing the coverage I wonder whether we build a narrative that validates the early Alabama forecast - maybe a statement from Neil. "When I briefed the president in the Oval Office, I made it clear that models showed at that time that there was a strong possibility that the hurricane would punch through Florida and hit the panhandle including Alabama. While the forecast has since shifted, reports that it never included a scenario impacting Alabama are false"

██████████ can you call me?

██████████ here's the original ask of noaa:

He wants a chronology of who said what to whom about Alabama from the first briefing to the last.

Thinking more about this I think we need to pull the models from the beginning to show 1) Alabama was in play once, 2) it's not anymore, and 3) potus never said it was currently in play.

MW

It seems the nws statements about al are from nws Birmingham on Sunday. Fair?

Fri, Sep 6, 3:43 AM

DOC Director of Public Affairs

I tried you

DP

Looks like nws tweets are from Sunday.

Julie Roberts

Mike I sent you document that outlines the tweets, FEMA briefing, and graphics we sent to NSC. I forwarded that document to ██████████ and ██████████ now. The tweet from potus was at 10:51am on Sunday and the NWS Birmingham was issued 11:11am due to phone calls they had not seen the President tweet

Julie Roberts

We provided to NSC a statement and 2 graphics that show AL was in a tropical wind shield 10-15% chance. The document I have emailed all of you lay out this information

JR

addressed, while not directly AL, the original forecast going through Florida into the gulf

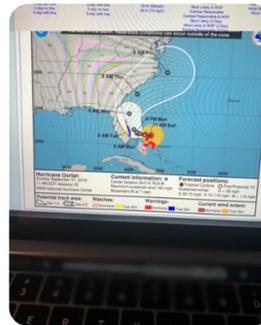
Michael Walsh

Just landed. Give me a few minutes to catch up

MW

Based on this chronology it appears that NWS Birmingham's 11:11 Sunday tweet about NO IMPACT was not consistent with the public forecast at the time. The public forecast was still a chance for AL. Is that accurate?

Neil Jacobs



This is the 11am Sunday track cone

Nearly perfect forecast.

NJ

Michael Walsh

MW

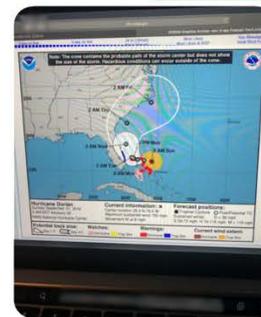
So potus tweeted before the 11 came out, nws reacted after the 11, and didn't really know what they were reacting to other than phone calls?

Note: The image provided by Dr. Jacobs in this text thread was recreated by OIG due to cropping.

Neil Jacobs



8am



5am

NJ

Michael Walsh

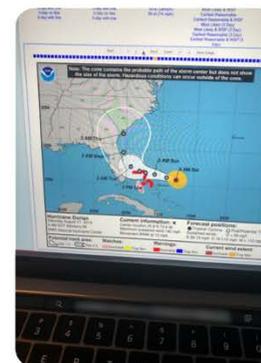
Also Julie can you add to chronology?

Oh

MW

Better add that too

Neil Jacobs



Note: The images provided by Dr. Jacobs in this text thread were recreated by OIG due to cropping.

Neil Jacobs
5am Saturday the day before. NJ

Michael Walsh
Ok

MW
Better add all of these and all wh potus briefings to get a full picture

Neil Jacobs
AL was never in the track cone. There are all online.

Neil Jacobs
AL was in the percent probability of seeing tropical storm winds. NJ

Michael Walsh
How long was it in the wind shield?

MW

DOC Director of Public Affairs
2 cents: I think we are on the backside of the wave (hey-oooo) on this even if we had a better angle.

DP

Michael Walsh
[REDACTED] I'll call you from the car soon. The tsunami remains forthcoming

MW



Note: The image provided by Dr. Jacobs in this text thread was recreated by OIG due to cropping.

Neil Jacobs
Note AL IS in the swath. Green is 5-10% chance. (NJ)

DOC Director of Public Affairs
Ok I board soon. Flight at 25 mins past the upcoming hour (DP)

Neil Jacobs
The spaghetti plots in NSC statement must have come from some other source. Perhaps private sector. We don't make those plots because they confuse people. (NJ)

Michael Walsh
Was that "in the swath" graph operative when potus and nws tweeted (MW)

Neil Jacobs
Yes. (NJ)

Michael Walsh
Ok. We're probably about 30-60 minutes from calling (MW)

Neil Jacobs
Calling who? (NJ)

Michael Walsh
Will text more if I get more precision (MW)

DOC Director of Public Affairs
I don't know that the White House wants anyone to keep talking about this. (DP)

Michael Walsh
You (MW)

Michael Walsh
I know of 1 (MW)

Neil Jacobs

Ok. NJ

DOC Director of Public Affairs

Ok but best case we show that he was making public statements about old info when the up to date info was already publicly available

DP I get it but here we can make it worst by accident

Neil Jacobs

This is really NSC not keeping him up to date.

We send NSC the latest updates as they come out. NJ

Michael Walsh

MW Can you give me more on that? Is nsc our poc?

DOC Director of Public Affairs

Sure

DP we didn't do anything wrong but he definitely looks like he had old info when he tweeted on Sunday.

Neil Jacobs

Julie sends it to many nsc people. It's all Bcc. NJ

Michael Walsh

Got it. For the purpose of allowing nsc to keep all wh components in the loop so that nws has a single point of contact

MW ?

Neil Jacobs

He did have old info.

I had been directly updating [REDACTED]

Never mentioned Alabama.

NJ

Michael Walsh

Did he have old info because nws did not provide him with accurate info? Who is responsible for personally delivering to potus the forecast and can we show that we provided that person with updated data?

MW

Neil Jacobs

Julie can. We have no direct path to him. Everything we send goes to nsc.

Julie sends update to nsc stall distro list as well as nsc resilience distro list as well as a few individuals.

It's literally impossible for them not to have the updated information unless they're all in a scif somewhere.

NJ

Michael Walsh

Got it

MW

Neil Jacobs

VP calls me direct to verify TPs and his as sometimes way off. But luckily we can fix them before he goes out.

NSC needs to stop trying to translate our plots for us. Nobody here would have said AL was going to have impacts with a 15% chance of seeing 39mph winds. That's just a windy day even if it was 100% chance.

Neil Jacobs



The irony is that our model was right all along. The accuracy of the us model should be the story. Not sharpies.

NJ

DOC Director of Public Affairs

DP

Do we know actually who wrote on the map w the sharpie? Was it staff?

Neil Jacobs

No clue.

We don't even know what the context was and don't even know if potus knew it was there. He never pointed to the line when he talked.

NJ

DOC Director of Public Affairs

DP

The Ap story in playbook is important framing as we go forward with this... id send link but these travel phones are worthless

Michael Walsh

Might be able to do this quietly based on some new info

MW

Thanks for sending those emails. What do you think is realistic eta on detailed timeline? Want to be sure to manage expectations

Neil Jacobs

Early afternoon. Possibly lunch.

NJ

Note: The image provided by Dr. Jacobs in this text thread was recreated by OIG due to cropping.

Michael Walsh
MW Ok thanks

Michael Walsh
If you have reason to believe top line story may change can you let me know? Thanks

MW No, with him in turkey

Michael Walsh
MW Yes

Michael Walsh
MW Perfect

Michael Walsh
MW Let's make it as compelling as possible

Michael Walsh
MW Going to loop [REDACTED] in

Neil Jacobs
NJ Are you in office today?

Neil Jacobs
NJ You mean flawed process?

Neil Jacobs
NJ That's the exact and only story. NSC should not be translating our plots to him. And they should also make sure he has most up to date info.

Neil Jacobs
NJ And should not be using non nws guidance from other sources.

Neil Jacobs
NJ If anything needs explaining it should be me doing it. And most of our plots do need explaining

Neil Jacobs
NJ And I should be reviewing and TPs on weather and forecast.

Neil Jacobs
NJ Forecasts can change on a dime which is why we do 3 hour intervals with hourly updates.

Fri, Sep 6, 11:05 AM

DOC Director of Public Affairs

DP: I'm on the ground in Istanbul. Looks like we haven't needed to move publicly so far

DOC Press Secretary

He tweeted about it again this morning



PS

Michael Walsh

MW: [redacted] - waiting on some data. See you when you get here

Fri, Sep 6, 2:56 PM

Michael Walsh

On w Mick

MW

Calling you

Neil Jacobs

Any updates?

NJ

Note: The image provided by Dr. Jacobs in this text thread was recreated by OIG due to cropping.

Mr. Walsh and Dr. Jacobs Text Thread

Fri, Sep 6, 3:45 PM

Neil Jacobs
WH ok with statement as written? NJ

Michael Walsh
Told them we were launching at 4 unless we hear otherwise

MW
We haven't heard otherwise

Neil Jacobs
Ok. I'll ping you before I press red button. NJ

Michael Walsh
Great
He wants it out now

MW
Can it get done

Neil Jacobs
Touching last base with [REDACTED]
Going out in a few min. NJ

Michael Walsh
Ok. As soon as possible please

MW
Thanks

Neil Jacobs
We pushed the button. NJ

Michael Walsh
Thanks will tell him is

MW
Now

Neil Jacobs
We cool w mick? NJ

Michael Walsh
Yes
Negative
Negative consent
Sorry hit a bump

MW
We're good

Appendix Q: Responses

Letter to the Inspector General from the Acting Deputy General Counsel for the Office of Special Projects, Office of the General Counsel (June 29, 2020)



UNITED STATES DEPARTMENT OF COMMERCE
Office of the General Counsel
Washington, D.C. 20230

The Honorable Peggy E. Gustafson
Inspector General
Department of Commerce

Dear Inspector General Gustafson:

The Department of Commerce's Office of the Inspector General's Report "Evaluation of NOAA's September 6, 2019 Statement, About Hurricane Dorian Forecasts" (the Report) does not dispute the accuracy of NOAA's September 6, 2019 statement, nor does it find that Department of Commerce officials suppressed scientific communications or work products, nor does it find that NOAA's ability to fulfill its mission was negatively affected. The Report's comments on record retention may be well taken but are not relevant to the subject of the investigation. The absence of any formal recommendation shows that there were no major flaws in the Department's handling of this situation. The Inspector General's report is broadly consistent with the conclusions of the National Academy of Public Administration's "Independent Assessment of Scientific Misconduct."¹ The Department views this matter as closed.

Sincerely,

A handwritten signature in blue ink that reads "Sean B. Brebbia".

Sean B. Brebbia
Acting Deputy General Counsel for
the Office of Special Projects

¹ "An Independent Assessment of Scientific Misconduct," A Report by a Panel of the National Academy of Public Administration, March, 2020.

Response to the Inspector General’s Report from the Department’s Chief of Staff and Acting General Counsel (June 29, 2020)

Response to the Inspector General’s Report

Michael J. Walsh, Jr.

The conclusions in the Inspector General’s report are completely unsupported by any of the evidence or factual findings that the report itself lays out. The Inspector General instead selectively quotes from interviews, takes facts out of context, portrays events as related to one another without any evidence establishing a connection, and ignores basic governance structures at the Department of Commerce.

For example, the report finds that:

- Before agreeing on any course of action I sought to ascertain all relevant facts free from commentary, bias, or spin.¹
- I was careful to communicate directly with Department and NOAA leaders to ensure that communications were not distorted.²
- I convened and empowered a team of Department and NOAA leadership to address this issue while I was traveling on official business overseas, and that the team was free to raise any issues about the process with me.³
- Once it was decided to issue a statement, I and other department leaders were concerned about ensuring that NOAA leadership – political and career – and NOAA scientists were comfortable with any statement before it was issued.⁴
- NOAA leadership in fact revised draft statements to ensure scientific accuracy.⁵

¹ Report at 22 (“we just really needed the chronology. I didn’t need any commentary on top. Just the facts ... I remember that being the theme, we need the facts. We need the facts. We need the facts”).

² Report at 25 (“Mr. Walsh ‘wanted to ‘tell everybody first hand’ because ‘information gets distorted’”).

³ Report at 25-27 (“He contacted [the then-Deputy General Counsel], the then-Deputy Counsel for Special Projects, the Deputy Secretary’s then-Chief of Staff, the then-Director of Public Affairs, and the then-Press Secretary. He also had a one-on-one conversation with the Deputy Secretary.... Phone records indicate that Mr. Walsh had short calls with Dr. Jacobs the morning of September 6, 2019.... The core group included Dr. Jacobs, Ms. Roberts, and [the then-Deputy General Counsel], along with the then-Deputy General Counsel for Special Projects, and the Deputy Secretary’s then-Chief of Staff. The Department’s then-Press Secretary, the Deputy Secretary, and two career NOAA Communications staff members came in and out of the room”).

⁴ Report at 44 (“Mr. Walsh also considered in important that ‘NOAA constituencies’ found the Statement acceptable—and Secretary Ross and the Deputy Secretary also thought that those affected at NOAA, such as the head of NWS and NWS Birmingham, had been consulted on the statement. As Mr. Walsh said, ‘the last thing that anyone wanted was to put out a statement and then to have someone within the NOAA community raise their hand and say not true.... [T]hat does no one any good’”).

⁵ Report at 28 (“Dr. Jacobs testified that there were different versions of the Statement.... [The then-Deputy General Counsel] also described the Statement as taking ‘several different forms’”).

- NOAA Communications employees were part of the drafting process.⁶
- NOAA leadership was directed to obtain NOAA organizational approval prior to the statement's issuance and was asked whether that approval was obtained, NOAA's Undersecretary confirmed to me via text message that he conferred with the NWS Director prior to issuing the statement, and that Department leadership, including me, believed that NOAA leadership had executed on that directive and obtained consent.⁷
- There was not "any credible evidence that showed that ... anyone ... threatened to fire Dr. Jacobs or any other Department or NOAA employee."⁸

Notably, both the National Academy of Public Administration's report⁹ issued on June 15, and the Inspector General's report do not find that NOAA's statement was scientifically or meteorologically inaccurate.¹⁰

The report ignores the facts about me cited above as well as others contained in the report in an apparent effort to reach certain preordained conclusions. For example, the report finds that I convened a team of Department and NOAA leaders based on two continents who worked collaboratively for a full day, but then inexplicably concludes that I involved only two other people in the fact gathering and response process. Even if that were correct – and it is not, as the report notes at pages 25-27 – one of those people was the Undersecretary of NOAA, who undisputedly had the authority to convene and consult with whichever NOAA officials he deemed appropriate, political or career. The report also notes that the Undersecretary was directed to convene and consult with senior NOAA career officials and the Birmingham meteorologists whose office issued the tweet.¹¹

The only evidence that the report cites to support its conclusion that the process was somehow flawed because of my leadership is information that was never communicated to me and only available after the fact. My leadership was consistent with standard organizational procedure for the Department. That procedure provides that Department leadership is to contact NOAA leadership on

⁶ Report at 25 ("two career NOAA Communications staff members came in and out of the room"); 29 (recounting testimony describing role of NOAA Communications employees in the drafting process").

⁷ Report at 31-33, 103 (text message from Neil Jacobs to me, "Touching last base with [REDACTED]. Going out in a few min").

⁸ Report at 34-35.

⁹ "An Independent Assessment of Scientific Misconduct," A Report by a Panel of the National Academy of Public Administration, March, 2020, available at https://nrc.noaa.gov/Portals/0/SIC/NOAA%20Final%20Report_scanned_061220.pdf?ver=2020-06-15-074029-673.

¹⁰ Report at 45-46.

¹¹ Report at 31-33.

issues involving NOAA employees so that NOAA leadership can interact directly with those employees. It would not be normal for the Chief of Staff at the Department of Commerce to interact directly with NWS employees at a local weather forecasting station. Had I done so in this instance, I likely would have been criticized. Regardless, the report acknowledges that NOAA Undersecretary confirmed to me by text message that he conferred with the NWS Director prior to the statement's issuance.¹² As a result, there was no basis for me to believe that the chain of command was not followed.

The record shows that the process I designed was open and collaborative and intended to achieve a consensus-based outcome. The record further demonstrates that senior department leaders believed that the statement resulted from a consensus-based process that included all stakeholders, including those from NOAA and NWS. The report's conclusions about me are simply not supported by the evidence.

¹² Report at 103 (text message from Neil Jacobs to me, "Touching last base with [REDACTED]. Going out in a few min'").