

THE NATIONAL ADVISORY COMMISSION
ON CIVIL DISORDERS

1016 16TH STREET, N.W.
WASHINGTON, D. C. 20036

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December 11, 1967

To: Mr. Miskovsky

From: Mr. Sagalyn

For your information --

lets discuss!

Enclosure

~~Post~~
30 November 1967 *Poline*
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Mr. Arnold Sagalyn
The National Advisory Commission
on Civil Disorders
1016 16th Street, N.W.
Washington, D. C. 20036

Dear Arnold:

This is late, and I have had time for but a hasty rundown in response to your request for a summary of the points I made in our discussion last week. However, I hope this will be useful to you.

May I comment first that there were mixed up in the discussion two kinds of questions: needs; and possible solutions. I agree completely with Mr. Ginsberg that the solutions must be worked out over a period of time by individual communities and, since this is a new problem, the solutions will take new forms. Nevertheless, I believe one makes one's points better by giving examples of the kinds of solutions one is thinking about. In addition, there is the urgent and immediate problem of what to do about next summer. Although I believe any of the steps that we talked about will not be perfected between now and then, at least we wish to make enough progress that the steps will have an effect greater than zero--that is, better than if they had not been taken at all. In order to do this it may be necessary to suggest very definite solutions, because otherwise it will take individual communities much too long to work out their own approaches. I recognize that this may "drive the system" to the point where other solutions may not be tried. However, I do have faith that communities will learn from experience, and will in the long run take care of their own problems better than if they use solutions that are "handed down." With this prologue, you will note that what I list below does have statements of problems and possible solutions intertwined.

I believe the following immediate steps are necessary to preserve public order. These are, of course, in addition to the long range steps discussed in my earlier paper.

1. The National Guard and other "extra-police" organizations that might be called upon to participate in maintaining order

must be trained for this. I gather from what I read in the newspapers that this is being done. At least, I hope so.

2. The police must be trained, especially, to be able to discriminate between the instigators of riots and the innocent victims or those swept along by the emotions of the moment and to treat each in an appropriate manner. As I indicated in my previous paper, I believe one of the objectives of the Black Power militants is to provoke an indiscriminate response. At all costs the police must be trained to be discriminating. For this purpose I don't believe it's sufficient, although it remains necessary, to train police chiefs and people at the higher levels of the organization. There must be, at least, a cadre filtered down to the lowest level who understand the problems and can get their colleagues to respond in the appropriate way.
3. It is essential that an intelligence system be built so that the community can have advance warning of planned disorders. This, in fact, is probably the most important item of any that could be undertaken. A good intelligence system can stop everything that the militants might do. Without an intelligence system, almost any other steps are likely to be ineffectual. The intelligence system can have three aspects:
 - a. the acquisition of "tactical data"--that is, compiling information on what happens and what goes on in various places, and collating this information in space and time to see what patterns emerge, as an indispensable aid to anticipation of possible future events;
 - b. special operations with those picked up by the police, by giving them inducements for information, and building files, dossiers, and assemblies of sharply focused bits of information that will, in the long run, create a picture of who is involved and how they are involved. (This tactic was used very successfully by the British in Malaya. The important thing is that one doesn't base it solely on the "third degree." The word does get around, and the way to offer inducements for information is not to make people frightened, sullen and withdrawn; the inducements have to be genuine, and the captives have to be surprised by not getting the treatment they expect.) Clearly this takes patience, finesse, and much time to do;

- c. covert intelligence, by infiltrating the organization. After our discussion I concluded that it was unlikely that this can be done in this case, and certainly dangerous for both the infiltrators and the organization that infiltrates them (in the latter case, simply because they may turn into "double agents"). Therefore, the intelligence system may have to be based solely on the first two approaches listed above. Immediate assistance can probably be obtained from the military intelligence community as well as from special intelligence organizations who know how to undertake activities of this type. This input must, of course, be kept quiet; and it should be on the training and instruction level, although for next summer it may well be that some key police departments need direct assistance in organizing the intelligence system.
4. One must assume that whatever the precautions and however effective the organization of countermeasures, if anything starts, some of the damage that the rioters intend to do will get done. It is, therefore, essential to do planning in advance, both to limit the extent of the damage and to put the community back on a functioning basis almost immediately. After thinking about it, I have concluded that this is a different task from either civil defense or the usual disaster relief, because different kinds of things are going to happen (i. e., selective) and different kinds of people and community organizations will have to be involved (i. e., probably not the Army or the Red Cross). There will be no substitute for advanced planning at a time when a day or two might make an enormous difference to a community, economically and socially.
5. Finally, it occurs to me that various communities, nationwide, must, even for immediate payoff, vigorously pursue the programs that are aimed at long range solutions. There must be much attention to visible and immediate benefits--for example, by next summer--and there should be a great deal of publicity associated with the benefits. This may help to defuse the extremists and, with the other approaches such as training police and setting up the intelligence system, may help to keep the level of violence, even though deliberately instigated, much lower than it might otherwise be.

The above constitutes, in my mind, a reasonable action program that can help keep things under control this summer, and can certainly work better a year or two from now. Harking back to my previous paper, though, I must stress that these are no substitutes for the community action that will change the basic conditions leading to the disorders, such that there are fewer and fewer people who wish them to happen. But you already know that.

A final comment: I saw a program Sunday night on Channel 26, describing many of the so-called incapacitating weapons that are being prepared for police use in riot control. It seems to me that these weapons, if used indiscriminately, will not do any better job of controlling violence or reducing resentment against "police brutality" than the conventional billy club and pistol. I think we saw this happen during the civil rights demonstrations in the South, when the police used tear gas. That is not a very harmful weapon, but it did come to be considered extremely brutal because of the spirit, purpose, and aggressive manner in which it was used. Similarly, while it is a good thing for the police to acquire and learn to use weapons that incapacitate but do not maim or kill, they must still be used in a discriminating way, and this is part of the problem of training the police.

I hope all of the above is helpful.

Sincerely,

S. J. Deitchman

UNITED STATES GOVERNMENT

Memorandum

Handwritten signature 2

TO : M. C. Miskovsky

DATE: December 5, 1967

FROM : John K. Scales

SUBJECT: "Early Warning System"

If further development of the above is required while I am out of town, please be advised that there are two books on my desk that may be helpful:

1. Computers and the Law, Commerce Clearing House (150 pages).
2. Computer Privacy, complete text of hearings before the Subcommittee on Administrative Practice and Procedure of the Committee of the Judiciary (269 pages).

Investigator



5010-108

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UNITED STATES GOVERNMENT

Memorandum

TO : M. C. Miskovsky

DATE: November 24, 1967

FROM : John K. Scales

SUBJECT: "Early Warning System"

You have requested a general outline of the considerations involved in the establishment of a national intelligence pool or bank to hold and preserve information with respect to the identity, presence and background of individuals and organizations who have been or may be involved as actors in disorders.

a. Practical Considerations in Establishing Such a System. From both a practical and political standpoint, it may be assumed that no such system may be established without a primary impetus from and involvement of the FBI. Depending upon the types of actors (individuals or groups) to be covered, the CIA and other federal agencies interested would be consulted at the formulation stage, even though direct input from such agencies would no doubt be minimal if not non-existent. The role of local law enforcement authorities at the establishment stage would be restricted to considering the feasibility of operational aspects discussed below.

I have been advised by a computer consultant (who I am certain will keep my inquiry confidential) that the initial cost of setting up a computer center would range between \$200,000 and \$500,000 and that it would cost at least \$25,000 a month to operate the center and at least \$2,000 a month to operate each remote station. He estimates that at least six months would be needed in which to set up the center. It would no doubt be a matter of years before some localities could be effectively integrated into the system.



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An analysis of the political and intelligence structure in each state would determine the number of remote stations to be established. It is doubtful that a network tying in only major select cities would be effective, in light of the possibilities of relevant conduct in smaller communities. The power of each local authority to participate in such a system would have to be examined from a legal standpoint. In the end, it would probably be determined that the remote stations would follow the present field divisions of the FBI and be manned by that agency.

b. Operational Considerations.

1. How much information would participating authorities actually be willing to put into the system? For many reasons (real and political), it is expected that much information would be held back. For example, serious problems could arise because the FBI might have some information on individuals in local law enforcement agencies. Aware that the information was not "complete," local authorities might very well be reluctant to rely on it to any meaningful extent.

2. How much information would be reported as to each "actor." If the information were confined to name, presence, arrest, etc., then the system might be palatable to those concerned with the right of privacy, but then full intelligence requirements would not be met.

3. How would activity leading to disorder be characterized? In order to program the computer it would probably be necessary to codify a new set of categories, sufficient to embrace the varying names ("crimes") by which each state describes illegal conduct.

4. How would information be protected at the local level (or during transmission) against "snooping." It is assumed that federal authorities would establish security requirements for those working in the remote stations.

5. What remedies would be provided for citizens who are prejudiced by erroneous reporting, recording or indexing?

6. To what extent would various authorities share in the monthly costs?

c. Proposed Course of Action. It is my intention to examine these and other considerations in depth to the end of determining whether or not a system might be proposed which would be valuable from an intelligence standpoint, publicly and politically acceptable, and technically and legally feasible.

I will soon submit recommendations on the basis of a review of the recent testimony before the Senate and House Committees, all articles that have been written on the subject, and an appraisal of the experience that some authorities have already had with related projects.

The November issue of Atlantic contains an article on the subject of a national data bank and I have included in this memorandum a number of suggestions made therein.

John K. Scale
Investigator

UNITED STATES GOVERNMENT

Memorandum

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TO : M. C. Miskovsky

DATE: November 22, 1967

FROM : Sarah Carey

SUBJECT: Questions Raised in Memo to Califano on Federal Role in Riot Control

My only comments relate to clarification of the procedures referred to in the letter from the Attorney General to the Governors. It seems to me that the initial call to the Attorney General, to be made as soon as there is any indication that local resources cannot cope with the situation, should serve as a trigger for an immediate assessment operation. At that moment federal observers should be dispatched to the scene. In effect, they, working with the local officials will determine whether federal troops are necessary. The Governor will know -- more or less -- that the President will grant his request by the time he makes the call, or sends the telegram to the White House. (If he wants to go ahead -- despite a negative prediction by the Attorney General -- the letter to the President can serve as a second chance.) The President's response to the Governor's overture will be a formality; this will avoid the political stickiness that attended Romney's call for help last summer.

It seems logical that the group that makes the initial recommendation concerning the necessity of federal troops should remain on hand throughout the disturbance. A pool of individuals with suitable backgrounds (as suggested in the Memo) should be established well before the summer. They should be generally briefed at an early date and receive specific instructions before being sent to the cities. They could be established and organized on a relatively informal basis; there is no need for a "Task Force" or any similar grouping which by its nature would demand too much attention.



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The factors to be considered in sending the troops should be made clear well before the summer, as should the chain of command if troops are actually sent. The release of this information may be taken as an indication that riots are considered a possibility for next summer -- but anyone who is not willing to acknowledge this is being less than candid. The communication should be phrased in a matter of fact, unsensational manner.

UNITED STATES GOVERNMENT

Memorandum

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TO : M. C. Miskovsky

DATE: November 21, 1967

FROM : S. P. Hebert

SUBJECT:

The draft memorandum to Joseph Califano is well done and seems quite complete.

A closely related problem and one that might be triggered in connection herewith, is the necessity for a system of local, state, and federal law enforcement intercommunication of intelligence information in the form of names, organizations and incidents relating to previous and current disturbances of a civil disorder nature in cities around the country. Such a National Intelligence Pool (NIP) could be systematized and automated, to provide a means by which information reported to local police intelligence units would be made available immediately to other city, county, state or federal units needing such information to put developments they are observing in proper perspectives and to permit reasonable anticipation and evaluation of incipient violence. This intelligence is basic and necessary to Federal government's satisfying state requirements on an immediate response basis.

Deputy Director
Office of Investigations



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THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS

1016 16TH STREET, N.W.
WASHINGTON, D. C. 20036

November 17, 1967

MEMORANDUM

To: Mr. Miskovsky ✓
Mr. Sagalyn

From: David Chambers

David Ginsburg asked me to
send you the attached draft of a
memorandum to Joseph Califano. Would
you send me (so that I can pass on
to Mr. Ginsburg) your additions,
corrections, changes and other
suggestions as soon as possible?

6a
D R A F T

November 16, 1967

MEMORANDUM TO JOSEPH A. CALIFANO, Jr.

FROM: David Ginsburg
Executive Director

SUBJECT: Use of Federal Forces in Control of Disorders;
Related Questions

1. In early October, I spoke with Warren Christopher about some critical state and federal disorder control problems that we felt needed attention. Enclosed is a draft of a letter prepared following this conversation, setting forth a tentative arrangement for Justice to provide answers to these questions. The letter was never sent because, in a meeting with Frank Wozencraft on October 16, it became clear that Justice was not adequately equipped to provide all the answers. It also appeared questionable just how explicitly the President wished the Commission to deal with these sensitive federal-state questions in the report itself, despite the fact that the questions come within the explicit provisions of his executive order:

"The Commission shall investigate and make recommendations with respect to . . . the appropriate role of local, state and Federal authorities in dealing with civil disorder."

2. Wozencraft arranged for OLEA to handle the letter's first, second and eighth questions, which involve only state and municipal law. OLEA has now entered into low-cost contracts with the National League of Cities and the Public Administration Service in Chicago on these matters.

Wozencraft's office has itself undertaken to provide partial answers to the third and sixth questions through opinions on the advisability of permitting interstate mutual aid compacts and the applicability of federal disaster assistance laws to civil disorder situations. Copies are attached.

3. The really critical and sensitive issues are, however, raised in question 4, concerning the federal role in coping with disorders. In view of the nature of the problem and the manner in which it relates to the White House, DoD, and other federal departments, we do not now plan to move forward on the following issues unless we receive further word from you. These questions are, however, of critical importance and the Commission remains willing to perform such further study of them as you feel appropriate.

a. Action Taken Upon Initial

Call from Governor to Attorney General: The Attorney General's letter to the Governors sent last August invites Governors to call the Attorney General as soon as the Governor perceives a situation in which federal troops may be necessary. (See attached copy of letter.)

- . What federal action should be taken upon receiving such a call?

- . Should one or more federal observers be sent then to the riot city to begin gathering data?

(No federal official was sent to Detroit until Romney had finally stated that the situation was out of control, ten hours after Romney's first call to the Attorney General.)

- . With whom should the Attorney General make immediate contract?

b. Formal Request for Troops

from Governor for Aid:

- . Exactly what sort of request is required of the Governors? The Attorney General's letter to the Governors in August specifies that the Governor certify by telegram that the situation is out of control. Are Governors even yet fully aware of the process? Should mayors be informed of the procedure, even though Governors make ultimate request?

c. Actions Following Formal Request:

- . What federal officials should be sent to disorder city to advise President on decision whether to send troops and to participate and advise if troops are sent?

- . Who should be in charge? Cyrus Vance was obviously an ideal selection. Vance himself recommended the continued use of teams similar to that sent to Detroit. Such teams -- including people from Army, Budget, the Civil Rights Division and the Community Relations Service -- do seem desirable.
- . If the President is going to use the team approach again, should he select now several alternative leaders and team members? The President should probably make selections with a view to the possibility of two or more major disorders occurring simultaneously.
- . If now selected, shouldn't team members receive materials and briefings soon on the procedures?

by which federal troops can be employed, the functions each team member will perform, etc.?

- . At what point should federal troops be alerted? At what point brought to a point near riot city? Who decides?

d. The President's Decision to Send Troops into Riot City: The President's decision to send troops -- or even to have them alerted -- will require ad hoc judgment and involve numerous political factors. Such problems will be particularly acute during the election year. In this light, may it not be particularly important to think out in advance and inform the state Governors generally now of the kinds of questions that will have to be answered for the President in determining whether to send federal troops?

The central question is, of course, whether the situation is in fact beyond the control of the local and state forces.

Essential to answering this questions are some of the following subquestions:

- . What is the nature of the disturbance? Extent of arson, looting, sniping, bombing, guerrilla tactics, etc.?
- . Why considered by Governor out of control? Insufficient equipment? Insufficient manpower? Overwhelming numbers of persons involved? More than one city in state hit by disorder?
- . Has all available National Guard power been called out?
- . Have all available personnel and equipment been borrowed from neighboring jurisdictions within the state?
- . Have the state and city exhausted non-police resources? Human relations offices? Neighborhood organizations?

e. Control of Disorder Once TroopsDeployed:

- . Has interrelationship of responsibilities of federal, state and local officials following deployment of federal troops been fully thought out?
- . Can any general information be transmitted to states now to minimize misunderstandings?
The Attorney General letter does not discuss the chain of authority.
Relevant questions include:
 - . Do Governors understand procedures for federalizing National Guard?
 - . Is it desirable (or feasible) for federal authority to assume any direct control over state police, local police or fire personnel?

- . Should federal forces supply equipment, hardware, or ammunition directly to local police, if needed?
- . Does the federal representative in charge deal only with the Governor or with both Governor and mayor?
- . Is this up to Governor?
- . Is a geographical division of responsibilities generally desirable (as in Detroit), if the situation leads itself to such a division?

f. Post-Riot Assistance: (DG: Justice has not yet sent memo over. This paragraph is just a very rough indication of what we might say.) Federal disaster assistance has not yet been made available to the states following disorders.

- . Can or should such assistance be provided?
- . In an attached memorandum, the Department of Justice has taken the position that the Disaster Assistance is not available. It has apparently never conveyed to the states a firm stand on the issue. Should it do so now? Some kinds of assistance are available. Which? SBA? Surplus food? Do Governors understand this?

g. Longer-Range Possibilities for
Control and Response Legislation:

- . Is the present statutory mechanism for invoking federal assistance in quelling disorders satisfactory?
Is the kind of situation that arose between the President and Governor Romney inevitable?
Can changes in the statutory mechanism help avoid such situations?
- . If federal disaster assistance is not now available, should the disaster assistance act be amended? (We will consider this question for the final report).
- . Should the Civil Defense Act be amended to make civil defense resources and facilities available for us in riot situations?

- . Should there be a semi-permanent "Riot Control Task Force?" See Kuchel letter attached. Would announcing and setting up such a task force ~~both~~ increase tensions ^{or} ~~and~~ put too great an emphasis on the federal role in disorder control?

h. Summarizing the above, should a letter be sent soon to Governors (and mayors) from the Attorney General outlining one or more of the following points:

- . Again, the mechanism for requesting federal troops.
- . The fact that a federal observer will be sent upon receiving notice that there may be need for assistance.
- . Indication of some factors to be taken into account by President in deciding whether to send troops.
- . Some indication of chains of authority if assistance is given.

- . A position on the availability of various kinds of disaster relief.

Will the release of such a letter be too affirmative an indication that further rioting is expected?

THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS

1016 16TH STREET, N.W.
WASHINGTON, D. C. 20036

EXECUTIVE DIRECTOR

October 10, 1967

Honorable Warren Christopher
Deputy Attorney General
U. S. Department of Justice
Washington, D.C. 20530

Dear Warren:

As we discussed yesterday, the Commission must provide advice on the kinds of legal mechanisms desirable at all levels of government -- local, county, state and federal -- to aid in the control of civil disorders. Both your Department and the Department of Defense are obviously concerned in these areas. I write this letter merely to set forth in greater detail the principal questions to help focus more specifically the role that the Justice Department might play in providing the answers:

1. Adequacy of local and state laws to deal effectively with riots: e.g., statutes and ordinances permitting the imposition of curfews; the closing of streets and other public access routes; controlling the sale or distribution of liquor, guns, ammunition, gas during times of emergency.

2. Need for and role of intrastate mutual aid agreements: e.g., the kinds of agreements that neighboring political jurisdictions within states should enter into for "pooling" or sharing of personnel and equipment (police, fire, civil disaster, etc.) during riots; liability and other legal problems; need for state legislation to support such agreements; kinds of agreements that now exist; proposed model mutual aid agreements.

Honorable Warren Christopher
October 10, 1967
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3. Desirability and role of inter-state mutual aid compacts: extent to which states should be encouraged or permitted to enter into agreements with each other to lend state law enforcement personnel, National Guard forces, etc. to assist in the control of civil disorders.

4. Adequacy and nature of the federal response to states' requests for federal assistance to suppress civil disorders: Are the present federal-state laws and procedures satisfactory to assure the timely commitment of federal forces? What federal personnel and resources should accompany or parallel the military forces -- Civil Affairs teams? Representatives of Justice, HUD, HEW, Labor, Commerce? Who will assign the mission and decide federal policy on the scene: A civilian representative from the White House? A sub-Cabinet officer? An Army general? What will be the role and responsibility of the local government officials, including the police? Will the military operate in support of the police or will they supplant them? Have federal, state and local control plans been effectively coordinated? What will be the effect on federal-state relations if the disorder necessitates the retention of federal forces over an extended period of time?

5. Civil Defense Act: Should the law be amended to make civil defense resources and facilities available for use in riot situations?

Honorable Warren Christopher
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6. Disaster assistance: Should federal disaster assistance be made applicable to communities which suffer civil disorders? What should be the role of the Office of Emergency Planning?

7. Martial law: Under what circumstances should martial law be declared? Who can do it? What effect does such a declaration have on civil rights and the administration of justice? On insurance and related obligations affecting persons and property?

8. What other contingency plans should the federal government make to assist the states in controlling civil disorders? Should Army Reserves be employed? What is the proper role of the National Guard in the area of domestic security and civil disorders?

Many other questions along these lines will no doubt occur to you. The main problem is to find top people and put them to work on these questions immediately. Because these are matters of critical importance for 1968, the Commission should deal with them in its Interim Report. To do so, we ask for memoranda, recommendations and materials from you no later than November 6. As a matter of procedure, and in order to coordinate our work in this area, Arnold Sagalyn will be available as a point of contact. Although we ask that the Department assume responsibility for their work, we would like, through Sagalyn, to pass along the views of our Commission members and, ultimately, to arrange for a presentation to the Commission of the results of the Department's efforts.

Honorable Warren Christopher
October 10, 1967
Page Four

Enclosed is a copy of a thoughtful letter written by Senator Kuchel to Governor Kerner indicating his own views on the kinds of federal mechanisms that should be set up for control of civil disorders. I look forward to hearing from you in the next day or so.

Sincerely,

A handwritten signature in dark ink, appearing to be 'DG' or 'D. Ginsburg', written in a cursive style.

David Ginsburg
Executive Director

Enclosure

COPY

September 8, 1967

Honorable Otto Kerner
Chairman
President's Advisory Commission on
Civil Disorders
Executive Office Building
Washington, D. C.

Dear Mr. Chairman:

In recent weeks, the cities of our nation have witnessed deplorable acts of bloodshed, violence and insurrection unparalleled in our history. There exists a real fear that the fabric of our society is unraveling in a tangle of emotion, bitterness and hate. The life of our democracy itself rests on America's ability to respond to this crisis and to the need for immediate and long range action.

A large measure of this responsibility for action has been placed on the shoulders of the Commission of which you are Chairman, the Advisory Commission on Civil Disorders. You have been directed to determine the answers to a number of fundamental questions relating to racial unrest in our cities. I have no doubt but that your efforts will prove invaluable in helping America someday understand and act against the depressing conditions that breed violence, despair and anger.

But what of today? What of the devastating riot which may erupt in the slums of an urban ghetto tonight, tomorrow, next week, or even next year? Surely, your Commission also has a responsibility to determine what immediate action must be taken to prevent or control the occurrence of such a disaster.

Today, there is a frightening administrative vacuum, both on the Federal and local level, which greets each new outbreak. Potential trouble spots are not being accurately predetermined. The Department of Justice established a so-called riot "alert room" as an early warning system on urban trouble but it failed to detect such racial

COPY

Honorable Otto Kerner

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September 3, 1967

outbreaks as Detroit and Newark. There is a lack of coordinated state and Federal action to prepare against and head-off possible violence. Government at every level fails to respond effectively to the threats of disorder and lawlessness in our cities. It seems to me that there is a real need for an administrative focal point, a national center of operations aimed at immediately preventing and controlling civil disorders throughout the nation.

Mr. Chairman, based on the need for the kind of immediate action which I have outlined, I would recommend that the Commission give close consideration to the following suggestion:

The present "alert room" at the Justice Department should be expanded into a full-fledged "Riot Prevention Task Force". The mission of this "Task Force" would stress both the prevention and control of civil disorders. It would expand present communications facilities in order to locate, as far as possible, potential trouble spots throughout America. It would serve as an information center on riots, coordinating the efforts of all Federal departments and agencies that would be involved in these urban crises and problems. The "Task Force" also would serve as the nucleus through which state and local governments could relay information and coordinate their needs on such problems with Washington. It would seek to provide preventive assistance to potential trouble spots and would be the focal point for immediate Federal aid should such a crisis occur. The "Task Force" could collect and provide guidance on riot training to both police and national guardsmen, determine the need and expedite the deployment of Federal troops if necessary, and direct whatever disaster relief is provided to such areas.

In order to fulfill the above requirements, the "Task Force" should consist of representatives from the following Federal departments and agencies: Justice, Defense, the Office of Emergency Planning, the Office of Economic Opportunity, Labor, Housing and Urban Development, Health Education, and Welfare, the Small Business Administration, Commerce and Transportation, and whatever other officials are deemed necessary to the mission of this operation. Such a "Task Force" should also make use of the assistance and guidance of repre-

COPY

Honorable Otto Kerner

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September 8, 1967

sentatives of respected Negro organizations in attempting to quell these disturbances. Whatever its exact format, the point is that the nation urgently needs an operations center on the Federal level designed to cope immediately with potential trouble spots throughout America.

Mr. Chairman, Americans already bear the bitter responsibility for every Newark and every Detroit by our failure to recognize the long range needs of the urban ghetto. Let us not multiply our shame by ignoring our responsibility to present needs. We must not, indeed we cannot, hesitate to study or consider whatever action may be needed to prevent violence and restore law and order to our cities. For this reason, I respectfully offer this proposal with the hope that the Commission will give it every consideration in efforts to meet the present and urgent needs of the nation.

With kindest regards,

Sincerely yours,

THOMAS H. KUCHEL
United States Senator

K:Pj



Office of the Attorney General
Washington, D. C. 20530

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

- 3 -

APPENDIX O

RECOMMENDATIONS

I cannot stress too strongly the importance of doing all possible to prevent these disorders, rather than deal with them after they occur. No effort on our part should be regarded as too demanding, if such effort improves the climate and reduces the potential for racial disorder. Truly, our best plan for riot control must be the PREVENTION OF RIOTS.

Our community relations program has been a prime factor in our success to date. However, it is imperative that we continue to expand and to strengthen existing programs, so as to improve the climate in which we work.

At the same time we must not slacken our efforts to strengthen procedures which deal with riot control. But again, of paramount importance is the problem of riot prevention.

The following recommendations are presented:

I. Intelligence

- A. Firm up our present plans to expand our community relations programs.
- B. Further develop understanding, cooperation and support of the various groups.
- C. Maintain and expand liaison with both pro and con groups in a continuing effort to obtain more and more intelligence regarding plans, activities, attitudes, tempers (of communities), etc.
- D. Assure feed-back of this intelligence information to operational units.
- E. Impress upon all personnel the importance of A. through D. above, the need for their developing sources of intelligence, and the importance of transmitting such intelligence data in accordance with existing procedures.
- F. Constantly use training bulletins, orders, roll calls, and supervisory and command contacts to keep all personnel informed and alerted to these needs.

II. Special Training

- A. Review training bulletins. Include in training courses identification of the general problems which confront police in the control of crowds and mobs, and provide "Guidelines for Action." (See page 7., Summary, of "Practical Measures for Police Control of Riots and Mobs" by Inspector George P. McManus, New York City Police Department--copy attached, Exhibit G.)

B. Identify our policy decisions and operational procedures in relation to racial tension problems. Make them clear to all personnel and subject to frequent review. Include:

1. Circumstances under which gas, canine, force, etc. may be used;
2. Laws which may be invoked;
3. Procedures relative to the gathering and feeding back of intelligence data;
4. The rapid removal of prisoners from tension scenes;
5. The approach to tension scenes by police vehicles without sirens or oscillating lights in operation;
6. The attitude and conduct of personnel at tension scenes;
7. The mobilization of personnel and equipment nearby but not at the actual scene;
8. Rapid mobilization plans;
9. Other procedures used in handling tension problems.

C. Television and press films and pictures of police handling of racial disorders should be obtained, critiqued and used in training our personnel. Proper and improper police attitude, conduct and performance are frequently very apparent in such material.

D. Arrangements might be made with our Fire Department for the training of our personnel in the subject of molotov cocktails and related problems.

III. Rapid Mobilization of Personnel

This is a key problem in riot control. The suddenness and size of such outbreaks makes it imperative that we be able to mobilize large numbers of personnel rapidly to contain, isolate, and disperse crowds or mobs involved in tension disorders. Existing procedures should be reviewed to assure the adequacy of our Immediate Emergency Plan and the adequacy of our plans to quickly mobilize personnel for continuing disorders which might necessitate the cancelling of days off, furloughs, the establishing of 12 hour tours of duty, etc. I am attaching copies of plans from New York City and Rochester which might be considered by our Police Planning Division in researching the problem--Exhibits H. -1. and H. -2.

IV. Transportation of Mobilized Personnel

Another major problem is the transportation of large numbers of mobilized personnel quickly to areas of need. This problem should be researched by our Police Planning Division to assure us of the best plan possible. New York City used four Police Tactical Patrol Force buses, each of which transported 50 persons and much riot equipment; they also used buses from the New York Transit Authority, patrol wagons and other police vehicles. Other cities used public buses, patrol wagons and other police vehicles.

V. Communications and Supplies

- A. When a command post is established in a major riot situation additional trunk lines should be installed to insure ready accessibility by telephone.
- B. Adequate numbers of walkie-talkies and handy-talkies should be available for field commanders to enable constant contact between them, and between the field and a base walkie-talkie station (which should be established in the command post).
- C. Such a command post should also be equipped with typewriters, blackboards, maps, stationery, furniture, etc. from sources other than the local district in which the disorder is occurring. The local district is usually in dire need of their own equipment in handling increased problems.
- D. Consideration should be given to providing and equipping one or more communications trucks, with space for typewriter, stationery, report writing, portable and base station radio equipment, contact with our Communications Center by radio and telephone, additional telephone lines, and other equipment needed in riot control problems.
- E. Numerous false "officer needs help" calls were received during the riot situations in all three cities. These were deliberate efforts to draw police away from certain sectors. All three departments set up procedures which limited the number of cars responding to calls so as to assure that no sector was left uncovered. This should be researched and included in our plans and training.

VI. Special Procedures

A. Large numbers of arrests and prisoners introduced unusual workloads and processing problems. The following items should be considered and included in future plans:

1. Adequacy of detention facilities. Armories or similar facilities might be considered, identified, and arrangements made for emergency use.
2. Immediate court hearings. Possible arrangements with the courts and prosecutors should be explored in an effort to develop plans which will provide for hearings without long delays. This was accomplished in Philadelphia (see page 27.).
3. Additional help was needed in their Criminal Records Division in processing prints and taking photographs. Also, court papers were being misplaced and were not reaching the court.
4. The mass of recovered property also caused a problem in processing. Such recovered property was stored in two places. One of these locations was used to store recovered property which was picked up on the street not in the possession of a looter. This was given rough identification initially as to location of recovery, and later forms were filled out giving serial numbers, etc., and efforts were made to locate the owners. Another location was used to store recovered property found in the possession of rioters and looters. This property received normal processing and was tied in to the court cases. This pointed out the need for emergency supplies of appropriate forms and the need for proper numbers of personnel to process the recovered property.

B. Large numbers of injured persons might be anticipated. Hospitals in or near the area should be alerted to the possibility of increased numbers of patients and the likely types of injuries. The need for additional ambulances might also be anticipated and the availability of other than police vehicles should be explored and considered in future plans and procedures.

VII. Miscellaneous

The following should also be considered for inclusion in plans, procedures and training:

- A. The area in front of affected district station houses should be brightly illuminated to discourage illegal acts by demonstrators or groups which might gather in front of the building.
- B. Wearing of helmets during a major riot situation is recommended. Consideration should be given to the use of various colors to indicate command or special units.
- C. Avoid bringing additional unnecessary police vehicles into the immediate hazard area. Personnel should report to a location nearby and be transported in wagons or buses to the area of need. Security is necessary to prevent damage to the parked and unattended vehicles.
- D. Helicopters should be used to check roof-tops for lurking suspects and for storage of rocks, bottles or other types of potentially dangerous ammunition which might be used against police.
- E. Establish liaison and arrangements with the Fire Department for possible use of hook and ladder and snorkel equipment.
- F. Rioters or agitators may be using walkie-talkies or handy-talkies. Should they be picked up for questioning? Perhaps such equipment could be confiscated; an opinion should be obtained from the Corporation Counsel.
- G. During riot control assignments, food should be provided to police personnel on the street at no expense to them. Salvation Army Canteens, private caterers paid for by the department, or other similar arrangements should be made. Hot food--soup, etc.--rather than a steady diet of sandwiches should be provided.
- H. Establish a 24 hour press liaison officer at the command post to keep the press and other news media informed of developments and to assist in dispelling rumors.
- I. In the initial mobilization and assignment of personnel there were duplications of assignments and overlapping of supervisory and command responsibilities. This caused problems in unity of command and indicated a need for coordination in

assignments. There should be a reminder consideration given to this problem in training bulletins, procedures, and plans developed.

- J. Include in procedures, plans and training bulletins the warning: "Do not attempt to disperse until you have sufficient manpower to assure dispersal and retention of the area. Attempt containment of the incident until your strength is built up sufficiently to disperse and retain. Prevent persons from entering the disorder area, and establish a perimeter as best you can with personnel available."
- K. Permit only responsible, known leaders in the disorder area to make appeals to the crowd to leave and desist.
- L. The curfew in Rochester kept the disorder to a single day in each area, and simplified the task of the police in keeping major disorder streets clear of potential violators. It automatically closed bars, theaters and other gathering places where large groups of persons might normally assemble lawfully initially, but who might then be available for unlawful conduct in the area. It is recommended that a similar ordinance be passed here, with its use limited to particular trouble areas.

Summary

The following list of general police problems and guidelines for action in the matter of control of crowds and mobs is offered:

General Police Problems:

1. Many demonstrations are secretly planned. Continuing and accurate intelligence is required.
2. Some are spontaneous, although most are predictable, on the basis of the temper of the community.
3. Often, and especially in larger cities, a constant surveillance of all groups is impossible.
4. Riots beget riots—contagion and chain reaction are involved.
5. Often the causes are political and quite beyond the control of police.
6. Excessive demands are made upon police manpower. A regional cooperative plan may be not only desirable, but necessary.
7. Relocation of personnel leaves some areas under-policed. A system of priorities based upon police hazards and vulnerability must be devised.
8. Trained professional agitators are often involved.
9. Police susceptibility to charges of brutality.

Guidelines for Action:

1. Recognize a dangerous situation immediately.
2. Communicate information promptly.
3. Mobilize speedily.
4. Secure adequate equipment.
5. Contain the incident.
6. Isolate the area.
7. Select a specific plan of action.
8. Execute the plan as rapidly as possible, but not before an adequate show of force has been assembled.
9. Announce the prevailing law and direct the crowd to disperse, setting an unequivocal time limit.
10. Execute the plan firmly and determinedly, but fairly and without unnecessary force.
11. Disperse the group—prevent reforming.
12. Cover rooftops.
13. Identify leaders and agitators and take into custody as soon as possible.
14. Secure critical premises and installations; e.g., liquor stores, armories, gun dealers, fire alarm boxes, etc.
15. Illuminate, if at night.
16. Reroute traffic.
17. Maintain a mobile reserve.
18. Seek assistance of community leaders to appeal to the crowd.
19. Allow avenues of escape.
20. Never bluff or threaten.
21. Coordinate activities of other agencies and departments.
22. Maintain adequate patrol in area after the incident and for as long as necessary.

This is an excerpt from "Practical Measures for Police Control of Riots and Mobs," by Inspector George P. McManus, New York City Police Department (Published in F.B.I. Law Enforcement Bulletin, October 1962).

UNITED STATES GOVERNMENT

Memorandum

✓ 8

TO : M. C. Miskovsky

DATE: Nov. 7, 1967

FROM : Sarah Carey

SUBJECT: Commission Position on Legislation Pertaining to the Control of Riots and the Sale of Firearms

The Commission has been asked to comment in its preliminary and final reports on the necessity for and appropriateness of several bills currently pending before the Congress. If any comment is to be made in the interim report, preparations should begin now. This memorandum explores the question of whether or not the Commission should in fact take a stand on the legislation at this time.

Presumably, the Commission is being asked to comment from the point of view of the general need for Federal legislation and not on the suitability of the particular form in which it has been presented. As regards the riot control bills, the Commission, as I see it, has the option of reserving comment until the final report, on the grounds that all of the evidence is not yet in, or of opposing Federal law in this area on the grounds that regardless of the facts which the Commission ^{may} assemble, Federal interference in this area of crime control is inappropriate.

The strongest argument against taking a position at present on the riot control legislation is that the Commission has no particular expertise from which to speak and is merely voicing the collective wisdom of some of the lawyers on its staff - which wisdom is indistinguishable from that of lawyers in general. The Commission does not know the extent of interstate involvement in the riots or the degree to which interstate planning has been involved. (The legislation is premised on such participation and planning.) Lacking any special qualifications/^{or knowledge} in the area in which it is presenting its opinion, the Commission's views would carry no special weight but might possibly serve to create a hostile attitude on the part of those who are promoting the legislation. A second argument against present comments is that the



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Commission's investigative work, not yet complete, may reveal situations which require or would be aided by Federal legislation. In other words, the Commission should preserve its options. (This is unlikely, in my view, since it is already possible to reach a reasonable estimate of the evidence likely to be turned up.)

On the other hand, it can be argued that the Commission would be wise to take a general stand now in opposition to Federal legislation, but leaving the door open to later amendment of this position. It is extremely difficult to postulate evidence which would support Federal interference in the control of locally focused crime - an area traditionally reserved to the states, and one which the states are uniquely equipped to handle. Just because an individual (or group of individuals) travels across state lines to participate in a riot does not differentiate him - in terms of treatment he should be accorded - from residents of the riot area. There seems to be little justification for handling an interloper from another state in one way and a local looter in another. On the other hand, Federal policing of local problems or Federal prosecution of crimes inherently local in nature is highly undesirable. There seems to be little reason why the Commission cannot take the stand that generally Federal legislation for the control of locally based crime is inadvisable and to date, none of the evidence uncovered by the Commission supports a different conclusion.

If the latter position is adopted and the Commission takes a preliminary stand in the interim report, it would be helpful to develop a paper discussing those situations where Federal legislation is appropriate and, conversely, those where it is inappropriate. This could be done either on request from one of the local firms or by one of the lawyers on the staff.

Even if the Commission chooses not to comment on the riot control legislation, there is no reason why it should not formulate an opinion on the gun control legislation. It seems obvious from the materials already collected by the teams, from the newspaper reports at the time of the rioting, and from other evidence before the Commission that firearms were widely utilized by private persons during last summer's riots and that there is a general feeling in the ghetto - in reaction to the riots - that it would be smart to acquire weapons before the next season of riots. The rumor is that the ghettos are

arming. If we can verify, as the promoters of gun control legislation have contended, that much of the traffic in the weapons is across state lines and therefore difficult for any single state to properly control, it would seem appropriate for the Commission to support the general idea of Federal gun control legislation. If the contention concerning intrastate traffic is incorrect, the Commission might want to recommend more stringent state controls. Here again, it might be wise for the Commission to detail someone from the staff (or an outsider) to collect the evidence on the issue and prepare a paper.

Pist Control 9

November 6, 1967

Mr. Louis B. Nichols
Executive Vice President
Schenley Industries, Inc.
Rockefeller Center
1290 Avenue of the Americas
New York, New York 10019

Dear Mr. Nichols:

I thoroughly enjoyed our lunch today and I reiterate that your thoughts were most useful to me; thank you again.

David Ginsberg thought you would be interested in the enclosed release from the Department of Justice on training conferences for city officials on the prevention and control of civil disturbances.

Look forward to talking with you again.

Sincerely,

S/mike

M. C. Miskovsky
Director of Investigations

Enclosure:

MCM:acc



Department of Justice

9a

FOR IMMEDIATE RELEASE
WEDNESDAY, NOVEMBER 1, 1967

Attorney General Ramsey Clark announced today that the Department of Justice will hold training conferences for city officials on the prevention and control of civil disturbances.

Mr. Clark said the conferences will be held this winter at the direction of President Johnson.

Mayors, police chiefs and other municipal officials from throughout the nation will be invited to attend, the Attorney General said.

"The purpose of the conferences will be to combine knowledge on effective methods of preventing and controlling disturbances, to develop and refine these methods, and to search for new methods," said Mr. Clark.

"The melding of knowledge gained by various officials in various situations in various cities will provide a base for the better maintenance of law and order in our great urban areas.

"It is hoped that this endeavor will decrease any chance of a recurrence of the violence and riots which seared the face of many of our cities last summer."

Among the topics to be covered, Mr. Clark said, will be techniques for controlling disorders, joint operations involving different police jurisdictions and the military, and police-community relations.

Such a series of conferences was recommended to the President by the National Advisory Commission on Civil Disorders.

The President directed the Attorney General to arrange the series.

"These conferences," the President said, "should make maximum use of the skills and experience gained by several agencies of the government, and of local officials who have been successful in preventing or controlling civil disorders."

OVER. . .

"As you are well aware, this is a matter of great urgency," the President told the Attorney General. "Effective conferences and consultations with key officials at all levels of government during the winter months require careful planning now."

Mr. Clark said he has scheduled a meeting in Washington, D. C. on November 17 to work out the dates, locations, curriculum and other details of the conferences. Thirteen outstanding police and city leaders from throughout the nation have been invited to attend the planning session. They are:

Arthur Naftalin, Mayor of Minneapolis
Beverly Briley, Mayor of Nashville, Tennessee
John Gold, City Manager, Winston-Salem, North Carolina
Superintendent James B. Conlisk, Chicago Police Department
Chief Thomas Reddin, Los Angeles Police Department
Chief John Layton, Washington, D. C. Police Department
Chief Curtis Brostron, St. Louis Police Department
Chief Oliver Kelly, Newark Police Department
Chief William Hanger, Pontiac, Michigan Police Department
Chief Herbert Jenkins, Atlanta Police Department
Colonel Frederick E. Davids, Michigan State Police
Quinn Tamm, Executive Director, International Association
of Chiefs of Police
Michael N. Canlis, Sheriff of San Joaquin County,
Stockton, California

The conferences will be co-sponsored by the International Association of Chiefs of Police (IACP), which will furnish a number of the instructors. The cost of the conferences will be borne by the Department of Justice.

The Department, through its Law Enforcement Assistance program, is already funding several projects to improve law enforcement in urban areas. It has financed two conferences held by the IACP: one in June, 1966 at Indianapolis on police-community relations and another last spring in Memphis on the prevention and control of disturbances.

24 October 1967
BIS # 67-69

*Riot Cont
File*
10

TO: Superintendent of Police
ATTENTION: Captain Patrick V. Needham, Executive Assistant
FROM: Deputy Superintendent John D. Madl
SUBJECT: Data for Arnold Sagalyn, National Advisory
Commission on Civil Disorder

Enclosed is a copy of a manual, **Experiences-Techniques Used in Riots and Riot Control**. Some of the information contained therein, especially from pages 37 to 43 may be of interest to Mr. Sagalyn.

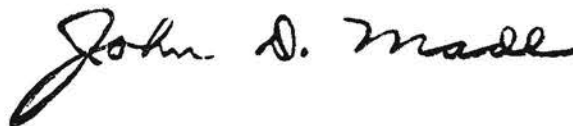
The role of intelligence data as it relates to rioting is briefly described as follows:

1. **Formal Department Procedure For Gathering Information**
 - a. The Department has established certain formal reporting procedures to bring information on potential disorders to the attention of command personnel. These are in the forms of directives, among which are:
 - 1) **Racial, Religious or Nationalistic Incidents**
 - 2) **Information Report System**
 - 3) **Training Bulletins**

(Copies of these directives are attached.)
 - b. The Human Relations Section, Labor Relations Section, Gang Intelligence Unit, Community Relations Sergeants Program, Youth Group Intelligence Section, and the Intelligence Division have liaison with each other and communicate information between their units. Copies of significant reports from these units are sent to the Intelligence Division for evaluation and possible dissemination.

2. Collecting, Analyzing, and Disseminating Information

- a. The Intelligence Division reviews all available information and produces intelligence reports. It disseminates these reports to appropriate command personnel and other agencies as needs indicate.
- b. The Intelligence Division gathers information on potential disorders by using various techniques.
 - 1) One technique is an overt operation which involves establishing liaison with civil rights groups. The personnel assigned to this duty are identified as representatives of the Department from our Human Relations Section. They attend meetings and deal with representatives from the various organizations. They answer questions put to them by the organizations and report on plans or contemplated actions of the organizations.
 - 2) Another technique is a covert operation which involves the use of informants, investigations, surveillances, etc.
 - 3) Another technique continually used, but intensified in the summer months, is assigning officers in citizen's dress to tension areas. These officers "pulse" their assigned areas and continuously report information on the "mood" of the neighborhood. They immediately report such incidents as crowds gathering, inflammatory speeches, etc.



John D. Madl
Deputy Superintendent
Bureau of Inspectional Services