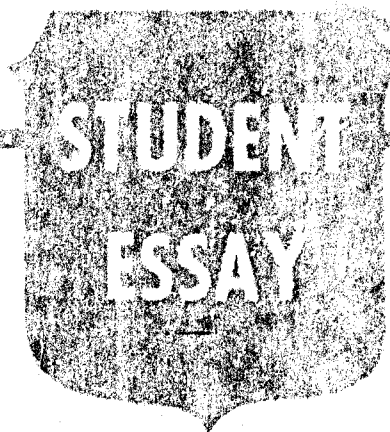


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THE USE OF MILITARY FORCES IN CIVIL DISTURBANCE

BY

LTC L. R. CLARK

19 APRIL 1932

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20. ABSTRACT (Continue on reverse side if necessary and identify by block number) The United States of America is plagued with a number of small issues that are in themselves a sounding board for civil disturbances. Issues such as racial strife, war, labor disputes, police brutality, unemployment, and the cutback on many of the social programs are among a few that formulate the basis for very large numbers of people to congregate for discussion and/or demonstration. When agitated such a crowd could turn very quickly into a mob thereby creating an untenable situation for local and state law enforcement officials. Should this happen, the President is bound by the		

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Constitution to protect the lives and property of citizens within that state. The use of federal forces to restore law and order then becomes inevitable and a national issue to be reckoned with. Neither the law nor existing military publications provides clear guidance as to a riot-torn area. When confronted with unarmed countrymen, women, and children--what shall we do--how well do we perform--to what limit should we go? The answer to these and other questions concerning this subject is vague. The student concludes that the subject of riot control, once a very integral part of Army doctrine and practice, should again become one of the mandatory subjects.



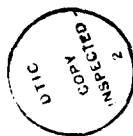
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ABSTRACT

Civil disturbances are end products of many, many group irritants in an atmosphere of growing tensions especially in the large cities throughout the United States. It appears to be the general opinion of minorities and whites of lower income brackets that calm will prevail only if there is a broad attack on their basic social and economic problems - not merely more studies like those produced after the disorders of the 1960s and the Miami rage in 1980. Following each incident a commission has been appointed, boards and panels have met, recommendations are made and to the date, little to no action has been taken. If this is not a worry to our leaders, then it should be.

Cleveland was rocked by rioting in 1966, and many of the problems that caused that outburst still have not been resolved, especially the bad relations between blacks and police. Many buildings that were wrecked in the Newark 1967 riots still lie in rubble. Smoldering to this date is the black anger that precipitated those riots.

Not should, but when these powder kegs start exploding only federal forces will be sufficient to suppress and restore law and order. The President of the United States has been charged with these duties and, therefore, the military forces should be prepared to restore law and order to riot torn areas.

INTRODUCTION

Mass destruction of private property and the loss of lives during the Watt's riots in August 1965, Newark and Detroit riots in 1967 and the Miami riots in May 1980 being the most destructive, served notice that local and state government does not always possess sufficient power to maintain law and order. Total disregard of federal laws and the rights of Americans, by any one person or a group of people is a challenge to the authority of the United States. The Constitution gives the President power to use federal troops in support of controlling civil disturbances.¹ Title 10, U.S. Code specifies three main prerequisites for federal intervention in local disturbances:

- - at the request of appropriate state authorities;
- - when states are unable to maintain law and order;
- - when states are unwilling to enforce the law.

The President is authorized through Congress to use federal troops in civil disturbances and one can readily see that such use has both political and legal implications. Nevertheless, preserving law and order is the first responsibility of the government. For without law and order, our society will lack the basic ingredient to social and economic progress. Since the fate of our society is at stake, the maintenance of law and order cannot be left to local and state police alone. Police need guidance as well as support, from the Mayor and other public officials. These public officials must determine proper police

policies, standards and conduct, as well as participate in the planning for control of civil disturbance.

When states are unable or unwilling to maintain law and order it then becomes the responsibility of the President of these United States to do so. Extreme care must be used by the President when considering the use of force in domestic situations due to the political and legal ramifications. With the separation of power between State and Federal Government, any move which could lead to upsetting that balance would probably meet strong resistance. Therefore, should the order become necessary, federal troops must exercise only those functions of law enforcement that local authorities are unable or unwilling to accomplish in house. Despite the restraint, their actions must be firm, just and absolutely impartial. Due to tension, caused by a number of things the use of federal troops to assist in restoring law and order is a reality.

Civil disturbances are the end product of thousands of little irritants in an atmosphere of growing tensions. Presently our nation appears to be moving toward two societies — one black - one white — separate and unequal. Much of the progress made for equality during the 60's is slowly fading and unless there is a change, the near future will bring not one, not two, but many serious disturbances throughout the United States. These disturbances may be caused by economic crisis, racial strife, police brutality, unemployment, or even sharp cutbacks on social programs. If such is the case, military forces may be required to reestablish law and order in many states.

THE LAW GOVERNING THE USE OF FEDERAL TROOPS

When local police forces are no longer able or unwilling to maintain control over civil disturbances, the governor of the state may

mobilize the National Guard or even request the assistance of federal troops. Since 1838, seventeen requests for federal assistance have been generated by state governors. The President will not order federal troops into action until a hard copy request has been received from the Governor and it is clear beyond the shadow of a doubt that the disturbance is beyond the capability of the state and local authorities. This practice adhered to both the fundamental Constitutional policy of restraint in the use of federal troops in civil disturbances and a traditional practice of presidents under the status since 1838. In the same tradition, the President will issue a proclamation reciting information received from the Governor that domestic violence and disorder exist in a state and that the law enforcement resources available to the City and State have been unable to suppress such acts of violence and restore law and order. Such actions by a President are authorized by the Constitution and statutes, and are in keeping with traditional restraints.

Article IV, Section 4 of the Constitution provides that the United States shall protect each state against invasion, and on the application of the Legislature, or of the Executive, when the legislature cannot be convened, against domestic violence. To implement this clause, in 1792 the Second Congress enacted the statutory provisions that now appear as Title 10 U.S.C. 331, 334 and provides for calling forth the military forces when City and State are unable to suppress civil disturbances (Article 1, Section 8, Clause 15).

Despite this authority, no statutes exist which provide arrest powers to soldiers sent into a civil disturbance. Federal troops inherently have assumed that they have similar arrest powers to those of local law enforcement officials. Such an assumption must be made

in the light of some very sensitive questions. Why commit federal troops when they are legally lacking any authority to perform the tasks assigned? Can federal troops have authority in an area where the Federal Government is only in a supporting role? Documents and military publications have avoided these type of questions with the following type of statement.

Civilian police should, if possible, make arrests of civilian personnel. In the event it becomes necessary for military personnel to take action, the soldier will immediately seek a civilian policeman to take custody of the civilian detained.²

In the event a soldier is confronted with a situation which demands immediate action and there is no policeman available he should conduct the search.³

The commitment of military forces to civil disturbance control operations does not automatically give these forces police power; military forces are still bound by legal constraints and humanitarian considerations. Where possible, military forces should allow civil police officers to perform actual apprehension, processing and detention of law violators.⁴

Army policy is clear -- let civilian police make arrests, mainly because troop authorities are not clearly defined in any federal law. I conclude that there are no laws in the statutes which grant arrest power to federal troops in a situation where they assist civil authorities. In comparing the civil and military powers, it has been noted that the civil power is deliberative, but the military cannot deliberate; and therefore in this country the military cannot be called forth, nor martial law proclaimed except under extreme restrictions.

MARTIAL LAW

The Supreme Court has indicated that martial law is the law exercised in domestic territory when civil authorities are no longer able to maintain law and order and there is no power left but the military.⁵ Martial law was not intended to supplant the civil authority but rather

to assimilate local and state laws for public protection and under these conditions offenders may be arrested and kept in military custody.

The whole concept of martial law is very strange indeed, as it is not written in the law nor as a military regulation, but rather it is based on public necessity. In most cases, the decision to proclaim martial law is made by the President through a proclamation which usually contains his announcement to use martial law, any instructions to the public and limitations to the military. However, martial law may also be proclaimed on the spot by local military commanders if immediate action is required and communication is lost with one's superiors. Nevertheless, with the availability of rapid communication today it is unlikely that such action would be taken without prior approval from the Department of the Army.

Martial law depends for its justification upon public necessity. Necessity gives rise to its imposition; necessity justifies its exercise; and necessity limits its duration.⁶ Its use is an extreme measure and even though it gives arrest power to military and/or federal forces, it has a built-in adverse spin-off which could erode state's rights and result in an imbalance of power with the Federal Government.

PROTECTION OF FEDERAL PROPERTY

These special laws do not materially aid troops in a civil disturbance role, yet the government has the power to protect federal property. This is true only where the need for protection exists and the local civil authorities cannot or will not give adequate protection. In such a case, a commander may take such action as deemed necessary and lawful to individuals who threaten a civil disturbance upon or directed

against a military installation or any of its activities. Jurisdiction over federal land is divided into two types, exclusive and concurrent.⁷ Exclusive jurisdiction gives the Federal Government the sole right to enforce the law with a trial before a U.S. Magistrate or the Federal Court System. Concurrent means the Federal Government shares jurisdiction with the states. For instance, the main post area at the United States Military Academy is located on land, which by the nature it was acquired, is under exclusive federal jurisdiction. Adjacent lands acquired recently are under state sovereignty and the Federal Government's rights are the same as any other private property owner. Here the jurisdiction is concurrent. The U.S. Code authorizes persons appointed to execute warrants to enforce laws enacted for safeguarding civil rights and to further summon land and naval forces for assistance. The Code further authorizes those forces to remove unauthorized persons from treaty and/or federal lands. There are other statutes which enable the President to use troops for enforcement but have very little meaning in a civil disturbance role.

CAUSES OF RIOTS

The causes of riots are quite clear - deepening recession, growing unemployment and sharp cutbacks in numerous social services — all of which are eroding the livelihood of the aging, underprivileged and minorities. The gains engineered for equality by Dr. Martin L. King during the 60s, were phenomenal but have been virtually stagnate since that time. Secondly, friction between black residents and other minority groups, mainly immigrants are on the rise. Thirdly, the hostility between police and blacks throughout the country remains a source of violence. These kinds of depressed conditions simply create the

symptoms for riots. The nation's hopes were raised during the Vietnam War; because of the war needs, the economy grew steadily. Now that the war is ended, the nation is faced with double-digit inflation. Who is affected most by this? Blacks.

Black unemployment rate is about 17.5 percent, probably double that of whites. For black teenagers in some big city, like New York, the jobless rate approaches 80 percent. On top of all that, summer job programs that normally help in this area have gone from slim to none, during the last decade, because of budget cutbacks. Program after program have been reduced or eliminated in their entirety. Massive ghetto-house programs that had begun in the late 60's never fully materialized. Thousands of buildings in cities today have been taken off the tax rolls after burning or being abandoned and an equal number are boarded up. Statistics show that 90 percent of the people on the list for federally assisted housing are black.

Adding to this situation and tension throughout the country are immigrants, some illegal, competing for jobs, housing and other services and getting them. Back in the 50's and 60's most of the waiters, housemaids, and sky caps were black; now they are Latin American. Not all are from Mexico and not all legal citizens. Additionally, many of those Latin Americans who have professions or skills have leap-frogged over blacks into the middle class and now own businesses and stack up pretty good in the political arena as well. To add insult to injury the latest influx of Cuban refugees are getting housing and other benefits before blacks. This apparently sidelined group of people, Black Americans, are slowly but surely becoming a powder keg looking for someplace to explode.

In city after city, allegations of brutal treatment by police are flaring up again. Almost daily, in a rash of incidents throughout the nation, Blacks and Hispanics have accused law-enforcement officers of shooting or beating to death unarmed people. A representative number of Blacks nor Hispanics are in the police ranks and where they appear they are assigned to work in predominately black neighborhoods. In a city in Ohio where the black population is about 50 percent, only 10 percent of the police are black. In that same city, a black city councilman charged that police handcuffed him and threw him in a police car as he was helping a family in his district. The incident was never investigated. The black people there have not forgotten that incident. In still another city in New Jersey, where the population is about 65 percent black, the police-community relationship was almost at the breaking point when a black mayor was elected. He appointed a black police director and while the situation is still grim, blacks have taken the "let's wait and see what will happen" attitude. During the Miami riot in 1980, there were reports that police assigned to the riot area smashed windows and cut tires on residents' cars as well as spray - painted them with the words "thief" and "looter". This was done in a predominantly black neighborhood. Four patrolmen were later suspended pending an investigation. The investigation is still pending. In fact, that disturbance was caused after the acquittal by an all-white jury of four white police officers accused of beating to death Arthur McDuffie, a black insurance salesman who had run through a red light on a motorcycle. Hardly a crime to end in death.

The problem, as seen from a black perspective, is that police are allowed to shoot anyone on the spot, even nonviolent crime that will not bring the death penalty. The indiscriminate shooting of suspects run-

ning from the scene of a crime, especially if they are unarmed, ignites most of the outrage. No one disputes the right of a police officer to defend his own life. It is shooting at a burglary suspect in a dark alley and the beating to death of people who drive through a red light that people object to. Hostility between police and blacks is dangerously close to the boiling points, and justice is wanted throughout the country. Tighter restrictions on the use of deadly force is also wanted and the police see and resist these desires as unwarranted interference. Where there is no justice, there will be violence.

TROOP EMPLOYMENT

A number of tasks are required of federal troops deployed in response to a civil disturbance depending on the local environment and the severity of the disorder. The written accounts of the use of federal troops gives probably the best picture of what can be expected; however, in order to overcome the initial unfamiliarity with the area of operation, it would be desirable to conduct a complete reconnaissance of the area before the troops arrive. Of particular importance are bivouac sites, headquarters location and hopefully colocation with the local authorities. Additionally, any and all information necessary to make an intelligent decision about optimum employment of federal troops when committed should be collected.

To aid in attacking this problem, it is necessary to subdivide a civil disturbance into various phases. This will help focus on the tasks required to be performed as the condition affecting the disturbance changes. A study for the Office of the Provost Marshal General conducted by the Center for Research in Social Systems divides civil

disturbances into four phases: pre-crowd, crowd formation, civil disturbance, and post civil disturbance.⁸ Using this approach I will examine the mission to be performed in each phase of the civil disturbance relating in each case the part played by federal troops.

PRE-CROWD PHASE

The pre-crowd phase is a preliminary period of tension brought about by previously existing problems. It should be apparent that the atmosphere which contributes to a riotous situation develops over a period of time and many factors are involved. It is difficult to accurately pinpoint the beginning of this phase prior to an actual disturbance because it depends on attitudes and opinions which are very hard to detect and virtually impossible to measure.

So, to be ready when the time comes, both the civil authorities and federal troops should be involved in long-range planning which includes recruiting, training personnel, and coordination. Short-range activities would include planning for a particular disturbance. Surely, preconditioning the leaders of the community is most important in order to exert a maximum amount of influence on crowd behavior before, during, and after the civil disturbance. A statement in a U.S. Riot Commission's Report gives a description of the type of atmosphere that can be expected during the pre-crowd phase.

Disorder did not erupt as a result of a single "triggering" or "precipitating" incident. Instead, it was generated out of an increasingly disturbed social atmosphere, in which typically a series of tension -- heightening incidents over a period of weeks or months became linked in the minds of many in the Negro community with a reservoir of underlying grievances. At some point in the mounting tension, a further incident -- in itself often routine or trivial -- became the breaking point and tension spilled over into violence.⁹

During this phase, appropriate moves by local government or civilian organizations within the community can change the atmosphere, reduce tensions, and eliminate the chance for violence all together. Prior intelligence can be a great help in identifying the grass root problems and the CIA is an ideal source. An agent is normally positioned somewhere in the crowd. However, the CIA is a federal organization and will have very little power also.

Tasks to be performed by local authorities during this phase include psychological and police-community relationship aimed at reducing tension, and continuous gathering and reporting of intelligence. Should the situation continue to gain momentum it might become necessary to present a "show of force." Such a move must be carefully considered because if used at the wrong time or place, it may ignite that crowd.

What role does the federal troops perform during the pre-crowd phase? Federal troops are aware of their mission to protect and preserve the American way of life. This certainly places federal forces in a position to be called upon to assist local government in restoring law and order. However, history indicates that federal troops have not been introduced in situations during the pre-crowd phase primarily because violence has not yet erupted and the local authorities are reluctant to request aid. When asked by a Senate Subcommittee if troops should be used in a preventive role, John F. Nichols, Superintendent of the Detroit police, replied, "In my opinion, Mr. Chairman, I think that the presence of sufficient force to control an action before it is escalated, is of vital importance."¹⁰

In summary, he felt that the introduction of uniformed soldiers had a definite deterrent effect; it changes the environment and, if properly done, could help avert a disturbance.

Nevertheless, use of federal troops during the pre-crowd phase has not been done in the past and is not likely in the future. Governor George Romney of Michigan said, "Calling on the U.S. Army in a civil disturbance is a tough, difficult decision. Equally difficult must be the decision to help control civil disorder."¹¹

So during the pre-crowd phase Army missions would include gathering information, updating plans, and performing the coordination necessary should federal assistance be requested. Emergency Operation Centers have been set up throughout the country to help monitor disorders and potential trouble spots. For example, prior to the Chicago riots in 1968, the Army's Emergency Operation Center kept the Department of the Army in Washington informed of events as they progressed.¹² In this particular instance the Army placed one battalion on two hour alert and the brigade on six hour alert before assistance was requested.

CROWD PHASE

The crowd phase is the period in which as a result of events, grievances, or agitations, a large body of people gather.¹³ Of great significance to law enforcement officials is the behavior and motivation of these people. The Riot Commission has determined from reports that the final incident before outbreak of violence takes place in late evening or early night. The place of the incident is normally where you would find a crowd. Given a ready made congregation, agitators can easily stimulate interest even if they had no hand in promoting the gathering.

Oberschall graphically portrayed the crowd phase during the Watt's

riot. His description provides a better understanding of the relationships between the significant event, the spread of hostile rumors, and the formation of aggressive crowds.

Regardless of what actually happened, the events surrounding the arrest by a white officer of a Negro for drunken driving fitted in with preconceptions and generalized belief about police brutality. In a confusing context such as an arrest in the evening with lots of people milling about and a high noise level it is plausible that apart from a few Negroes who actually eyewitnessed most of the arrest-events, many others pieced out an incomplete perceptual record of these events according to their preconceptions and predispositions. It is particularly important to note the belief and the rumors about the police beating of a pregnant woman Person-to-person communication in a neighborhood can spread a message rapidly over a large area. Subsequent movement of people reinforced by police sirens revealed where the focal point of the action was. The original witnesses to the Frye arrest interpreted what they perceived as an act of police brutality, which fitted in with a long prior history of similar behavior that was expected from the police. Late arrivals had no particular reason to question this interpretation of the incident and, sharing the beliefs and emotions of those already present, reacted to it similarly.

The original incident was widely reported in the news media, and in all probability a majority of the entire Los Angeles population knew the next day that a riot had taken place in a particular location in Watts This piece of information acted as a significant clue for the collection of crowds in the vicinity of the original arrest location the following day without any explicit coordination. Anybody, whether curious or wishing to settle an old score with the police, had the same piece of information to go on, namely the location of the incident the night before Hence the original location acted as a magnet and as the focal point for the collection of an aggressive crowd on Thursday evening and Friday morning before the riot eventually spread throughout the South Los Angeles area.¹⁴

At the beginning of the crowd phase the local authority is still in control and widespread violence has not yet begun. This is a critical time for action or non-action, and it is very important to guess right, because the situation can deteriorate very rapidly. The techniques used during this phase includes but is not limited to show of force, barricades, perimeter patrols to isolate the gathering place and guarding key

facilities as well as the detainment of key agitators. Crowd control activity has as its objective preventing the crowd from becoming a mob. Once the crowd has started the riot, control techniques other than the use of force are difficult to employ. How much force is necessary depends a lot on the size, situation and public opinion. What might seem reasonable at the time might be totally unreasonable to the mob and community leaders.

Federal troops would not normally be employed during this phase except for special selected situations. It is ideal to be able to prevent a crowd from forming but highly unlikely in all situations. The Moratorium March on Washington in November 1969 is an example. As a result of grievances about the war in Vietnam a gigantic crowd gathered in Washington. There was absolutely nothing anyone could do to prevent that gathering. In this instance, adequate time was available for preparation. Federal troops were guarding key facilities, and they were available for action, if violence had erupted. The presence of military forces in the area was widely publicized and thus served as a deterrent to violence in this case.

Except for such special cases, during the crowd-phase the local authority is still in control and federal troops would normally not be required.

CIVIL DISTURBANCE PHASE

In coping with the civil disturbance phase, local law enforcement attempt to restore order. This is the time when the crowd becomes an unruly mob and social disorder prevails.¹⁵ The control of looting, arson, and other acts of vandalism to include snipers and other armed mob members under conditions of emotional excitement often is too much

for the local law enforcement officials to handle. When control is lost, the more timid members of the mob as well as bystanders in the vicinity tend to join the rioting, and intensify the disorder and confusion. It is during this phase that federal assistance is usually requested.

Mayor Hatfield of Plainfield, New Jersey, discussed before a Congressional subcommittee the ability of his local police force to combat civil disturbance in July 1967.

Our police force was down to about 77 men, so we were short. Our full compliment is 95. A force of that size certainly isn't big enough to cope with a riotous problem where you are protecting a city of 6 square miles. While I'm on that point . . . I think the best thing the government could do, national or state, would be to provide every city a small garrison or riot squad . . . particularly during the summer.¹⁶

During this phase federal troops join in the fight to restore law and order and the mission is one of assistance. Let us take a look at history and reflect on the type of missions troops have been called upon to perform.

1967 — Detroit Riots. Following a police raid on an illegal predominately Black drinking place, rioting, looting, arson and sniping broke out on a large scale in the city. President Johnson directed the use of federal troops at the request of the Governor. The troops were initially used as a show of force and as they were deployed on the streets a noticeable reduction in incidents resulted. Additionally, roadblocks were set up at the Detroit city limits to isolate the gathering place. Finally a convoy of jeeps patrolled the city for snipers.

1967 — Newark. A picture in Life magazine shows troops searching a man caught running away from a clothing store that had been

looted.¹⁷ The city looked like the stage set of a war movie. Most of the rioters were young black males.

1968 — Detroit. National Guard troops helped to enforce the curfew imposed in the city.

1968 — Chicago. Illinois National Guard were utilized to guard firemen fighting several fires. They were also requested to assist in the business district to help stop looting. Additionally, two companies of the 4th Battalion 46th Infantry were committed to disperse mobs on 63rd and 67th streets. Finally, a motorized military patrol was committed to help saturate the area and assist in reestablishing law and order.

The incidents cited above are representative of the type of missions federal troops are called upon to perform. In the past, when things got out of hand the mere presence of federal troops was usually enough to restore law and order. The professional leaders of today's mobs are not impressed by a show of force. In addition to those missions cited above, many more could be added such as custody of prisoners and traffic control. The civil disturbance phase requires troops to help perform tasks that are primarily police functions and a complete knowledge of riot-control tactics is essential.

While the collection of intelligence information remains a priority objective, once violence is underway it is very difficult to avoid using force as a primary control measure. The priorities of forces established by the U.S. Army are as follows:

- 1) Unloaded rifles with bayonets fixed and sheathed
- 2) Unloaded rifles with bare bayonets fixed
- 3) Riot control agent CS-tear gas
- 4) Loaded rifles with bare bayonets fixed.

POST CIVIL DISTURBANCE PHASE

In the post civil disturbance phase, special methods and techniques must be employed to prevent the spread of violence or widening of its impact. This is the period when social order has been restored and the transition back to normalcy is taking place. Reestablishing and maintaining law and order is a real problem area. There are those who may feel relieved that the disorder is finally ended and there are those who may remain in a high state of tension. Individuals are usually anxious for some kind of information about the situation. Emergency provisions are made for the care of the inconvenienced, cases are prepared for the prosecution of those arrested, and all information is collected, recorded, and systematically evaluated to expedite completion of an after-action report. Federal troops committed to guard duty, patrol mission and others are gradually withdrawn and the local law enforcement officials assumes complete control of the city once again.

A smooth transition is most important in preventing the condition from reoccurring. This might necessitate keeping some federal troops in an area where animosity is still a bit high. By stretching out the transition period, tempers will cool and good relations will eventually prevail.

CONCLUSIONS

State and local police do not have the manpower to cope with widespread civil disturbances in the cities. Riots throughout history have shown this, but especially during the 60's. The assistance of federal troops in civil disturbances is not very clear and warrant immediate

attention. No publication actually addresses the legal authority of federal troops nor are the consequences of any action taken by federal troops properly addressed. One thing is very clear, the President does have the authority to use federal troops. One might then conclude that the President's power to deploy troops implies that the soldiers possess complete power to act as an officer of the law. There is one main weakness to this conclusion, the President does not have the authority to grant powers reserved by another sovereignty, in this case the state. Therefore, I conclude that there is no clear indication that federal troops do possess police powers in any situation of civil disturbance short of martial law. Only under a declaration of martial law do troops take over police functions. When confronted with unarmed countrymen, women and children, federal troops are without proper guidance as to what actions they may take and possesses limited knowledge about the consequences of such actions. Joint federal-police patrols is the only technique which provides legal sufficiency and enough force to accomplish civil disturbance missions.

The causes of civil disturbance appear to be quite clear, unemployment, family structure, social disorganization, and police brutality to name a few. There is concrete evidence from earlier studies that the predominant participant in civil disturbance is the young male, minority uneducated, unemployed, lower-class individuals with little or no stake in the system.

Although there have been some gains in black income nationally, and a decline in the number of blacks below the "poverty level," the unemployment rates for blacks in 1967 was more than double that of whites and the very same holds true today. The condition of blacks in the large city is in a constant state of turmoil and the key to the problem

is education and employment. The employment problem is mushroomed by the constant arrival of immigrants, many of whom are illegal, creating a drain on the already shrinking social aid programs.

Men who are always without jobs or employed in the lowest status jobs are often unable and unwilling to remain with their families. This situation stunts the psychological growth of children and forces the mother on welfare or some low paying job to provide support. Children growing up under such conditions are likely participants in civil disorders.

Police brutality has been a growing source of violent eruptions. Blacks and Hispanics alike, believe that they are killed and beaten by police in disproportionate numbers and are hostile due to that belief. The National Advisory Commission found that although blacks comprise 12 to 14 percent of the population, more than 50 percent of those killed by police are black. That rate is much higher when compared with minority-arrest rate. Where there is no justice there will be violence and this certainly increases the chance of Federal involvement in civil disturbances.

The specific tasks performed by Federal troops during the pre-crowd, crowd, civil disturbance and post civil disturbance phases are found to be that of a supporting role. Throughout their involvement the primary mission is to reestablish law and order.

The pre-crowd phase was found to be a time for planning, coordination, and intelligence gathering. Normally the local police are still firmly in control and there is no need for overt force. Troop assistance has never been requested during the pre-crowd phase primarily because a disturbance is not imminent or out of control.

The crowd phase also finds the local police still in control of the situation but Federal troops may be requested in a show of force role, guarding key facilities or as a reserve in a deteriorating environment. The involvement of Federal troops during this phase would be light and situation dependable.

The civil disturbance and to a lesser degree, the post civil disturbance phase, finds Federal troops playing a much greater role. They perform such tasks as dispersing mobs, setting up road blocks, guarding firemen, guarding key facilities, enforcing curfews, operating against snipers, patrolling as well as performing in many situations where legal offenders must be apprehended or detained. It is during these phases that, Federal force become most important in reestablishing law and order, yet the law is unclear as to how this force should act. Clear or not, Federal troops have been utilized throughout history and in my opinion will be needed in the future.

RECOMMENDATIONS

1. That officers and key enlisted men acquaint themselves with the contents of all Army regulations dealing with civil disturbances.
2. That specific limitations and guidance on authority of Federal troops committed in civil disturbances be legislated.
3. That riot control training be reinstated into the mandatory training program for all military personnel on an annual basis.
4. That a committee of local police officials and military personnel be formed to develop doctrine on joint operations.

5. That the following letter be forwarded to the Army
Chief of Staff of the Army for consideration.

Department of the Army
Office of the Chief of Staff
Washington, D.C.

Dear Sir:

One of my students recently completed a Research Based Essay on "The Use of Federal Troops in Civil Disturbances." After reading his paper, I feel that civil disturbance training should once again become mandatory for military personnel. With all of the administrative action projects being conducted, mandatory training is about the only training being accomplished in the field. The Army's policy change to eliminate mandatory civil disturbance training increases the probability that there will soon be no one left with any knowledge pertaining to this matter. Surely, chaos will be the result should we be required to restore law and order to a riot torn area or even protect government property here or abroad.

I am aware of the study which concluded that there was a diminishing likelihood for committing active Army forces to maintaining law and order. I never accepted the conclusion that the National Guard could handle this mission. I remember the Kent State incident which is still unresolved. Respect for authority is absolutely necessary in restoring law and order and, in my opinion, the respect for Guard units have been lost.

Since the protection of life and property is the responsibility of the President in this country, I contend that we should be prepared. Effective training and evaluation of that training is the key to solving the problem.

I strongly recommend that civil disturbance training be reinstated as a mandatory subject for all military personnel.

ENDNOTES

1. Constitution of the United States, Article IV.
2. Military Police Lesson Plan LW254V, op. cit., p. III.
3. Ibid.
4. FM 19-15, op. cit., pp. 5-12.
5. Lesson Plan Judge Advocate General School, Martial Law, op. cit., p. 3.
6. AR 500-50, op. cit., para. 7 section 2.
7. Military Police Lesson Plan 254V., op. cit., p. III.
8. Adrian H. Jones and Andrew R. Molnar, op. cit., p.2.
9. The U.S. Riot Commission Report, op. cit., p. 6.
10. U.S., Congress, Senate, Committee on Governmental Opns., op. cit., p. 1475.
11. Ibid., p. 1248.
12. Dept. of the Army, After Action Report - Task Force Chicago Headquarters III Corps, Period 4-13 April 1968, p. 5.
13. Adrian H. Jones and Andrew R. Molnar, op. cit., p. 21.
14. Phases of Civil Disturbances: Characteristics and Problems, op. cit., p. 13.
15. Adrian H. Jones and Andrew R. Molnar, op. cit., p. 9.
16. Congressional Committee on Governmental Opns., op. cit., p. 997.
17. Life, July 28, 1967, p. 27.

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