Supplement on Control of Disorder

INTRODUCTION

Chapter 12 on Control of Disorder focused on the problems of civil and police officials seeking to prevent disorder, dealing with incidents leading to disorders, and responding to political, social and legal issues that arise at all stages of a disorder. In this Supplement we focus principally on controlling disorders that have escalated beyond immediate police capabilities and require a total community response to halt the violence. We also consider the rarer cases where state or federal forces are necessary to achieve control.

Within this context, we assess the present capabilities and preparedness of public safety forces, military units, civil government and the community at large to cope with disorders of large magnitude and make recommendations to help assure adequate responses at all levels.

I. THE POLICE AND CONTROL OF CIVIL DISORDERS

The capability of a police department to control a civil disorder depends essentially on two factors: proper planning and competent performance. These rely in turn upon the quantity and quality of police manpower, the training of patrolmen and police commanders, and the effectiveness of their equipment.

This portion of the Supplement will review the adequacy of police planning, training and equipment to deal with civil disorders, together with the Commission’s recommendations for improvement.

When underlying tensions are present—and they exist in every American city with a large minority population—a small incident can turn a crowd into a mob. Last summer an appreciable number of incidents were triggered by police actions—some serious, such as shooting a suspect, but usually by routine activities, such as a simple arrest.

The way policemen approach an incident often determines whether it is contained or develops into a serious disorder. Experienced police administrators consulted by the Commission repeatedly stressed the need for good judgment and common sense among police officers called to the scene of an incident in a neighborhood where tensions exist. They warned against using sirens and flasher lights that attract crowds. They cautioned against over-responding to a small incident with too much vis-
CONCLUSION

One of the first witnesses to be invited to appear before this Commission was Dr. Kenneth B. Clark, a distinguished and perceptive scholar. Referring to the reports of earlier riot commissions, he said:

I read that report ... of the 1919 riot in Chicago, and it is as if I were reading the report of the investigating committee on the Harlem riot of '35, the report of the investigating committee on the Harlem riot of '43, the report of the McCone Commission on the Watts riot.
I must again in candor say to you members of this Commission—it is a kind of Alice in Wonderland—with the same moving picture re-shown over and over again, the same analysis, the same recommendations, and the same inaction.

These words come to our minds as we conclude this Report. We have provided an honest beginning. We have learned much. But we have uncovered no startling truths, no unique insights, no simple solutions. The destruction and the bitterness of racial disorder, the harsh polemics of black revolt and white repression have been seen and heard before in this country.

It is time now to end the destruction and the violence, not only in the streets of the ghetto but in the lives of people.
ible force—riot guns and helmets may only aggravate a tense situation. Yet control has sometimes been lost because an insufficient number of police were on hand to control a disorder in its initial stages. It takes a seasoned senior officer to make the all-important initial assessments and decisions that will contain an incident.

If an incident develops, and a crowd begins to threaten lawlessness and acts of violence, the police must act promptly and with a sufficient display of force to make clear their intent and capacity to suppress disorder and ensure the public safety.

Planning

Effective preparation for disorder requires careful plans. Large numbers of police officers must be mobilized, deployed, and directed by senior officers. They must have adequate logistical support, particularly if extended operations are necessary.

Mobilization Planning—To find and mobilize enough policemen to handle a riot emergency is difficult, even in large cities. In one major city with a population of more than 1 million, an area of 140 square miles, and a police force of nearly 5,000 men, 192 patrolmen were on duty when a major civil disorder erupted. Of these, only 44 were in the riot area. The difficulties in mobilizing additional men were described by the police commissioner:

It cannot be emphasized too strongly that mobilization is inherently a time consuming operation, no matter how efficient. After a man is notified, he must dress and travel to his reporting point. Once he has checked in and has been equipped, he must be turned around and transported to a command post or an assembly point. There he must be briefed on the situation that exists, the location of the riot area, his duties, and other details required to make him effective once he is deployed. He must then be actually committed to the area of involvement. The time lapse in this entire procedure ranges from 1½ to 2 hours.

By the time sufficient manpower was brought in, the disorder had developed beyond the control capability of the police department.

Adding to this difficulty is the fact that the standard training for police operations is basically different from that required for riot control. Traditional police training seeks to develop officers who can work independently and with little direct supervision. But the control of civil disturbances requires quite different performance—large numbers of disciplined personnel, comparable to soldiers in a military unit, organized and trained to work as members of a team under a highly unified command control system. No matter how well-trained and skilled a police officer may be, he will be relatively ineffective to deal with civil disturbances so long as he functions as an individual. Thus, a major civil disturbance requires a police department to convert itself, suddenly, into a different organization with new operational procedures.

To cope with the difficulties of this transition, a police department must have a specific mobilization plan that can mobilize
and deploy needed manpower with a minimum deviation from established operating procedures, and with minimum curtailment of essential police services.

A study conducted for the Commission by the International Association of Chiefs of Police of 30 major police departments found that all had some form of written mobilization plan. The quality of the plans varied greatly. Principal defects were: inadequate attention to implementing the plan; inadequate relief of reserve forces after the plan has been activated; inadequate accounting for personnel dispatched to a disorder; inadequate predesignated assembly areas or command posts in the various areas of the cities where trouble might be expected; inadequate logistical support of police and other law enforcement officers engaged in control activities; inadequate flexibility in planning to cope with disorders of varying natures and magnitudes; and unnecessarily complicated planning that deviated excessively from normal operations.

Because of these deficiencies in the mobilization plans of the leading police departments, the Commission has prepared a model plan, which can be adapted to local requirements. Currently used as training material in the Conference on the Prevention and Control of Civil Disorders conducted by the Department of Justice in response to Commission recommendations, the plan will be revised as additional information is developed by these conferences. The Commission recommends that the Department of Justice disseminate the revised plan to police departments across the country and ensure that it is used in federally-sponsored training on riot control methods.

Operational Planning—Operational planning, a necessary complement to mobilization planning, tells the police command and the men what to do to control the disorder. It includes command and control mechanisms, communication, intelligence, means to combat inflammatory rumors, and tactics.

(1) Command and Control and Communications—Whether the shift from normal routine police operations to an emergency basis is smooth and effective depends upon the success with which the police can provide unified command and control. Under ordinary conditions, a police dispatcher controls the movement of men and equipment from a central position to places where they are needed. In most police departments the system works well enough so long as the demands on the dispatcher are within the capabilities of the man and his equipment.

Many local police departments called upon to control civil disorders have had serious problems in commanding and controlling the large numbers of men required to work together as an effective, coordinated team. The problem has been compounded by the shortage of on-duty supervisors and staff at certain periods of the day. It is one thing to assemble a large force; it is quite another to provide appropriate direction and leadership.

Effective command and control in a civil disorder depends upon communications, and communications is a function both of planning and of equipment. Relatively few police departments have adequate communications equipment or frequencies. Forty-two percent of all police departments studied by the Commission had no special radio frequency for emergencies.

The lack of emergency frequencies overloads normal frequen-
cies. This may not only preclude effective command and control of police in the area of a civil disorder but may also undermine the ability of the police to provide vital services to the remainder of the city.

The absence of adequate communication facilities is particularly acute with respect to outside police assistance. Approximately 50 percent of all police agencies surveyed had inadequate means to coordinate with neighboring jurisdictions. Incompatible radio frequencies in one instance prevented effective use of men and equipment from a neighboring police department. When local and state police must cooperate with National Guard units, the need for communications coordination is urgent.

We believe that the critical communications and control problems arising from the present shortage of frequencies available to police departments require immediate attention. Accordingly, we recommend that the Federal Communications Commission make sufficient frequencies available to police and related public safety services to meet the demonstrated need for riot control and other emergency use.¹

¹ This recommendation was previously made to the FCC in a letter from the Commission, a copy of which is included in the Appendix. The FCC has taken steps to make additional frequencies available.

Miniaturized communications equipment for officers on foot is critically needed for command and control in civil disorders, particularly if the riot commanders are to exercise effective command and control over police units in control operations. At the present time police officers generally communicate only to headquarters and only from a police vehicle. This Commission, therefore, endorses the recommendations made by the Crime Commission that the federal government assume the leadership in initiating and funding portable radio development programs for the police.²

² This recommendation was previously made in a letter to the Department of Justice, a copy of which is included in the Appendix.

(2) Intelligence—The absence of accurate information both before and during a disorder has created special control problems for police. Police departments must develop means to obtain adequate intelligence for planning purposes, as well as on-the-scene information for use in police operations during a disorder.

An intelligence unit staffed with full-time personnel should be established to gather, evaluate, analyze, and disseminate information on potential as well as actual civil disorders. It should provide police administrators and commanders with reliable information essential for assessment and decision-making. It should use undercover police personnel and informants but it should also draw on community leaders, agencies, and organizations in the ghetto.

Planning is also necessary to cope with the ever present problem of rumors. A rumor collection center will enable police and other officials to counter false and inflammatory reports by giving accurate information rapidly to community leaders and others in troubled areas. Evaluation of rumors can also provide important information about potential disorders.

In Chicago, for example, a “Rumor Central” unit established in the Commission on Human Relations averted trouble. When a Negro, after an argument, was shot to death by a white store
owner who was placed in custody by the police, a rumor spread through the neighborhood that the white man would not be arrested. This false information was picked up by a radio station and broadcast. But Rumor Central, which received some 500 telephone calls about the incident, obtained the facts from the police and gave those facts to community leaders and news media. This appreciably assisted the police in alleviating tension.

How police intelligence units can be organized and can operate is set forth in a Model Operations Plan discussed below.

(3) Tactics—In dealing with disorders, police have traditionally relied principally on the use of various squad formations and tactics to disperse crowds. These tactics have been of little or no value in some recent disorders marked by roving bands of rioters engaged in window breaking, looting and fire-bombing.

Studies made for the Commission indicate that the police are aware of the deficiency. Many police departments admitted that traditional riot control methods and squad tactics were wholly ineffective or only partially useful in the disorders. But no new and practical response to the recent types of disorders has emerged. Few departments have evolved new tactics against rioters. Even fewer have sent trained personnel to consult with officials in cities that have experienced civil disorders.

The tactics effective in dealing with the type of disorders experienced last summer, as well as those that may develop in the future, are also presented in the Model Operations Plan discussed below.

(4) Recommendations for Operational Planning—The Commission believes that model operations plans are needed now. They must provide guidelines for police departments and assist them in coping with civil disorders.

The Commission also believes that more thought is needed about types of disorders that may develop in the future, together with the police responses that will be relevant and effective.

Acting on these convictions, the Commission has developed a model operations plan after consultation with leading police officials. Like the mobilization plan, this plan is also being used in the Department of Justice training conferences and will be revised from time to time. The Commission recommends that this plan be distributed to local and state police departments in the same manner as the proposed model mobilization plan.

Obtaining Outside Assistance—When should a mayor or local police chief call for state assistance? The answer is difficult partly because of the problem of determining when outside assistance is actually necessary, and partly because local officials may be understandably reluctant to admit that they cannot control the disorder.

No amount of planning will provide an automatic solution to this problem. Sound judgment on the part of mayors and police chiefs remains the only answer. Yet once the decision has been made, proper advance planning will help speed assistance.

Outside forces will need a relatively long lead time before response. A survey of National Guard capabilities, for example, shows that an average of four to six hours is required from the time of notification to the time of arrival of an effective complement of men.
Local authorities must not wait until the critical moment to alert a neighboring jurisdiction, the state police, or the National Guard. Outside control forces will then be unable to mobilize and respond on time. All agencies that may be asked to help control a civil disturbance must be alerted at an early stage and kept informed.

These problems will be further discussed in the section on the National Guard and state local planning.

Logistical Planning—Commission studies disclosed serious deficiencies in police plans for logistical support. Many police departments simply assume that supplies and equipment are on hand and in the amounts required. The moment of need is too late to find out whether they are.

Regular police vehicles are usually inadequate for transporting and supplying large numbers of police, particularly since the men should be moved in units. Furthermore, a disorder extending over a long period of time will require the resupply of expended items and probably food and shelter for police personnel. In one city, when the failure to plan for these contingencies kept an entire police force on 24-hour duty, physical exhaustion seriously impaired police effectiveness.

Commission studies indicate that few police departments are prepared for these exigencies.

A major problem of the 1967 disorders arose from the large number of persons arrested. Facilities to transport, detain, process, feed, and house them overwhelmed the existing structure. Discussed in the chapter on the Administration of Justice under Emergency Conditions, the task of caring for large numbers of prisoners is also a matter of logistics.

Training

The Commission survey on the capabilities and preparedness of selected police departments showed that the most critical deficiency of all is inadequate training. Practically no riot control training is provided for supervisory police officers. Recruits receive an average of 18 hours in departments offering anywhere from 62 hours to only 2. Moreover, although riot control tactics require the work of highly disciplined and coordinated teams, almost all departments train policemen as individuals.

Eleven of the 30 police departments surveyed reported no special or additional riot control training beyond the recruit level. Of the 19 departments reporting some post-recruit training, five limit training to the use of firearms and chemicals. In many cases, the training program is built around traditional military formations that have little applicability to the kinds of civil disorders experienced by our cities. Yet 50 percent of all the departments surveyed said they were generally satisfied with their training programs and planned no significant changes.

Basic riot control should be taught in recruit school, and intensive unit training should be conducted subsequently on a regular or semi-annual basis. Without this kind of training, police officers cannot be expected to perform effectively in controlling civil disturbances. Training supervisory and command personnel in the control of civil disorders must also be a continuing process.
Emergency plans and emergency operations must be reviewed in the classroom and practiced in the field. Yet few departments test their mobilization and operational plans. As a result, where carefully planned variations from the normal chain-of-command communications systems and unit assignments go into effect at a time of riot emergency, policemen are often unfamiliar with them. The most thoroughly developed emergency plan is useless unless all personnel fully understand it before it is put into operation.

Of the 30 police departments surveyed, not a single one reported coordinated training with fire units. Yet recent experience shows a clear need for police-fire teamwork in riots. Even more revealing, only 2 of the departments surveyed have undertaken coordinated training with other community agencies required in a riot emergency. Only 2 departments reported coordinating their riot control training with the National Guard and state police.

In order to strengthen police training, the Commission recommends:

1. Departments should immediately allocate whatever time is necessary to reach an effective level of riot control capability. The need for training in civil disorder prevention and control is urgent.

2. Training must include all levels of personnel within the police agency, especially commanders. Post-recruit riot training must be a continuing process for all personnel and build upon recruit training rather than duplicate it.

3. Riot control training must be provided to groups expected to function as teams during actual riot conditions. Required levels of teamwork can be achieved only through team training. All special riot control units must receive additional and intensive training in tactics and procedures, as well as in special equipment and weapons.

4. Mobilization plans and emergency procedures must be reviewed in the classroom and practiced in the field. All members of the department must be familiar with riot plans at all times.

5. Mayors and other civil officials must recognize the need and accept the responsibility for initiating regional training and coordination with military and state police personnel, as well as with other agencies of local governments.

6. Police agencies must review and become familiar with recent riot experience so that training programs can be realistically adjusted in the light of anticipated problems.

7. In order to help law enforcement agencies improve their knowledge and strengthen their capabilities to prevent and control civil disorders, a national center and clearinghouse should be established to develop, evaluate, and disseminate riot prevention and control data and information. This center should be part of the proposed National Institute for Law Enforcement and Administration of Justice recommended by the President and awaiting action by Congress.

A suggestion has been made that national observer teams be established and assigned to the scene of incipient or developing disorders. These teams would study the effectiveness of control techniques and organization, recommend improvements, and make this information available to public officials. The Com-
mission endorses the recommendation and suggests further that the disorder observer teams be made an integral part of the proposed national center.

**Police Control Equipment**

*Personal Equipment*—A serious hazard faced by police officers during disorders is injury from bottles, rocks, and other missiles thrown by rioters. Yet few police departments can furnish every man assigned to civil disturbance duty with the proper equipment to protect head, face, and eyes. The Commission has found that protective clothing, boots, and gloves are generally not available for the police, although most police administrators recommend their procurement and use. Police officers must have the proper personal equipment and clothing to safeguard them against the threat of bodily harm.

*Police Weapons*—On the basis of the surveys made of 30 major police departments, the Commission found that many police forces are inadequately equipped or trained for use of even conventional riot control weapons and materiel. For example, although the police baton has proven to be a very effective weapon in situations where a low level of physical force will control a disorder, many police departments fail to instruct their men in the proper use of this control weapon. The value of the police baton should not be overlooked and police administrators should assure that proper training in its correct and most effective use is given to all police officers.

The most serious deficiencies, however, are in advanced non-lethal weapons. Riot control authorities regard nonlethal chemical agents, such as tear gas, as the single most valuable and effective type of middle-range weapons in controlling civil disorders. In listing the priority of force to be applied in a disorder, the FBI manual on riot control, as well as Army and National Guard doctrine, prescribe the use of tear gas (CS and CN) before resorting to firearms. According to the FBI riot control manual: “They are the most effective and most humane means of achieving temporary neutralization of a mob with a minimum of personal injury.”

While most of the police departments surveyed possessed some chemical weapons with varying degrees of supplies on hand, they lacked sufficient gas masks to equip even 30% of their personnel properly. The lack of gas masks restricts use of gas by many police forces.

Police and other civil officials have also been inhibited by the unfavorable psychological reaction to the use of any gas or chemical weapon. An additional restraint is created by the presence of large numbers of innocent people in the disorder area who would be affected by the traditional, massive use of tear gas.

The recent development of new containers and projectile devices by the U.S. Army now makes it possible to use CS discriminately against small groups and even individuals. Police departments could use them to deal effectively and appropriately with looters and snipers.

Some police departments have recently been equipping police officers with a liquid tear gas device. Initial reports indicate
that, though less effective than CS, it provides a useful method of dealing with unruly and dangerous individuals. Used properly, it renders offenders harmless for 10 to 15 minutes. Projectors now in production promise to give police a means of acting against lawless small groups or individuals up to a distance of 30 feet.

The use of distinctive colors and odors either added to the liquid tear gas or projected from a separate device may be an additional way to help police not only identify those engaged in vandalism and other illegal acts but also deter others.

The exaggerated reports of sniping in many cities experiencing disorders created unwarranted apprehension among some police administrators. This concern has led to a belief in some communities that police officers should be armed with highly destructive implements of war.

The Commission believes that equipping civil police with automatic rifles, machine guns, and other weapons of massive and indiscriminate lethality is not warranted by the evidence. Chemical agents provide police forces with an effective and more appropriate weapon. If violence by rioters goes beyond the capability of the police to control, trained military forces should be called in. We should not attempt to convert our police into combat troops equipped for urban warfare.

The true source of police strength in maintaining order lies in the respect and good will of the public they serve. Great harm is likely to result from the use of military weapons of mass destruction by police forces which lack the command and control and firearms discipline of military units. Improper action could destroy the concept of civilian police as a public service agency dependent for effective operations on community cooperation and support.

Overall Recommendations—The development of modern, non-lethal control equipment has languished because police departments lack the resources for tests and evaluation. The decentralized nature of law enforcement and the absence of standard criteria have also limited market opportunities. As a result, private industry has been reluctant to invest in research and development of new police equipment.

Accordingly, the Commission recommends:

- The federal government should undertake an immediate program to test and evaluate nonlethal weapons and related control equipment for use by police and control forces.

- Federal support should be provided to establish criteria and standard specifications which would stimulate and facilitate the production of such items at a reasonably low cost.

- Federal funds should be used to develop appropriate tools and materiel for local and state law enforcement agencies.
If these recommendations are adopted, the result will be better maintenance of law and order and better control of disorders with fewer risks to police and the public. Use should be made of the technology and resources of the Department of Defense and other appropriate federal agencies.

II. FIRE DEPARTMENTS AND CIVIL DISORDERS

Of the 23 cities studied by the Commission, most reported arson and fires accompanying the disorders, ranging from the burning of police barricades in Jackson, Mississippi, to the 682 riot-connected building fires listed by the Detroit Fire Department. Fire departments face problems equal in difficulty to the control problems of law enforcement agencies.

Major Fire Department Problems in Civil Disorders

Abnormal Number of Fires—The basic problem for fire departments during a civil disorder is lack of resources to cope with an abnormal number of fires in one area while maintaining some coverage for other areas. Detroit had as many fires in the five days of disorder as it usually has in a month. No other city approached this number of fires during a disorder, but fire problems were still critical. For example, during the four days of disorder in Newark, the fire department responded to 250 fire calls, plus 64 false alarms, and 50 emergencies where no fire existed. Of these 364 calls, 166 took place on the first day of the disorder.

Fire departments are not organized or equipped to cope with an abnormal number of fires on a sustained basis. There are more than 23,500 public fire departments in the United States, and only 265 have 100 or more employees. Only 19 cities have more than 1,000 paid employees, ranging from 13,917 in New York City to 1,061 in New Orleans. But total strength is far from the number of men available to fight a fire. Regular hours of duty mean that only 20 to 35 percent of personnel are on duty at any one time. The situation is even more critical in the suburban communities surrounding the core city of a metropolitan area, for many of these departments depend to a very large extent on volunteer firemen even for routine fires, and few have as many as 25 men normally on duty.

Shortages of equipment, particularly reserve equipment necessary for a full utilization of all available manpower, also inhibit efforts to combat widespread fires. During the Detroit disorder, 41 suburban communities furnished men and about 49 pieces of equipment to augment the 97 pieces of equipment in the city department. The danger in relying on mutual aid agreements comes from the possibility that adjoining communities may be simultaneously involved in a disorder and unable to release men or equipment.

Malicious or Nuisance False Alarms—False alarms have often plagued fire departments during disorders. These alarms overload incoming communications systems and deplete manpower and equipment needed for actual fires.

Attacks on and Harassment of Firemen—In many of the cities experiencing civil disorders, firemen have been harassed, and even attacked, primarily by thrown objects. These, plus fear of
attack, have seriously interfered with the work of firemen. Firemen can no longer depend upon community assistance, but must be ready for open hostility.

Overtaxed Communication Facilities—Fire department communication capabilities have been severely taxed during disorders. At headquarters, increased number of alarms overload incoming telephone lines, and impose heavy burdens on dispatchers. In the field, frequencies have been overloaded, while the use of different frequencies by fire units, law enforcement agencies and National Guard forces has prompted confusion. The Commission has requested that the Federal Communications Commission provide sufficient frequencies to permit communication during disorders among all agencies of government involved in control.

Identification of a Civil Disorder Fire Problem—The fire problem in a civil disorder has usually developed after the initial disturbance. The time interval may be a matter of hours as in Detroit, or a matter of days as in Los Angeles in 1965. In order to insure efficient response, fire chiefs must identify the start of a problem as early as possible both to activate emergency plans and to avoid an initial over-commitment of resources.

Water Supply Problems—Numerous fires reduce water pressure, and malicious openings of hydrants deplete water supplies.

Logistical Support—Extended fire-fighting operations by large numbers of personnel and equipment have created serious logistical problems. Sufficient manpower and equipment must be on hand not only to combat the fires but also to avert long hours of duty leading to exhaustion. Special feeding and rest facilities near the center of operations should be provided.

The availability and state of repair of reserve equipment creates additional difficulties when this equipment is pressed into service during an emergency.

Large scale glass breakage during disorders has damaged tires of fire trucks. Hose problems have been acute. Most fire departments lack the heavy stream equipment that is most efficient in handling riot-caused fires. Forced withdrawals because of attacks on firemen and rapid reassignment to new threatened areas have prevented recovery of hose. Damage from large scale operations, as well as from sabotage, has further reduced hose inventories.

Recommendations for Improving Fire Department Response

The Commission recommends that fire departments evaluate all existing resources, develop and test plans of response, and make every effort to strengthen the fire-fighting force within the limits of the community's financial base. Beyond this, detailed plans must be prepared to:

- identify areas where disorders and fires are likely to occur.
- compute the units needed to service critical areas, while maintaining minimum protection for the remainder of the community.
- evaluate jointly total needs with cooperating agencies and schedule required assignments in advance.
• select command post sites, providing for a command room, adequate parking of apparatus, sufficient access and maneuver, communication facilities, and space for personnel for extended periods of time.
• provide for coded signals to implement responses, to activate command posts, and to recall off-duty personnel.
• choose special teams of men and equipment for commitment, including, normally, one or two pumpers, a ladder truck, a chief officer, necessary heavy equipment, and communication facilities.
• review the adequacy of the water supply and solve foreseeable problems in advance.
• develop plans for actual operations at the scene of fires.
• provide a way to screen incoming alarms to avoid duplication of response and depletion of resources.

Coordination and Liaison with Other Units—Fire departments must be an integral part of the planning to coordinate all government agencies and private groups involved in control operations, in particular with law enforcement agencies and the National Guard. Effective liaison must be established well in advance of emergencies, and lines of communication to the police will provide both information for the prompt recognition of special fire problems and police protection. Tests of all agreements are a necessity.

Protection of Firemen—A fireman is neither trained nor equipped to control rioters. To be effective, he must be able to devote his entire attention to fire control activities. Since firemen have a professional responsibility and duty to respond to all fires, protection furnished by outside sources may be necessary for the personal well-being of firemen, and for effective fire-fighting operations.

Thus, if firemen are attacked or severely harassed or interfered with in their operations, either police or National Guardsmen should be assigned to fire units, to furnish effective protection. In order to ensure that proper protection will be immediately available if needed, advance commitments and assignments are necessary. Firemen must establish and maintain liaison with top police officials and National Guard officers.

Personal protective equipment for firemen and apparatus may also be necessary—covered cabs, eye shields and crash helmets, as well as covering material for fire engines.

Adequate Communication Equipment—Adequate communications between headquarters and field operations are essential—additional telephones to receive alarms; direct-line telephones to command posts and key officials; portable two-way radios; radio links to other agencies and cooperating fire departments; equipment for reserve units; and reliable means to direct firefighters to fire scenes. Periodic exercises and tests are necessary.

Logistical Support—To ensure an adequate logistical support, fire departments must make an inventory of all equipment and supplies, repair or replace inoperative or defective equipment, and ensure adequate repair and maintenance facilities. Sufficient quantities of hose, particularly heavy stream and large diameter hose, are required.

Training—Because operations during civil disorders differ sub-
stantially from normal operating procedures, training must be carried out at operational and command levels. Command level training is of special importance, for many fire department officials lack experience in wide-scale operations. Tactical exercises will help train senior staff officers and test communications and command capabilities.

Training and Planning Conferences—The Commission recommends training conferences for the nation's fire departments. Nationwide or areawide conferences among top fire department officials will promote exchanges of information relating to basic plans for responding to disorders and the preparation of training programs and materials for both operational and command levels. The Federal Government should assume the responsibility for instituting, and funding such conferences.

Improved Community Relations—Fire departments, like police departments, must improve their relations with the communities they serve in order to gain the community cooperation and assistance that are essential for effective fire-fighting. This requires getting out of the fire house and becoming acquainted with the people in the neighborhood. Fire department officials have an obligation to develop programs to achieve these goals.

III. State Response To Civil Disorders

A major civil disorder may require control forces beyond the personnel and equipment of a single city. When this occurs in an American city, the response will necessarily be far different than it would be in many foreign countries. Most Asian and European countries have national police forces under centralized control, and in the event of a disorder, thousands of additional, specially trained and equipped control personnel can be rapidly deployed to the scene.

Because a national police force is anathema to American tradition, and because the use of federal forces in domestic violence is limited by the Constitution, governing statutes, and precedent, state forces alone will be available in the great majority of civil disorders in this country. The state forces presently available to assist local law enforcement agencies are the state police and the National Guard.

State Police Forces

All states except Hawaii have a state police department, highway patrol, or department of public safety. Together they number approximately 32,500 sworn personnel. All but seven states have under 1,000 men. In most states, these officers are responsible for policing the entire highway system and must be generally dispersed over the entire state. Thus, state police departments find it difficult to mobilize sufficient numbers of men to be of appreciable help in assisting local police control a civil disorder.

In fact, traffic supervision rather than law enforcement is the chief function in more than half of the states. Twelve of the 49 departments lack full police powers. Only five spend less than half time on traffic; 27 spend three-quarters or more time on
traffic. Only eight spend over 15 percent of their time on control of criminal activities.

In the comparatively few states where the departments spend appreciable time on crime control, they may be the principal law enforcement agency for many rural areas. To divert these forces to riot control activities would strip rural areas of police protection.

Although state police recruits in 44 states receive training in crowd and riot-control tactics, the average number of hours for such training is approximately 10, as compared to 39 for the state traffic code and 38 for accident investigation.

Thus, despite real variations, most state police forces lack the necessary manpower, experience, and training to assist local police effectively in controlling civil disorders. In the great majority of states, only the National Guard can furnish effective assistance.

National Guard

Since World War II, the National Guard has been summoned to aid in controlling disorders a total of 72 times in 28 states. Thirteen took place during the summer of 1967. The performance of Guard forces in certain disorders, particularly in Newark and Detroit, raised doubts regarding their capabilities for this type of mission.

Their performance also poses a serious challenge to the nation. Because of the limitations of state police and the restrictions on the use of federal forces, the National Guard in state status is the only organization with sufficient manpower and appropriate organization and equipment to assist local police departments in riot control operations.

After hearing testimony and reviewing evidence of the Guard's performance in riot control operations in several cities, this Commission recommended immediate action to improve the Guard's effectiveness. These recommendations included:

1. increased riot control training.
2. review of the standards for National Guard officers.
3. a substantial increase in Negro personnel in both Army and Air National Guard.

These recommendations provoked changes in the Guard, and they will here be evaluated.

Background Information on the Guard—Certain difficulties experienced by the Guard in responding to civil disorders result from the dual nature of its organization and mission. On one hand, it is a state militia organized, trained, and equipped to protect life and property and preserve order and public safety within the state it serves. On the other hand, it has a federal mission to provide organized units of trained personnel with sufficient and suitable equipment to augment the national and active Army and Air Force in time of war or national emergency.

National Guard officials maintain that their primary duty is to be ready to respond to the federal mission. For the Guard's force structure is tailored by the Joint Chiefs of Staff to enable its immediate integration into the active Army and Air Force. The Army prescribes standards for enlistment, and for the appointment and promotion of officers; the Army directs training.
A federal order to duty has priority over a state call. The Federal Government pays for 90 percent of the operating costs, virtually all of the equipment, and nearly half the cost of the physical installations and facilities.

Yet members of the Guard take an oath of allegiance to the state. Unless called into federal service, and except when on annual two weeks tour of active duty, the Guard is under the control of the Governor, who appoints officers. When on state duty, the Guard is paid by the state and is subject to state or local control. The concept of a state militia is enhanced by the "hometown" makeup and traditions of Guard units.

This dual nature of Guard makeup and mission must be taken into account when Guard capabilities for use in riot control operations are assessed, and when responsibility for improvements is fixed.

Here we consider the Guard's control capabilities in terms of personnel, organization, planning, training and equipment, as presently in being.

**Personnel Resources—**

(1) Sufficiency of Manpower—The total strength of the National Guard is determined by Congress in response to requirements set by the Department of Defense. The manpower level has varied little over the past several years.

Although the National Guard Bureau and the Adjutants General of the states participate in the process, establishing Guard strength in any state and allocating Guard units to a particular state are primarily federal functions based upon the needs of the active Army in the event of a national emergency. A Governor can refuse the total Guard manpower allocated to his state, in which case the "excess" manpower is assigned to other states. A Governor can also increase the total manpower assigned, but there would be no federal recognition or support of the additional units.

In the recent past, no state has called its total Guard force to active duty to deal with civil disorders. Since 1957, the average proportion of the force employed has been nine percent; in only two instances has a state employed more than 50 percent of Guard strength. California called out 60 percent for the Watts riot in 1965. Michigan called 85 percent for the Detroit disorder in 1967, but held 20 to 25 percent in reserve near Detroit. New Jersey employed 31 percent of its Guard in Newark, Wisconsin about 43 percent for Milwaukee. Even if civil disorders increased somewhat in frequency and magnitude, Guard strength appears adequate to assist local law enforcement units.

Other factors must, however, be considered. First, without the pressure of the accelerated draft in times of international crisis, the Guard usually has difficulty maintaining its strength. Second, no state has yet experienced more than one major civil disorder at any one time. Two or more major disturbances would probably necessitate outside help. Third, control of an extremely severe or prolonged disorder would undoubtedly be beyond the present capabilities of any state. And, fourth, repeated disorders in a state would create manpower problems since calling the same units to duty several times in a short period would cause severe dislocations for the men involved.
In summary, no state alone has the resources to support a Guard force capable of controlling all potential disorders, but no state can be expected to maintain a force of that strength. Elsewhere in this Report the Commission will consider the problem of obtaining outside aid.

(2) Quality of Guard Officers—Total manpower is not the only determining factor in an evaluation of Guard capabilities for control purposes. Proper leadership at all levels is vital to prevent the indiscriminate riot control measures utilized by some Guard units in recent disorders.

Evidence presented to the Commission concerning Guard performance in recent control operations brought into question the caliber and competence of certain Guard officers. Some displayed inferior leadership below the level needed to handle the extremely sensitive operations of controlling disorder in an American city. As a result, the Commission recommended that the qualifications and performance of all Guard officers be reviewed. This recommendation was intended not as a reflection on the entire officer corps of the Guard, but rather to suggest that objective tests be used to replace or retrain officers who failed to meet minimum standards of leadership.

Prompt action was taken on the Commission's recommendations. A special board was formed to make a general assessment of the qualifications and performance of all Reserve Component officers. The Commission assumes that the Department of the Army will continue these efforts and will work with the states to upgrade or eliminate officers who lack the necessary leadership attributes.

The responsibility to improve Guard leadership does not rest solely with the Federal Government. Governors appoint Guard officers, and they too must exercise responsibility to improve Guard leadership by selecting only the well qualified.

(3) Negro Personnel in Guard Units—Evidence from Detroit indicates that active Army troops were more effective than National Guard units in controlling the disorder. According to many observers, the higher percentage of Negroes in the Active Army was a significant contributing factor. After reviewing this evidence and examining the percentage of Negroes in Guard units, this commission recommended immediate efforts to increase substantially the number of Negroes in Army and Air National Guard units throughout the country.

The Department of Defense responded in two ways:

(a) On August 31, 1967, a special Board was convened to study the extent of Negro participation in the Army National Guard and Reserve, to explore the reasons why Negroes were not fully participating in the National Guard and Reserve and to suggest a program to increase their participation substantially. On October 16, 1967, the Board issued its report and recommended steps to recruit and retain additional Negro personnel.

(b) The New Jersey National Guard was authorized a temporary 5 percent overstrength—865 additional spaces—in its paid drill strength. The purpose was to test methods of increasing Negro participation in the Army and Air National Guard. An intensive recruiting program was immediately instituted to obtain qualified Negroes for the additional positions. By the end of December, 1967, approximately 1300 Negroes had expressed
interest in the Guard. Of 723 whose applications were fully processed, 397 were actually enlisted into the Army and National Guard. Thus, approximately 46 percent of the over-strength positions have been filled, amounting to an increase of Negro participation in the New Jersey Guard from 1.7 percent on December 31, 1966, to 3.97 percent at the end of December 1967. The program is continuing.

The Commission commends these efforts. Although it is too early to determine whether the New Jersey program will be a complete success, preliminary results indicate that Negro participation in the Guard can be increased. The Commission recommends that the findings of the special board and the results of the New Jersey experiment be fully utilized to stimulate additional Negro participation. If necessary, overstrengths should be authorized.

Every effort must be made to ensure fair assignments and promotions for Negroes. Increased Negro participation in the Guard will have meaning only if there is a fair proportion of Negro officers in command of integrated units.

Organization—Unit organization in the Guard is identical to active Army organization. Command and control arrangements are also identical, ensuring close supervision of troops and quick and flexible reaction to changing situations.

Command organization of the Guard is currently undergoing a modification which brings into a sharp focus potential conflicts between the state and federal missions of the National Guard. In the opinion of experienced consultants, the basic military element that lends itself most effectively to riot control is the battalion. However, the current plan splits support type battalions between various states with the resulting loss of at least one unified battalion in each state where divisions are split.

The Commission recommends that the Department of Defense reconsider alignment of units between the states in order to ensure that state needs for unified command and control in riot operations are fully taken into account.

Planning—The importance of planning in effective control operations cannot be overemphasized. Planning is particularly important for the National Guard because it needs to mobilize a large number of men from a variety of locations and occupations, be sure they are properly equipped, deploy them rapidly in effective units to the scene of the disorder, and provide adequate logistical support for expanded operations.

The Department of the Army in August 1967 instructed all National Guard commands to develop riot-control plans. A revised training schedule issued at the same time required an 8-hour command-post exercise to develop plans or exercise previously developed plans. All National Guard units have now met this requirement.

The commanding general of the United States Continental Army Command has dispatched liaison teams to review all state National Guard riot-control plans and to assure that they are coordinated with plans drawn by state and local civil officials.

The Army has also developed planning packets for certain cities. These include maps and other information necessary for control operations.
The Department of the Army and the National Guard Bureau have provided a basic framework which helps the states construct appropriate riot-control plans. The states now have a clear responsibility to develop them.

In order to aid appropriate federal and state officials fulfill their planning responsibilities, the Commission makes the following recommendations:

1. The 8-hour command post exercise mentioned above is inadequate for proper drafting of control plans. The Commission believes that riot-control plans should be developed by the state Adjutant General working together with his full-time duty staff, rather than during a training exercise. The Commission also suggests that the Military Support of Civil Defense section be utilized to assist in the planning process. Only if the planning is carried out in this fashion by full-time personnel will there be adequate opportunity to develop a workable and comprehensive plan, and also to exploit fully the training exercises devoted to testing and revision of the plans. We are informed that the Department of the Army is presently taking steps that would substantially carry out this recommendation.

2. The planning process must involve all state and local officials who will be involved in the control operations. It cannot be left solely to the Army and National Guard, nor to the National Guard and police departments.

3. The lack of adequate communication between the Guard and local agencies has been a problem in nearly all instances where National Guard troops have been utilized to assist in controlling a disorder. Proper planning must assure effective communications among all Guard units involved, as well as among the Guard and appropriate local agencies, particularly the police and fire departments.

4. Planning should take into account those National Guardsmen who are policemen, firemen, and other emergency workers. They must be released from active military duty if they are needed in their civilian capacities.

5. Plans must be constantly reviewed to ensure their applicability to changing conditions and new techniques and equipment.

6. An officer should be on duty at the state Guard headquarters on a 24-hour basis to ensure proper contact with state and local civil officials and law enforcement agencies. Guard headquarters should maintain regular contacts with all major state and local law enforcement agencies in order to provide for an exchange of information, particularly intelligence.

7. All states should plan to have Guard cadres, key personnel, and even some units, available for rapid call-up during the crucial warm-weather months. This will provide a minimum force for immediate aid to local law enforcement agencies and will facilitate full mobilization and deployment if necessary. A force of this nature can be created by placing personnel on an alert status (subject to recall on short notice) on a rotating basis, or by scheduling weekend training for various Guard units. It is useful to recall that in 18 of the 23 cities studied by the Commission, the disorders began during a weekend, or on a Friday or Monday.

Weapons, Equipment and Logistical Support—The Guard is
armed and equipped by federal funds in order to fulfill its federal role as a combat force. Experiences of this last summer reveal that much of this equipment is inappropriate for dealing with civil disorders in American cities. The Guard and other military units lack an adequate "middle ground" between a display of force and the use of lethal or indiscriminate force.

The Commission has recommended federally sponsored and financed research for developing nonlethal weapons. The Commission further recommends that the Department of Defense participate fully in such efforts to bring about full utilization of available resources. Suitable products of research and development should be used to the fullest extent possible by the National Guard and other military forces, as well as by local and state police.

In the foreseeable future, however, the National Guard has no alternative but to use existing equipment in control operations.

(1) Control Weapons and Equipment—The rifle is the soldier's basic weapon. He has been trained with it and has developed a degree of confidence in it. This weapon has a psychological effect for a show of force that distinguishes military units from the police. Unfortunately, actual use of the rifle in riot control operations is generally inappropriate. It is a lethal weapon with ammunition designed to kill at great distances. Rifle bullets ricochet. They may kill or maim innocent people blocks away from the actual target.

Unless or until an effective nonlethal replacement for the rifle is developed, it will of necessity continue to be the basic arm for the individual guardsman assigned to civil disorder duty. The Commission recommends that the Department of Defense immediately institute a research program that seeks to develop a new type of ammunition for use in civil disorders. It should be capable of striking with deterrent but not lethal force at reasonable range. British units in Hong Kong, for example, fire a wooden peg that incorporates these basic features and is reportedly highly effective.

(2) Bayonets—Considerable controversy developed around the use of bayonets by National Guard and Army troops in controlling riots. Proponents of this weapon argue that it has the strong psychological impact necessary for an effective show of force, and provides a means of self-defense for the individual guardsman. Opponents point out that bayonets are likely to cause death or severe wounds and may inflame a crowd to greater disorder.

One commentator, after pointing out that successful modern armies have trained men to perform effectively in combat without bayonets, concludes:

In any case, the bayonet is completely useless as an instrument of riot control and the management of civil disorder. As a device for separating hostile groups or controlling mobs, it has some of the impact of a police dog, in that it produces counter-effects that are not desired. It is not a weapon which reassures soldiers, especially national guardsmen; federal troops tend to avoid its use. Even in most difficult riot control situations
which faced British forces as for example in Hong Kong, the bayonet was absent.a

The Commission recommends that the Department of the Army and the National Guard Bureau reexamine their policy underlying the use of the bayonet for riot control operations. At the very minimum, the Commission believes that nonlethal chemical agents should be utilized before bayonets are fixed.

(3) Chemical Agents—The National Guard is equipped with CS, the standard Army chemical agent for riot control. The Army has recently developed a variety of dispensers that include small hand-thrown rubber grenades; grenade launchers accurate to a range of 200 meters and useful, for example, against a sniper firing through a window; and large devices that can be mounted on helicopters and disperse effective amounts of the agent over relatively large areas. These should be made available to Guard units as soon as possible.

Despite the existence of some problems, previously discussed in the control chapter, the only present alternative to use of CS is the application of potentially lethal force. New delivery projectiles now enable CS to be used in a highly discriminating manner against individuals or small groups, and they can provide more flexibility in the present range of coercive force. The Commission, therefore, believes that until more selective nonlethal weapons are available, CS should be utilized before rifles and bayonets. The Commission urges the Department of Defense to expedite the development and production of advanced delivery systems, which should also be made available to police departments.

It is important to avoid the indiscriminate use of chemical agents. Their use should be announced to all who may be affected, and adequate escape routes should be opened to allow a crowd to disperse upon being so ordered. All National Guard units should have on hand a sufficient number of gas masks to equip all guardsmen who may be used in riot control operations. Furthermore, each participating unit should have a supply of additional gas masks for police and other officials who may be attached to or involved with the National Guard in control operations. Utilization of chemical agents presents sufficiently difficult problems of judgment for a commander; the difficulties should not be enhanced by a lack of protective equipment.

(4) Automatic and Other Weapons—The Commission has heard from witnesses and its own investigators disturbing accounts of indiscriminate firing of machine guns during certain of the recent disorders.

Controlling a civil disorder is not warfare. The fundamental objective of National Guard forces in a civil disorder is to control the rioters, not to destroy them or any innocent bystanders who may be present.

Brigadier General Harris W. Hollis, Director of Operations,

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a "Social Control of Escalated Riots," by Morris Janowitz, Professor and Chairman of the Department of Sociology at the University of Chicago. (Paper prepared for the University of Chicago Center for Policy Studies' Conference on Short-Term and Emergency Measures to Avoid Urban Violence.)
Office of the Deputy Chief of Staff for Military Operations, U.S. Army, testified before the Commission:

Commanders and their personnel should do whatever is possible to avoid appearing as an alien, invading force rather than as a force which has the purpose of restoring order with minimum loss of life and property, and with due respect for the great number of citizens whose involvement in the area is purely coincidental.

A military machine gun—as well as similar types of automatic weapons—is constructed to fire bursts or continuous streams of deadly ammunition a great distance and over a relatively large area. A machine gun, unlike a standard rifle, cannot be fired at individuals with selectivity or accuracy. By design it is a weapon of mass fire. Except in an extraordinary situation, where the Guard or the local community is endangered by the use of lethal weapons that can be neutralized only by mass fire, and only if there is no disproportionate danger to innocent persons, the Commission recommends that the use of machine guns be prohibited for National Guard forces assigned to riot control. Other mass destruction weapons of modern warfare—flame throwers, recoilless rifles, and artillery—have no conceivable place in riot-control operations in densely populated American cities.

(5) Communication Equipment—The Commission has previously emphasized that proper planning must include facilities for adequate communication between the Guard and other agencies involved in control operations. Both the Federal Government and the states should take appropriate steps to assure that adequate equipment is immediately available to Guard units involved in control operations.

The Commission has been informed that the Department of Defense is now equipping National Guard forces with tactical communications equipment and that the Army is developing prepackaged communications systems prescribed for use in major civil disturbances, systems that can be moved to an affected area in a minimum amount of time.

The Commission appreciates the importance of these preparations and recommends that these plans be fully executed immediately.

(6) Miscellaneous Equipment—Several other items of equipment have proved useful in riot-control activities. Some are available from civilian sources, others only through military supply channels. In either case, these items should be immediately available if the need arises:

(a) Armored vehicles—Both Army and National Guard units have found that armored personnel carriers are effective for moving troops through areas which may be subject to sniper fire or to approach buildings from which snipers may be firing. For National Guard units in states where such equipment is not available, armored trucks, such as the type used by banks, have been found effective. They have the added advantage of being less conspicuous than military armored vehicles. The use of tanks, however, is clearly inappropriate because of their potential for mass destruction.
(b) Illumination equipment—The Detroit experience demonstrated that it may be highly desirable to illuminate large areas. Powerful portable light sources have been developed and are available for mounting on helicopters or vehicles. Army searchlights are appropriate. Advertising and display companies in most major cities have lights, often obtained from Army surplus, that can be useful.

(c) Public address systems—Loudspeaker systems, both hand-carried and larger, are essential for warning and directing crowds.

(d) Material for constructing roadblocks—In the Watts riot, the Guard experienced major difficulties in constructing effective roadblocks. In many instances, when the troops lacked adequate materials, they resorted to gunfire to stop vehicles. Damage and loss of life resulted. All Guard units should make arrangements to obtain suitable materials for constructing effective roadblocks, which should be marked by signs to warn citizens.

(7) Logistical Support—If logistical planning has been adequate, no serious deficiencies in equipment and supplies should hamper Guard units engaged in riot-control duty.

Training—Before August, 1967, Army regulations required National Guard units to conduct riot-control training, but specified no particular number of hours. Instruction, consequently, varied from a minimum of six hours in one state to a maximum of 32 hours in another. In addition, the general military training received by National Guard troops during their six months of active duty and ongoing drills was also applicable to riot control.

In August, 1967, the Army increased mandatory riot-control training to 32 hours of unit training, 16 hours of command and staff training, and an eight-hour command post exercise for all Army National Guard units and certain designated Air National Guard units. By the end of October, 1967, all state forces had completed this required training.

The Commission commends the Department of Defense, the Department of the Army, and the National Guard Bureau for their prompt action in increasing the riot-control training of the National Guard. But in view of the reliance upon the National Guard as the main source of support for local police in controlling disorders, the Commission recommends that further steps be taken to improve training:

(1) The 16 hours allotted to command training is insufficient to complete the designated review of applicable military subjects and also the preparation and review of operational and mobilization plans. Therefore, the Commission earlier recommended that actual preparation of plans be left to the full-time staff. The 8 hours allocated to the Command Post Exercise should be devoted fully to testing plans to determine their general adequacy. If such testing reveals defects, revisions should be made, and further training time made available to test the revised plans.

(2) Riot-control training for National Guard troops should be a continuing part of the regular training program, to ensure familiarity with established procedures and to train incoming recruits.

(3) Riot-control training, and all training materials, should
be subject to periodic review in order to ensure that they fully incorporate the latest techniques developed by the Army, the National Guard, and the state and local law enforcement units. A special Subcommittee of the House Committee on Armed Services (Special Subcommittee to Inquire into the Capability of the National Guard to Cope with Civil Disturbances) has recommended that the Department of the Army establish a permanent Board of Officers to supervise the development and testing of civil disturbance control measures and equipment, and to develop and periodically publish revised training directives. We believe that this recommendation is sound and we endorse it. Such a board could carry out our recommendation for periodic review of training materials.

(4) All Guard units should cooperate fully with efforts to integrate National Guard training with that of state and local police. If necessary, Guard commanders should take the initiative in proposing such training.

(5) Guard training for control activities should include provisions to ensure that Guard officers and men are fully aware of the organization, procedures, and capabilities of other law enforcement and government agencies that may also be involved in control activities.

(6) Guard training should include increased emphasis on the community relations aspects of control operations.

(7) Until all National Guard officers have received thorough training in riot-control activities, each state should designate appropriate senior officers for command of riot-control operations. The Department of the Army should establish a school to train these officers for command during riot situations, with special emphasis on the political, sociological, and legal problems that are involved in control operations. We have been informed that planning for such a course is currently underway.

(8) Top Federal, State, and Guard officials must make every effort to ensure that training directives are fully carried out and that every guardsman is made aware of the importance of all aspects of riot-control training. In particular, emphasis should be placed on the importance of using only the minimum force necessary to achieve control.

IV. ARMY RESPONSE TO CIVIL DISORDERS

The commitment of federal troops to aid state and local forces in controlling a disorder is an extraordinary act. Only twice in the last 45 years have governors requested federal troops to help quell civil disorders.

As pointed out elsewhere in this report, however, it is imperative that states have back-up forces for controlling major disorders. This section considers the capabilities and preparedness of the active Army to perform the back-up function.

An Army Staff Task Group has recently examined and reviewed a wide range of topics relating to military operations to control urban disorders: command and control, logistics, training, planning, doctrine, personnel, public information, intelligence, and legal aspects. The study also extracted lessons from recent disorders and sought to make them applicable to any possible future disturbances.

The Commission, in preparing this portion of the report, has
relied heavily upon information developed by the Army Task Group and commends the Army for undertaking this overall review of the Army function. It recommends that each state consider a similar review of its own control capabilities. It further recommends that the results of the Army review be made known to the National Guard and to top state and local civil and law enforcement officers in order to stimulate review at the state and local level.

Manpower

The active Army has designated seven task forces, each of brigade size (approximately 2,000 men), to be immediately available for assignment to control civil disorders in the event federal troops are needed. Additional Army, as well as Marine Corps, forces can be furnished if necessary.

In the opinion of the Army, these forces are an adequate supplement to the National Guard. The Commission concurs.

Planning

For some years, the Army has conducted the military planning and coordination necessary to control civil disorders, including the preparation of a family of plans which have been coordinated with appropriate headquarters and agencies. It is continuing this work to be certain that adequate federal units can be rapidly and effectively deployed and redeployed.

The planning steps undertaken by the Army appear sufficient for the effective deployment of active Army troops to the scene of a disorder.

The Commission believes it imperative that Army plans be fully coordinated with those of state and local governments. In particular, the Commission recommends that the Department of Justice, in cooperation with the Department of the Army, inform state and local officials and National Guard officers of the exact procedures that must be used to obtain federal troops, the number of federal troops that would be available, the response times for such troops, and the relationships to be established among federal, state, and the local forces, particularly in the matter of command responsibilities.

The Commission further recommends that federal-state planning should ensure that federal troops are prepared to provide aid to cities not presently covered by the Army's "planning packet" effort.

Training

The effectiveness of the active Army units committed in Detroit was due in large part to the broad spectrum of training at individual and unit levels. Basic training produces well-conditioned and disciplined soldiers. Unit training molds them into teams and units, and develops further proficiency. Operational training for contingency missions stresses tactical techniques, as well as technical support to sustain large numbers of men in the field on extended duties. In sum, Army training in its totality produces the type of well-disciplined and self-supporting force essential for the control of a major disorder.

Under present plans, units assigned to riot control contingency missions conduct specialized training in accordance with the doctrine and techniques set out in the Army Field Manual on "Civil Disturbances and Disasters." Special Army directives
and the subject schedule recently prepared for National Guard units are also used to guide active Army training. Administrative and logistical units undergo specialized training in support of forces utilized for riot control.

Because riot control duties are sometimes assigned to military police units, these units receive continual training in riot control, including apprehension, detention, and crowd control measures. Selected Army officers and non-commissioned officers receive riot control training at the Military Police School.

The Army is making an overall review of riot control training, including expansion and revision of Field Manuals and subject schedules; an examination of the feasibility of integrating National Guard and civilian authorities into command post and field training exercises; a revision of the course content of the Military Police School; an updating of riot control training films by addition of recent film footage; a revision of equipment allowances for training; and distribution to various Army commands of lessons learned in recent disorders.

The Commission commends the Army for the advanced status of its training, and for its current steps to strengthen that training. As suggestions for further improvement, the Commission recommends:

1. All officers and selected non-commissioned officers of Army units designated for use in civil disorders should receive advanced command and staff training in riot control.

2. Selected Military Police Corps officers should be given additional staff and command training in riot control and should be assigned as staff advisors to commanders of all Army units to be deployed to civil disorders. Training of such officers should include emphasis on close coordination with police departments in the major cities in the areas to which units are assigned. The training should familiarize them with the plans and operational procedures, as well as the command personnel, of these departments.

3. The Army should investigate the possibility of utilizing psychological techniques to ventile hostility and lessen tension in riot control, and incorporate feasible techniques into training for Army and National Guard units. The Hong Kong police department has successfully used a number of such techniques in controlling disorders. For example, when confronted by a mob of screaming rioters, a detachment of Hong Kong police used microphones and amplifiers to make louder and play back the mob noise on the mob itself. The noise confused and ultimately broke up the mob. The “singed chicken” episode described in the Profile in Chapter 1 of the Elizabeth, New Jersey disorder is an example—although not a planned one—of how humor can break tensions and dissipate a crowd.

4. All pertinent information and recommendations resulting from the review of training matters should be made available to the National Guard, and to public safety and other officials of states and local communities.

Equipment and Logistical Support

The equipment and supplies normally issued and stocked for Army units equip them basically to perform in a civil disorder operation. Moreover, special equipment for riot control opera-
tions has been identified and will be made available to appropriate Army and National Guard units.

In the section on the National Guard, the Commission makes recommendations regarding the equipment and logistical support of National Guard units engaged in control operations. The Commission believes these recommendations are fully applicable to the Army.

The Commission further recommends that:

1. The Army should put particular emphasis on having available adequate supplies of communication equipment that will permit effective communications with such National Guard units and state and local law enforcement agencies as may be involved in control operations.

2. The Department of the Army should participate fully in efforts to develop non-lethal weapons and personal protective equipment appropriate for use in civil disorders.

V. COORDINATING THE CONTROL RESPONSE

Prompt and efficient response to a civil disorder requires full cooperation and coordination of all groups, public and private, that may be involved in overall control activities; only proper planning can ensure this response. The degree of coordination necessary and obtainable will vary with the type of agency or group involved, particularly private groups, but a basic requirement is an allocation of duties and responsibilities, plus an effective command structure.

The necessary planning is both “vertical” and “horizontal” in nature. Horizontal planning involves coordination among government agencies and private groups within a city or community (intracity planning); among neighboring jurisdictions, including city and counties (intercity planning); and among states (interstate planning). Vertical planning involves coordination at the state-local and federal-state levels. The primary responsibility for coordinated planning rests with state and local government.

This portion of the Report considers areas where coordinated planning is necessary, and suggests guidelines for solutions.

Horizontal Coordination and Planning

Intercity Coordinated Planning—For effective control of civil disorder, planning must include at least the basic city agencies (police, fire, courts) involved in control activities. Enlightened planning will also use the personnel and resources of all government agencies, together with groups of private citizens, that may be helpful in restoring and maintaining order.

1. Government Agencies and Private Groups—Commission studies reveal that most of the police departments surveyed have made some arrangements with other government agencies for a working relationship during a period of civil disorder. Nearly all of the departments have made arrangements with fire departments. Fewer, but still a clear majority, have made

\footnote{For this portion of the report the Commission has relied heavily on a study prepared for the Commission by the Public Administration Service of Chicago, Illinois, and on data provided by a survey of police departments done for the Commission by the International Association of Chiefs of Police.}
agreements with public transportation agencies; courts, detention personnel, probation and parole officers; human relations commissions; and departments controlling streets, lights, signs and signals. Although these percentages indicate a degree of planning by most cities, there is little excuse for lack of coordinated planning among these basic agencies in any city. More important, the true degree of coordination cannot be determined without evaluating the precise type of arrangements in use. Certain responses indicated "cooperative" arrangements; but to be effective, planning must involve firm coordination, not merely vague cooperation.

Our survey indicates that cities and police departments have not planned to make full use of the resources of various private groups and agencies that can contribute to both prevention and control of disorders. Of the 26 police departments reporting information in this area, 11 plan to use church groups, seven plan to use youth service agencies or groups, ten have arrangements to obtain food and shelter from private sources, three plan to use personnel resources of watch services and private guard services, 12 plan to utilize the services of social service agencies, and 15 contemplate the use of personnel resources of police-community relations councils.

The Commission recommends that all cities that have not already done so should devise plans that coordinate all government agencies involved in control activities. It is the responsibility of mayors and other elected officials to assume the initiative in instituting such planning, and carrying it to a satisfactory conclusion.

Such plans should also include to the fullest extent possible all private groups and agencies that may be directly affected by the disorder, or that can make a positive contribution to control. Naturally, such planning will be less formal, and it should be sufficiently flexible to adapt to changing leadership of these groups.

The government agencies and private groups to be covered by the planning include: police departments (including police-community relations units), fire departments, ambulance services, detention facilities, courts, legal aid services, probation and parole services, city or county human relations commissions, public and private transportation systems, public and private utilities, public health departments, hospitals, sanitation departments, telephone companies, news media, municipal works, civil defense agencies, private guard services, youth service groups, service agencies, churches, social workers, community action agencies, poverty program workers, and others.

Coordinated planning should take into account the organization, manpower, and resources made available to state and local government for civil defense purposes under the Federal Civil Defense Act of 1950 (as amended). Those resources include: emergency control centers, communications equipment, emergency power sources, special rescue equipment, and various trained reserve personnel. The Office of Civil Defense (OCD) reports that more than 184,000 volunteer reserve police, 172,000 reserve firemen, and 176,000 rescue personnel have been trained through the civil defense program. Furthermore, at least 2,076 political jurisdictions have established emergency operating cen-
ters, with an additional 547 in the process of construction or completion.

Although the federal government provides equipment and funds to develop these resources, they belong to the states and local jurisdictions. They must be integrated into planning on a state or local level.

Office of Civil Defense regulations authorize state and local governments to use such resources in time of an emergency whether caused by attack, a natural disaster, or a civil disorder. However, because of the need for police forces specially trained for riot control operations, local officials should carefully evaluate the state of training of any civil-defense trained personnel to be used as police. If such training is inadequate for actual control operations, the men could be assigned to guard vital installations, or other positions, in order to release active-duty police for control operations.

In the past, it has not been clear whether equipment marked with civil defense insignia is available for use during a civil disorder. The Commission understands that the OCD is reviewing its regulations, and if necessary will revise them to ensure that this equipment will be fully available. We recommend that the OCD ensure that the applicable rules and regulations are disseminated to all responsible state and local officials.

The Commission further recommends that not only should all concerned agencies and groups be integrated into disorder control plans, but they should be involved also to the fullest extent possible in the planning process itself. As Brigadier General Harris W. Hollis, Director of Operations, Office of the Deputy Chief of Staff for Military Operations, testified:

The very process of involving all responsible officials in this planning process creates an awareness of common problems, and assures that principal officials will know their counterparts in other Government agencies and permits major policy questions to be addressed and resolved without the air of crisis which prevails after a riot breaks out.

Effective control operations require a specific and well-defined chain of command. Planning must clearly set out this command structure, and provide adequate mechanism for communication of orders. In accordance with traditional concepts of government, the mayor or other top city official must be in overall command. Because of the need for clear command authority, existing organizations and procedures of participating agencies should be reviewed to identify command weakness and to pinpoint any defects in routine operations that could be disastrous during emergency conditions.

All plans should be tested in training exercises. At a minimum, exercises should include checks of the command structure and communications. Finally, provision should be made to update the plans periodically in order to take into account changed conditions, or to incorporate new control equipment and techniques into the procedures.

After a plan has been formulated and implemented, steps must be taken to assure that all participating units are aware of their
responsibilities under the plan. The plan should be set out in manual form and made available to all participating agencies. Except for strictly confidential portions, the plan should also be made public. The public has a right to know what to expect from government during a disorder—as well as what the government expects from the public.

Major or prolonged disorders may cause severe shortages of food, medical supplies, and even housing in the areas directly affected. Local and state planning must include means to supply on an emergency basis these basic human needs.

2. Selected Community and Youth Groups—Two groups may be extremely useful in control activities, and in the prevention of civil disorders:

a. Community groups already involved in government or police department activities through various police-community relations programs, as for example, the police-community relations councils set up in many cities.

The value of these groups was cited by one police chief who reported that during a disorder members of a neighborhood improvement group that had previously been meeting with police-community relations people, took to the streets and successfully persuaded parents to keep youths off the streets and in their homes. Improper planning led to an instance where an agency issued passes to certain persons who were to attempt to “cool a situation” and who were themselves arrested by the police for apparent involvement in the disorder.

All groups with the potential to help should be included in the planning process to ensure that their views and judgments are respected and used by the planning agencies to the fullest extent possible. They cannot be expected to participate effectively in control activities if they are called upon for help only after trouble has broken out.

b. Youth groups. Evidence developed to date shows that youths are the main participants in a typical disorder, especially in the early stages, and are the principal source of “energy” for many of the disorders. In Detroit, for example, preliminary evidence shows that 50 to 60 percent of the persons arrested during the riot were under 25 years of age. In the 1965 Watts riot, final records of all arrests reveal that 45 percent of those arrested were under 25.

Several cities have urged groups of Negro youths to assist police and others in the control of civil disorders. In Tampa, Florida, and Dayton, Ohio, they were called “White Hats.” Their use has generated widespread publicity, as well as debate, on their effectiveness.

The Tampa “White Hats” were organized during the Tampa disorder by three Negro adults: a doctor, a policeman, and the head of the Tampa Human Relations Commission. The county sheriff gave the youths permission to patrol the riot area, and later furnished them with white helmets for identification. The youths, who were recruited from active participants in the riot, patrolled the riot area, particularly during a period when law

— In preparing this section, the Commission has relied upon a study of youth groups prepared for the Commission by the Administration of Justice Unit of the University Research Corporation.
enforcement officers were pulled out. This group has since been disbanded.

In Dayton, Ohio, the “Youth-Dayton Police,” also referred to as the “White Hat Patrol,” was organized by a Negro state legislator. Many of the youths involved had criminal records and, once again, were potential rioters. In the June 1967 disorder in Dayton, the White Hat Patrol helped persuade other youths to stop disorderly behavior, and was influential in getting them off the streets.

There are, however, conflicting reports on the effectiveness of these groups. The Director of the Tampa Commission on Community Relations, an organizer of the Tampa “White Hats,” claims that they were very effective in restoring law and order in Tampa. Extensive publicity in national media echoed this assessment. On the other hand, certain police officials have minimized the importance of the Tampa “White Hats.” They claim that the youths were used only after the disorder had peaked and the riot was waning, or after police measures had taken effect. The same officials have said they would be reluctant to utilize such groups, primarily because of the “vigilante” aspect of their activities.

The Commission still lacks conclusive evidence on whether youth groups like the “White Hats” can be effectively utilized in all instances to help control disorders. Types of disorders and youths, as well as the quality of leadership, are hardly standardized. But the fact is they have been used with at least some degree of effectiveness. The Commission, therefore, recommends that intracity planning give attention to the possibility of using youth groups in control activities. This planning must be highly flexible to cope with the changing leadership of these groups.

A delicate balance must be struck between working with and against youth groups; both courses carry implicit dangers. Working too closely with them can ultimately reduce their effectiveness since they may become too closely identified with the “establishment.” But placing the “establishment” in direct opposition to them may itself contribute to a disorder, or, at least, galvanize hostility during a disorder.

Intercity Planning—Control of a major civil disorder will generally require resources beyond the capabilities of local government. One response to this problem is to seek state aid; the other is to obtain additional manpower, equipment and services from neighboring communities by means of preexisting plans or agreements, often referred to as mutual assistance pacts. We here explore the latter alternative.

A variety of mutual assistance pacts are already in existence, primarily in the fields of fire protection, water supply and sewage disposal. The agreements range from the simple exchange of information to elaborate procedures covering all municipal services.

Mutual assistance agreements for police services in emergency situations are less common, and are generally on an informal basis. A study of 26 major police departments revealed that ten had no written mutual aid agreements for control of civil disorders, 12 had informal agreements, and only four had formal agreements. Some departments also said they had made ar-
rangements to "borrow" various items of equipment from neighboring jurisdictions. If these figures are typical of the entire country, it is plain that many cities are either overlooking or rejecting a potentially useful source of additional manpower and resources for the control of disorders.

Mutual assistance pacts have these advantages over obtaining help from the state: help may arrive much more rapidly; repeated use of state police or National Guard forces may reduce or eliminate their "psychological" value; police officers from nearby communities may be more effective because they are familiar with local geographic and sociological patterns; agreements may lead to increased cooperation and coordination of activities in other fields; and the additional funds, personnel and equipment for riot control can be utilized by local police departments in both emergency and ordinary operations, rather than diverting these resources to state forces established solely or primarily for the control of disorders.

There are also certain disadvantages in mutual assistance agreements: riot control requires unit operations much like those used by the military, not the individual approach characteristic of normal police work; police-community relations may be so bad in an area that only outsiders, not neighbors, can cool the situation; units may have an important psychological effect on rioters and may be more effective because of their training; police departments in adjoining communities may differ widely in quality of personnel, and the lower quality departments tend to dilute the effectiveness of the better ones; in times of emergency, a police department in a neighboring city not experiencing a disorder may be reluctant to release its forces because of the possibility the trouble may spread.

Although the Commission lacks sufficient data to weigh these conflicting factors, we believe, for several reasons, that mutual assistance agreements frequently offer a useful alternative to state aid. First, leading police officials have recommended them, particularly for supplying "stop-gap" aid until needed state forces can be mobilized. Second, there is evidence that these agreements work. Even in the aftermath of a major disorder in a nearby city, a community with a police department of 65 was able, through a mutual assistance agreement, to augment its own department and produce a total force of some 300 men drawn from the county and from 31 neighboring communities. Third, we believe basically that a community which demonstrates that it can maintain public order by means of its own resources, plus resources from neighboring communities, can in the long run more effectively earn the necessary respect from all elements of the community.

Although local considerations are paramount in formulating mutual aid agreements, certain basic factors must be taken into account:

Proper planning—Any effective response to a disorder demands full coordination and planning of all agencies that may be involved in control activities. In the preceding section of this report we outlined the necessary intrajurisdictional planning and coordination to deal with civil disorders; the same factors must be considered in drafting intercity agreements. Without proper planning and objective evaluation of the community re-
sources available, mutual agreements are largely worthless.

Legal problems—Although we believe there are no insurmountable legal problems for putting into effect mutual aid agreements (with the possible exception of "home rule" cities), state legislation may present unnecessary obstacles, for example, by restricting such agreements in adjoining communities.

The Commission recommends that each state not only undertake a review of existing legislation regarding mutual aid agreements for emergency services but also provide any necessary legislation to permit these agreements to be fully implemented. Such legislation should assure that police officers serving in other jurisdictions have adequate authority to do their jobs and that police, firemen, and other government personnel are given protection against damage suits, loss of personal pension rights, and loss of disability benefits. In accord with the Supreme Court case of Virginia v. Tennessee, 148 U.S. 503 (1893), intercity mutual aid agreements across state lines require only statutory authorization of both states; they do not require congressional approval.

Financial arrangements—Since the control of civil disorders may be extremely expensive, mutual assistance agreements must provide for payment of costs in a manner that will encourage rather than inhibit prompt and immediate response in time of emergency. Various methods of allocating costs include: apportionment of the cost of control activities among participating jurisdictions by a formula based upon either the location of the disorder or the relative size of the contracting cities; each jurisdiction bearing its own cost, with the mutual advantages of the agreement considered adequate compensation; or one jurisdiction offering its services to another jurisdiction on a free basis.

Basic operating procedures—Any workable agreement must specifically delineate operational procedures, including: methods by which the agreement can be invoked or activated; command arrangements for integrating the services of the calling and responding forces; the conditions under which a jurisdiction may decline to respond to a request for assistance (e.g., if it has a major fire or disorder within its own borders); a method for terminating the agreement; supporting steps to be taken by participating jurisdictions as, e.g., imposition of curfews and ordinances in neighboring cities; a basis for allocating liability for compensation of injured personnel; arrangements for cooperative training in riot control techniques; and training in joint operations pursuant to the agreement.

Although responsibility for implementing intercity mutual aid pacts rests primarily with the cities involved, state government has a corresponding duty to aid the cities in formulating these agreements, and, furthermore, to integrate the agreements into state plans for controlling disorders. California, for example, has a master law enforcement mutual aid plan providing for extensive interjurisdictional support during a natural disaster or riot. A community's request for help in controlling a disorder is first referred to the county. If the county is unable to supply the necessary resources, application is then made to a regional coordinator who draws manpower from local
governments within a particular geographical area under his control. If this aid is still inadequate, a request is made to the director of the state disaster office who can then transfer to the riot area resources from any jurisdiction in the state.

Other ways in which a state may promote intercity mutual aid agreements include: legislative reforms to remove legal impediments to mutual agreements; counseling local jurisdictions concerning such agreements; determining the appropriate role of state police or National Guard when mutual aid agreements are in force; and providing specialized resources and equipment to participating jurisdictions.

Whether or not adjoining jurisdictions implement formal mutual assistance agreements, they should, at the very minimum, coordinate operations in areas where there is adjoining or concurrent law enforcement jurisdiction. Failure to do so may have tragic consequences as, for example, when the county police broke up a meeting for lack of a park permit—after a city police department had authorized a grievance meeting with rioters in a public park.

*Interstate Mutual Assistance Agreements*—A major disturbance within a single city, or a series of disturbances in a number of cities, may require control resources beyond city and state capabilities. For example, the Watts riot in August 1965 required a commitment of over 13,400 National Guard troops, 62 percent of total strength; Newark needed over 4,000 National Guard troops, over 30 percent of total strength; in Detroit, 8,262 National Guardsmen, 85 percent of total strength, plus 2,137 Air National Guard troops, together with more than 4,500 federal troops were deployed or in reserve nearby. If simultaneous major disturbances had broken out elsewhere in those states, resources far beyond state capabilities would have been necessary.

There are two major sources for additional aid:
1. Federal forces, as in Detroit in July 1967, or
2. State forces from adjoining or nearby states pursuant to interstate mutual assistance agreements.

Interstate agreements for the commitment of National Guard forces of more than one state, besides requiring congressional approval, present delicate and complex problems of federal-state relations. Furthermore, utilization of federally financed and trained National Guard troops pursuant to such agreements also raises problems relating to the primary purpose and mission of the Guard.

Policy arguments against the use of such agreements focus on the established principle that military forces should not be used against civilian population except in circumstances of extreme necessity, and then only in the degree and for such duration as may be necessary to restore order. The use of federal forces to assist a state in controlling a civil disorder is restricted by a system of checks and balances that divides both power and responsibility between an individual state and the federal government. This carefully balanced allocation of functions provides protection against premature or excessive use of military force to control civil disorder.

Under interstate agreements, a governor would be able to call upon one or more other states for military assistance, and would
thus be able to concentrate military power without the restraints imposed by the federal-state relationship. Such power could potentially lead to excessive or indiscriminate use of military force against the civilian population.

On more practical grounds, we have already noted that the dual federal-state function and mission of the National Guard create difficulties in the use of the Guard for riot control purposes even within a single state. We also noted the difficulties and burdens imposed upon individual Guardsmen when one Guard unit is pressed into duty two or more times within a limited period of time. These difficulties would be greatly enlarged if Guard units were subjected to call-up in more than one state pursuant to interstate agreements.

Furthermore, because special Army units are immediately available for riot control duty, and because the Army and Air Force can rapidly transport large number of troops, federal troops could be dispatched to the scene of disorder in considerably less time than would be required for mobilizing and deploying Guard forces from adjoining or nearby states pursuant to interstate agreements.

Finally, the discipline, military experience, and intensive training received by active federal troops make them generally more effective than National Guard units in putting down violence with minimum force under the adverse conditions of working in a strange city and state.

Interstate mutual assistance agreements for nonmilitary aid—firemen and firefighting equipment, food, emergency equipment, medical supplies and services—would not be subjected to the difficulties summarized above, and could play a valuable role in augmenting state resources.

**Vertical Planning**

*Coordinated State-Local Planning*—We have previously noted that for most states the National Guard is the primary control force available to supplement police forces in a single city. Coordinated planning for state assistance must, therefore, center about the National Guard. To the extent that state police are available in sufficient numbers and with adequate training for control operations, planning should also encompass their use.

Most of the police departments surveyed have some plan or arrangements for obtaining state help. The Department of the Army has also established liaison with the Adjutants General of all state National Guards in order to review or prepare riot control plans for major cities within each state, and to coordinate federal, state and local plans. The Commission commends these actions. It strongly recommends that the appropriate state civil officials, heads of the state police departments, and top local civil and police officials of these cities, be involved in the planning process. State officials must also assume the responsibility for establishing liaison with local officials in any city within the state that may experience a disorder, in order to review or prepare riot control plans.

The Commission cannot deal with all aspects of state-local planning, but if all participating agencies are involved in the planning process, and if plans are tested in training exercises,
most problem areas will be identified and suitable solutions found. However, evidence available to the Commission has demonstrated that three major problems must be resolved in order to formulate an effective state-local plan. These problems, and some suggested guidelines for solution, are as follows:

1. Authority to Request and Order Call-up of State Forces

In the early stages of one of last summer’s major disorders, the initial call for state police assistance came from an inspector of the local police department and was directed to the head of the state police. However, under state law only the mayor could ask for and only the governor could provide this assistance. Time was lost because of the failure to use proper channels.

Since most states have specific laws setting out who can call the National Guard or the state police, any plan must necessarily take into account the statutory procedures. Many states do not have laws specifying who has the authority to request state assistance, and some laws do not specify the conditions under which state assistance will be authorized, whether or not requested. These points should be covered in an effective plan, which should also provide for a proper delegation of authority if the primary official is unavailable.

As with all aspects of planning, it is imperative that the provisions for requesting and ordering state assistance be made known to all officials, including operating levels.

2. Command and Communication Between State and Local Forces

Although most police departments surveyed understood how to request National Guard help, the question of command, if the Guard or state police was called in, was largely unanswered. In some states, command responsibilities are spelled out in the state statutes; in others, it is left to agreements, formal or otherwise, or to executive directives. An effective state-local plan must specifically resolve this question.

The Commission heard conflicting testimony from National Guard officers and police officials on which agency should be in command. It is unnecessary for the Commission to make recommendations on this point since a specific answer is less important than making certain that the question is resolved, that it is resolved in advance of the emergency, and that to the fullest extent possible it is resolved in favor of a single commander. Adequate planning for coordinated acts, as well as physical proximity of command posts, should eliminate most command problems, regardless of who is in overall command. Such planning should also eliminate possibilities of different degrees of force by different law enforcement groups as, for example, when one group increases aggressive action while another is unloading weapons and attempting to reduce tensions.

Commitment of National Guard troops as individuals or in pairs destroys the basic value of the Guard as a disciplined force to be deployed as units and in strength appropriate to the emergency. Merely adding Guardsmen to police patrols, as was done in some cities that experienced disorders, is not effective,
use of federal military forces against civilians, a concept that is inherent in the Constitutional separation of power and responsibility between the states and the federal government.

Although we express no opinion on the Constitutional aspects of the latter argument, we are in accord that it represents sound policy, and believe that the existing conditions for obtaining such help should be retained. We suggest, however, that in determining whether to commit federal forces, the state of preparedness, training and availability of the state’s National Guard troops be taken into consideration.

Although we agree with the policy underlying the use of troops pursuant to Section 331, we suggest that the Section be amended to update it and ensure that the language reflects existing Presidential precedents. The amendments should:

(a) Change the word “insurrection” to “domestic violence” to eliminate any possible difficulties.

(b) Make clear that the President will honor a request from a governor, not only when the State Legislature cannot be convened, but also when the Legislature cannot act in time to meet an emergency situation.

(c) Make clear that the President will honor a request from a governor only when the state is unable to control the violence with its own resources, including its own National Guard.

(d) Correct the apparently unintended restriction that only the National Guard of “other States,” not the state requesting help, can be called into federal service.

(e) Generally modernize the language—e.g., change “militia” to “National Guard.”

Certain difficulties in obtaining federal troops can be ameliorated if state and local officials are fully aware of the means by which federal assistance may be granted, and the conditions that must be met. To this end, Attorney General Ramsey Clark wrote the governor of each state, in August 1967, and outlined the legal requirements for using federal troops to quell domestic violence, and the means by which federal assistance can be obtained. (Copy annexed as Exhibit A to this Supplement.) To avoid any possible misunderstanding on the use of federal troops, the Commission recommends that each state take the appropriate steps to have the information in this letter disseminated to all state and local officials, to the Adjutant General for dissemination to the National Guard, and to all heads of local law enforcement agencies.

Conclusion

The fully coordinated planning recommended in this portion of the report will require the time, effort, and active support of government officials and community leaders. It would be tragic indeed if this time and effort were expended solely in planning for a para-military response to civil disorders.

The Commission, therefore, recommends that the government and community leaders involved in the planning should use the planning process as an opportunity to deal with other vital problems to assure that the resulting plans can serve additional

7 The present text of Section 331 is set forth in Exhibit A.
valuable purposes. The same planning and resources needed to control a serious civil disorder are also essentially applicable to any major local disaster or emergency which requires a total community effort as well as outside help. Such emergencies and disasters include, for example, floods, hurricanes, explosions and major fires. Even for individual agencies, portions of the civil disorder control plans can often prove useful in dealing with a variety of common and recurring problems. For example, local police departments, plus state police, are often required to work together and coordinate operations in order to control and regulate large groups of people who assemble for parades, visiting dignitaries, and sporting events. If these other purposes and uses are considered and acted upon during the planning process, the resulting plans will have utility far beyond riot control.

More important, the efforts spent in planning for control of disorders provide government and community leaders an important starting point for efforts toward the only ultimate and responsible solution to the problem of civil disorder: a fully coordinated government and private attack on the conditions that give rise to the disorders.

VI. LEGAL NEEDS FOR RIOT CONTROL

We emphasize that law, no less than the desire for order, must provide the framework for all control efforts.

Applicable laws relating to control efforts of federal, state and local governments fall into two general categories: (1) laws permanently in effect, primarily the penal laws of a state, supplemented or augmented by municipal ordinances; and (2) special emergency laws put into effect only during a disorder as, for example, curfews, special emergency closing ordinances, and martial law. The Commission will also consider certain legal aspects of the use of state forces to aid local police.

Laws Permanently in Effect

Many of the acts committed by rioters are crimes, in violation of long-established penal laws. In the disorders of last summer, arrests were made for crimes ranging from homicide to curfew violations, including, for example, robbery, burglary, assault, theft, arson and disturbing the peace.

A Commission survey of selected police departments revealed no basic lack of legal tools available to control disorders. But the survey and other evidence have indicated five other areas where further legislation may be necessary.

Laws governing the manufacture and possession of incendiary devices—Watts, Detroit, Newark and other major disorders have shown a disturbing increase in the possession and use by rioters of a variety of incendiary devices, primarily Molotov cocktails. Although the use of such a device is undoubtedly arson or attempted arson, some jurisdictions have no laws governing manufacture or possession; others seek control through use of inadequate "fireworks" ordinances.

8 In preparing this section we have relied upon a study prepared for the Commission by the National League of Cities.
for the unit commander loses control and cannot readily assemble his unit to respond in force. Except for the desirability of having some police officers with a National Guard unit to serve in a liaison role or to make any necessary arrests and write charges, military and police units should not be deployed together. Thus, regardless of overall command, any plan must ensure that Guard units are utilized as such, and under control of a Guard officer.

Adequate command procedures require that the state and local forces be able to communicate with each other. Officials from two major cities pointed out the extreme difficulties encountered in communication between local police and National Guard. In one case, there was no direct communication between the National Guard troops on the street and the local police unless police officers were riding with the National Guard troops or utilizing the police walkie-talkie system. In the other instance, the state police radios were on a frequency different from that of the local police department and, according to one state official, the local police “did many things” that the state did not know about until much later.

Effective state-local planning must also take into account that state police and National Guard forces may be working with local agencies other than the police, particularly fire departments. Adequate command provisions, including communications, must take these additional agencies into account. Moreover, state-local planning should not neglect other state resources, such as state community relations departments.

(3) Training

Planning is not enough; there must be some provision for testing any plan to discover weaknesses before a disorder, preferably by a command post exercise.

Many police chiefs have also suggested that in order for state and local forces to coordinate their activities correctly, each must have full awareness of the organization, function, and capabilities of the other organizations. Both National Guard and police officials emphasize the desirability of joint training between National Guard troops and state and local law enforcement officers. The Commission recommends that each state thoroughly explore the possibility of undertaking such training, especially at the command level. These exercises not only enhance the capabilities of both the National Guard and the local police, but also provide the necessary testing of state, local, and state-local planning.

Federal-State Coordination—Article IV, Section 4 of the Constitution provides that the federal government shall protect each of the states against invasion, “and on the application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence.” To carry out this provision, as well as its authority with respect to the militia, the Congress in 1792 enacted the statutory provisions that now appear (with minor amendments) as Section 331 and 334 of Title 10 of the United States Code. These sections authorize the President, after a request of a state and after issuing an appropriate proclamation, to use such of the federal armed forces
as he considers necessary to suppress insurrection or domestic violence in that state.\^6

However, in accordance with both Constitutional policy and the legislative history of these statutes, no President since these provisions were first invoked in 1838 has ordered federal troops into action until: (1) the actual request for federal troops had been received from the state, and (2) it had become clear that the disorder was beyond the control capacities of state and local authorities. As a result, since 1932, federal troops have been dispatched at state request to quell domestic violence only in 1943 and 1967, both times in Detroit. The most recent experience in Detroit demonstrated the kinds of problems which can develop in the use of federal troops to control civil disorders.

We firmly believe that primary responsibility for the control of civil disorders rests with the cities and that the states should provide the necessary reserve manpower and resources. We recognize, however, that in some instances no state will have adequate manpower or resources to deal with a major disorder, or to deal with disorders in a number of cities. Because of the problems that would be created by use of interstate agreements, the federal government will be the only source of the necessary additional assistance.

The adequacy of the existing statutory authority and administrative mechanism for call-up of federal troops has been questioned as a result of the Detroit experience. Of particular concern are the implications of the use of the word “insurrection” in Section 331, and the requirement that federal troops can be dispatched only if the violence cannot be brought under control by state and local resources.

The word “insurrection” creates fears because of the possibility of nullifying insurance policies which generally do not protect against damages caused by insurrection. However, the Constitution speaks only of “domestic violence” not “insurrection” and federal troops have been dispatched at state request in various situations other than political uprisings. As a result, existing instructions to states for obtaining federal troops require only a request based upon the existence of “serious domestic violence.”

The second point—requiring exhaustion of state resources—presents a more serious question since it limits use of federal troops to the most extreme situations. Here the requirement is based not upon specific Constitutional or statutory language, but instead upon Constitutional policy, legislative history, and precedent established by a number of Presidents. Some claim this requirement should and could be eased by amendment of Section 331. Others point to the wisdom of severe restrictions on

\^6 Sections 332 and 333 of Title 10, U.S. Code, provide for use of federal troops to deal with violence, or the threat of violence, which primarily obstructs enforcement of federal laws, or infringes on rights secured by the Constitution. Examples of such use include the Whiskey Rebellion in Washington’s time, nullification and secession before the Civil War, opposition to Reconstruction acts after the Civil War and, in the past decade, defiance of federal court orders in civil rights matters. In instances of this sort, initiative for use of federal troops rests with the President rather than with a state governor.
Forceful interference with the work of firemen and emergency workers—Firemen and emergency workers have been subjected to physical abuse, and harassed and interfered with in performing their duties. Obviously, violence against any of these persons is a crime, but the experience of some riot-affected communities indicates that additional laws prohibiting forceful interference with the work of firemen and emergency workers may be necessary.

Restrictions on the sale of firearms—The Crime Commission studied the relationship between violent crime and the easy availability of firearms in the United States. In its Report, the Commission pointed out that “During 1965, 5,600 murders, 34,700 aggravated assaults and the vast majority of the 68,400 armed robberies were committed by means of firearms.” The Crime Commission further stated that “All but ten of the 278 law enforcement officers murdered during the period 1960-65 were killed with firearms.”

The Crime Commission surveyed existing federal, state and local gun control legislation and concluded: “Since laws, as they now stand, do not accomplish the purposes of firearms control, the Commission believes that all States and the Federal Government should act to strengthen them.” The Commission recommended specific federal and state legislation reasonably regulating the purchase, transportation, sale and possession of firearms.

The fact that firearms can readily be acquired is an obviously dangerous factor in dealing with civil disorders. It makes it easier for a serious incident to spark a riot and may increase the level of violence during disorders. It increases the dangers faced by police and others seeking to control riots.

We believe that all state and local governments should enact gun control legislation of the type recommended by the Crime Commission.

We also believe that federal legislation is essential in order to make state and local laws fully effective, and to regulate areas beyond the reach of state government. We therefore support the President’s call for gun control legislation and urge its prompt enactment.

Restricting possibilities of theft of firearms—Certain recent disorders were accompanied by a drastic increase in the theft of firearms from stores and manufacturers. The most serious incident reported took place in Plainfield, New Jersey, where, during the disorder, 46 carbines were stolen from a local manufacturer.

The Commission recommends that state and local governments consider enactment of laws or ordinances controlling the storage of firearms and ammunition in order to diminish the possibilities of theft. Such laws could require, for example, that all firearms and ammunition be stored in heavily protected vaults or areas, or that essential parts of the firearms be so stored.

Unlawful assembly, riot, inciting to riot and related legislation; federal anti-riot legislation—Forty-seven states and the District of Columbia have statutes that either explicitly prohibit participation in or incitement of riots or provide more general control through prohibitions against unlawful assembly. Two other states rely on court decisions based on common law.
The Commission’s police survey and other evidence disclosed that many of the statutes need review and revision. Some that deal with incitement to riot are so broad that they may improperly inhibit the constitutional right of free speech. Some that provide no definition of “incitement” or comparable terms are dangerously vague. Those that define a riot in terms of groups containing as few as three persons may be applied in situations where nothing even approaching truly riotous activity is taking place. These statutes should be tightened. In addition, some older statutes require that police officers on the scene literally “read the riot act” before taking action against rioters. Such legislation should be amended to ensure adequate notice without unnecessarily inhibiting police action.

A supplementary question is whether this network of state legislation should be supplemented by federal anti-riot legislation.

We recognize that criminal law enforcement is principally a matter of local responsibility and that crimes committed during disorders can generally be controlled and should be controlled at a local level. Moreover, the investigations of the Commission and the Federal Bureau of Investigation have so far revealed no national planning or conspiracy behind the disorders of 1967 and few instances of interstate travel which would be subject to federal control. There is also a risk that too broad a bill would encroach on the right of free speech and peaceful assembly.

Although no criminal legislation, federal or state, comes to grips with the underlying causes of disorder, the Commission feels that a tightly-drawn federal control statute might play a limited, but important, role in dealing with disorders. Even if there are only a few persons traveling with the intent of precipitating disorders, these few can do enormous harm.

Federal legislation, if enacted, should be precisely drafted, with a clear definition of all operative terms, so as to preserve scrupulously the constitutional rights of all Americans. Such legislation should be combined, as the President recommended, with the Federal Firearms Bill. Both are important means of restricting the interstate movement of forces of destruction.

Whether or not legislation is enacted to deter those who would incite disorders, Congress should affirm now that violence is not to be tolerated in any sphere of our society. The prompt enactment of the civil rights legislation now pending—which would make it a federal criminal offense to use force to prevent the exercise of civil rights—is important for this purpose. This legislation is also central to the long-range goal of insuring that Americans in all parts of the country enjoy equal rights and opportunities.

Laws Applicable Only in Emergency Situations

Effective control of a civil disorder may require special laws in addition to the normal complement of penal statutes and ordinances. Such emergency laws range from street closings to
restrictions on sales of certain items. Laws of this sort have been used in practically every control operation.

The Commission recognizes the utility and need for such laws, especially those which provide for a specific, limited response to a particular problem, rather than wide-ranging emergency powers. The Commission cannot consider all such laws, nor can it consider the Constitutional restraints that may be involved in the application of particular laws, such as search and seizure in connection with curfew violations. It will instead point to a few instances where the need for special legislation is apparent.

Restricting access to defined geographic areas—In the early stages of some disorders, failure to seal off some streets had tragic consequences. Unsuspecting motorists drove headlong into barrages of bricks, stones and bottles, cars were set afire, and occupants were beaten.

Restrictions on access may also be necessary to keep vigilante groups outside the riot area.

The Commission recommends legislation or ordinances to permit disorder areas to be sealed off immediately. Since speed may be necessary, the laws should provide that the authority can be delegated to operational levels.

Restriction on sales of particular items—Of the 36 police departments responding to the portion of the survey concerning effectiveness of specified control techniques, all replied that closing stores selling firearms and ammunition was effective; 25 replied that closing liquor stores and taverns was effective; and 22 favored restrictions on sale of gasoline. The Commission recommends that laws be enacted to permit closing of potentially dangerous businesses during riot situations. The authority to impose such restrictions would primarily rest with the mayor or city manager. Provisions should be made to ensure that, if necessary, similar restrictions can be imposed in adjoining jurisdictions. An ordinance restricting sale of ammunition in one city would have a little effect if the stores in an adjoining city, a block away, remain open. As with the imposition of other emergency measures, notice of these restrictions is of paramount importance, and notification procedures must be integrated into any control plan.

Curfews—The Commission police survey shows that 23 responding departments favored imposing curfews. The Commission recommends that states that have not already done so should provide explicit legislative means to enable mayors and other local officials to impose curfews.

The size of the areas covered by curfew restrictions has varied greatly. Milwaukee imposed a citywide curfew restricting all persons to their homes, closing all streets to vehicular and pedestrian traffic, and permitting no one in or out of the city. Other curfew areas have been less restrictive in time and area. Unless care is used, the curfew itself may enable criminal elements to "close down a town" with minimum effort.

In drafting curfew legislation there are at least two potential problems: (a) the need for provisions which enable curfews to be imposed in adjoining cities in order to ensure coverage of the entire disorder area; (b) the need to ensure that notice of the curfew is given to all who may be affected by its terms.
Legal Problems Concerning Use of State Forces

The relationship among the National Guard, state police, and local police in joint activities has been considered in the portions of the Report concerning the National Guard and state-local planning. Although these questions relate primarily to planning, certain legal problems require attention by state and local governments.

Command and call-up procedures for state and National Guard forces—Most states have laws identifying the state or local officials who have the authority to call-up the National Guard; usually only the governor has this authority, but in some states even a local sheriff may call in the Guard to aid local law enforcement. However, only 20 states have laws specifying the relationship between National Guard forces and the civil police. In other states, the crucial command problem is left to agreements or executive directives.

Although problems of call-up authority and command authority can in part be resolved by proper planning, the Commission recommends that each state review its laws concerning Guard call-up and command, and make any necessary changes to facilitate adequate planning.

Arrest powers of state police and National Guard forces—In the absence of martial law, only seven states have laws granting National Guard troops the arrest powers of peace officers. This lack of authority is not important if police officers have been designated to accompany Guard troops when arrests are to be made. The problem should be reviewed in the planning process.

Responsibility for payment of the cost of using National Guard forces—Use of National Guard forces to quell a civil disorder may be costly. Whether the state or the local community must bear these costs is a serious policy question.

On one hand, prevention and control of a civil disorder is part of the local responsibility to ensure civil peace. If the state is to bear the cost of Guard forces, a local community may limit its efforts to prevent disorders (or its efforts to provide adequate control in the early stages) and rely instead on calling the Guard whenever there is danger that an incident may develop into a disorder. This attitude may also contribute to the dangers of overreaction.

If costs of using the National Guard are to be assessed against a local community, the mayor or other local officials may unnecessarily delay calling in the Guard.

The Commission recommends that all states consider this problem in advance and pass necessary legislation providing either for the assessment of costs of National Guard forces, or otherwise ensuring that the problem is resolved by agreement between the states and local communities.

Liability of Guard officers and men when aiding local law enforcement—Questions have been raised regarding the legal liability of Guardsmen when assisting local law enforcement officers to control a disorder. The Commission recommends that each state review its laws on this subject, and make any necessary changes to ensure that individual Guardsmen are protected.

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against legal liability when acting pursuant to the valid orders of their superiors.

Compilation and Distribution of Laws Relating to Disorders

The people have a right to know precisely what the law requires of them during a disorder, and an equal right to know the legal limits of control activities by law enforcement officers. Certain cities, counties, and states have already prepared booklets containing this information, have distributed these booklets to all police departments and other law enforcement agencies, and have made the booklets available to the public at large. We recommend adoption of such a policy.
EXHIBIT A: LETTER FROM THE ATTORNEY GENERAL TO THE GOVERNORS

Dear Governor:

At the President's request, I am writing you regarding the legal requirements for the use of Federal troops in case of severe domestic violence within your state. The requirements are simple. They arise from the Constitution. So the principles will be clearly in mind, I will briefly outline here the basic considerations of Federal law applicable to such a situation.

The underlying constitutional authority is the duty of the United States under Article IV, Sec. 4, to protect each of the states "on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence." This pledge is implemented by Chapter 15 of Title 10, U.S.C. and particularly 10 U.S.C. 331, which derives from an act of Congress passed in 1792. The history of the use of Federal forces at the request of governors in varied circumstances of local violence over more than a century is also instructive.

There are three basic prerequisites to the use of Federal troops in a state in the event of domestic violence:

(1) That a situation of serious "domestic Violence" exists within the state. While this conclusion should be supported with a statement of factual details to the extent feasible under the circumstances, there is no prescribed wording.

(2) That such violence cannot be brought under control by the law enforcement resources available to the governor, including local and State police forces and the National Guard. The judgment required here is that there is a definite need for the assistance of Federal troops, taking into account the remaining time needed to move them into action at the scene of violence.

(3) That the legislature or the governor requests the President to employ the armed forces to bring the violence under control. The element of request by the governor of a State is essential if the legislature cannot be convened. It may be difficult in the context of urban rioting, such as we have seen this summer, to convene the legislature.

These three elements should be expressed in a written communication to the President, which of course may be a telegram, to support his issuance of a proclamation under 10 U. S. C. 334 and commitment of troops to action. In case of extreme emergency, receipt of a written request will not be a
prerequisite to Presidential action. However, since it takes several hours to alert and move Federal troops, the few minutes needed to write and dispatch a telegram are not likely to cause any delay.

Upon receiving the request from a governor, the President, under the terms of the statute and the historic practice, must exercise his own judgment as to whether Federal troops will be sent, and as to such questions as timing, size of the force, and federalization of the National Guard.

Preliminary steps, such as alerting the troops, can be taken by the Federal government upon oral communications and prior to the governor's determination that the violence cannot be brought under control without the aid of Federal forces. Even such preliminary steps, however, represent a most serious departure from our traditions of local responsibility for law enforcement. They should not be requested until there is a substantial likelihood that the Federal forces will be needed.

While the formal request must be addressed to the President, all preliminary communications should be with me. When advised by you that serious domestic violence is occurring, I will inform the President and alert the proper military authorities. You can reach me at my office, my home, or through the White House switchboard at any hour.

Enclosed are copies of the relevant constitutional and statutory provisions and a brief summary of past occasions on which a governor has requested Federal military assistance. Your legal counsel, I am sure, keeps you fully advised of requirements of state law as well.

If you have any questions or comments, please let me know.

Sincerely,
Attorney General

Enclosures
THE CONSTITUTION

Article IV, Section 4

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

TITLE 10, UNITED STATES CODE

Chapter 15

Whenever there is an insurrection in any State against its government, the President may, upon the request of its legislature or of its governor if the legislature cannot be convened, call into Federal service such of the militia of the other States, in the number requested by that State, and use such of the armed forces as he considers necessary to suppress the insurrection.

§ 334. Proclamation to disperse.
Whenever the President considers it necessary to use the militia or the armed forces under this chapter, he shall, by proclamation, immediately order the insurgents to disperse and retire peaceably to their abodes within a limited time.
STATE REQUESTS FOR FEDERAL ASSISTANCE
IN SUPPRESSING DOMESTIC VIOLENCE

A Chronological List

1838—**Buckshot War.** The Pennsylvania Governor asked for Federal assistance (based on Const. Art. IV, sec. 4) in restoring order when violence resulted from a bitter political contest. President Van Buren refused on the ground that Federal interference is justified only where domestic violence is such that State authorities have proved inadequate.

1842—**Dorr Rebellion.** Rhode Island Governor King asked for assistance to stop the attempt of Dorr to claim the Governorship. President Tyler replied that the time for Federal interference had not arrived since there was no actual insurrection. Further requests were denied on the ground that the legislature was in session and the Governor therefore was not authorized to apply for aid. The President said he would issue a proclamation if a lawful request was made, but Dorr disbursed his troops and this was not done.

1856—**San Francisco Vigilance Committee.** California Governor requested Federal aid in stopping the Committee from usurping the authority of the State. The Attorney General advised President Pierce that the circumstances did not afford sufficient legal justification for Federal assistance since there was no "actual shock of arms" between insurgents and the State, and the State had not exhausted its powers to deal with the situation. (8 Op. A. G. 8). The President took no action.

1873—**New Orleans unrest—**Lawlessness due to racial problems and also political uncertainty as to proper occupants of political office resulted in violence. Louisiana Governor asked for Federal help. President Grant issued a proclamation ordering the insurgents to disperse. Failure to heed the proclamation and increased disturbance resulted in a further proclamation and dispatch of two regiments.

1876—**South Carolina riots.** Riots resulted from an altercation between the Ku Klux Klan and Negro state militia. The President issued a proclamation in response to a call for Federal intervention and troops were stationed at 70 places in the State to secure the peace during the election. (This action culminated in enactment of Posse Comitatus Act of 1878.)

1877—**Railroad Strike riots.** Upon request for Federal intervention, President Hayes issued proclamations with respect to West Virginia, Maryland, Pennsylvania and Illinois to restore order. The Ohio Governor asked for and received Federal arms but did not request troops. Indiana asked the President to authorize the commandant at the U.S.
arsenal to aid the state. On the ground that the request was incorrectly made, the Governor was informed that Federal troops would be used only to protect U.S. property. Michigan, Wisconsin, and California also made requests for help but the situation in those states did not become critical.

1892—Idaho's Coeur D'Alene mining disturbances. During a seven-year period, Presidents Harrison, Cleveland, and McKinley furnished Federal assistance which was requested by Idaho Governors.

1894—Coxey's Army of unemployed. President Cleveland instructed the army to assist Montana in handling violence of a Coxeyite contingent in Montana, at the Governor's request. However, the President did not issue a formal proclamation.

1903—Colorado mining strike disturbance. President Theodore Roosevelt denied assistance to the Colorado Governor who made two requests for "such aid as I may call for," but promised that the Federal Government would act when a request was made in a manner "contemplated by law," explaining that under H.R. 5297 there must be shown an insurrection against the State and inability of the State to control it.

1907—Nevada mining disturbance. In response to an urgent request from the Governor, President Roosevelt ordered troops to assist. Later, a President's investigating committee found there was no warrant for the assertion that the civil authority of the state had collapsed. After the President threatened withdrawal of the troops, the Governor convened the legislature, which asked that Federal troops remain for a short period until the State Police could be organized and equipped to handle the situation.

1914—Colorado coal strike. At the request of the Governor, President Wilson sent troops to stop rioting, but only after considerable negotiation and exploring of avenues of peaceful resolution by Government representatives failed.

1919—Race riots in Washington, D.C. and Omaha; Gary steel strike. On the theory that the service by the National Guard in the war left the States without adequate protection against internal disorders, the Secretary of War instructed commanders of the departments to respond to state requests for assistance. The use of Federal troops in 1919 was without a proclamation or other formalities.

1921—West Virginia coal mine warfare. President Harding was requested by the Governor to intervene. The President stated that he was not justified in using Federal military forces until he was assured the State had exhausted all its resources. A subsequent outburst of violence resulted in a Proclamation and order to dispatch Federal troops. The troops met no resistance and disarmed the miners.

1932—The Bonus Army. Needy veterans who came to Washington to seek veterans' bonus legislation were housed in tents, shacks, and government buildings which were being demolished. The Treasury Department attempted to repossess a government building in order to continue demolition,
resulting in a clash between the veterans and police. The District Commissioners asked the President for assistance and the army moved in, cleared the buildings and destroyed the shacks. No proclamation was issued.

1943—*Detroit race riots*. The Governor advised that the State was unable to suppress domestic violence, the President issued a proclamation and Federal troops were dispatched.

1967—*Detroit riots*. The most recent incident, of course, was the dispatch of Federal troops to Detroit on July 24, 1967 at the request of the Governor. President Johnson issued a proclamation and Executive order pursuant to Chapter 15 of Title 10, U.S. Code.