

THE ROLE OF FEDERAL MILITARY FORCES IN **DOMESTIC DISORDERS**, 1945–1992

Paul J. Scheips



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THE ROLE OF
FEDERAL MILITARY FORCES
IN DOMESTIC DISORDERS
1945–1992

by

Paul J. Scheips



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Foreword

Our Army often undertakes assigned missions it would not have chosen for itself. Perhaps the most complex, demanding, and controversial of such missions features its intervention in domestic civil disturbances—upholding lawful government when the threat to law and government comes from among our own American citizens. As unappealing as the image of American soldiers confronting American citizens may be, the military responsibility to assist in securing domestic tranquillity has deep constitutional roots. For over two hundred years our soldiers have often proved the instrument of last resort when chaos seemed imminent.

This volume, covering 1945 to 1992, is the third of three volumes on the role of federal military forces in domestic disorders. Summarizing institutional and other changes that took place in the Army and in American society during this period, it carries the reader through the nation's use of federal troops during the civil rights movement of the 1950s and 1960s and the domestic upheavals of the 1960s and 1970s associated with the Vietnam War. The development and refinement of the Army's domestic support role, as well as the disciplined manner in which the Army conducted these complex and often unpopular tasks, are major themes of this volume. In addition, the study demonstrates the Army's progress in coordinating its operational and contingency planning with the activities of other federal agencies and the National Guard.

Although this is a story of the U.S. Army's experience at a specific time in American history, the issues it addresses and the lessons to be learned transcend the period covered. If past is prologue, units from both the Army's active and reserve components will be called upon to deal with domestic civil disturbances at some future date. The relevant lessons gleaned from our Army's past include the value of highly disciplined soldiers, careful operational and logistical planning, flexibility, and the assumption of initiative at all levels of command. These hallmarks of a trained and ready force are invaluable not only during domestic civil support, but also during the full range of military operations the United States and its Army are likely to face in the twenty-first century. We commend this volume to you as useful lessons from the past that can be drawn upon to serve the future.

Washington, D.C.
31 March 2005

JOHN S. BROWN
Brigadier General, USA (Ret.)
Chief of Military History

The Author

Paul J. Scheips received his M.A. from the University of Chicago in 1949 and his Ph.D. from American University in 1966. Early in his career he taught at the University of Michigan and Denison University. From 1952 to 1962 he worked as a historian for the Signal Corps Historical Division, where he authored a number of studies and participated in the celebration of the Signal Corps' centennial in 1960.

In 1962 Scheips joined the staff of the Office of the Chief of Military History (now the U.S. Army Center of Military History). As a member of the Histories Division, he produced a wide array of studies and contributed to many of the Center's publications, including *American Military History* and *Department of the Army Annual Historical Summary, 1981*. He is also the author of *Will Croft Barnes, a Westerner of Parts; Hold the Fort! The Story of a Song from the Sawdust Trail to the Picket Line*; and the two-volume anthology *Military Signal Communications*, in addition to numerous articles in professional journals.

Scheips retired in 1986 from federal service as the chief of the Center's Staff Support Branch. He remained actively engaged in scholarly pursuits during his retirement, finishing *The Role of Federal Military Forces in Domestic Disorders, 1945–1992*. He passed away in September 2002.

Preface

This is the third of three volumes by the Center of Military History on the role of federal military forces in domestic disturbances. The first, by Robert W. Coakley, covers the subject from the founding of the United States to the enactment of the Posse Comitatus Act in 1878. The second, by Clayton D. Laurie and Ronald H. Cole, continues the story down to the end of World War II. A special study, *Industrialists in Olive Drab*, takes up the wartime experience. This third volume covers the institutional and other changes that took place during the early postwar years and carries the reader through the civil rights revolution, the disturbances that accompanied the Vietnam War, and the controversies surrounding the Army's role at Wounded Knee in 1973. It ends with a brief account of the Army's intervention in the race riot in Los Angeles in 1992, which occurred after this volume was essentially completed, and with an extensive bibliography containing a note on various sources used.

While this study mainly concerns Army operations in civil disturbances, it covers many related topics, including legal matters, presidential actions, the use of federal marshals, organizational arrangements, contingency planning, logistics, the role of military intelligence, weapons, and rules of engagement. Since the Army is largely responsible for training, equipping, and financing the Army National Guard and, of course, uses the Guard when federalized, the study also deals with the performance of Guard forces in civil disturbances, sometimes even when those units were serving under the aegis of their state governments rather than in a federal role. Where necessary to provide context for the reader, this study also addresses the development of the civil rights movement in the United States, the growth of antiwar sentiment during the 1960s and 1970s, and other notable events of the day.

Although the Army had the principal role in the interventions of the period, the other services, particularly the Air Force, assisted by providing personnel, transportation, facilities, and equipment. While covering those efforts, this work generally relies on Army records in treating them and in dealing with interservice relationships.

Regarding terminology, this and the other volumes use the description *Domestic Disorders* in their titles, a term favored historically and by the architect and general editor of the series, Robert W. Coakley. However, to avoid repetition (and in some cases to be more specific), this study employs a number of terms, some of them interchangeably. These include *civil disturbance*, the most common usage of the era, as well as *riot*, *racial disturbance*, *racial trouble*, and their plurals, all of which commonly appear in the records and documents of the time. Also during this period the term *black* replaced *Negro* in discussions of race and thus is commonly used in the text, while the term *African American* is not used because it had not gained currency during the time with which much of the volume deals.

This work is based on a much larger study that the author completed following his retirement from the U.S. Army Center of Military History. Albert E. Cowdrey, a senior historian in the Center, made initial cuts in the original manuscript. William M. Hammond and Clayton D. Laurie, also senior historians in the Center, aided by Frank Shirer of the Center, revised Cowdrey's work. The author, however, made the final revisions but thanks those historians for their contributions. The lengthy original manuscript remains on file among the records of the Center of Military History for use by those who might desire a more detailed treatment of certain subject areas.

As it stands, the volume owes much not only to the historians mentioned, but also to several readers who read and commented on the manuscript as it developed. Foremost among them was Robert W. Coakley, deputy chief historian, who prepared a long and useful critique of the original draft of this volume. Robert Ross Smith, chief of the General History Branch, under whom the author worked for a time, read and commented helpfully on several of the early chapters. Finally, Professors Jerry M. Cooper of the University of Missouri at St. Louis, Tyrone Tillery of the University of Houston, and Adam Yarmolinsky of the University of Maryland, Baltimore County, read Cowdrey's work and commented on it as members of the Center's review panel.

While preparing this volume the author incurred debts not only to the persons already named, but to various civilian and military participants in the events described, as well as to many fellow historians, archivists, and librarians at the Center of Military History, at the Army's various historical offices in the field, and at records holding areas, including the National Archives. A number of Army reservists over the years provided valuable research assistance during brief summer assignments.

Special mention must be made of the successive chiefs of military history who supported this project through the years from Brig. Gen. Hal C. Pattison to the present chief Brig. Gen. John S. Brown, as well as their chief historians from Stetson Conn to the present chief historian Jeffrey J. Clarke and the division and branch chiefs. The author especially appreciates the encouragement and special thoughtfulness of Col. James W. Dunn, a chief of the Histories Division.

There are several colleagues at the Center of Military History whose help of various kinds, including their constant encouragement, has been so extraordinary that the author would be truly derelict if he did not name them. These friends, whom the author can never thank enough, are Morris J. MacGregor, deputy chief historian; Janice E. McKenney, chief of the Organizational History Branch; and John W. Elsberg, the long-time and current editor in chief. John B. Wilson, also a chief of the Organizational History Branch, is appreciated for his frequent helpful responses to questions regarding Army organization. Additionally, the author's long friendship with and help from Hannah M. Zeidlik, a chief of the Historical Resources Branch, cannot go unmentioned, for she, together with several of her assistants, including in particular reference librarian Mary L. Sawyer, responded promptly and always helpfully to numerous queries over the years. This gratitude extends to Mary L. Haynes and James B. Knight for their support in the latter years of this project.

The author is also grateful to Mary Beth Paskiewicz for her research on cases involving the Posse Comitatus Act; to Timothy R. Hanson, for his draft account of the 1992 Los Angeles riot; to Col. (Ret.) Robert Storey for reviewing Chapters 4 and 5 from the view of a participant; and to R. Cody Phillips for his photographic research.

On a very personal level, I want to thank my wife, Alice Cole Scheips, for all her sacrifices, patience, and moral support during the long time this work has been in progress. Without her I never could have completed it.

Finally, the author wants to acknowledge the dedicated and talented persons who turned his manuscript into a published volume. They include Diane Sedore Arms, who edited the volume and, with the assistance of Linda F. Moten, saw it through the printing process; Catherine A. Heerin, Keith Tidman, and Beth MacKenzie for project support; S. L. Dowdy, who did the map research and production; Teresa K. Jameson, who did photographic research; Henrietta M. Snowden, who selected the photographs that illustrate the text and designed the book layout and cover; and Susan Carroll, who did the index. They have all added much to the quality of this volume for which the author is highly appreciative. The author, however, is responsible for all interpretations and conclusions as well as for any errors or omissions that may occur.

Washington, D.C.
10 April 2002

PAUL J. SCHEIPS

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THE ROLE OF
FEDERAL MILITARY FORCES
IN DOMESTIC DISORDERS
1945–1992

CHAPTER 1

Prologue

The Department of the Army has primary responsibility among the military services for rendering assistance to civil authorities in domestic disturbances.

The military commander . . . will bear in mind that the suppression of violence without bloodshed or undue violence is a worthy military achievement, and will employ only such force as is necessary to accomplish his mission.

—Army Regulation 500–50, 27 August 1953.

The Great Depression, President Franklin D. Roosevelt's New Deal, and World War II brought many changes to the United States by the end of the war after which even more were to follow in rapid succession. American society had matured, absorbing the old immigrant groups once perceived by some Americans, including the military, as not merely aliens but often as subversive and dangerous radicals. Thanks to the New Deal and later developments, labor unions became more accepted. In any case during 1940–1945 the Roosevelt administration prevented industrial disorder that might hinder the U.S. war effort and that of its allies by mediation, arbitration, and temporary seizures of plants, railroads, and municipal transportation companies. The War Department (specifically the Labor Branch of the Army Service Forces) handled most of these seizures, with the Department of the Navy also managing several. This essentially legal remedy to industrial troubles, which carried over into the early postwar period, did not end strikes but virtually ended the formerly common practice of deploying troops to restore industrial peace.¹

The decade following the end of World War II in 1945, which embraced Harry S. Truman's presidency and part of Dwight D. Eisenhower's, were years of the Cold War with its atomic arsenals and of intervention abroad, most notably in Korea; of spy hunts; and of labor troubles at home. Yet the period also saw President Truman order racial integration of the armed forces and an end to discrimination in federal hiring. In addition, the United States Supreme Court found in *Brown v. Board of Education of Topeka* that racial segregation in American schools was unconstitutional. These notable gains, however, were not without a price.²

¹ Clayton D. Laurie and Ronald H. Cole, *The Role of Federal Military Forces in Domestic Disorders, 1877–1945*, Army Historical Series (Washington, D.C.: U.S. Army Center of Military History, 1997), ch. 17.

² See Robert D. Marcus and David Burner, eds., *America Since 1945* (New York: St. Martin's Press, 1972), pp. 1–154, for essays on important aspects and events of the period, and Howard Zinn, *Postwar America, 1945–1971*, *The History of Society* (Indianapolis: Bobbs-Merrill, 1973), for a brief but passionate critique of the governmental policies of the period.

As for labor troubles, there were twelve major industrial cases that resulted in seizures in the years from V–J Day in September 1945 to late January 1953. The Department of the Army was the seizing agent in five cases involving major railways and the Department of the Navy in one case involving oil refineries and pipelines.³ As an exception to the ongoing practice of industrial seizures, President Truman in 1948 alerted troops of the 82d Airborne Division during a seventeen-day strike by the United Mine Workers.⁴ From September 1945 to the troubles in Little Rock in 1957, there were over thirty instances when the National Guard was used to maintain law and order under state (or in the case of Puerto Rico, commonwealth) control, with no federal troops being involved. These included about nine industrial disputes, seven racial disturbances, five prison riots, and a nationalist uprising in Puerto Rico.⁵

Unfortunately, it was not long before this relative quiet of the first postwar decade came to an end, as widespread trouble erupted over school desegregation, and federal troops again became involved in domestic disorder. An important aspect of their involvement, of course, was the constitutional and statutory law that the founders and their successors developed for authorizing the federal government to use troops in such circumstances.

Laws Governing the Domestic Use of Troops

The relevant constitutional provisions bearing on and authorizing the domestic use of federal troops—Articles I, Section 8; II, Section 2; and IV, Section 4; and the Fourteenth Amendment, Section 1—had not changed by the end of World War II, where the previous volume in this series ends, nor have they changed since. In the mid-nineteenth century, however, changes were made to early laws authorizing the use of troops in civil disturbances, notably to the law of 1795, which had replaced but was very similar to the law of 1792 under which President George Washington had sent militiamen to put down the Whiskey Rebellion.⁶

A law of 29 July 1861, designed to deal with the rebellion in the South, drew not only from the 1795 Calling Forth Act, but also from the 1807 act authorizing the use of regular forces. In forthright language it provided that the president could use both the militia and regular forces to put down “unlawful obstructions, combinations . . . assemblages . . . or rebellion” against the Union, if necessary, in his judgment. It left intact the provision in the 1795 law under which, in the case of an insurrection against a state, the president could

³ Jack L. Blackman, Jr., *Presidential Seizure in Labor Disputes*, Wertheim Publications in Industrial Relations (Cambridge, Mass.: Harvard University Press, 1967), pp. 271–81, together with the relevant notes, pp. 282ff. For an Army report on one of the railway seizures, see Rpt, Office of the Chief of Transportation, Report on the Seizure and Operation of the Railroads by the Department of the Army, 23 Jul 48, U.S. Army Center of Military History (CMH) files, Washington, D.C.

⁴ Final Rpt, Seventh Army Operations on Coal Emergency, 10 Dec 46 (P&O, 004.07, Case 13), Records of the Army Staff, Record Group (RG) 319, National Archives and Records Administration (NARA), Washington, D.C.; *Facts on File Yearbook*, 1946 (New York: Facts on File, Inc., 1947), 6:366, 373–74, 381–83, 389–90.

⁵ Robert W. Coakley, Paul J. Scheips, and Vincent H. Demma, *Use of Troops in Civil Disturbances Since World War II, 1945–1965*, OCMH Study 83, rev. ed. (Washington, D.C.: Office of the Chief of Military History, 1971), CMH.

⁶ The digest of the constitutional provisions and the laws in these paragraphs are drawn from Robert W. Coakley, *The Role of Federal Military Forces in Domestic Disorders, 1789–1878*, Army Historical Series (Washington, D.C.: U.S. Army Center of Military History, 1988), passim; and Coakley’s unpublished and undated manuscript, *Constitutional and Legislative Provisions Governing Use of Troops in Civil Disturbances . . .*, RG 319, NARA.

call upon the militia to suppress the insurrection if requested by the state's legislature or by its governor if the legislature could not be convened. It included the requirement that the president must issue a proclamation commanding the dispersal and peaceful retirement "within a limited time" of the insurgents whenever in his judgment it might be necessary to use troops against them. The new law also provided, as did the old, that federal marshals and their deputies were to have the same powers in executing federal laws that sheriffs and their deputies had in executing state laws.

The Ku Klux Klan Act of 1871, passed for the purpose of enforcing the Fourteenth Amendment, was important. Under this act it was not only "lawful for the president" but was his "duty" to use either the militia or regular forces, or both, whenever there were obstructions to execution of the laws that deprived "any portion or class of the people" of any state "the equal protection of the laws."

The Posse Comitatus Act of 1878 was another civil disturbance act of considerable importance. It grew out of the use of federal troops in the South during Reconstruction, particularly by federal marshals, and prohibited the use of troops as a posse comitatus or otherwise for executing the laws except in cases "expressly" authorized by the Constitution or act of Congress. After its enactment, no longer would commanders in the field have their previous discretion; and troops would not be used except by authority of the president who would have to issue a "cease and desist" proclamation before using them.

Other notable legislative changes that should be mentioned are the general statutory revisions published in the *Revised Statutes of the United States* in 1875 and subsequently reprinted in the *United States Code* in 1926. These were then added to the *Code* in 1946 where the relevant laws for using troops in civil disorder at that time were, and still are, found in Title 10, Sections 331–34, and, for the Posse Comitatus Act, in Title 18, Section 1385.⁷

The domestic uses of federal military forces fall into two principal constitutional and statutory categories. In the first category, based upon the constitutional guarantee in Article IV, Section 4, of "a Republican form of government" to the states, the president can act only upon receipt of a request from a state's legislature or from its governor if the legislature cannot be convened. In the second category the president can act upon his own initiative in the case of obstructions to the enforcement of law that cannot be overcome by ordinary judicial proceedings, his authority being based upon Article II, Section 2, charging him with the "faithful" execution of the laws and upon the equal protection of the laws guaranteed by the Fourteenth Amendment, Section 1. The president's use of force in either of these categories depends upon his own discretion. Also in either case the law requires the president to issue a proclamation before actually committing troops.

While the legal structure supporting the use of federal troops in civil disturbances remained basically unchanged, the immediate post–World War II period saw a major restructuring of the U.S. defense establishment. By 1950 a host of new agencies and new procedures were in place. As a result, although the Army continued to have primacy in civil disturbance operations, the structure for supervising such efforts was dramatically changed.

⁷ Title 10, *U.S. Code*, secs. 331–34, derived from the original statutes and the *Revised Statutes of the United States* (RS) cited as follows: sec. 331, from the 1795 and 1807 acts and sec. 5297, RS; sec. 332, from the act of 29 Jul 1861 and sec. 5294, RS; sec. 333, from the act of 1871, and sec. 5299, RS; and sec. 334, requiring a preliminary proclamation, from acts of 1795 and 29 Jul 1861 and sec. 5300, RS. This list of derivations is drawn from Coakley, *Constitutional and Legislative Provisions*.

Reorganization of the Military Departments

In the postwar period Congress wanted some unification of the military departments but did not want a wholly unified service. As a result it produced what has been described as a “federated” rather than a genuine interservice system.⁸ This restructuring was accomplished in a series of acts during 1947, 1949, and 1950. They established, particularly by the National Security Act of 1949, a Department of Defense as a full-fledged executive department, with a secretary of cabinet rank (together with an under secretary), and three military departments. These were the Department of the Army, formerly the War Department; the Department of the Air Force, thus giving separate departmental status to the Air Force; and the Department of the Navy. The three separate service departments lost their status as executive departments of cabinet rank, their secretaries becoming merely operating managers. The changes also brought recognition to the Joint Chiefs of Staff “as the principal military adviser to the President,” with a chairman who would preside over the Joint Chiefs without a vote and without exercising command over any of the service chiefs.⁹

The Army Organization Act of 1950 instituted a number of organizational changes that would be important to Army operations in the civil disturbances that lay ahead.¹⁰ Under the new arrangement the secretary of the Army became a subordinate of the secretary of defense responsible for training, logistical support, preparedness, and general effectiveness of the Army, as well as whatever else the president and secretary of defense might assign him. The secretary was now to have as his principal assistant an under secretary, as well as several assistant secretaries. The under secretary, as it developed, would be assigned major responsibilities for the handling of civil disturbance matters. Of interest is the curious situation of the Army chief of staff who, while a subordinate of the secretary of the Army, became a member of the Joint Chiefs of Staff and as such an adviser to the secretary of defense. “In a sense” the Army chief “stood above as well as below the Secretary of the Army” and “was closer to policy making than the service Secretary.” The new arrangements also provided the chief of staff with a vice chief in place of the former deputy chief.¹¹

Army regulations (ARs) in 1953 made it explicit that “the Department of the Army has primary responsibility among the military services for rendering assistance to civil authorities in domestic disturbances. The other military services have a collateral function for providing such assistance. In the absence of joint or mutual agreements, the Army is responsible for coordinating the functions of all the military services in this activity.”¹²

⁸ Russell F. Weigley, *History of the United States Army*, enl. ed. (Bloomington: Indiana University Press, 1984), p. 495.

⁹ *Ibid.*, pp. 493–95 and *passim*. Quote from Department of the Army (DA) Pamphlet 27–187, *Military Affairs*, May 63, p. 26, and see also pp. 23–25, 27–33. For the basic documents, Alice C. Cole et al., eds., *The Department of Defense: Documents on Establishment and Organization, 1944–1978* (Washington, D.C.: Historical Office, Office of the Secretary of Defense, 1978).

¹⁰ Weigley, *History of the United States Army*, p. 495.

¹¹ Quotes from *Ibid.*, p. 495, and see also p. 496. James E. Hewes, Jr., *From Root to McNamara: Army Organization and Administration, 1900–1963*, Special Studies (Washington, D.C.: U.S. Army Center of Military History, 1975), pp. 208–15.

¹² Army Regulation (AR) 500–50, *Emergency Employment of Army Resources: Domestic Disturbances*, 27 Aug 53, par. 3c.

AR 500–50, 22 March 1956, the regulation in place by the time of the school integration problems in Little Rock, also contained a statement concerning the Army's primacy in civil disturbance operations, as did the important Department of Defense Directive 3025.1, *Responsibilities for Civil Defense and Other Domestic Emergencies*, of 14 July 1956, which replaced a directive of the same number and a similar title of 24 January 1952.¹³

Amid the organizational changes of the period, Army Staff titles changed, as did the channels for reporting civil disturbances from the field. Thus the 1946 title of the director of plans and operations changed in 1950 to the assistant chief of staff, G–3, operations, and in 1956 to deputy chief of staff for military operations. Under Army regulations in 1945 the normal channel from the field to the War Department regarding federal intervention in a civil disturbance was through the provost marshal general, but this changed in 1948 when the responsibility shifted to the director of plans and operations under whom it remained through subsequent changes in the title. In 1956, however, instead of the previous references to a reporting channel, the regulations stated that “within the Department of the Army, the Deputy Chief of Staff for Military Operations has Army staff responsibility for matters relating to intervention with Federal troops in domestic disturbances.”¹⁴

The field army was changing as well. In 1946 the Army abolished the Army Service Forces, the wartime successor of the Services of Supply (SOS), which had embraced the technical services and a whole miscellany of administrative and supply functions. Under the wartime organization the prewar corps areas, mainly administrative headquarters and zones, had become service commands under the SOS and then the Army Service Forces. The new reorganization transformed the service commands into six army commands within the Zone of the Interior, placed them under the Army Ground Forces, and returned the technical services to their former bureau status.¹⁵

As the changes continued, the Army stripped the Army Ground Forces of its command functions, with each army commander reporting to the chief of staff, and redesignated it as the Office, Army Field Forces. The newly named headquarters was to serve as the field operating agency for the Department of the Army within the continental United States for training individuals in the field armies. Then in 1955 in the wake of the Korean War the Army redesignated the field forces headquarters as the Continental Army Command (CONARC). Following the pattern of the Army Ground Forces in World War II, CONARC took over command of the six continental or numbered armies and the Military District of Washington (MDW), together with responsibility for training and the continued development of the Army. Its headquarters was at Fort Monroe, Virginia.¹⁶

¹³ See also Joint Chiefs of Staff (JCS) Pub 2, *Unified Action Armed Forces (UNAAF)*, 23 Nov 59. Published under the authority of the Department of Defense (DOD) and the JCS, Pub 2 replaced a 1951 joint publication, *Joint Action Armed Forces (JAAF) Field Manual (FM) 110–5/JAAF/Air Force Manual (AFM) 1–1*, 19 Sep 51. A revision of JCS Pub 2, published in 1966, retained the civil disturbance policies. Although published under the authority of the DOD, its loose drafting later caused a controversy over the Army's primary role in civil disturbances. This was soon settled, but see the interesting discussion in Joe Baker, Jr., *Policy Decisions of Civil Disturbance Operations*, Case Study Army War College (AWC)/IS–69 (Carlisle Barracks, Pa.: U.S. Army War College, 10 Mar 69), pp. 40–43, 61, 62.

¹⁴ Hewes, *From Root to McNamara*, pp. 154, 160, 207, 239; Weigley, *History of the United States Army*, p. 488. Quote from AR 500–50, 22 Mar 56, par. 3f, and see also 17 Jul 45 and 27 Aug 53 versions.

¹⁵ Hewes, *From Root to McNamara*, pp. 158–62, 163, and *passim*.

¹⁶ *Ibid.*, pp. 171–72, 217, 262–69; Weigley, *History of the United States Army*, pp. 528–29.



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While these changes were taking place, the Army also began altering its description of the commander who would have direct responsibility for troops in a civil disturbance intervention. From 1945 to 1956, that individual was to be simply the “duly designated military commander.”¹⁷ But in 1956 a new regulation provided that in the case of a disturbance in the continental United States, the commanding general, CONARC, would be “responsible for implementation of Army action.” In the event of a disturbance in Puerto Rico or a territory, the commander in the area was to have the same responsibility as that given the commanding general, CONARC.¹⁸

Changes in 1961 merged the Army’s strategic reserve of the III and XVIII Airborne Corps with the operating squadrons of the Air Force’s Tactical Air Command, and their supporting airlift, to form the unified Strike Command (STRICOM) under an Army general and an

Air Force lieutenant general as the deputy commander.¹⁹ Troops would be available from this command for later civil disturbance operations.

One of the most historic of Secretary of Defense Robert S. McNamara’s functional reorganizations of the early 1960s was his abolition of the statutory positions of the Army’s technical service chiefs, excepting those of the surgeon general and the chief of engineers, and redistribution of their responsibilities. The reorganization scattered the technical staff functions among various surviving staff agencies (for example, all of the technical branch historians, except those of the surgeon general and the chief of engineers, went to the chief of military history). Technical service command functions went to the new Army field commands, the Defense Supply Agency, the Army Materiel Command, and the Combat Developments Command, while training fell under CONARC and the deputy chief of staff for personnel. Except for CONARC, Army Materiel Command, and Combat Developments Command, all major Army commands became components of unified commands such as STRICOM.²⁰ (*Chart*)

The evolution of the National Guard is also significant. The modern Guard is obviously a far cry from the old unorganized state militias and came to play an important role in federal riot control in the years following World War II. The Air National Guard,

¹⁷ First quote from AR 500–50, both 17 Jul 45 and 17 Aug 48, par. 8. See also *Ibid.*, chg 1, 24 Oct 49. Second quote from *Ibid.*, 27 Aug 53, par. 3d.

¹⁸ *Ibid.*, 22 Mar 56, par. 3d.

¹⁹ Weigley, *History of the United States Army*, p. 529.

²⁰ *Ibid.*, pp. 488, 550; Hewes, *From Root to McNamara*, pp. 354–55, 364; DA Pam 27–187, *Military Affairs*, pp. 34–40.

which slightly antedated the rise of a separate Air Force in 1947, posed an organizational problem for the National Guard Bureau, a special staff agency within the Department of the Army, when the Air Force separated from the Army. In 1948 the bureau sought to solve this problem by creating two divisions, one division for each department. The Army, however, still dominated the Air National Guard; and finally, in 1958, the Department of Defense Reorganization Act reestablished the National Guard Bureau as a joint bureau of the Department of the Army and the Department of the Air Force.²¹ Since the focus of this study is on the federal role in civil disturbances, the National Guard's many state-controlled operations are not within its purview, although instances of the Guard's departure from federal guidelines when on state duty are dealt with as properly part of this account. Indeed, state-federal operational comparisons are important to this narrative, given the Guard's close relationship with the regular forces and the federal government's almost total financial responsibility for the Guard.²²

Intelligence Organization and Procedures

A military function that loomed large as well as menacing in the history of civil disturbances in World War I and the interwar years was that of intelligence.²³ The more things changed in this area in the years to come the more they remained the same.

Following World War II, the Army built upon its existing intelligence organization. In 1946 the G-2 division of the Army Staff became a directorate with its chief called the director of intelligence. In 1948 it became the Office of the Assistant Chief of Staff for Intelligence (OACSI or simply ACSI); in 1950 the Office of the Assistant Chief of Staff, G-2, Intelligence; and in 1956 ACSI once again. Army counterintelligence would undergo similar restructuring—from the Counter Intelligence Corps in 1945 to the Intelligence Corps in 1961, and finally, to the U.S. Army Intelligence Command in 1965.²⁴

For nearly all of World War II, the Army Signal Corps, in close association with the G-2 division, had been responsible for the Army's signal security and signal intelligence operations through the Signal Intelligence Services (SIS), which became the Signal Security Agency in 1944. Two years later, the Intelligence Division became solely responsible for directing signals intelligence and security. Subordinate to the division, the Army Security Agency (ASA) was established as a field operating agency to carry all cryptologic functions.²⁵

²¹ Charles J. Gross, *Prelude to the Total Force: The Air National Guard, 1943–1969*, U.S. Air Force General Histories (Washington, D.C.: Office of Air Force History, 1985), pp. 7, 10–11, 19, 21, 45–47, 50, 78, and passim; John K. Mahon, *The History of the Militia and National Guard* (New York: Macmillan, 1983), pp. 202–03, 204, 221–23, and passim; DA Pam 27–187, *Military Affairs*, p. 32.

²² Mahon, *History of the Militia and National Guard*, p. 265, puts the federal cost in 1983 at 95 percent of the National Guard's total cost. On federal funding for the Air National Guard, 1943–1969, see Gross, *Prelude to the Total Force*, app. 6, p. 195.

²³ See Laurie and Cole, *Role of Federal Military Forces*, chs. 10, 14; Roy Talbert, Jr., *Negative Intelligence: The Army and the American Left, 1917–1941*, Twentieth Century American Series (Jackson: University Press of Mississippi, 1991), pp. 3–251.

²⁴ Talbert, *Negative Intelligence*, p. 3; Hewes, *From Root to McNamara*, p. 160, chart facing p. 206, pp. 240, 330.

²⁵ George Raynor Thompson and Dixie R. Harris, *The Signal Corps: The Outcome (Mid-1943 Through 1945)*, United States Army in World War II (Washington, D.C.: U.S. Army Center of Military History, 1966), ch. 11; Hewes, *From Root to McNamara*, p. 160; DA Pam 27–187, *Military Affairs*, pp. 40–41.

In addition to these changes, during the Cold War a whole series of new federal intelligence agencies were created. The National Security Act of 1947 instituted the Central Intelligence Agency (CIA) and placed it under the National Security Council. Its purpose was to advise the president, coordinate federal intelligence activities, and evaluate and disseminate intelligence. President Truman established the National Security Agency (NSA) in 1952 to coordinate cryptographic operations and the interception of foreign communications. In 1959 the NSA became subordinate to the Joint Chiefs of Staff. The act founding the CIA specifically prohibited its involvement in law enforcement or other internal security functions, and legal restrictions also similarly barred both the ASA and the NSA from intercepting domestic communications.²⁶ With each of the subordinate military departments having its own security apparatus, Secretary of Defense McNamara established the Defense Intelligence Agency (DIA) in 1961 under the Joint Chiefs of Staff to “organize, direct, and manage” defense intelligence resources and coordinate the intelligence activities of all the departments.²⁷

The service’s relationships with other intelligence and investigatory agencies were also evolving. On 9 February 1942, the Army, the Navy, the Air Force, and the Federal Bureau of Investigation (FBI) entered into the Delimitations Agreement to limit the gathering of domestic intelligence by the military intelligence services to tactical and reconnaissance information, which would be useful in a civil disturbance. Under this arrangement, the FBI was to have sole responsibility for gathering information on the subversive activities of civilians and foreign nationals. The Army and the other services were to have the responsibility for investigating their own personnel. Each of the parties to the agreement was to keep each of the other parties advised of the information it gathered in its own area of responsibility. J. Edgar Hoover, the director of the FBI, became so engrossed with the supposed threat of communism in the United States that the FBI launched a series of intelligence programs against civil rights advocates and others that took the agency beyond intelligence gathering by using “the techniques of secret international warfare against domestic targets.”²⁸ In mid-June 1946 the Army Ground Forces advised the continental Army commands that military personnel were “forbidden” to engage in the direct collection of domestic information. Instead, the necessary information was to be obtained from such agencies as the FBI or other federal sources or from state, local, or regional officials. Although the Delimitations Agreement was not specifically mentioned in the advi-

²⁶ DA Pam 27–187, *Military Affairs*, pp. 24, 27, 33; “National Security Agency Surveillance Affecting Americans,” in U.S. Congress, Senate, *Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans*, Final Report of the Select Committee To Study Governmental Operations with Respect to Intelligence Activities, 94th Cong., 2d sess., 1976, S.R. 94–755, bk. 3 of 6, pp. 736–37.

²⁷ DA Pam 27–187, *Military Affairs*, p. 33. Quote from McNamara’s organizing directive in Hewes, *From Root to McNamara*, pp. 311–12.

²⁸ Quote from Richard E. Morgan, *Domestic Intelligence: Monitoring Dissent in America* (Austin: University of Texas Press, 1980), p. 45, and see also pp. 33, 65. Talbert, *Negative Intelligence*, ch. 13; AR 381–115, a 2 Jul 69 reprint of the Delimitations Agreement as of 1949, with supplements to the original agreement, in U.S. Congress, Senate, *Federal Data Banks, Computers and the Bill of Rights*, Hearings Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, 92d Cong., 1st sess., 23, 24, and 25 February and 2, 3, 4, 9, 10, 11, 15, and 17 March 1971, pt. 2, pp. 1172–79.

sory letter, the guidance was clearly in accordance with it. Such was the intent on the part of the Army in the early years of the agreement.²⁹

During the mid-1950s Army commanders within the borders of the United States were to forward information “on trends and conditions” involving any potential civil unrest to the ACSI in Washington, with a copy to the commanding general, CONARC. The commander was to give an estimate of the situation, the probable center of the disturbance, and the probable troop requirements, together with recommendations concerning the action to be taken.³⁰ The field commander had staff intelligence personnel to assist him by preparing intelligence studies, as the training manuals advised, which would include such things as terrain, weather, key facilities, communications, ringleaders, and personalities as well as civilian groups that might be helpful. The kinds of data needed were called essential elements of information and were to be used in drawing up intelligence collection plans. If necessary, a commander’s intelligence staff could be augmented by personnel from the Counter Intelligence Corps.³¹

Of basic importance in the conduct of civil disturbance operations in the period after World War II, because of their binding force, were AR 500–50 and Department of Defense Directive 3025.1, previously mentioned and subsequently revised from time to time. Also of obvious importance were the contingency plans of the period, to which intelligence plans were appended.

Contingency Plans

Due to the destruction of many obsolete or superseded plans, it seems impossible, despite considerable searching, to say what basic War Department or Department of the Army plan directly superseded Emergency Plans White after World War II. From a file of White Plans that has survived, however, together with lists of surviving plans or plans recommended for destruction, it seems probable that the last basic War Department Emergency Plan White was dated 6 November 1946. The record also shows some lesser White Plans of a later date, including a Third Army plan of 1949 and a Military District of Washington plan of 1947 superseded by another in 1949.³² Thus far, however, no evidence exists of a final White Plan being superseded by a particular plan of a different series, leading to the conclusion that these final plans simply fell into disuse.

²⁹ Ltr, Lt Col John E. Pederson, Asst Ground AG, HQ, Army Ground Forces (AGF), to First, Second, Fourth, Fifth, Sixth, and Seventh Armies, 14 Jun 46, sub: Domestic Intelligence, appended to War Department, Emergency Plan White (EPW) Basic, 1944, Office of the Provost Marshal General, 1 Apr 44, RG 319, NARA, with copies of other White Plans in Records of The Adjutant General’s Office, 1917–, RG 407, entry 365, NARA.

³⁰ Army Strategic Capabilities Plan–Supplement (ASCP–1), 13 Jul 55, chg 2, 30 Apr 56, ch. 7, as corrected by typed and inked-in changes, RG 319, NARA.

³¹ FM 19–15, *Civil Disturbances*, 24 Apr 52, pp. 30–36. This superseded FM 19–15, *Domestic Disturbances*, 30 Jul 45.

³² War Department, EPW, 1946, 6 Nov 46, Office of the Provost Marshal General, superseded EPW, 1944, 1 Apr 44. Copies of both plans are in files on War Department EPW 1944 and 1946. For the later Third Army and Military District of Washington (MDW) plans, see the front matter in files on Third Army EPW–No. 2, 1947 and Mil Dist of Washington EPW, Jan 45–47. See also file on Lists of Surviving and Destroyed [War Plan White] WPW–EPW, all cited files being arranged together with other copied material on WPW and EPW from retained files in entry 365, RG 407, NARA.

Of interest during the transitional period at the end of World War II was a joint planning document prepared by the Joint Army-Navy Board in 1927, revised in 1935, and changed from time to time through December 1946. Called Joint Action of the Army and Navy 1935, it gave the Army responsibility for handling internal disorders with the Navy in support. To carry out their responsibilities in this regard, each of the two services had its own Emergency Plan White. When the Air Force became a separate department in 1947 it saw no need for an overall Emergency Plan White of its own since it could and did coordinate its assistance at the Army level.³³

Although still technically in force, the joint action was very much out of date in 1948 despite the changes made since 1946. A proposal to revise it met with a mixed response, which was still unresolved in 1953. One of the 1948 recommendations reflected the same concerns that had been present at the end of the First World War. For example, Lt. Gen. Albert C. Wedemeyer was convinced that in case of war there would be a grave “threat of domestic disturbances of greater magnitude than at any other time in our history.” It was time for a reappraisal of civil disturbance responsibilities. Through the years, he observed, the Army had had the primary responsibility for controlling domestic disturbances because it had simply been the only federal force available to the president for that purpose. In 1935 the joint board had formalized the Army’s historic role. But since World War II, Wedemeyer held, things had changed, with the Army having a disproportionate share of national security responsibilities. The service now had heavier occupation duties than the others, while at the same time the Navy and Marine Corps had increased in strength and now had their own shore stations. The Air Force was now independent and also had its own installations. Consequently, Wedemeyer recommended that the Special Joint Planning Group, which had revision of the joint action before it, should equitably distribute domestic responsibilities “to the three armed services,” thus relieving the Army of the primary responsibility in this area.³⁴ However, the proposal was ignored.

Another plan of the postwar period was the Army Strategic Capabilities Plan (ASCP), which has not received as much attention as it might have. In the fiscal year 1956 edition, the ASCP included a short chapter on “Domestic Disturbances,” but in its 1960 revision (fiscal year 1961 edition) it included the material on disturbances in an annex. It appears from the fragmented record available that the fiscal year 1956 edition of the ASCP was the only current civil disturbance plan at the Department of the Army level when operational planning became necessary for the 1957 Little Rock disturbance, which is dealt with in this volume. The ASCP charged CONARC with preparation and maintenance of a “domestic disturbance plan,” the “confidential nature” of which it was to maintain “rigidly.” Public references to “race riots” or, for that matter, “domestic violence” were to be avoided. CONARC was to coordinate the domestic disturbance plans of the other services. It was also responsible for liaison with state and local authorities and for liaison and coordina-

³³ Quotes from Memo, CVRS for Gen Wedemeyer, 31 Aug 48, sub: Responsibility for Action in Connection with Control of Civil Disturbances, as cited in Maurice Matloff, Notes on Strategy in the Army, Jul–Aug 48 (hereafter cited as Matloff Notes), in RG 319, NARA. John W. Price (Col, USAR), Research Notes. Both the memo and Price, Research Notes, from Records of the U.S. Joint Chiefs of Staff, RG 218, and Records of the Joint Army-Navy Board, 1917–, RG 225, NARA.

³⁴ Quotes from Memo, A.C. Wedemeyer . . . for Maj Gen Bolte, Dir, Special Joint Planning Group, 20 Sep 48, sub: Responsibility for Action in Connection with Control of Domestic Civil Disturbances, as cited in Matloff Notes. Price, Research Notes.

tion with air and naval commands, the FBI, and United States marshals and attorneys. When prepared, the plan was to be a part of the CONARC basic plan.

CONARC's role in disturbances soon would be reduced, but a number of its responsibilities under the 1956 ASCP are of considerable historical interest. Indeed, the old fears of radicalism and insurrection that produced White Plans were very much alive during the Cold War, as General Wedemeyer verified in his comments respecting the joint action. As the ASCP put it, military intervention would be "designed to support, or reinstate and sustain, the civil officials." Instead of instruction to support the civil powers, the ASCP stated that "the Army will ordinarily exercise police powers previously inoperative in the affected area, restore and maintain order, maintain the mechanism of distribution, transportation, and communication and inaugurate such relief measures as the situation demands." This was a prescription for dealing with a situation under martial law, it should be noted, one in which the civil power was not functioning.

Another provision stipulated that in an intervention CONARC should aid the civil power in accordance with the law. Here the ASCP introduced, in light of the previous provision regarding the exercise of police powers, the ambiguity that was common in the 1920s when Army publications seemingly drew no line between the demands of civil war and civil disturbances as we commonly think of them today. Clearly, however, these provisions, deliberately placed in a strategic plan, contemplated the enormous domestic disruptions that might occur in wartime. The ASCP thus provided that only the president could declare martial law, on which the CONARC was to advise, in a situation, for example, in which hostilities had made the local courts and government unable to function. Should the president decide to intervene in a given situation, he would issue a proclamation and inform the governor of the state involved, instruct the secretary of defense, who would instruct the secretary of the Army, who would instruct the Army chief of staff, who would then issue the necessary orders to CONARC. The forces available to CONARC included most of the military units and personnel in the continental United States.³⁵



GENERAL WEDEMEYER

Riot Control Training

The Army Strategic Capabilities Plan assigned important riot control training responsibilities to CONARC regarding both state troops not in the federal service as well as

³⁵ Quotes from ASCP-1, 13 Jul 55, chg 2, 30 Apr 56, ch. 7, as corrected by typed and inked-in changes and digested here. ASCP, FY 1961, 16 Jun 60, tab C to app 4 to an. H (Civil Disturbances). Both in RG 319, NARA.

regular troops. CONARC was to offer and provide assistance to state forces, which normally meant the National Guard, emphasizing practice alerts, command post exercises, and maneuvers dealing with the suppression of domestic disturbances. As for the regulars, the commanding general, CONARC, was to establish training programs for troops under his control that would promote effective action with state and local forces should there be intervention with federal troops. As it turned out, however, CONARC's basic plan barely acknowledged the importance of riot control training, simply listing it as a basic military skill in which combat units should receive training.³⁶

CONARC's inattention to riot control training for whatever reason was not because of lack of materials, although some were surely inappropriate. Among the training materials available to CONARC, Army Subject Schedule 19–6 constituted the basic training document. This "schedule" was actually a guide listing the topics of instruction together with references and outlines of lesson plans intended to ensure that there would be uniformity in riot control training throughout the service. In the period leading to the fall of 1957, the 28 December 1955 edition was in force.³⁷ Foremost among the references listed in this version were AR 500–50 and Field Manual 19–15. The Army revised the 1953 edition of AR 500–50 after the establishment of CONARC in 1955. The new regulation of 22 March 1956, as mentioned previously, set forth CONARC's responsibility for implementing Army action in the case of federal intervention in a disturbance. The 1956 edition of AR 500–50, as did its predecessors going back to the regulation of 17 July 1945, contained a somewhat detailed summary of the constitutional and statutory provisions governing the use of federal troops in a disturbance. The 1956 regulation also stated that "reasonable necessity" was the measure of a commander's authority. In addition it declared, much as had earlier regulations and the ASCP, that the commander was to bear in mind that "the suppression of violence without bloodshed or undue violence is a worthy military achievement" and that only such force should be employed "as is necessary."³⁸

The field manual in force from April 1952 until September 1958, Field Manual 19–15 of 24 April 1952, was not a directive, as was AR 500–50. Nevertheless, its contents reflected an earlier time in its treatment of tactics and weaponry. Bayonets, according to the manual, were "effective when used against rioters who were able to retreat" but should not be used "merely to force a more rapid dispersal." Armor was useful in violent situations because of its invulnerability to small arms fire and missiles as well as for its psychological effect. Aircraft were valuable for reconnaissance, transport, and in an "extremely serious situation" for "strafing . . . , dropping chemical agents, high explosives, antipersonnel bombs, or psychological warfare leaflets." Fragmentation and thermite grenades would be used "only as an extreme measure." Mortars would be used "to inflict casualties" and for other purposes. It was "unlikely," the manual stated, that concentrated artillery fire would be "extensively" used in riot control, but it might be useful in a show of force. In general, infantry-supporting weapons would be used only when armed conflict developed. When necessary, machine gun

³⁶ MFR, Lt Col H. B. Sewell, 19 Oct 57, in Deputy Chief of Staff for Military Operations (DCSOPS) Jnl, item 567, Records of Operation ARKANSAS (ROA), RG 319, NARA.

³⁷ There is a copy of Army Subject Schedule, 28 Dec 56, and the 9 Feb 65 edition that supersedes it in RG 319, NARA.

³⁸ AR 500–50, *Emergency Employment of Army Resources: Domestic Disturbances*, 22 Mar 56, pars. 8, 9, and compare also with its predecessors, 1945–1953.

units would be assigned “for support,” while “mortars, recoilless rifles, light field pieces, bazookas, and similar weapons” would be held in the mobile reserve until needed.

In addition to discussing these weapons, the 1952 manual devoted more than passing mention to chemical agents, or tear gas. The manual described tear gas as “the most effective means of achieving the greatest temporary incapacitation of a riotous group with the least permanent injury.” Regarding its use, the manual explained enough gas should be used to produce a concentration sufficient to disperse the rioters. Of the tear gases available, one was CN and the other a combination of CN and adamsite (CN-DM), which would “incapacitate persons for several hours” and could be used “against a violent mob.” In brief the manual explained that the weaponry required in a civil disturbance depended on “the tactical situation.” At the same time it cautioned, as did AR 500–50, that only necessary force should be used.³⁹

Despite its cautions against unnecessary violence in riot control operations, the section on weaponry in the 1952 manual sent mixed signals to those who might have to deal with riots. No doubt some of its provisions reflected the Cold War environment. But soon social changes of historical proportions were to make much of this verbiage moot. In 1954 as the Army was completing the racial integration that President Truman had ordered in 1948, the U.S. Supreme Court issued its decision in *Brown v. Board of Education of Topeka* that mandated an end to racial segregation in the nation’s schools. Tragically, there was much opposition, especially in the affected parts of the nation, and soon open defiance of the courts and the federal government would lead to the use of federal troops. The first case of this kind took place in Little Rock, Arkansas, in 1957 during the administration of President Dwight D. Eisenhower.

³⁹ Quotes from DA FM 19–15, *Civil Disturbances*, 24 Apr 52, pp. 40, 57–58, 75, 85, 92, 93. Compare FM 19–15, 24 Apr 52, with its predecessor, *Domestic Disturbances*, 30 Jul 45, and its successor, *Civil Disturbances and Disasters*, 8 Sep 58.

CHAPTER 2

The Road to Little Rock

I can't imagine any set of circumstances that would ever induce me to send Federal troops into . . . any area to enforce the orders of a Federal court.

—Dwight D. Eisenhower, 17 July 1957.

Demands during World War II by black Americans for full equality under the law and a backlash by white Americans that accompanied them produced a series of increasingly severe racial crises in the United States. As the war progressed, blacks in and out of the military services received a wider range of opportunities than in any previous conflict, but racial discrimination remained the rule throughout the society at large, and racial segregation reigned both in the southern states and in the armed forces. As a result, sometimes violent racial outbreaks occurred, both at military installations, particularly in the segregated South, and in northern industrial centers, where competition for jobs between blacks and whites was sometimes severe. The most serious disturbances occurred in wartime Detroit, Michigan, and Philadelphia, Pennsylvania, where President Franklin D. Roosevelt approved major interventions by regular federal forces.¹

Following the war, racial leaders and organizations, notably the National Association for the Advancement of Colored People (NAACP), sought to solidify the gains their people had made and to hasten the advance toward complete equality. Some unions and religious organizations made important contributions to the movement, which gained ground despite the continuing presence of segregation in the South and the racial discrimination practiced elsewhere in the nation.²

The military services were among the first of America's institutions to begin the process of change. In December 1946, moved by acts of violence against returning black veterans, President Truman appointed a committee to investigate the status of civil rights in the nation. Issued the following year, the committee's report, *To Secure These Rights*, was a ringing call for the elimination of segregation. In July 1948 Truman signed two execu-

¹ For detailed accounts of the Detroit and Philadelphia interventions, see Laurie and Cole, *Role of Federal Military Forces*.

² See Ulysses Lee, *The Employment of Negro Troops*, United States Army in World War II (Washington, D.C.: U.S. Army Center of Military History, 1966); Morris J. MacGregor, Jr., *Integration of the Armed Forces, 1940–1965*, Defense Studies (Washington, D.C.: U.S. Army Center of Military History, 1981), pp. 17–122; John Hope Franklin, *From Slavery to Freedom: A History of Negro Americans*, 3d ed. (New York: Alfred A. Knopf, 1967), pp. 573–622.



PRESIDENT EISENHOWER

tive orders requiring equality of the races in both the armed forces and the federal civil service. Because of heavy foot dragging, especially within the Army, integration of the armed forces proceeded slowly, but the advent of the Korean War in 1950 spurred the process. With casualties running high in the field and Army commanders hard pressed to find replacements, blacks were shoved into the line where needed, without regard to race. When their performance in the integrated units matched that of whites and few if any disturbances developed, no excuses were left. By October 1954 the last segregated unit in the armed forces had ceased to exist.

During that time, change had also begun to affect civilian society. President Truman and his successor, Dwight D. Eisenhower, appointed committees to guard against discrimination in industries that received government contracts.

Blacks were elected to Congress and appointed to offices in the executive branch and the federal courts. A continuing migration of blacks from the rural South to cities in the North and West strengthened the black voice in the nation's political affairs. Meanwhile, in the South, more and more blacks registered and voted, and future leaders of the civil rights movement began to formulate their goals and to decide upon the tactics they would pursue in seeking them.³

The most important change for civilian society, however, emerged from the federal courts. At that time, the South and a number of states bordering it operated their public schools under a dual system approved in 1896 by the U.S. Supreme Court in the landmark decision *Plessy v. Ferguson*. Under that ruling, some 40 percent of the nation's public elementary and secondary school students attended segregated, all-white or all-black schools. On 17 May 1954, in a ruling that consolidated a number of challenges into a single decision, *Brown v. Board of Education of Topeka*, the Supreme Court pronounced the arrangement unconstitutional. Announcing the decision for a unanimous court, Chief Justice Earl Warren declared that "in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and oth-

³ Franklin, *From Slavery to Freedom*, pp. 608–22; MacGregor, *Integration of the Armed Forces*, pp. 291–500; *To Secure These Rights: The Report of the President's Committee on Civil Rights* (Washington, D.C.: Government Printing Office, 1947); William T. Bowers, William M. Hammond, and George L. MacGarrigle, *Black Soldier/White Army: The 24th Infantry Regiment in Korea* (Washington, D.C.: U.S. Army Center of Military History, 1996).

ers similarly situated . . . are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.”

Some two weeks later, the court remanded the case and others similar to it from South Carolina, Virginia, and Delaware to the federal district courts concerned, instructing judges to provide relief for the plaintiffs “with all deliberate speed.”⁴

Patterns of Resistance

The decision prompted considerable praise from some quarters, but many questions as well, particularly from blacks who were dissatisfied that the court had failed to put an immediate end to school segregation everywhere. The loudest reaction, however, came from traditionalists, predominantly but by no means exclusively in the Deep South, who denounced the court in the strongest possible terms.

The means those individuals adopted to frustrate the ruling varied from place to place, but a collective term, *massive resistance*, came to characterize them all. Supposedly coined by Senator Harry Flood Byrd of Virginia but embodied on a national scale by the Dixiecrat movement of 1948, massive resistance was rooted in a states’ rights philosophy that predated the nation. As a backlash against *Brown*, it grew to maturity during 1955–1956 and contributed directly to events in 1957 that compelled President Eisenhower to call out the Army.⁵

The theory of massive resistance was embodied in the principle of interposition—the doctrine that a state, by implanting its sovereignty between the federal government and its own citizens, could declare a federal act null and void or even brand it unconstitutional. With the passage of *Brown*, every state in the South except North Carolina and Texas adopted interposition resolutions, which recalled state attempts in 1832–1833 to nullify a federal tariff that had caused federal troops to be mustered, though not used. Its resurrection in the wake of *Brown* was a measure of the desperation of those who preached it. Other efforts of the southern states to avoid or delay racial integration included attempts to disqualify potential litigants, particularly the NAACP; the enactment of pupil assignment laws designed to continue racial separation by classifying blacks by aptitude or on some other basis besides race; and affording tuition grants to segregated private schools.⁶

⁴ *Plessy v. Ferguson*, 163 U.S. Reports (U.S.) 537 (1896), is reprinted in Albert P. Blaustein and Robert L. Zangrando, eds., *Civil Rights and the American Negro: A Documentary History* (New York: Simon and Schuster, 1968), pp. 304–31. *Brown v. Board of Education of Topeka*, 349 U.S. 294 (1955), is reprinted in Albert P. Blaustein and Clarence C. Ferguson, Jr., *Desegregation and the Law: The Meaning and Effect of the School Segregation Cases* (New Brunswick, N.J.: Rutgers University Press, 1957), pp. 285–88, with second quote on p. 288, and first quote on p. 281, quoting from *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954). The most comprehensive history of the decision is Richard Kluger, *Simple Justice: The History of Brown v. Board of Education and Black America’s Struggle for Equality* (New York: Alfred A. Knopf, 1980).

⁵ The principal study on the subject is Numan V. Bartley, *The Rise of Massive Resistance: Race and Politics in the South During the 1950s* (Baton Rouge: Louisiana State University Press, 1969).

⁶ Bartley, *Rise of Massive Resistance*, pp. 126–49; Blaustein and Ferguson, *Desegregation and the Law*, pp. 240–52, 253–70; Neil R. McMillen, *The Citizens’ Council: Organized Resistance to the Second Reconstruction, 1954–1964* (Urbana: University of Illinois Press, 1971), p. 268. For interposition in Arkansas, see Tony Freyer, *The Little Rock Crisis: A Constitutional Interpretation*, Contributions in Legal Studies 30 (Westport, Conn.: Greenwood Press, 1984), pp. 63–86. Interposition, nullification, and secession are all aspects of the theory that the Constitution is but a compact by sovereign states, a concept rejected by the John Marshall court and later by that of Salmon P. Chase. For the Nullification Crisis of 1832–1833 and the response of President Andrew Jackson, see Coakley, *Role of Federal Military Forces*, pp. 94–103.

Early in 1956, under the leadership of Senators J. Strom Thurmond of South Carolina and Walter F. George of Georgia, an impressive number of southern members of Congress signed the Declaration of Constitutional Principles, or the Southern Manifesto, as it was commonly called. The pronouncement avoided any specific endorsement of interposition, but it denounced *Brown* as a “clear abuse of judicial power” and pledged that its signers would seek the reversal of the ruling by “all lawful means.” Signing it were 101 senators and representatives, including portions of Texas and the entire congressional delegations of Alabama, Arkansas, Georgia, Louisiana, Mississippi, South Carolina, and Virginia.⁷

At a lower level, a principal player in massive resistance was the Citizens’ Council (unofficially called the White Citizens’ Council), first organized in July 1954 in the Mississippi Delta town of Indianola. Chapters soon sprang up throughout Mississippi and became enormously influential. From Mississippi the organization spread, sometimes under different names, to other southern and border states under a loose organization called the Citizens’ Councils of America. Although denounced by its enemies as an “uptown Klan” or “country club Klan” because of its middle-class members, the organization pledged itself to use only legal means in defending segregation. Demonstrating “a marked preference for the subtler forms of intimidation,” it became, with perhaps 300,000 members by 1956, a potent force for maintaining segregation and a significant vehicle for propagating massive resistance. Within two years of the *Brown* decision, an organization, leadership, and ideology had thus taken form to combat the integration of the schools.⁸ What the president would do remained unclear.

A Soldier-President

Although as a general Eisenhower had been slow to accept integration in the military (and in fact had testified against it on social grounds in 1948), he appointed E. Frederick Morrow, a black, as minority affairs assistant on his White House staff and then practically ignored him. Eisenhower thought blacks should be protected in their right to vote; urged integration in the Washington, D.C., schools; and pushed for an end to segregation in the capital and in the federal government.⁹

⁷ Bartley, *Rise of Massive Resistance*, pp. 116–17, 148, 149. There was a second congressional manifesto, “Warning of Grave Dangers,” in July 1956 included in the civil rights bill then being debated in Congress, which eighty-three members signed. Quotes from *Facts on File Yearbook*, 1956, 16:84, and see also 16:85.

⁸ Quote and quoted words from McMillen, *The Citizens’ Council*, p. 360. Thomas P. Brady, *Black Monday* (Winona, Miss.: Association of Citizens’ Councils, 1955); Hodding Carter III, *The South Strikes Back* (Garden City, N.Y.: Doubleday, 1959); James W. Silver, *Mississippi: The Closed Society*, enl. ed. (New York: Harcourt, Brace & World, 1966). Michal R. Belknap, *Federal Law and Southern Order: Racial Violence and Constitutional Conflict in the Post-Brown South* (Athens, Ga.: University of Georgia Press, 1987), p. 30, points out that not all racial violence that followed *Brown* resulted directly from school integration.

⁹ MacGregor, *Integration of the Armed Forces*, p. 227; E. Frederick Morrow, *Black Man in the White House* (New York: Coward-McCann, 1963), together with his *Forty Years a Guinea Pig* (New York: Pilgrim Press, 1980); William Doyle, *An American Insurrection: The Battle of Oxford, Mississippi, 1962* (New York: Doubleday, 2001), pp. 10–11; Michael S. Mayer, “With Much Deliberation and Some Speed: Eisenhower and the *Brown* Decision,” *Journal of Southern History* 52 (February 1986): 43–76; Robert F. Burk, *The Eisenhower Administration and Black Civil Rights* (Knoxville: University of Tennessee Press, 1984); Elmo Richardson, *The Presidency of Dwight D. Eisenhower* (Lawrence: University Press of Kansas, 1979), pp. 105–17.

He also supported Congress' chief legislative accomplishment in that field during his presidency—the Civil Rights Act of 1957, which he signed into law. The first such statute since Reconstruction, it placed a Civil Rights Division in the Department of Justice and established a Commission on Civil Rights that many in the South believed was targeted at the Citizens' Councils. In approving the act, Eisenhower was disappointed that it failed to make stronger provisions for securing voting rights, which he thought were of fundamental importance to black citizens. Opponents in Congress had also used the act to eliminate Section 1993 of Title 42 of the *U.S. Code*, an old Reconstruction statute that authorized the president to employ land or naval forces to aid in the execution of judicial process. They had also managed to eliminate a grant of authority to the attorney general to initiate civil suits in areas other than voting rights—as, for example, in school desegregation cases. Advised that he had legal authority to enforce federal desegregation orders quite apart from the authorization under Section 1993, Eisenhower went along with the act. It was simply impossible at that time either for him or for other backers of civil rights to persuade Congress to enact a stronger law. Segregationists would later cite the repeal of Section 1993 to make the specious but plausible-sounding argument that Congress had denied the government authority to use federal troops to enforce a judicial process such as the U.S. Supreme Court's ruling in *Brown*.¹⁰

If Eisenhower supported equal rights in general, however, on the specific issue of school desegregation in the South, he told his associates repeatedly that he saw no way hearts and minds on so emotional an issue could ever be changed quickly. As for using troops to enforce court orders, he found the whole idea abhorrent. "I can't imagine any set of circumstances," he said, "that would ever induce me to send Federal troops into . . . any area to enforce the orders of a Federal court, because I believe that [the] common sense of America will never require it." Indeed, he told Republican legislative leaders, those who advocated the use of federal troops failed to understand that "soldiers cannot force the state authorities to keep the schools from closing their doors against white and Negro children alike." Holding to those grounds, he could never be persuaded while in office to support *Brown* publicly or to lay plans for the executive branch to enforce school desegregation.¹¹

Instead, he temporized. In response to a questioner, he declared that it made no difference whether or not he endorsed the court's opinion. The court interpreted the Constitution, and it was his responsibility simply to "conform to that and do my very best to see that it is carried out in this country." As to the legality of interposition, Eisenhower refused to comment except to observe that it was a "very vast question . . . filled with argument on both sides." He also refused to criticize the Southern Manifesto, pointing out

¹⁰ Herbert Brownell with John P. Burke, *Advising Ike: The Memoirs of Attorney General Herbert Brownell* (Lawrence: University Press of Kansas, 1993), pp. 216–26; Burk, *The Eisenhower Administration and Black Civil Rights*, pp. 171–72, 204–27; John T. Elliff, "The United States Department of Justice and Individual Rights, 1937–1962" (Ph.D. diss., Harvard University, 1967. New York: Garland Publishing, 1987), pp. 457–64. For Lyndon B. Johnson's Senate role in passage of the act, Merle Miller, *Lyndon: An Oral Biography* (New York: G. P. Putnam's Sons, 1980), pp. 204–12; Harry S. Ashmore, *Hearts and Minds: The Anatomy of Racism from Roosevelt to Reagan* (New York: McGraw-Hill, 1982), pp. 308–10. For the text of the Civil Rights Act, see 71 Stat. 634 (1957).

¹¹ First quote from *Public Papers of the Presidents of the United States: Dwight D. Eisenhower, 1957* (Washington, D.C.: Government Printing Office, 1958), p. 546. Second quote from Sherman Adams, *Firsthand Report: The Story of the Eisenhower Administration* (New York: Harper & Bros., 1961), p. 339.

that its signers promised to stop desegregation by “every *legal* means.” The president’s desire to remain above the controversy was also evident in his refusal to bar federal funds from segregated schools. In December 1955, while recovering from a heart attack, he let the NAACP know that federal aid could not be withheld from segregated schools unless the courts so ordered.¹²

Despite attempts of that sort to remain neutral, Eisenhower’s administration was drawn inexorably into the growing controversy. Long before the Army became involved, other federal agencies began to enter the fray. At Hoxie, Arkansas, in 1955 and 1956 the FBI investigated the local Citizens’ Council because of its participation in a serious disturbance designed to put an end to voluntary school desegregation within the town. The Department of Justice also filed an *amicus* brief in the case, supporting a federal injunction against the segregationists sought by the Hoxie school board. This was the first time the department had intervened in a school suit. Its actions may have reflected the president’s strong feelings against violence and disorder, but the administration’s policy remained one of nonintervention.¹³

In another case, in September 1956 in Sturgis and Clay Counties, Kentucky, local school authorities sought voluntarily to desegregate their schools. When protesters caused disorders, Governor Albert B. Chandler called out the National Guard to protect the black children. At that point, the federal government declined to take action on grounds that no court order was involved. In the end, the price of community peace in Clay became a decision by the black parents to take their children out of formerly white schools, after which Chandler withdrew the Guard. In mid-September Kentucky’s attorney general ruled that in the absence of an appropriate plan the black students had been improperly enrolled in the first place.¹⁴

Four instances of court-ordered integration in Tennessee, Alabama, and Texas well illustrated both the widespread southern resistance to integration and Eisenhower’s very restrained response to it. In Clinton, Tennessee, the admission of twelve black students to the public high school at the beginning of the fall session in 1956 met resistance by a mob incited by John Kaspar of the Seaboard Citizens’ Council of Washington, D.C. As in the Hoxie case, the judge issued a restraining order at the request of the school authorities. When Kaspar failed to desist, he was arrested and brought to trial. On this occasion the Department of Justice entered the case as *amicus curiae* at the express request of the

¹² First quote from Ashmore, *Hearts and Minds*, p. 218, and see also pp. 206–07, 217. Second quote from Burk, *The Eisenhower Administration and Black Civil Rights*, p. 160, and see also pp. 161–62. Third quote from Dwight D. Eisenhower, *Waging Peace: 1956–1961, The White House Years* (Garden City, N.Y.: Doubleday, 1965), p. 151. “The Solicitor General’s Office, Justice Frankfurter, and Civil Rights Litigation, 1946–1960: An Oral History,” *Harvard Law Review* 100 (February 1987): 842; Emmet J. Hughes, *The Ordeal of Power: A Political Memoir of the Eisenhower Years* (New York: Atheneum, 1963), pp. 242–43, 261; Stephen E. Ambrose, *Eisenhower, the President* (New York: Simon and Schuster, 1984), pp. 409–10. During the 1956 presidential campaign, Eisenhower’s opponent, Adlai Stevenson, also advocated a gradual approach to school desegregation, saying he would not bar federal funds from segregated schools and would not use troops to enforce integration. See Zinn, *Postwar America*, p. 144, and *Facts on File Yearbook*, 1956, 16:46.

¹³ Burk, *The Eisenhower Administration and Black Civil Rights*, pp. 156–60; Elliff, “Dept. of Justice and Individual Rights,” pp. 406–20.

¹⁴ Elliff, “Dept. of Justice and Individual Rights,” p. 440; Robert W. Coakley, Paul J. Scheips, and Vincent H. Demma, *Use of Troops in Civil Disturbances Since World War II, 1945–1965*, OCMH Study 83, rev. ed. (Washington, D.C.: Office of the Chief of Military History, 1971), pp. 47–48, CMH.

federal district court. Disorder during Kaspar's trial led Governor Frank G. Clement to call out the National Guard, which restored order. Black students, who had withdrawn, returned to class. When renewed trouble led to a second withdrawal of the black students, school and other local officials appealed to the federal government for help but received none. It was not until more violence caused school officials to close the high school that the Department of Justice directly intervened, requesting the judge to arrest Kaspar and others for conspiring to violate the injunction. The arrests followed, order returned, and schooling resumed. (Kaspar eventually landed in a federal penitentiary.)¹⁵

In February 1956 Autherine J. Lucy, a 26-year-old black graduate student, entered the University of Alabama in Tuscaloosa under a federal court order. An estimated one thousand rock- and egg-throwing segregationists besieged the buildings in which she attended class and the university president's home. When the crowd turned dangerous, the university board of trustees suspended Lucy to ensure her own safety and to restore order. U.S. District Court Judge Harlan H. Grooms ordered the university to readmit Lucy (*Lucy v. Adams* [1956]), which it did, but only as a prelude to expelling her for bringing conspiracy charges against the university administration. When Lucy turned once more to Judge Grooms, he upheld the board of trustees on the grounds that it had not expelled her for racial reasons.¹⁶

These proceedings went on without any intervention from Washington. When asked about the *Lucy* case, Eisenhower let it be understood that he did not intend to interfere in a sovereign state unless forced to do so. "I would certainly hope," he said, "that we could avoid any interference . . . as long as that state, from its Governor on down, will do its best to straighten it out." The Department of Justice followed the case but concluded that Judge Grooms' action left the government with no way to force Lucy's readmission to the university. At a cabinet meeting, FBI director J. Edgar Hoover described the barring of Lucy from the university as disgraceful but would not discuss the illegality of obstructing school integration. Instead, he portrayed the primary issue as one of social order versus violence and subversion with the high feelings over school desegregation providing an opportunity for political extremism.¹⁷

Rightly or wrongly, Grooms' final holding in the *Lucy* case was interpreted by segregationists to mean that, if judicially required to admit blacks, a school had only to open its doors. If a mob then protested integration, school authorities could remove the black students with impunity. One who apparently so interpreted Grooms' holding was Texas Governor Allan Shivers. When Texarkana Junior College in Texarkana, Texas, was about to open in September 1956 under court orders to admit two black students, the college president urged protesters to do their "duty." On the following day, not only these protesters but

¹⁵ Jack W. Peltason, *Fifty-eight Lonely Men: Southern Federal Judges and School Desegregation* (Urbana: University of Illinois Press, 1971), pp. 51–52, 151–54, 165; Elliff, "Dept. of Justice and Individual Rights," pp. 437–39, 447–54; Coakley, Scheips, and Demma, *Use of Troops in Civil Disturbances Since World War II*, p. 46.

¹⁶ For a detailed account of the *Lucy* case as well as of the final integration of the university, see E. Culpepper Clark, *The Schoolhouse Door: Segregation's Last Stand at the University of Alabama* (New York: Oxford University Press, 1993). Peltason, *Fifty-eight Lonely Men*, pp. 84, 138–42, provides a good brief account of the *Lucy* affair, including, on p. 142n10, citations to the involved litigation in *Lucy v. Adams* (1954).

¹⁷ Quote from Burk, *The Eisenhower Administration and Black Civil Rights*, p. 159, and see also pp. 160–61. Belknap, *Federal Law and Southern Order*, pp. 29, 37–38, states that the Eisenhower administration considered the use of troops, which Brownell, *Advising Ike*, p. 228n3, does not mention.



AUTHERINE J. LUCY AFTER REGISTERING FOR CLASSES AT THE UNIVERSITY OF ALABAMA

also a member of the school's board of trustees rioted in front of the school, shouting "kill the niggers." Governor Shivers sent Texas Rangers to pacify the situation but evidently not to protect the black students because the ranger in charge refused to escort them through the mob.¹⁸

Much the same thing happened in Mansfield, Texas, a small town fourteen miles from Fort Worth, to which Mansfield's black high school students had to be bused. When in 1956 U.S. District Court Judge Joe E. Estes ordered black students admitted to Mansfield High School in the fall term, as directed by the appeals court, local opponents of segregation, spurred on by the town's newspaper, became uncontrollable. Thereupon

¹⁸ Quoted word and quote from Peltason, *Fifty-eight Lonely Men*, pp. 142–43. Elliff, "Dept. of Justice and Individual Rights," pp. 437–38, 439–40.

the mayor and police chief left town. Upon the opening of school in late August, a mob of over two hundred persons milled about in front of the high school, some carrying signs declaring that "A Dead Nigger is the Best Nigger." The crowd returned after Labor Day, but there was no violence because none of the blacks appeared. Shivers then sent in Texas Rangers with orders to "transfer out of the district any scholastics [*sic*], white or colored, whose attendance or attempts to attend Mansfield High School would reasonably be calculated to incite violence"—a formula which could apply to only the black students.¹⁹

Shivers viewed his handling of the matter as a demonstration of how to avoid violence in racial controversy. During the trouble President Eisenhower rejected a request from the Dallas NAACP for federal assistance and condemned "extremists on both sides," adding that "the youngsters that are indulging in violence are not being counseled properly at home." The federal government could not intervene, he said, unless "the state is not able to handle the matter." Arkansas Governor Orval E. Faubus later wrote that "the president was purposely, it appears, kept in complete ignorance of Governor Shivers' open defiance of a federal court order when he stopped the attempted integration of the schools at Mansfield, Texas."²⁰

In early 1956 the Eisenhower administration found no reason to intervene in the arrest of Martin Luther King, Jr., and his supporters in their boycott of the segregated bus system of Montgomery, Alabama. When asked about the incident, the president observed that, as he understood it, "there is a state law about boycotts, and it is under that kind of thing that these people are being brought to trial." At the time of the Republican national convention later that year, Eisenhower exerted his influence against efforts to fashion a strong desegregation plank for the platform. In deference to him, the 1956 Republican platform stated only that the Republicans "accepted" the U.S. Supreme Court decision.²¹ Although Eisenhower and the Republicans in that way sought to moderate the conflict over integration that was clearly developing, officials at the Department of Justice were convinced



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¹⁹ Quotes from Peltason, *Fifty-eight Lonely Men*, p. 145, and see also pp. 142–44, 146.

²⁰ First and second quotes from Burk, *The Eisenhower Administration and Black Civil Rights*, p. 167. Elliff, "Dept. of Justice and Individual Rights," pp. 436–37. Third quote from Orval E. Faubus, *Down from the Hills*, 2 vols. (Little Rock, Ark.: Democrat Printing and Lithographing, 1980, 1985), 1:223. For more on the Mansfield affair, see Robyn Duff Ladino, *Desegregating Texas Schools: Eisenhower, Shivers, and the Crisis at Mansfield High* (Austin: University of Texas Press, 1996).

²¹ First quote from Burk, *The Eisenhower Administration and Black Civil Rights*, p. 160, and second quote from p. 166, and see also pp. 159, 165.



MARTIN LUTHER KING, JR.

that a major confrontation of some sort was inevitable. With this in mind they hired a University of California professor, St. John Barrett, to plan for meeting the enforcement problems they expected to arise.²²

²² Brownell, *Advising Ike*, pp. 206–07.

While progress for blacks in a number of areas continued during Eisenhower's administration, school desegregation languished for lack of energetic support either by the president or by Congress. By the end of the 1956–1957 school year, schools in eight states (Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia) were still segregated. In addition, 130 separate pieces of legislation designed to maintain segregation had been passed by southern legislatures, eight of which had also passed pupil placement laws. To the president himself the situation was baffling and distressing. According to his biographer,

the whole experience was one of the most agonizing of his life. He wanted to uphold the Supreme Court, but he did not want to offend his many southern friends. He wanted to enforce the law, but he did not want to antagonize anyone, but “anyone” always seemed to turn out to be white southern segregationists. He had waged two successful campaigns to become the nation's leader, but he did not want to lead on the issue of civil rights. The upshot of his conflicting emotions and statements was confusion, which allowed the segregationists to convince themselves that the President would never act.²³

Race and Politics in Arkansas

Under the circumstances, it was perhaps ironic that the challenge that would galvanize Eisenhower to action would come from Arkansas, by all accounts a moderate state as far as race relations were concerned. Arkansas had admitted blacks to its graduate and professional schools and had integrated its transportation system and state agencies. After the *Brown* ruling in 1954, the commissioner of education had announced that it would neither abolish its public school system nor do anything to evade the order of the court. In 1955 an NAACP secretary had declared that Arkansas was “the bright spot of the south.” In 1956 a known racial moderate, Orval E. Faubus, had even defeated a strong segregationist for governor. Upon coming into office, Faubus had acted true to form, taking no steps to halt school integration, which was proceeding peacefully in a number of the state's communities.²⁴

By 1957, however, the political climate was changing. With Citizens' Councils organizing in Arkansas and rhetoric beginning to rise, Faubus felt obliged to support ballot propositions that included a mild interposition resolution and a proposal for assigning pupils to schools under criteria that had nothing to do with race. When the general assembly met in 1957, he also backed a number of segregationist proposals to receive support from conservative legislators for a massive tax hike that he deemed necessary to improve social and economic conditions within the state.²⁵

Faubus' image remained nonetheless that of a moderate governor of a fundamentally moderate state. Indeed, during the spring of 1957, the Little Rock metropolitan area held about 243,000 people, of whom three-fourths were white and one-fourth black. Buses, hospitals, and some motels, hotels, and restaurants were integrated, and the city took pride in

²³ Quote from Ambrose, *Eisenhower, the President*, p. 410. Burk, *The Eisenhower Administration and Black Civil Rights*, pp. 172–73; Ashmore, *Hearts and Minds*, pp. 219–20.

²⁴ Peltason, *Fifty-eight Lonely Men*, p. 32. Quote from McMillen, *The Citizens' Council*, p. 94.

²⁵ Daisy Bates, *The Long Shadow of Little Rock: A Memoir* (New York: David McKay, 1962), pp. 53–54.



VIRGIL T. BLOSSOM

its record of racial cooperation. Only days after the *Brown* ruling, the Little Rock school board had announced its decision to comply, in advance of the larger border-state cities of St. Louis, Kansas City, Baltimore, and Washington, D.C. To Virgil T. Blossom, the Missouri-born superintendent of schools, Little Rock seemed “one of the most pleasant and progressive communities in America.”²⁶ (*Map 1*)

Blossom’s plan for compliance with the Supreme Court decision was so drawn, in its first phase, as to result in the integration of only a single high school in grades ten through twelve. The school chosen was Central High, in the working-class part of town. The school accepted the application of nine black students—Minnijean Brown, Elizabeth Eckford, Ernest Green, Thelma Mothershed, Melba Pattillo, Gloria Ray, Terrance Roberts, Jefferson Thomas, and

Carlotta Walls. No strong opposition was expected to this cautious and minimal step. Yet in September 1957 the nine young people, all between the ages of fourteen and sixteen, would form the pivot around which a national crisis would revolve.²⁷

The origins of what happened were complex. Local white sentiment was generally tolerant, and the city’s Capital Citizens’ Council numbered only about 500 members, roughly the same number of people as belonged to the local chapter of the NAACP, headed by Mrs. Lucius C. “Daisy” Bates. The activists were, however, energetic and vocal, and more influential than their numbers suggested. At school board meetings, Blossom later stated, segregationists “would tear into the Board, often in a highly emotional burst of oratory.” Although the leading local newspaper, the *Arkansas Gazette*, under its liberal editor, Harry S. Ashmore, favored integration, segregationists expressed their views in its pages through inflammatory advertisements. Blossom became the target of a hate campaign that caused him to send his family away from Little Rock for a time.²⁸

²⁶ Quote from Virgil T. Blossom, *It Has Happened Here* (New York: Harper & Bros., 1959), pp. 1–2. See also Blossom’s six-part illustrated article, “The Untold Story of Little Rock,” *Saturday Evening Post* 231 (23 and 30 May, and 6, 13, 20, and 27 June 1959). On Faubus, see Roy Reed’s *Faubus: The Life and Times of an American Prodigal* (Fayetteville: University of Arkansas Press, 1997) is an excellent biography.

²⁷ Bates, *The Long Shadow of Little Rock*, p. 59, lists the nine students. Robert W. Coakley, Operation ARKANSAS, OCMH Monograph 158M (Washington, D.C.: Office of the Chief of Military History, 1967), p. 7, CMH. During the operation Coakley was detailed to the Office of the Deputy Chief of Staff for Military Operations where he had access to both the action officers and operational documentation, some of which no longer exists. This account, therefore, is the most important existing military account of Operation ARKANSAS.

²⁸ Quote from Blossom, *It Has Happened Here*, p. 39, and see also pp. 38, 40–49, 61–62.



DAISY BATES

The first challenge to the plan of gradual integration was not mounted by segregationists but by the NAACP. When twenty-seven black students who attempted to register at Little Rock schools were refused admission in January 1956, the organization filed suit in the U.S. District Court for the Eastern District of Arkansas. It charged that the students had been excluded solely on the basis of race. In August 1956 the district court ruled against the NAACP, endorsing the school board's plan for gradual integration. The U.S. Court of Appeals for the Eighth Circuit followed suit in April 1957, upholding the decision. The district court retained jurisdiction over the case, *Aaron v. Cooper*, to ensure that the school board carried out its plan, which acquired, by virtue of that fact, the backing of a court mandate.²⁹

As the dispute gathered momentum, neither President Eisenhower nor Governor Faubus appeared eager to take sides. In mid-July, during the debate over the civil rights law, Eisenhower wrapped himself in reason and circumspection. It was at that time that he made his comment about being unable to envision any circumstance that would induce him to use troops to enforce a court order. Faubus was only slightly more emphatic. Under increasing pressure from segregationists, he met privately with several of their leaders in July but as late as August still seemed to be weighing his options. His position began to harden only late in the month, shortly before school was to begin, when he conferred with the Chief of the Civil Rights Section, Criminal Division, Department of Justice, Arthur B.

²⁹ *Aaron v. Cooper*, 243 *Federal Reporter, 2d series* (F.2d) 361 (8th Cir. 1957); Coakley, *Operation ARKANSAS*, p. 8.



MAP 1



Caldwell, to determine how the government might react if there was violence when school opened on 3 September. Caldwell, however, showed little enthusiasm for intervention by the federal government, leading Faubus to decide on a course of obstruction.³⁰

The Developing Crisis

Late in August, in the case of *Thomason v. Cooper*, a segregationist group called the Mothers' League of Little Rock Central High School obtained an injunction from the Arkansas Chancery Court for Pulaski County prohibiting the integration of the school. The court made the move in part because of testimony by Faubus that there was a danger of violence if integration was carried out. When the school board promptly petitioned the U.S. District Court for the Eastern District of Arkansas, Judge Ronald N. Davies set aside the chancery court's order and enjoined any action that might interfere with the integration of Central High.³¹

On 1 September 1957—a Sunday marked by increased tension and calls from Little Rock pulpits for tolerance—Faubus ordered his personal lawyer, William J. Smith, to draft a proclamation mobilizing a part of the state National Guard for duty at Central High School.³² He had been looking toward use of the Guard since 29 August, when he had met with Caldwell, but he had not consulted his attorney general, whom he expected to face as a rival in the next governor's race. Whether he truly feared an outbreak of violence or merely intended to placate segregationists to win a third term as governor is unclear, but with school opening on Tuesday, 3 September, time was running short. Despite efforts by moderates such as Winthrop Rockefeller, chairman of the Arkansas Industrial Development Commission, to warn him away from any act of defiance, he issued the proclamation on Monday afternoon, ordering the Guard to active duty. Although he lacked any concrete indication that trouble might be in the offing, Faubus stated that he had learned, "from many sources, that there is imminent danger of tumult, riot, . . . and . . . violence . . . in Pulaski County."³³ He instructed Maj. Gen. Sherman T. Clinger, the adjutant general and

³⁰ Memo, Arthur B. Caldwell, Ch, Criminal Div, Dept of Justice, for Warren Olney III, Ch, Criminal Div, 30 Aug 57, in FBI Rpt, 44–12284–933, Integration of Schools, Little Rock, Arkansas, 9 Sep 57, FBI files, Washington, D.C. Hereafter cited as FBI Rpt 44–12284–933, 9 Sep 57. See also Freyer, *The Little Rock Crisis*, pp. 101, 120–21; Warren Olney III, "A Government Lawyer Looks at Little Rock," *California Law Review* 45 (1957): 517–18; Faubus, *Down from the Hills*, 1:197–98; Burk, *The Eisenhower Administration and Black Civil Rights*, pp. 176–77; Coakley, Operation ARKANSAS, pp. 8–10.

³¹ *Thomason v. Cooper* (Chancery Court, Pulaski County, Ark., 1957), in 2 *Race Relations Law Reporter* (Race Rel. L. Rep.) (Nashville, Tenn.: Vanderbilt University) 931 (1957); 3 *Race Rel. L. Rep.* 353 (1958); Peltason, *Fifty-eight Lonely Men*, pp. 165–66; Coakley, Operation ARKANSAS, p. 10. Interv, FBI with Blossom, 7 Sep 57, together with Memo, Caldwell for Olney, 30 Aug 57, and summaries of the testimony of Faubus and Mrs. Clyde Thomason, all in FBI Rpt 44–12284–933, 9 Sep 57. See also Blossom, *It Has Happened Here*, pp. 60–62; Faubus, *Down from the Hills*, 1:198–99, 203–04; Elliff, "Dept. of Justice and Individual Rights," pp. 464–66.

³² Faubus, *Down from the Hills*, 2:206; William R. Wachs, "'Off Guard': The National Guard and Race-Related Civil Disturbances in the 1950's" (Ph.D. diss., University of North Carolina, 1977), p. 346. Wachs thinks the proclamation was drafted on Monday, 2 September 1957, while Faubus gives 1 September as the date in his memoirs.

³³ Quote from Wilson Record and Jane Cassels Record, eds., *Little Rock, U.S.A., Materials for Analysis* (San Francisco, Calif.: Chandler Publishing, 1960), p. 36. This volume reproduces the text of the proclamation. See also Memo, Olney for Atty Gen, 13 Sep 57, sub: Summary of FBI Report in Little Rock, Arkansas, Integration Difficulty, p. 4, Arthur B. Caldwell Papers, Special Collections Div, David W. Mullins Library, University of Arkansas, Fayetteville; Interv, FBI with Blossom, 7 Sep 57, in FBI Rpt 44–12284–933, 9 Sep 57.



A LARGE CROWD OF SPECTATORS GATHERS IN FRONT OF CENTRAL HIGH SCHOOL, as the *National Guard* watches, to prevent black students from registering for the fall term.

Guard commander, to have a force at Central High by 2100 that day to prevent “vandalism or somebody planting a stick of dynamite.”³⁴

The deployment took place as ordered. Shortly afterward the governor went on television to reiterate his fear of disorder, to deplore forcible integration, and to explain his decision, which he said he had “reached prayerfully.” Answering the question that had been disturbing segregationists as well as the school board—whether he had “called ‘em out for us or agin’ us,” as the Georgia segregationist Roy Harris wondered—Faubus declared “that the schools of Pulaski County, for the time being, must be operated on the same basis as they have been operated in the past.”³⁵

Tuesday morning revealed 270 guardsmen ringing the school and standing, as Blossom saw them, “almost shoulder to shoulder.”³⁶ Accompanied by a small number of state policemen, the troops were drawn from fourteen different units in and around Little Rock, including engineers, artillerymen, infantrymen, and airmen, and had been formed into a provisional battalion under

³⁴ Wachs, “Off Guard,” p. 347.

³⁵ Both Faubus quotes from Blossom, *It Has Happened Here*, p. 74. Harris quote from Brooks Hays, *A Southern Moderate Speaks* (Chapel Hill: University of North Carolina Press, 1959), p. 134. The full text of the speech is in FBI Rpt 44-12284-933, 9 Sep 57.

³⁶ Blossom, *It Has Happened Here*, p. 76.

Lt. Col. Marion E. Johnson. They were under orders to keep their M1 rifles unloaded and their bayonets sheathed unless otherwise instructed by their commanders, but they had ammunition at the ready. Most were also armed with billy clubs. They may also have possessed tear gas, which the Guard had recently requisitioned. A crowd, variously estimated as numbering between 200 and 500 teenagers and adults, gathered but contented itself with catcalls and a display of a few Confederate flags. Most of its members were merely curious and soon began to drift away.³⁷

The school board delayed enrollment of the black students, asking the federal court for clarification, and at a special hearing Tuesday afternoon Judge Davies ordered the integration of Central High to proceed forthwith. With that decision in hand, the board announced on Tuesday evening that Central High School would be open to previously assigned black students the next morning. Asked whether local police might escort them to school, Mayor Woodrow Wilson Mann of Little Rock, soon to leave office and without much influence, opined that his police lacked authority to cross Guard lines and that only federal authorities had that power. But federal intervention seemed unlikely. When asked about the situation in Little Rock, President Eisenhower responded with his favorite argument that “you cannot change people’s hearts merely by laws.” He added that emotions were running high in the South because southerners viewed integration as “mongrelization of the race, [as] they call it.”³⁸

Late on Tuesday, however, Governor Faubus ordered the Guard to “place off limits to white students the schools heretofore operated for colored students and to place off limits to colored students the schools heretofore operated or recently set up for white students.” The sole point, of course, was to turn black students away from Central High. No racial incident of any kind had been reported in Little Rock, and no claim of preserving the peace could reasonably be maintained. Thus by this action, Faubus openly defied the authority of the federal court and set the stage for the confrontation that followed.³⁹

The Federal Response

On Wednesday morning, 4 September, the black students arrived, all but one under an escort of clergymen of both races. Arriving early due to a misunderstanding, fifteen-year-old Elizabeth Eckford walked an entire block by herself through a mob of some 300 shouting, hissing, booing men and women and then attempted several times to pass through a line of helmeted guardsmen to enter the school, only to be turned away. Neither she nor any of the other students was physically harmed that day, but, as she later told Daisy Bates, “It was the longest block I ever walked in my whole life.” In the days that followed, smaller but still noisy crowds milled about while the guardsmen kept watch. None of the black children managed to enter the school.⁴⁰

³⁷ “Posting the Guard,” *National Guardsman* 11 (October 1957): 24; Coakley, Operation ARKANSAS, pp. 17–18. The tear gas is mentioned in FBI Rpt 44–12284–855, 13 Sep 57, FBI files.

³⁸ First quote from *Public Papers of the Presidents: Eisenhower, 1957*, p. 640, and second quote from p. 646. Corinne Silverman, *The Little Rock Story*, Inter-University Case Program 41, rev. ed. (University, Ala.: University of Alabama Press, 1959), pp. 8–9.

³⁹ Quote from Wachs, “Off Guard,” pp. 358–59. Faubus, *Down from the Hills*, 1:209.

⁴⁰ Quote from Bates, *The Long Shadow of Little Rock*, p. 74, and see also pp. 66–73. Interviews with Students and Ministers in Connection with Refusal To Permit Colored Students To Enter Central High School, 4–6 Sep 57, in FBI Rpt 44–12284–933, 9 Sep 57.



ELIZABETH ECKFORD BEING TAUNTED ON THE WAY TO SCHOOL

Hoping to reduce the tension, the school board filed a public petition with Judge Davies to issue a stay in the execution of his integration order. On the side, in case he decided against that request, it privately requested that he at least assign U.S. marshals, the court's police, to enforce the decision. Requesting that both local and federal officials launch an investigation to determine who was responsible for the interference with his order, Davies took until Saturday, 7 September, to make a determination but then ruled against the school board's formal petition on grounds that no interracial violence had occurred. He did nothing about the request for federal marshals but asked the U.S. District Court Attorney in Little Rock, Osro Cobb, to make a thorough investigation into the interference with the integration order in the *Aaron* case. This brought so many FBI agents into town that newsmen had to compete with them for hotel rooms.⁴¹

⁴¹ 2 Race Rel. L. Rep. 939–41 (1957); Ltr, Ronald N. Davies to Osro Cobb, 4 Sep 57, in FBI Rpt 44–12284–933, 9 Sep 57; Peltason, *Fifty-eight Lonely Men*, p. 168; Elliff, “Dept. of Justice and Individual Rights,” pp. 468–70; Blossom, *It Has Happened Here*, pp. 88–89; Brownell, *Advising Ike*, pp. 207–28.

During the time between the school board's petition and Davies' decision, Governor Faubus telegraphed President Eisenhower to complain about the federal investigation, saying that he was about to be arrested and that the FBI was tapping his telephone and asking for the president's understanding and cooperation in the course he was pursuing in Little Rock. The president denied that Faubus had been targeted or that his telephones had been tapped. As for the investigation, he declared that "the only assurance I can give you is that the Federal Constitution will be upheld by me by every legal means at my command."⁴²

The school board was in a difficult situation because it was under federal orders to integrate but lacked federal assistance in doing so. On Monday, 9 September, however, the situation began to change. On that date, the FBI concluded, as reported by Assistant Attorney General Warren Olney III, "that the Governor did not at any time have any real evidence of impending violence or even serious threats of violence in order to justify the mobilization of the Arkansas National Guard." Instead, his action had been "a hoax perpetrated for political reasons." Receiving the report, Davies took only an hour to request that the government enter the *Aaron* case as *amicus curiae*. In so doing, he authorized the government to take an active role, and he specifically directed it to serve Faubus and the National Guard officers with an order to show why he should refrain from issuing an injunction to prevent further obstruction of court orders. U.S. District Court Attorney Osro Cobb complied, serving Faubus, Clinger, and Johnson with the order on Tuesday, 10 September. When they responded with a motion for dismissal on grounds that the government had exceeded its authority, Davies set aside 20 September for a hearing on the case.⁴³

In an effort to settle the crisis, President Eisenhower agreed to meet Faubus on 14 September at Newport, Rhode Island. There he urged the governor to change the Guard's orders to allow the black children to enter school. Faubus apparently agreed because Eisenhower praised his "cooperative attitude" and his intent "to use the influence of his office" to further the plans of the court. The president nonetheless seems to have felt little assurance as he left the meeting that Faubus would cooperate. As Eisenhower's chief of staff, Sherman Adams, later observed, "It is difficult to see anything of value that came from the meeting, but I felt that under the circumstances the President had to let Faubus come and talk with him."⁴⁴

Concerned that the governor might seek to thwart the court's order, the Department of Justice began a study of the alternatives open to the government. According to this analysis, Faubus had three choices. He could comply with a court injunction, defy it while leaving the schools open, or close the schools. In all three cases, the investigators concluded, the use of federal troops might become necessary. If Faubus chose some form of defiance, federal officials would certainly have to enforce the court's order, but they might also have technical grounds to intervene to remove the obstruction existing prior to the decree.

⁴² Quote from Telg, Eisenhower to Faubus, 5 Sep 57, in *Public Papers of the Presidents: Eisenhower, 1957*, p. 659. Blossom, *It Has Happened Here*, pp. 89–90; Silverman, *The Little Rock Story*, pp. 9–10.

⁴³ Quotes from Memo, Olney for Atty Gen, 13 Sep 57, sub: Summary of FBI Report in Little Rock, Arkansas, Integration Difficulty; 2 Race Rel. L. Rep. 941–43 (1957); Elliff, "Dept. of Justice and Individual Rights," pp. 466–67, 471–72; Coakley, *Operation ARKANSAS*, p. 13.

⁴⁴ First and second quotes from Eisenhower's statement of 14 Sep 57, in *Public Papers of the Presidents: Eisenhower, 1957*, pp. 674–75. Third quote from Adams, *Firsthand Report*, p. 353. Brownell, *Advising Ike*, pp. 208–10.

Following this analysis the department's lawyers prepared legal memorandums supporting the president's use of both the National Guard and Regular Army forces and drew up draft proclamations and executive orders to fit any set of circumstances that arose. It is not clear that departmental lawyers gave any thought to the employment of federal marshals, "the first line of federal defense on occasions of domestic disturbance," as former Attorney General Homer S. Cummings had called them. In any case they were untrained for riot duty and were not recommended for use at that time.⁴⁵

As the Department of Justice's lawyers suspected, when Faubus returned to Little Rock he did nothing to change the Guard's orders. As a result, after the hearing on Friday, 20 September, Judge Davies declared that the governor of Arkansas had thwarted integration through the use of National Guard troops and issued an injunction ordering Faubus, Clinger, and Johnson to refrain from further acts of obstruction. Faubus then withdrew the Guard, in effect throwing on the local and state police the maintenance of order and the difficult task of deciding whether to enforce the court's decision against the wishes of the governor. After releasing the Guard from duty, Faubus announced on television that he hoped the Negro children and their parents would refrain from pressing their rights until such time as they could do so peacefully.⁴⁶

On Monday morning, 23 September, after a weekend of maneuvering by both pro- and anti-integration advocates and a vain attempt by Superintendent of Schools Blossom to obtain authorization from the Department of Justice for the use of federal marshals, a detachment of city police waited at Central High School. A crowd gathered nearby behind barricades. As its numbers grew slowly to about 1,000, its mood turned so ugly that the arrival of several black newsmen provoked an avalanche of racial epithets. A melee followed in which two of the reporters suffered physical attacks, but the disturbance claimed enough of the crowd's attention to allow the police to slip black students into the school unobserved. As the morning lengthened, the mob remained noisy and hostile. A number of women wept and shouted hysterically, and threats against the students flowed freely. The police used billy clubs to push back the surging crowd. One officer, unwilling to do the job, turned in his badge and quit. A few minutes after noon, learning that rumors were rising to the effect that the black students would "be taken care of at noon," local officials sent the children home for their own safety. They left the school unobserved, after attending only three classes.⁴⁷

The situation was clearly out of hand. Repeated orders of the court had been frustrated, and some sort of federal action could no longer be avoided. An exasperated Eisenhower, still vacationing in Newport, issued a statement declaring that the order of a federal district court could not be "flouted with impunity" and that he himself would use "whatever force

⁴⁵ Elliff, "Dept. of Justice and Individual Rights," pp. 473–74, who cites no documentary source for his long quotation from the legal analysis. Legal Questions on Federal Action, FBI Rpt 44–12284–2673, 25 Nov 57, FBI files. It is noteworthy that the analysis in the FBI report quotes from Homer S. Cummings and Carl McFarland, *Federal Justice* (New York: Macmillan, 1937), p. 544 (source of text quote), on the use of marshals in civil disturbances.

⁴⁶ Coakley, Operation ARKANSAS, pp. 14–15; 2 Race Rel. L. Rep. 944–63 (1957). The address is summarized in FBI Rpt 44–12284–990, 29 Sep 57, as reproduced from the *Arkansas Gazette*, 21 Sep 57.

⁴⁷ Bates, *The Long Shadow of Little Rock*, pp. 90–97; FBI Rpt 44–12284–990, 29 Sep 57; Robert E. Baker, "Mob Had Job and Leader Saw It Done," *Washington Post*, 24 Sep 57. Quote from Woodrow Wilson Mann, "The Truth About Little Rock," *New York Herald Tribune*, 28 Jan 58. This is one in a series of twelve articles.

may be necessary” to carry out those orders.⁴⁸ Shortly afterward, as presidents had done since the time of George Washington, he issued a proclamation citing the relevant statutes, especially Sections 332, 333, and 334 of Title 10, *U.S. Code*. Calling attention to the “willful obstruction of justice” that hindered the execution of the laws and made them unenforceable by “the ordinary course of judicial proceedings,” and terming that obstruction “a denial of the equal protection of the laws secured by the Constitution,” he commanded all involved “to cease and desist therefrom, and to disperse forthwith.”⁴⁹ With that, he had fulfilled the Constitution’s requirement for a formal proclamation warning the innocent to stay clear. The stage was set for federal military intervention.

⁴⁸ Statement by the President Regarding Occurrences at Central High School in Little Rock, 23 September 1957, in *Public Papers of the Presidents: Eisenhower, 1957*, p. 689.

⁴⁹ Proclamation 3204, *Obstruction of Justice in the State of Arkansas*, 23 September 1957, 22 *Federal Register* (F.R.) 7628, and 3 *Code of Federal Regulations* (C.F.R.) 132 (1954–58 comp.).

CHAPTER 3

Intervention at Little Rock

Failure to act . . . would be tantamount to acquiescence in anarchy and the dissolution of the union.
—Dwight D. Eisenhower, 27 September 1957.

Eisenhower's reluctance to intervene at Little Rock in the fall of 1957 notwithstanding, concern that the Army might have to step in to uphold the law began to rise within the administration as soon as Faubus announced that he would call up the National Guard for duty at Central High. At that time, with no initial guidance on what the troops might be ordered to do if called, officers in the Army began to draw up contingency plans. They worked in secrecy, well aware of the furor that might arise if their preparations became known.¹

The Army Prepares

Under existing Army doctrine, military operations in Little Rock would be directed by the secretary of the Army in accord with presidential orders but would fall under the control of the Continental Army Command. A regional command, the Fourth U.S. Army, headquartered at Fort Sam Houston in San Antonio, Texas, would serve as CONARC's agent, directing the activities of the headquarters of the U.S. Army Military District, State of Arkansas (USARMDA), located in Little Rock and commanded by Maj. Gen. Edwin A. Walker. The only military installation in Little Rock was a reserve armory, but a training facility used by both the Army Reserve and the National Guard, Camp Joseph T. Robinson, lay directly north of town. An air base of the Strategic Air Command was located some twenty miles northeast of Little Rock. Fort Chaffee, about two hundred miles to the west-northwest, was the nearest active Army base of any size.

As the crisis developed, the Office of The Judge Advocate General dispatched Col. William G. Easton to Little Rock to advise General Walker on legal aspects of the situation. On 3 September, there being no legal bar at the time to early observation activities, agents of the 112th Counter Intelligence Corps Group also began to monitor developments closely, paying particular attention to the news media. Meanwhile, concerned about Faubus' misuse of the National Guard, Army Chief of Staff General Maxwell D. Taylor

¹ This treatment of the Little Rock operation continues to rely heavily upon Robert W. Coakley's exhaustive work, *Operation ARKANSAS*, OCMH Monograph 158M (Washington, D.C.: Office of the Chief of Military History, 1967), pp. 14–19, CMH.



GENERAL TAYLOR

took up the issue with the Fourth Army. Shortly thereafter, that command drafted a preliminary plan to call the Arkansas National Guard into federal service. It was the first time the federal government had contemplated federalization of the militia since 1877, when President Rutherford B. Hayes had rejected the idea as a possible response to a major railroad strike.²

As planning continued, responsibility for the process fell to the Deputy Chief of Staff for Military Operations (DCSOPS), Lt. Gen. Clyde D. Eddleman. Within the DCSOPS, the Operations Directorate, under Brig. Gen. Francis T. Pachler, had charge of the Western Hemisphere Division (WHD), headed by Col. Robert C. Williams, Jr., which played the principal role. Lt. Col. R. B. Crayton was WHD's action officer for the operation, both in the planning phase and later. In the field, the Fourth Army worked in close coordination both with the Military District of Arkansas and with commanders at Fort Chaffee.³

The planners assumed that if the president decided to intervene, the use of active duty troops would be unlikely and that the Arkansas National Guard would take the primary role. Prudence nonetheless dictated that a backup force of Regular Army troops should be on alert if the need arose. A battle group from the 101st Airborne Division, stationed at Fort Campbell, Kentucky, received the task. Trained and already on alert, the paratroopers could move more quickly than any other unit because they had Fort Campbell's own airfield at their disposal and the flying time from there to Little Rock was only slightly more than two hours. So great did the advantages of using the paratroopers appear, that as planning continued, little if any thought was given to using formal military police units in anything more than a supporting role. Instead, on Taylor's order, the airborne troops were instructed to initiate riot control training, carrying it out under the guise of normal procedure to avoid arousing speculation. Meanwhile, the Western Hemisphere Division prepared an operational plan for the movement by air of approximately 1,000 men in two increments beginning six hours after an alert was received from Washington. Tentative arrangements were also made with the Air Force to secure the necessary lift.⁴

² For the possible federalization of the National Guard during 1877, see Laurie and Cole, *Role of Federal Military Forces*.

³ The sensitivity of the planning was such that Maj. Gen. George W. Hickman, Jr., The Judge Advocate General, was moved in 1958 to suggest to the secretary of the Army that executive privilege might be invoked "if an inquiry were ever made as to why the Army took pre-planning steps in connection with Little Rock." Draft Memo, Hickman for Wilber M. Brucker, Secy of the Army, 19 Aug 58, in Black Book, tab F, Records of Operation ARKANSAS (ROA), Records of the Army Staff, RG 319, NARA. The "Black Books" are a series of black, three-ring binders.

⁴ Coakley, Operation ARKANSAS, p. 24, and List of Questions Likely To Arise Concerning the Little Rock Action [probably prepared for a press briefing], in Operation ARKANSAS Black Book, tab G, folder 9, ROA, RG 319, NARA.

Still to be worked out was a plan for calling the Arkansas National Guard into federal service. There were two methods for doing so. Under the first, the president could *call* the Guard to repel invasion, suppress rebellion, or execute the laws of the Union when he could not do so with regular forces. Under the second, he might *order* the Guard into federal service if Congress had either declared a national emergency or authorized the use of land forces in addition to Regular Army troops.

Although Guard units retained their identities, the *call* procedure suspended their status as state troops and made them part of the Army of the United States. Even so, they could be used only within national boundaries and might see service beyond American shores only for limited purposes. In addition, the troops had to be released when the terms of their commissions and enlistments expired. By contrast, under the *order* procedure there were no territorial limits on the Guard's use and its members could be held for six months beyond the termination of a war or national emergency. Under the circumstances, since the *call* method had been formulated to meet the problems associated with civil disturbances, that was the approach planners decided upon. Following Army regulations, they prepared draft messages for transmission to Governor Faubus relaying the president's *call* for either all or part of the Arkansas National Guard.⁵

When Col. Lee L. Alfred of the Fourth Army staff presented the draft plan to General Taylor on 10 September, the chief of staff decided to institute a simplified chain of command for the operation. Convinced that so controversial and difficult an undertaking would benefit from control from the top, Taylor removed CONARC from responsibility so that the line ran directly from himself to commanders in the field. Under the arrangement he envisioned, the number of National Guard units federalized would be small and would keep mainly to their home stations, but the commander in the field, General Walker, would have a direct channel of communication to the chief of staff. A major general senior to Walker would become Taylor's personal representative in the field, helping to assure the chief of staff's close personal supervision. In the end, Taylor's arrangement proved so sensible that it not only became the basis for the contingency planning that evolved over the next two weeks, but it also formed a standard pattern that the Army followed when confronted with similar situations in subsequent years.⁶

At that time, considerable doubt existed about the Arkansas National Guard. Numbering somewhat more than 10,000 troops clustered in 114 Army and 11 Air Force units scattered across the state, its members appeared none too reliable if the president called them to enforce federal court orders on school integration. Indeed, a survey of opinion within the Guard taken on General Taylor's orders in mid-September found that 80 percent would respond to a call to federal service if not required to enforce the court order; 75 percent if required to do so; and 65 percent if required to oppose other state forces such as the police. Those findings left substantial uncertainty as to whether the guardsmen might refuse to recognize a presidential proclamation to disperse or decline a presidential summons to duty. It affected all planning and ultimately became a primary reason for considering the use of active forces.⁷

⁵ Coakley, Operation ARKANSAS, p. 29; AR 130-10, *National Guard: Induction of Army National Guard into Service of the United States*, 19 Oct 50, chg 1, 27 Dec 50.

⁶ See Alfred's Memo as reproduced in Coakley, Operation ARKANSAS, pp. 21-22.

⁷ Coakley, Operation ARKANSAS, pp. 31-32; Estimate of the Attitude of the People and National Guard of Arkansas Regarding the Integration Problem, an. B (Intelligence) to Operation Plan for Assumption of Command NG Troops by the Active Army (CNG/USA), in Fourth Army Plan, n.d., tab B, ROA, RG 319, NARA.



GENERAL WALKER (*left*) AND COL. WILLIAM A. KUHN

On 20 September, the day when the federal court enjoined Governor Faubus and National Guard officers from interference with the integration of Central High School, Colonel Alfred and General Walker took a revised draft plan and an Arkansas Military District plan based upon it to the Pentagon. The Fourth Army plan called for an airborne battle group to move on order from the chief of staff in one land and two air echelons to Little Rock Air Force Base, where it would pass to General Walker's control. The Fourth Army was to support the operation administratively and logistically from Fort Chaffee, regardless of the troops used. Ammunition was to accompany the troops from their home station, with the National Guard providing its own initial issue. Fort Chaffee was to make one L-20 aircraft available for emergency medical evacuation. Intelligence support would be provided to General Walker by the 112th Counter Intelligence Corps Group.⁸

General Walker's Arkansas Military District plan, titled "Operation Plan No. 1," supplemented that of the Fourth Army. Accepted in all but a few details by reviewing officers at the DCSOPS on 22 September, it assumed that a minimum number of Army and National Guard units would participate in the operation; that National Guard units would be summoned in three phases; that regular troops might also enter the Little Rock area about the same time; and that all would be under the control of General Walker.⁹

As was to be expected, the two plans were similar in some respects and different in others, but even when taken together they were relatively simple in comparison with contingency plans that would accompany later federal troop interventions. On the one hand, both assumed that martial law would prove unnecessary, but only the Fourth Army plan made provision for transferring individuals taken into custody to civil authorities. (They were to be handed over to federal law enforcement agencies.) On the other, only the Walker plan specifically mentioned chemical munitions and gas masks, and only the Walker plan specified that crew-served weapons such as machine guns were to be left behind. Both provided for the use of a detachment of the 53d Signal Battalion from Fort Hood, Texas.¹⁰

Meanwhile, important questions went unanswered. Neither approach, for example, contained any real concept for employing the troops or guidance on the amount of force to be used. In the same way, both were vague about the purpose for which the National Guard might be called, although their wording suggested that the move would be made simply to keep the Guard out of Governor Faubus' hands. Such blank spots reflected uncertainty about the president's specific aims, which had yet to be announced, and the lack of recent experience by the contemporary Army in handling civil disturbances. The planners still believed that the Guard would enforce the court's orders, and the federal force would provide backup only if needed.¹¹

Pentagon conferences on 20–22 September completed coordination with the Air Force. A standby alert was issued through the Tactical Air Command at Langley Air Force Base, Virginia, and the Ninth Air Force to the commander of the 314th Troop Carrier Wing at Sewart Air Force Base near Nashville, Tennessee. Effective at 0800 on 23 September, aircraft

⁸ Coakley, *Operation ARKANSAS*, pp. 33–35; Estimate of the Attitude of the People and National Guard of Arkansas Regarding the Integration Problem, an. B (Intelligence) to Operation Plan for Assumption of Command NG Troops by the Active Army (CNG/USA).

⁹ Operation Plan 1 [Walker Plan], n.d., with penciled review notes appended, ROA, RG 319, NARA.

¹⁰ Fourth Army Plan, n.d., tabs C–R, ROA, RG 319, NARA.

¹¹ *Ibid.*; Coakley, *Operation ARKANSAS*, pp. 37–38.

and crews were to be available to airlift 500 troops from Fort Campbell and to move them about 350 miles in what was described as a probable but as yet unscheduled exercise of Western Hemisphere reserve forces. On 23 September the DCSOPS additionally requested that Sewart Air Force Base alert enough additional aircraft to move light vehicles accompanying the task force. The new plans also shortened the stipulated time for the movement from Fort Campbell from six hours after an alert to two hours and the time for completing the movement of both increments from fifteen hours to eleven. (*See Map 1.*) There was also some preliminary exploration with Air Force officials of the possibility of federalizing the Arkansas Air National Guard.¹²

When General Walker raised questions about legal assistance and public information policy, the Department of the Army arranged for Colonel Easton to continue to assist him. The department also formed a public information team of four officers and three enlisted men to handle troop information and press relations through a public affairs section to be established at Walker's headquarters. The Pentagon intended to keep close tabs on the release of information. Walker was to consult the DCSOPS on difficult press problems and to make no policy announcements to the press without prior clearance.

By this time, events in Little Rock had created a crisis atmosphere. At an important conference on Sunday morning, 22 September, General Eddleman completed the decision-making process by providing Walker with final guidance. The general was to use National Guard units and to refrain from using active Army troops unless the Guard could not do the job. Following normal procedure in circumstances where troops were to be used to assist the civil power, he was to permit the Little Rock police to retain their customary authority. His title was to be Chief, U.S. Army Military District, State of Arkansas, and his headquarters would retain its present designation. Shortly thereafter, on his way back to Little Rock, Walker stopped at Fort Campbell to brief Maj. Gen. Thomas L. Sherburne, Jr., commanding general of the 101st Airborne Division. He told Sherburne to make final arrangements for moving his men; to reduce, very discreetly, the "colored strength" of his task force; and to ensure that black infantrymen who went to Little Rock were out of direct contact with the public.¹³

The arrival in Little Rock on Monday, 23 September, of President Eisenhower's proclamation calling upon troublemakers to "cease and desist" and the removal of the black children from Central High School for their own safety on the same date made it all but certain that military action would soon occur. President Eisenhower continued to proceed cautiously, however, while the Army made last-minute preparations. At the Pentagon, the deputy chief of staff for military operations had established a command post in the Operations Directorate, to which the Office of the Assistant Chief of Staff for Intelligence assigned a representative—a young captain from Arkansas. By nightfall, a direct communications linkup had also been established with Walker in Little Rock, throwing his headquarters into the kind of near frenzy that would prevail over the next two weeks.¹⁴

As those steps were proceeding, an effort to fill in planning gaps was moving apace. On Monday evening, the Assistant Deputy Chief of Staff for Military Operations, Maj. Gen. Earle G. Wheeler, directed Walker to formulate a plan to employ the National Guard

¹² Coakley, *Operation ARKANSAS*, pp. 38–39.

¹³ *Ibid.*, pp. 41–44.

¹⁴ Proclamation 3204, *Obstruction of Justice in the State of Arkansas*, 23 September 1957, 22 F.R. 7628, and 3 C.F.R. 132 (1954–58 comp.).

if authorized by the White House. He was to specify the units and number of personnel he needed, how they would be used, and whether all or only part of the force should be federalized. The plan Walker submitted early Tuesday morning recommended calling a task force composed of the 1st and 3d Battalions, 153d Infantry, together with the military police company of the 39th Infantry Division and Company D, 212th Signal Battalion, a total force of 1,774 troops. Walker estimated that 70 to 80 percent of the troops would report for duty and that, with administrative and other inevitable losses, a force of about 1,240 would be available. Some guardsmen would take up to sixteen hours to assemble because their home stations were over a hundred miles away. The plan did not include a recommendation on how the troops were to be used or whether Walker believed it advisable to call up the entire Arkansas National Guard to "freeze it in place." The DCSOPS reviewing officers accepted it, however, recommending that the most distant units be dropped and that Walker be advised further on the matter before noon on 24 September. With that, the Army's preliminary planning was essentially complete.¹⁵

Casting the Die

During the night of 23–24 September, the DCSOPS received reports from Army counterintelligence that portrayed Little Rock as a very tense city, marked by racial incidents, but without rioting or major property destruction. At 0530 on the twenty-fourth Little Rock's Mayor, Woodrow Wilson Mann, called the White House to report on the situation and to express his conviction that troops would have to be used if Central High School was to be integrated. He learned in response that the question of sending troops had been discussed all night but that a decision had been postponed until the president saw what Tuesday would bring.¹⁶

By 0720 the police were erecting barricades at the school. Although no crowd had yet gathered, Mann decided that the black children would remain away until assurances could be given that they would be protected. By the time Central High opened, a crowd had gathered, but reports differed on its size and temper. The police arrested nine persons at the school, two of them with weapons. Forty-five others were charged with acts of vandalism and racial violence elsewhere in the city.

At intervals through much of Tuesday morning, Mayor Mann was on the telephone to the White House, urging that Eisenhower send troops and that he federalize the Guard to remove it from Faubus' control. For his part, Faubus was winging his way home from a Southern Governors' Conference at Sea Island, Georgia, in a National Guard aircraft. At 0824 a White House aide told the mayor to be prepared at the aide's signal to send a telegram requesting troops. Mann was just completing his draft when the call came at 0900. He read it over the telephone, made a few changes suggested by the White House, and dispatched it fifteen minutes later in duplicate, one copy to the White House and one to

¹⁵ Coakley, *Operation ARKANSAS*, pp. 49–51.

¹⁶ *Ibid.*, p. 52. Events of September 23 and 24 [1957], and Statements of Heads of Little Rock Police Department, Arkansas State Police, and School Officials, both in FBI Rpt 44–12284–933, 9 Sep 57, FBI files, Washington, D.C.; Elizabeth Huckaby, *Crisis at Central High: Little Rock, 1957–58* (Baton Rouge: Louisiana State University Press, 1980), p. 40; Woodrow Wilson Mann, "The Truth About Little Rock," *New York Herald Tribune*, 29 Jan 58.



MAYOR MANN

the president, who was still vacationing in Newport, Rhode Island. With more than a little exaggeration, Mann's telegram read,

The immediate need for federal troops is urgent. The mob is much larger in number at 8:00 A.M. than at any time yesterday. People are converging on the scene from all directions. Mob is armed and engaged in fisticuffs and other acts of violence. Situation out of control and police cannot disperse the mob. I am pleading to you as President of the United States . . . to provide the necessary troops within several hours. Action by you will restore peace and order in compliance with your proclamation.¹⁷

In fact, the request had no legal standing, however useful it might have been from a political standpoint to have a request for troops from a local official. As President Eisenhower later explained in his memoirs, he had decided to act even before Mann's telegram arrived. Furthermore, the legal authority under which he would move (Sections 332, 333, and 334, of Title 10, *U.S. Code*, as cited in his proclamation) allowed him to make the decision on his own initiative, without any request from the state.

The president had not decided, however, what force to use. General Taylor wanted to employ the Arkansas National Guard before using regular troops. Eisenhower was willing to do so but was determined to use federal troops as well. He also believed that any guardsmen participating in the operation should come from somewhere other than Little

¹⁷ Mann's telegram is quoted from 41 Official Opinions of the Attorneys General of the United States (Op. A.G.) 313, 328–29 (1957). It is partially quoted in Eisenhower, *Waging Peace*, p. 170.

Rock “to prevent sending brother against brother.”¹⁸ In any case, at 1222 (Eastern Daylight Time [EDT]) a “deeply troubled” president issued Executive Order 10730, federalizing the Arkansas National Guard and sending the Army into Little Rock.¹⁹

The president quoted his proclamation of the previous day in his order and stated that, since it had not been obeyed, obstruction of the court’s decree still existed and threatened to continue. On that account, he authorized “the Secretary of Defense to order into active military service of the United States . . . any or all of” the Arkansas Army and Air National Guards “for an indefinite period and until relieved by appropriate order.” He further authorized the secretary “to take all appropriate steps to enforce any orders of the United States District Court for the Eastern District of Arkansas for the removal of obstruction of justice in the State of Arkansas with respect to matters relating to enrollment and attendance at public schools in the Little Rock School District, Little Rock, Arkansas.” In carrying out this precise and limited mission, the secretary was to use the Guard and to employ “such of the Armed Forces of the United States as he may deem necessary,” delegating his authority to either the secretary of the Army or the secretary of the Air Force, or both. It was the first time since 1867 that a president had federalized the militia in time of peace. It appears, as well, to have been the first time that a president had issued an executive order in addition to a proclamation to call out the troops to meet a civil disturbance.²⁰

Reflecting the president’s desire to remove the entire Guard from Faubus’ control, Secretary of Defense Charles E. Wilson issued an implementing order at 1425 that afternoon, calling into federal service “all of the units and the members thereof of the Army and Air National Guard of the State of Arkansas for an indefinite period.” Copies of the order went to Faubus and to the commanding officers of both the state Army and Air National Guards. At that time, Wilson delegated to Secretary of the Army Wilber M. Brucker “all of the authority conferred on me” by the president’s executive order.²¹

The Forces Assemble

The task force of the 101st Airborne Division was ready. A few minutes after the order was issued, General Eddleman telephoned General Sherburne to inform Sherburne that the battle group had been “alerted to move immediately to designated area,” the Little Rock Air Force Base, where it would come under Walker’s command. Eddleman then informed Walker of the president’s decision and the orders to the airborne task force. Walker was to

¹⁸ Eisenhower, *Waging Peace*, p. 170.

¹⁹ Quoted words from Adams, *Firsthand Report*, p. 354. Bennett M. Rich, *The Presidents and Civil Disorder*, Studies in Administration 24 (Washington, D.C.: Brookings Institution, 1941), p. 50n58.

²⁰ Quotes from Executive Order (EO) 10730, *Providing Assistance for the Removal of an Obstruction of Justice Within the State of Arkansas*, 24 September 1957, 22 F.R. 7628, and 3 C.F.R. 389 (1954–58 comp.). A drafting error resulted in *ordering* instead of *calling* the Guard into the federal service. See Burk, *The Eisenhower Administration and Black Civil Rights*, pp. 186, 188. Federalization of the National Guard was governed by 10 U.S.C. sec. 3500 and AR 130–10, 19 Oct 50, chg 1, 27 Dec 50. For a brief historical background, see Robert W. Coakley, “Federal Use of Militia and the National Guard in Civil Disturbances: The Whiskey Rebellion to Little Rock,” in *Bayonets in the Streets: The Use of Troops in Civil Disturbances*, ed. Robin D. Higham (Lawrence: University Press of Kansas, 1969), pp. 25–26.

²¹ For Secretary Wilson’s order, see Cmd Rpt, 24 Sep–30 Nov 57, U.S. Army Military District, Arkansas (USARMDA), folder 10, ROA, RG 319, NARA. Wilson used the correct terminology—the verb *to call*—in his order.

use the regular troops first, replacing them with guardsmen as soon as feasible and advisable. A formal message followed from the Department of the Army to Walker, defining his mission.

You will carry out the orders of the Presidential Executive Order, 24 Sept. You will employ the minimum force necessary in carrying out this assignment. Initially you will use units of the Regular Army placed under your command replacing them with units of the Arkansas National Guard as you deem advisable and feasible. For this purpose you will order into the Little Rock area such units of the Arkansas National Guard as you may require; you will direct the remaining units to remain in their home areas, subject to your order.

Walker would report directly to General Taylor, the chief of staff. Assistant Deputy Chief of Staff for Military Operations General Wheeler, then on his way to Little Rock, would serve as the personal representative of General Taylor. He would effect liaison and could issue orders in Taylor's name, but he would not be in the chain of command. Colonel Crayton provided a link with the Pentagon and the command post.²²

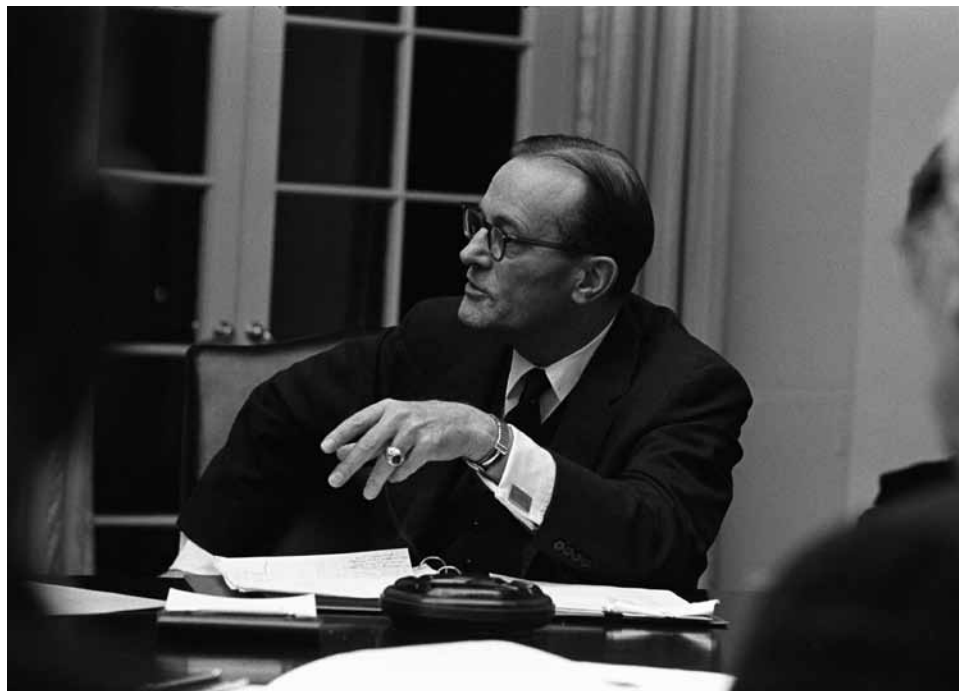
The scope of the task came as a surprise to the people in Walker's command post, who had been planning to use selected Guard forces but had hardly anticipated that all would be federalized at once. Now they were faced with a new situation, a decision to use the airborne task force, the most mobile and dependable resource; to replace it subsequently with the Arkansas National Guard units recommended by Walker; and to hold the rest of the guardsmen at their home stations in reserve.

To do the job, the Army had selected most of the 1st Airborne Battle Group, 327th Infantry, from the 101st Airborne Division, reinforcing it with some division support personnel. The force included five rifle companies, a mortar battery, and part of the headquarters and headquarters company. It moved by air in two increments and in a land convoy of ninety enlisted men and nine officers. Despite a measure of unavoidable confusion, the total airlift was completed within 9 hours and 49 minutes of the first alert. The land convoy arrived in Little Rock the following day. It was soon joined by a Fourth Army provisional support company from Fort Chaffee. Various Fourth Army CIC regions augmented the 112th Counter Intelligence Corps Group, and Fourth Army supplied additional personnel to Walker's Arkansas Military District headquarters. The Department of the Army also sent four specialists from Fort Myer, Virginia, armed with an irritant gas dispenser, supplies of tear gas and vomit gas, and gas grenades that could be thrown by hand or launched from M1 rifles.²³

While the regular troops were assembled, the Arkansas National Guard was called into federal service. Secretary Brucker informed Arkansas' lieutenant governor, Nathan Gordon, by telephone. Then a formal message went out to Gordon and Faubus citing the executive order and transmitting the substance of the call of the secretary of defense. The

²² First quote from MFR of Telecon, Maj Charles D. Daniel, Aide to CofSA, Lt Gen Eddleman with Maj Gen Thomas L. Sherburne, Jr., 24 Sep 57, in DCSOPS Journal, ROA, RG 319, NARA, as quoted in Coakley, *Operation ARKANSAS*, p. 57. Telecon, Eddleman with Walker, 24 Sep 57, and Coakley's Comments on His Original Draft of *Operation ARKANSAS* Manuscript, p. 38, both in DCSOPS Journal, ROA, RG 319, NARA. Second quote from Msg to Ch, USARMDA, DA 930038, 24 Sep 57, as quoted in Coakley, *Operation ARKANSAS*, p. 59.

²³ MFR, Col Kelsie L. Reaves, Dep Dir of Opns, ODCSOPS, with notations, DCSOPS Journal, ROA, RG 319, NARA.



GENERAL WHEELER *at a meeting in the Cabinet Room*

Fourth Army notified General Clinger, the Arkansas adjutant general, that Walker had been designated the commander of all Guard units inducted into the federal service.²⁴ For a time, there was some doubt that Gordon, Faubus, and Clinger would issue the requisite orders, so Walker was instructed to summon the Guard if they failed to do so. In fact, Gordon turned the matter over to Faubus when he returned to Little Rock on Tuesday afternoon and Faubus refused to act. Clinger, however, after some hesitation, agreed to issue the order and used commercial radio and television along with telephone calls to subordinate unit commanders to assemble the troops in their armories. Formal orders on 25 September called the Guard into federal service. Shortly thereafter, Walker issued instructions setting forth the Guard's mission.²⁵

The units ordered to report to Camp Robinson were the same that Walker had selected in the early hours of 24 September. Later known as the alert force, they were composed of two battalions of the 153d Infantry; the regimental headquarters; tank, truck, service, and signal companies; the 39th Military Police Company; and Company D, 212th Signal Battalion. Their total assigned strength stood at 1,586, of whom 1,240 reported at once (precisely the figure that had been projected).²⁶

²⁴ Counter Intelligence Corps (CIC) Spot Rpt, n.d. [24 Sep 57], DCSOPS Journal, ROA, RG 319, NARA.

²⁵ Faubus, *Down from the Hills*, 1:274, 277; Cmd Rpt, 24 Sep 57–29 May 58, HQ, Arkansas National Guard, Camp Robinson, Ark., Operation ARKANSAS, 3 pts., 1:2–8, ROA, RG 319, NARA.

²⁶ Coakley, Operation ARKANSAS, p. 69.

There was some bitterness toward the Army among the guardsmen because Guard officers had not been consulted during the planning. Those complaints notwithstanding, since federal action was a last resort and could not be allowed to fail, the well-trained and disciplined troops of the Regular Army battle group were better suited for the initial show of force. If the government was to succeed in firmly establishing control of the situation, there could be no hesitation of the sort Clinger had demonstrated before complying with the order to call out the troops. As it was, everything moved forward apace. Within less than twenty-four hours of the president's decision to move ahead, a force of both regular troops and the Guard had assembled at Little Rock and Camp Robinson.²⁷

The Crisis Contained

Walker had been in Little Rock since the preceding August, coming to the unprestigious district command after service in both World War II and the Korean War. Superintendent Blossom later described him as "a tall, broad-shouldered Texan" with an "erect, West Point bearing and . . . quiet but incisive manner of speech," who "off duty . . . was personable and pleasant but in uniform . . . was efficient and direct." The view of Walker within the Army Staff was clearly less complimentary. The service had not only assigned the officer to a backwater, but when the crisis at Little Rock began, it provided him with both a legal adviser and an information officer who carefully guided his public remarks.²⁸

About dusk on the afternoon of 24 September, Superintendent Blossom visited Walker's office near the Broadway bridge over the Arkansas River. Walker introduced him to General Wheeler. At that time, Blossom learned that troops of the 101st Airborne Division had already started to land at Little Rock Air Force Base, across the river and north of the city, and that the president wanted Central High School to be open to black children the next day, Wednesday. It was too late to change anything now, Wheeler told Blossom, who had raised the possibility of postponing integration until Thursday when things might be calmer. Wheeler added that there would be sightseers as well as troublemakers to handle. More troops were coming than were needed, so that they might "exert absolute control of the situation." Wheeler hoped that the display of force would impress the citizens of Little Rock, reducing the danger of violence and the need for force, "but if some people have to be hurt I assure you that it will be as few as possible."²⁹

Hearing a rumbling sound, Blossom and the two officers turned to the window and watched as a city police car led the vanguard of the 101st Airborne Division troops across the bridge on its way to Central High School. Blossom could see the vehicles etched sharply against a brightly lighted billboard that showed a map of Arkansas and asked, "Who will build Arkansas if her own people do not?" From his office nearby in the City Hall, Mayor Mann also watched the troops, whose arrival "stunned the community" and aided Governor Faubus politically by further fragmenting the moderates.³⁰

²⁷ For the complaints of the Guard at this time and later, see W. D. McGlasson, "The Forgotten Story of Little Rock," *National Guardsman* 12 (August 1958): 5.

²⁸ Blossom, *It Has Happened Here*, p. 114.

²⁹ *Ibid.*, p. 115.

³⁰ First quote from *Ibid.* Second quote from Freyer, *The Little Rock Crisis*, p. 108.

Later that evening, Walker, Wheeler, and the military district staff conferred with local, state, and federal officials and school authorities. The atmosphere was one of crisis. The local chief of police, Marvin Potts, promised to maintain law and order but refused to escort the black students to school, to join the Army in guarding the school, or to patrol school corridors. Superintendent Blossom proposed that the Army take over the security of all Little Rock high schools to prevent them from being sabotaged. The officers present considered the task infeasible. The troops necessary for an effort of that sort were not available, and besides, it was not the Army's mission. The officers agreed that the troops should escort the black students to school to ensure their safety and that Walker should address a school assembly to explain why the troops were there and that individuals who complied with the court's order had nothing to fear.³¹

Also that evening President Eisenhower addressed the citizens of Arkansas and the nation from the White House to explain his decision. He spoke of the sadness he felt in using troops but also of "the firmness with which I intend to pursue this course until the orders of the Federal Court at Little Rock can be executed without unlawful interference."³² Both law and the national interest required him to act, he said, and great harm was being done to the nation, whose enemies were gloating over U.S. violation of the human rights' standards proclaimed in the United Nations Charter. If the citizens of Arkansas would cease their interference with the law and judicial process, the continued presence of federal troops would be unnecessary. Little Rock could return to its "normal habits of peace and order," and the image of America "as one nation, indivisible, with liberty and justice for all" would be restored.³³

That night, General Walker deployed his troops, stationing three airborne rifle companies in a cordon around Central High School. A large five-story building with many corridors, the school with its lawns and athletic facilities occupied six city blocks—an extensive area to control. The troops established a command post and bivouac reserve areas on the practice field and in the stadium. A military police detachment, part of the support force from Fort Chaffee, set up roadblocks on street approaches to the school.³⁴

All troops were in place by 0500 (Central Standard Time [CST]) on Wednesday, 25 September. Those guarding the outside posts, wearing steel helmets and gas masks, carried individual arms with fixed bayonets while those inside the school carried nightsticks or billy clubs and sheathed bayonets on their belts. Small arms and chemical ammunition were held in a reserve area, under control of the commanding officer of the 1st Airborne Battle Group, 327th Infantry. All elements possessed their own signal communications equipment, but a commercial telephone line connected the command post in the stadium with Walker's headquarters. An FM radio belonging to the city police netted with the police system. Of the 114 black enlisted men in the

³¹ Coakley, *Operation ARKANSAS*, pp. 72–73.

³² Quote from *Public Papers of the Presidents: Eisenhower, 1957*, p. 690, and see also p. 689.

³³ Quote from *Ibid.*, p. 694, and see also pp. 691–93.

³⁴ Blossom, *It Has Happened Here*, p. 120. See also a diagram of the campus in Coakley, *Operation ARKANSAS*, facing p. 75.

force, 3 were employed at the command post under the stadium and 5 in communications work at the reserve center. The rest stood guard at Camp Robinson.

In accord with earlier planning, the principal decision-making responsibility for Little Rock operations was in the hands of Washington policy makers. The chief of staff, the secretary of the Army, the attorney general, and the president himself and his advisers all kept in close touch with the situation. According to General Taylor, the channel of responsibility reached from the president to the attorney general to the secretary of the Army before turning through the chief of staff of the Army to the troop commander in the field. "Neither the Secretary of Defense nor the Joint Chiefs of Staff were involved," Taylor said, "nor, I might add, did they want to be."³⁵

Prior to the arrival of the black students, General Walker addressed a student assembly. Speaking from a draft prepared by Colonel Easton the night before, he explained the mission of the troops in lucid and cogent terms and assured the students that they had nothing to fear from the soldiers. He then declared that he intended to do his duty and that anyone who interfered would be removed by the soldiers and turned over to the police. He ended with a plea for cooperation from the students. Only 1,250 members of the student body of 2,000 were present, however, and it is probable that a small but energetic minority of future troublemakers was not among them. As a harbinger of things to come, the first day was marked by a bomb scare, although no bomb was found by military and school personnel who conducted a search during a fire drill.³⁶

Beginning about 0800 a crowd gathered, milling around just beyond the perimeter established by the troops. Within it were reporters, photographers, and curiosity seekers. Although most partisans were argumentative rather than violent, several white youths stoned passing automobiles driven by blacks, and a group of white teenagers pinned a black delivery boy on a porch until troops came to his rescue. Meanwhile, the black students had been picked up in an Army station wagon with jeep escorts at the home of Daisy Bates, head of the NAACP in Little Rock. When they arrived, twenty-two airborne soldiers escorted them through the front entrance of the school while an Army helicopter circled overhead. At the end of the school day the same general procedure was used to return the children home.³⁷

With the arrival of the black students, the hostility of the crowd increased, as did its numbers. The line of troops buckled under the pressure, and as the airborne troopers sought to move the people away, two persons were slightly injured, one by the butt of a rifle and the other by a bayonet. A number of youths were turned over to the police, admonished, and released. Several adults who failed to move on were also taken into custody. Handed over to the city police, they were in turn delivered to the

³⁵ Maxwell D. Taylor, *Swords and Plowshares* (New York: W. W. Norton, 1972), p. 174. From the Army chief of staff the chain of command ran through DCSOPS and Brig. Gen. Francis T. Pachler, Director of Operations, through the special operations room or command post under Col. Robert C. Williams, chief of the Western Hemisphere Division. The Fourth Army handled administrative and logistical support through the commanding general, CONARC (Coakley, Operation ARKANSAS, p. 86).

³⁶ Record and Record, eds., *Little Rock, U.S.A., Materials for Analysis*, pp. 70–71; Blossom, *It Has Happened Here*, pp. 123–24; Huckaby, *Crisis at Central High*, pp. 41–48.

³⁷ Events of September 25, 1957, FBI Rpt 44–12284–990, 29 Sep 57, FBI files; Bates, *The Long Shadow of Little Rock*, pp. 101–06.



FEDERALIZED ARKANSAS NATIONAL GUARD ESCORTING BLACK STUDENTS AT CENTRAL HIGH SCHOOL

county sheriff. Despite the tension, the crowd around the school began to disperse in the early afternoon, and soon the vicinity was relatively clear. Nothing significant happened during the rest of the day, the only one on which the troops had to deal with a sizable crowd.³⁸ The show of force seemed to have accomplished its purpose. By Friday, tension had decreased enough for Walker to reduce the number of troops guarding the school from 319 to 270. That night, on assurances from the police and with approval from Washington, a football game and dance were held without incident.³⁹

Criticisms and Legal Views

As might be expected, angry criticism of the intervention reverberated across the United States. Some of it came from segregationist politicians, including powerful members of Congress, some from legal scholars and civil libertarians who questioned the methods rather than the purposes of the president. Senator Lyndon Baines Johnson of Texas asserted that “there should be no troops from either side [*sic*] patrol-

³⁸ Blossom, *It Has Happened Here*, pp. 121–23; Faubus, *Down from the Hills*, 1:277–78. See also photo in Huckaby, *Crisis at Central High*, facing p. 64.

³⁹ Anthony Lewis and *New York Times*, *Portrait of a Decade: The Second American Revolution* (New York: Random House, 1964), pp. 62–63.

ling our school campuses.” Senator Richard Russell of Georgia wired Eisenhower that the troops in Little Rock were “applying tactics that must have been copied from the manual issued to . . . Hitler’s storm troops.”⁴⁰

Russell’s charge elicited a firm rebuttal from the president. “Few times in my life have I felt so saddened as when the obligations of my office required me . . . to carry out the decisions of a Federal Court,” he told the senator. “Failure to act in such a case would be tantamount to acquiescence in anarchy and the dissolution of the union.” Eisenhower added that he failed to understand Russell’s comparison of American troops with Hitler’s storm troopers. “In one case military power was used to further the ambitions and purposes of a ruthless dictator; in the other to preserve the institutions of free government.”⁴¹

The criticism continued over the weeks that followed. Russell queried Brucker sharply about allegations that excessive force had been used and about the cost of the operation. He threatened a possible inquiry by the Senate Committee on Armed Services. Senator John L. McClellan of Arkansas meanwhile charged that Eisenhower’s use of troops in Little Rock was “without authority of law.” Newspapers were also a source of criticism, in the North as well as the South, and a number of southern state legislatures passed resolutions condemning the intervention.⁴²

On 25 September the Department of the Army inadvertently fueled the controversy by instructing CONARC to organize and train civil disturbance task forces of 1,000 to 1,200 men with stations in North Carolina, Georgia, Louisiana, and Kansas. The command was also to prepare contingency plans “as a precautionary measure in event troops are required in situations similar to that now current in Little Rock.” Secretary Brucker revoked the order the next day, when southern congressmen and senators protested on grounds that the troops were being alerted and trained to enforce integration throughout the South. On 11 October he released the text of the message to Senator Russell, who had become the spearhead of the protests, along with an explanation asserting that the order had been for routine training and denying that the units had been selected because of their geographical location.⁴³

In time, a complex legal debate developed along both partisan and scholarly lines over President Eisenhower’s use of troops in Little Rock. Governor Faubus later claimed that the legal manner of enforcement should have been through the use of U.S. marshals. Civil libertarians made the same rejoinder, asserting the propriety of at least an initial attempt to secure compliance through the use of federal marshals and deputy marshals. Overall, there was little reason to suppose that marshals would have been any more palatable than federal troops to those who opposed integration in Little Rock, but their “moral impact . . . could have been strong and their use could at least have been tested.”⁴⁴

⁴⁰ First quote from Eisenhower, *Waging Peace*, p. 171. Second quote from Adams, *Firsthand Report*, p. 356.

⁴¹ All quotes from Telg, Eisenhower to Russell, 28 Sep 57, *Public Papers of the Presidents: Eisenhower, 1957*, pp. 695–96. See also Eisenhower, *Waging Peace*, p. 173.

⁴² Ltr, Russell to Brucker, 27 Sep 57, in Operation ARKANSAS Black Book, tab B, ROA, RG 319, NARA. Quote is from Faubus, *Down from the Hills*, 1:278.

⁴³ Quote from Msg, Eddleman to Gen Wyman, CG, CONARC, DA 930103, 25 Sep 57, as cited in Coakley, Operation ARKANSAS, p. 89, and see also pp. 88, 90.

⁴⁴ Faubus, *Down from the Hills*, 1:270; Legal Questions on Federal Action, in FBI Rpt 44–12284–2673, 25 Nov 57, FBI files. Quote from Robert S. Rankin and Winfried R. Dallmayr, *Freedom and Emergency Powers in the Cold War* (New York: Appleton-Century-Crofts, 1964), p. 226. Paul J. Scheips, “Enforcement of the Federal Judicial Process by Federal Marshals: A Comparison of Little Rock and Oxford,” in *Bayonets in the Streets: The Use of Troops in Civil Disturbances*, ed. Robin D. Higham (Lawrence: University Press of Kansas, 1969), pp. 36, 52–54 (ns. 8–10).

All in all, the debate over President Eisenhower's response to the Little Rock crisis brought out nearly every possible argument on both sides of the question with the result that there was no comparable debate when military interventions occurred later in Mississippi and other places. Indeed, no new ideas on using troops in civil disturbances were put forward until a Colorado law professor, David E. Engdahl, advanced the argument in the 1970s that the use of troops in disorders that did not rise to a level that closed the courts violated the constitutional principle of due process of law.⁴⁵

In early November 1957 Attorney General Herbert Brownell prepared a formal legal opinion on the president's power to use troops in Little Rock. In it he traced the history of Governor Faubus' use of the National Guard to obstruct the federal court order, the court hearing of 20 September, Faubus' withdrawal of the Guard, and the disorder at the school which followed. Because the governor had failed to come to the aid of local authorities, Brownell argued that the president had the power both to federalize the Arkansas National Guard and to use regular troops to suppress existing violence and resistance to law. His powers as president under the Constitution authorized it, as did federal law, particularly Sections 332 and 333 of Title 10, *U.S. Code*.⁴⁶

Brownell went on to address the argument that Eisenhower's decision to intervene in Little Rock with federal troops had violated the Posse Comitatus Act of 1878, which forbade the use of the Army for law enforcement except as expressly authorized by the Constitution and laws of the United States. In fact, he said, the president had acted with careful attention to the provisions of the law, which had never been intended by Congress to impair powers the chief executive possessed under existing statutes. Whether federal courts had the power to review a governor's action in contravention of a federal court order had also come into question, the attorney general noted, but judicial prerogatives in cases of that sort had been affirmed and reaffirmed in a number of legal decisions.⁴⁷

A major issue at the time was whether a court decision might constitute a law of the land, which the president would have to execute. With reference to this matter, Robert S. Rankin, a former member of the U.S. Commission on Civil Rights, and his associate Winfried R. Dallmayr in 1964 cited *In re Neagle* (1890), which declared that the phrase "'a law of the United States' was not strictly limited to statutes." In *Cooper v. Aaron* (1958), in which the court unanimously reaffirmed its verdict in *Brown*, it declared categorically that "the interpretation of the Fourteenth Amendment . . . in the *Brown* case is the supreme law of the land." And as for the president's use of troops to enforce court orders, Rankin and Dallmayr found that the federal courts had neither ruled against it nor "voiced any doubt" on the subject. Still not everyone agreed on the status of a court order, and as late as 1986 Attorney General Edwin Meese attacked the "law of the land" finding in the *Cooper* case.⁴⁸

The sentiment regarding the constitutionality of using troops at Little Rock raised by those who opposed President Eisenhower's action not surprisingly received little

⁴⁵ David E. Engdahl, "Soldiers, Riots, and Revolution: The Law and History of Military Troops in Civil Disorders," *Iowa Law Review* 57 (October 1971): 1–73.

⁴⁶ 41 Op. A.G. 313–32 (1957). Brownell's opinion is reprinted in his memoirs, *Advising Ike*, pp. 365–82.

⁴⁷ 41 Op. A.G. 313–32 (1957). See also Laurie and Cole, *Role of Federal Military Forces*.

⁴⁸ First and third quotes from Rankin and Dallmayr, *Freedom and Emergency Powers in the Cold War*, p. 224 and p. 225, respectively, and on p. 224 citing *In re Neagle* 135 U.S. 1, 59 (1890). Second quote from *Cooper v. Aaron*, 358 U.S. 1, 18 (1958). "Fast Eddie v. Honest Abe" (editorial), *Nation* 243 (8 November 1986): 1.

consideration by the federal judiciary. In October 1957 a white Central High School mother, Margaret Jackson, went to court to enjoin Col. William A. Kuhn of the 101st Airborne Division and General Walker from policing and otherwise interfering at Central High on the grounds that Sections 332–34 of Title 10 of the *U.S. Code* were unconstitutional. Judge Ronald N. Davies of the U.S. district court dismissed the petition on the grounds that he lacked jurisdiction and that the suit contained no substantial constitutional issue. Upon appeal, the appellate court affirmed the lower court's dismissal, reasoning narrowly that Congress had not given the district courts jurisdiction over such cases.⁴⁹

Referring to President Eisenhower's use of troops in Little Rock, Warren Olney III of the Department of Justice stated unequivocally in a 1957 California address that "the legality of the action taken by the President will never be successfully challenged." Rankin and Dallmayr concluded that the legal arguments of the opponents of the president's action were for the most part "not very solid or persuasive."⁵⁰

Despite the legal objections and other criticisms of President Eisenhower's use of troops in Little Rock, the president remained firm in his belief that he had no choice but to uphold the law relating to the integration of Central High School regardless of his own conservative leanings. As for the legality of using troops, he had no doubt, as Attorney General Brownell had assured him, that he was acting fully in accord with the law. How burdensome the task would be that lay ahead after the immediate show of military force, no one could say. Seeking to allay fears, however, General Walker and his superiors in Washington now took steps to moderate the military presence as much as possible.

The Second Crisis

On Friday, 27 September, General Walker began to reduce troop densities in and around Central High. That evening, with assurances from the police and on approval from Washington, he allowed a football game and dance to go on as scheduled. To promote good public relations while giving the troops a recreational outlet, off-duty paratroopers were allowed to attend the game. They cheered for the Central High team. Although rumors of potential disruptions abounded, no incidents occurred.⁵¹

While tensions eased somewhat, General Walker looked toward a gradual reduction in the Army's role. To that end, on Sunday, 29 September, he ordered his troops to remove the bayonets from their rifles and shortly thereafter presented a plan which, among other things, sought to increase the employment of the National Guard in place of airborne troops during the daytime. The next day, Monday, normal traffic conditions were restored around the school; the troops stood guard without their gas masks; the troop cordon was discontinued, with jeep and walking patrols taking its place; and there were fewer hall guards inside the building. The black students were still escorted to school, but only a single officer accompanied them to the school door.

⁴⁹ *Jackson v. Kuhn*, 2 Race Rel. L. Rep. 1099 (1957); 254 F.2d 555 (8th Cir. 1958); 3 Race Rel. L. Rep. 447–51 (1958).

⁵⁰ Warren Olney III, "A Government Lawyer Looks at Little Rock," *California Law Review* 45 (1957): 523; Rankin and Dallmayr, *Freedom and Emergency Powers in the Cold War*, p. 217.

⁵¹ Except as otherwise cited, this section is based upon Huckaby, *Crisis at Central High*, pp. 47–56; Lewis, *Portrait of a Decade*, pp. 62–63. Elizabeth Huckaby was Central High's vice principal for girls.

At that time, Walker received permission to use guardsmen for daytime security inside the school. He made the change the next day, 1 October. As a precaution, since the regulars had impressed school administrators by giving the students “the feeling that no harassment of the black students would be permitted,” he kept one rifle company of airborne troops on alert in the gymnasium. Due to a request from faculty members that guardsmen remain “as much in the background as possible” when they took charge, General Walker returned disciplinary control of the students to the school’s administrators and teachers.⁵²

The decision proved premature. Tuesday started off badly at the school, with only one officer and eight enlisted men on call at the principal’s office, door guards only at the school’s stadium gates and main entrance, and hall security completely in the hands of teachers. Aware of the changes, thirty or more white students attempted to take advantage of the situation by trying to prevent the blacks from entering. They scattered when escort troops left their jeeps and headed toward the school’s steps, but name-calling, shoving, kicking, tripping, and the throwing of objects continued throughout the rest of the day. The guardsmen left discipline largely to overstretched school administrators and took few steps to intervene.

Although disorders continued around Central High, hopes had been high in Washington that a committee of southern governors that planned to meet both Faubus and Eisenhower would produce a solution to the impasse. When the meeting occurred, however, it proved to be less than productive. Headed by Luther Hodges of North Carolina, the governors told Eisenhower that Faubus had promised to maintain public order in Little Rock and to refrain from obstructing the federal court orders. Eisenhower sought personal assurances from Faubus but received in return only wired assertions that the governor would “again assume full responsibility” upon withdrawal of airborne troops and that “the orders of the federal court will not be obstructed by me.”⁵³

By this time, the president and his advisers had learned to look beneath the governor’s vague statements. The word *again* suggested to them that Faubus might once more use the Guard to frustrate the court’s orders, and the phrase *by me* suggested that he might allow others to do the obstructing. Eisenhower thus rejected Faubus’ reply, observing that it hardly constituted an assurance that the governor intended to use his full powers to uphold the orders of the court. Under the circumstances, he said, he had no choice but “to maintain Federal surveillance of the situation.”⁵⁴

In the absence of federal confidence in the Arkansas governor, the troops stayed, this time with a mission of protecting the black students. Their task, however, was complicated by a rotation that occurred among the troops on the morning of Tuesday, 2 October. When the men of the 3d Battalion, 153d Infantry, took charge of the building from the regiment’s 1st Battalion, they needed time to become familiar with the layout of the school’s hallways. In the interim, although the majority of white students either treated the black students decently or ignored them, a clique of bullies asserted itself. Occurrences of shoving, crowding, jostling, and jeering ensued, in the end compelling the guardsmen to assign two military escorts to each black student. Incidents ranged from minor indignities to outright physical attacks that inflicted

⁵² Quotes from Huckaby, *Crisis at Central High*, p. 51.

⁵³ Quotes from Eisenhower, *Waging Peace*, p. 174, and see also p. 173. Faubus, *Down from the Hills*, 1:307ff. The efforts of the Hodges Committee are treated in Adams, *Firsthand Report*, pp. 356–58, and in Burk, *The Eisenhower Administration and Black Civil Rights*, pp. 188–89.

⁵⁴ Quote from *Public Papers of the Presidents: Eisenhower, 1957*, p. 701. See also Eisenhower, *Waging Peace*, pp. 173–74; Faubus, *Down from the Hills*, 1:307ff.



GOVERNOR FAUBUS *during a radio-TV address about Central High*

bodily harm. Many went unnoticed or unpunished because the faculty members and guardsmen attempting to manage the school were already overstretched.⁵⁵

News of what was happening reached Secretary Brucker, and perhaps the president as well, via Daisy Bates, the head of the local NAACP. As a result, the secretary came to believe

⁵⁵ The remainder of this section is based upon Coakley, *Operation ARKANSAS*, pp. 107–18; Huckaby, *Crisis at Central High*, pp. 55–60; Bates, *The Long Shadow of Little Rock*, pp. 113–51; McGlasson, “The Forgotten Story of Little Rock,” pp. 4–5, 22–25.

that stronger action would have to be taken, for such bullying—if violent enough—might frustrate the effort to integrate the school by making attendance at Central High unbearable for the victims. Walker, accordingly, was instructed not to make further moves without the approval of the secretary's office.

Doubts about the willingness of the National Guard troops to act effectively also mounted. As a result, on the morning of Thursday, 3 October, General Walker again assigned a company of the 101st Airborne Division responsibility for the entire building. At that time, he changed the instructions for handling incidents to provide that, at the discretion of the high school principal, student troublemakers could be treated as adult civilian offenders. The National Guard units at the school, somewhat augmented in size and strength, remained responsible for the exterior of the building and for motor patrols. As for the black students, when they arrived at school they were to be escorted to the building's steps by a contingent of thirty guardsmen. From that point on, the airborne unit was to assume responsibility for their safekeeping.

That morning, the school's administrators suspended a number of white youths involved in recent attacks and warned that any student who participated in a walkout rumored to be slated for later that day also would be suspended. This approach proved effective. The black students experienced few significant difficulties. As for the walkout, if anything was planned it was a failure. A small body of students straggled out to stand across the street with a small group of their fellows who had not entered the school. Joined by some twenty to twenty-five adults, those individuals set the effigy of a black on fire, but most then moved off in an orderly manner when guardsmen arrived to put out the fire and disperse the crowd. One adult, Vernon Duncan, was turned over to the city police for failing to obey the order, and a girl who slapped a guardsman was turned over to school authorities. In all, there were only seventy absentees from school that day. All received notices of suspension. Duncan contested his arrest on the grounds that the president lacked authority to send troops to Arkansas, but in 1958 the Arkansas Supreme Court refused to rule on the matter, so the arrest stood.⁵⁶

The situation had been brought under control, but at some cost. The effort to turn the whole operation over to the National Guard had been delayed, and it was clear that the black students, their parents, and the NAACP had a definite preference for the regular troops. The gulf between regulars and guardsmen was wider than the Army realized. Not only did many of the guardsmen privately sympathize with the segregationists, but the secondary role they played left many with a sense of personal and collective resentment against the Army leadership. Their status as locals made them less impressive to students and less reassuring to blacks. Yet, given the orders they had received, their performance was often excellent, particularly in light of the segregationist sympathies of some of the men and the jeers and insults they received in the process of carrying out their duties.

The Slow Departure

For a time the situation in Little Rock seemed intractable. Governor Faubus was reaping political benefits from his defiance and had little incentive to bring the tension

⁵⁶ *Duncan v. Kirby*, 3 Race Rel. L. Rep. 434–37 (1958).

to an end. Indeed, he appeared inclined to take the opposite approach. On 7 October, for example, he addressed a letter to “Commanding General Occupation Troops”—meaning General Walker—charging that soldiers had looked into girls’ dressing rooms at the school. Investigations turned up no evidence to support his claim, but the allegation kept the pot boiling and provided the governor with much satisfaction. “Naturally . . .,” he observed in his memoirs, “the manner in which the letter was addressed stung the Federal officials deeply.”⁵⁷

With little forward motion apparent, federal authorities began to draw up long-term plans to maintain a force in Little Rock. The cost of keeping the Guard on active duty was running high—an estimated \$79,000 a day—because the entire force had been called out even though only a few units were in actual use. Meanwhile, by mid-October, the need to rotate airborne units in and out had become apparent. The troops had been diverted from their basic role in national defense and would begin to lose their combat edge unless returned to a normal training schedule.⁵⁸

Under the plan that emerged, 1,800 guardsmen would remain on duty in Little Rock. Formed around a nucleus of 1,080 members of the existing force who lacked the sort of hardship claims that could free them from duty, it would consist of 1,500 men fulfilling operational roles and 300 performing support duties. To meet contingencies, a reserve replacement pool of 1,000 additional men would remain on duty at home stations. As for the regular forces, the Deputy Chief of Staff for Military Operations, General Eddleman, raised a possibility that military police service might be extended, but the White House vetoed his proposal. Under the plan that finally emerged, about half the troops of the 1st Airborne Battle Group, 327th Infantry, would return to Fort Campbell while the rest remained in Little Rock to await units from another battle group that would replace them. In the end, however, practical problems developed, and after much unproductive effort elements of the 327th remained in Little Rock until the final withdrawal of all airborne troops on 27 November.⁵⁹

Surplus Army National Guard units were released in three increments, the last on 23 October. At that time, all Air National Guard units were also released. In all, some 6,114 Army and air guardsmen went home. Although the strength of the units available for duty at Little Rock was reduced to the planned level of 1,800 on 23 October, administrative holdups kept 2,023 guardsmen on duty for most of the next week. By 30 October, however, the alert force consisted of twelve units of the 153d Infantry and its supporting troops, plus General Clinger and part of his headquarters staff.⁶⁰

As the situation settled into routine, the Army sought to promote good public relations. Capt. William Madden, the young airborne officer who commanded the interior guard, sought to make himself and his subordinates useful to parents and teachers through numerous small acts of kindness. General Walker, for his part, appeared in varied lights, according to the predispositions of those who observed him. Blossom respected him. Governor Faubus, writing years later, conceded that “Gen. Walker did an effective job in a

⁵⁷ Quote from Faubus, *Down from the Hills*, 1:330. Huckaby, *Crisis at Central High*, pp. 62, 63.

⁵⁸ Coakley, *Operation ARKANSAS*, pp. 141–44.

⁵⁹ *Ibid.*, pp. 144–50.

⁶⁰ *Ibid.*, pp. 151–74.

high-handed manner.”⁶¹ But the editor of the *Arkansas Gazette*, Harry S. Ashmore, told a curious and troubling story about the general.

On a Saturday when the Little Rock Club was nearly empty, Ashmore related that he had shared a table with the “tall, handsome Ted Walker.” Since Walker avoided personal comments on the school situation, his conversation ran to other things. “The other things,” Ashmore related, “soon began to raise my hair.” The general gave him radical right-wing tracts about a Communist conspiracy that was said to control the United States government. He added that his own progress through the Army had been terminated by his assignment to the Arkansas Military District, which he viewed as proper for a man of lesser rank awaiting retirement. As he put it to Ashmore, “they” were responsible for this, the same “they” who had begun to plot against him as far back as his cadet days at West Point. Now “they” had brought him the final insult, a position in which he was duty bound to aid the Communists in their campaign against segregation. Ashmore became so concerned that he warned a high-ranking Army officer of his acquaintance during a later visit to Washington that the Army had “a public relations time-bomb ticking away in the Little Rock command post.” He received assurances, in return, that Walker’s superiors were well aware of the problem and that their own concern was one reason “why the public affairs colonel always did the talking when there was no way to avoid exposing the general to the press.”⁶²

The possibility that the federal commander shared the extreme views of segregationists added an air of unreality to an increasingly difficult situation. If General Walker’s personal beliefs and his oath as an officer were in conflict, his ability to manage the crisis effectively and fairly might be severely undermined. Superintendent Blossom saw what was happening. People were in no mood to discuss, he observed, or even to recognize that the issue was one of law and order. Instead, “the question of states’ rights and respect for law and order had become so inextricably mixed and confused with the question of whether ‘niggers’ could attend Central . . . that calm discussion was almost impossible.”⁶³

Given this situation, no sudden departure of all the troops was possible. Without some form of federal presence, segregationists would almost certainly force the black students out of Central High School by one means or another. In addition, local political changes were imminent, including the appointment of a new police chief, a change-over to a city-manager form of government, and an election to choose seven members of a new city council. The uncertainty that accompanied these developments could only complicate the situation at the school and increase the importance of the Army’s role in maintaining order.⁶⁴

The outcome of the local election nonetheless provided some hopeful signs. When moderates won, Secretary of the Army Brucker seized the moment as an opportunity to move ahead with troop reductions. Shortly thereafter, on 8 November, Air Force planes carried 175 paratroopers home to Fort Campbell. A land convoy followed the next day

⁶¹ Quote from Faubus, *Down from the Hills*, 1:304. Blossom, *It Has Happened Here*, p. 114; Huckaby, *Crisis at Central High*, pp. 49, 57–71.

⁶² Ashmore, *Hearts and Minds*, pp. 284–85.

⁶³ Blossom, *It Has Happened Here*, p. 139.

⁶⁴ *Ibid.*, pp. 144–45. For more on elections, see Freyer, *The Little Rock Crisis*, p. 140.

with forty vehicles and eighty-one men. By 10 November all that remained of the airborne battle group in Little Rock was a small task force of riflemen and a small headquarters detachment. At that time, General Walker selected six of the twelve National Guard units on duty for release. They were processed at Camp Robinson on 9 and 10 November. Concurrently, the Fourth Army began to withdraw its forces, reducing both the number of support units and the size of the augmented staff at Walker's headquarters.⁶⁵

Seeking to reduce the size of the guard detail at Central High School, General Walker presented the DCSOPS with detailed plans for completing the removal of regular troops from the location and for the reduction of the National Guard units. Quickly approved, these moves were promptly carried out. On 7 November Walker eliminated the hallway guard, the outside guard, and the patrols around the school, and removed the last of the escorts for individual black students. On 13 November the paratroopers left the interior of the school to the protection of the guardsmen, whose own numbers also decreased steadily.⁶⁶

Authorities in Washington watched closely when, except for a small force to support the National Guard, the last of the airborne troopers departed Little Rock on 27 November. Secretary Brucker instructed the Counter Intelligence Corps to maintain protective surveillance of the black students, to step up its reporting on the general situation in Little Rock, and to brief him daily on developments.⁶⁷

Little changed, if only because neither side was willing to give way. Governor Faubus refused to guarantee the right of black students to attend Central High School; extreme segregationists remained resolved to back him; and those who supported the court and its decision were determined to uphold the law. Meanwhile, the great mass of Little Rock's white citizens peaceably opposed integration, and the new city government, despite its moderation, reflected the will of those who had elected it. As a result, if city officials seemed to appreciate the problems of military authorities, they showed no willingness to take responsibility themselves.⁶⁸

The attitude of Washington agencies added to the inertia. On 7 October, officials of the Department of Justice—among them J. Edgar Hoover, Warren Olney III, and then-Deputy Attorney General William P. Rogers—agreed that the attorney general should advise the president to pursue a policy of inactivity as far as prosecutions for crimes in Little Rock were concerned. The conferees believed that action against offenders “would tend to solidify the Faubus forces” and might produce “a bad public reaction.”⁶⁹

When Rogers succeeded Brownell as attorney general in October, inactivity appears to have become the rule. By that time or shortly thereafter, some fifty-six persons had been arrested on various charges connected with disorders at the school, but the local police court had deferred the cases. On 20 November, in a move that Elizabeth Huckaby

⁶⁵ Coakley, *Operation ARKANSAS*, pp. 184–91.

⁶⁶ *Ibid.*, pp. 189–91; Huckaby, *Crisis at Central High*, pp. 64–107, for reports on the black children's attitudes toward their military guards and a day-by-day account of activities at Central High during October, November, and December.

⁶⁷ Coakley, *Operation ARKANSAS*, pp. 197–200. See also Joan M. Jensen, “Military Surveillance of Civilians, 1917–1967,” in U.S. Congress, Senate, *Military Surveillance*, Hearings Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary on S. 2318, 93d Cong., 2d sess., 9, 10 April 1974, p. 176.

⁶⁸ Coakley, *Operation ARKANSAS*, p. 199.

⁶⁹ Director's Memo, 7 Oct 57, in FBI Rpt 44–12284–2673, 25 Nov 57.

found “disappointing, but not unexpected,” a municipal judge had even freed thirteen whites charged with violence.⁷⁰ Of seven persons fined, six had their fines suspended. Superintendent Blossom pressed the Department of Justice to begin federal proceedings against offenders, but when the local U.S. attorney attempted to prosecute several ring-leaders in the September disorders, he ran into legal and policy obstacles. In the end, the cases never went to court, apparently on grounds that officials had authorized arrests without warrants.⁷¹

In that context, with the local police convinced that arrests were futile, the burden of maintaining order at Central High continued to rest on the National Guard. The school board was more than happy to have the guardsmen remain on duty, but for Army authorities determined to extricate their men from a task that had nothing to do with their principal responsibilities, the prospect of an open-ended assignment was discouraging. The only possible course available was the one that had worked so well with the paratroopers—piecemeal reductions in force carefully calculated to take advantage of positive swings in the public mood.⁷²

The final withdrawal of the Army from Little Rock proved to be an arduous process. During December Walker proposed reductions in the Guard force at the school, the adoption of a liberal Christmas pass and leave policy affecting 70 to 75 percent of the guardsmen, and an effort to cut by half the number of men on duty before Christmas. After some hesitation Secretary Brucker agreed, and Walker rapidly pared the Guard’s strength to about 430 men. Those moves notwithstanding, Army officers both in Little Rock and Washington remained frustrated, believing that the troops had fulfilled their mission and should be released. At the beginning of January, as a result, Walker submitted a new plan that called for the phased withdrawal of the forces at the school, beginning with the night guard and moving progressively through reductions in patrols around the school; the gradual removal of hall guards; reductions in the basement reserve; removal of the last troops inside the school to Camp Robinson, where they would serve as a ready reaction force; and, finally, the withdrawal of all troops to Camp Robinson. The Army approved the first four steps in principle, requesting notification forty-eight hours in advance of each step.⁷³

Although Walker began the withdrawals and completed the first two steps of his plan, when school opened on 2 January after a Christmas break, continued threats and harassment of black students by segregationists forced him to set the plan aside for a time. The departure of regular troops had led many local citizens to believe that the worst of the problems at Central High had ended, but segregationists were determined to keep the issue alive through speeches and publicity to rally resistance to integration on the part of whites and through continuation of the campaign of petty harassment. Shortly after the start of school, nuisance phone calls began to threaten members of the high school staff, the superintendent of schools, and individuals on the school board. There were also some forty-three bomb scares, not all of which were hoaxes. At least one uncapped stick of dynamite was found at the school. A homemade bomb

⁷⁰ Quote from Huckaby, *Crisis at Central High*, p. 86.

⁷¹ Blossom, *It Has Happened Here*, pp. 197–98; Director’s Memo, 7 Oct 57, in FBI Rpt 44–12284–2673, 25 Nov 57.

⁷² Coakley, Operation ARKANSAS, pp. 201–03.

⁷³ *Ibid.*, pp. 206–09.



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was also discovered in a student's locker—a long, thin bottle filled with gunpowder and shot—according to Blossom, “with a fuse about eighteen inches long” that had been lighted but had gone out. Meanwhile, black students were tripped, taunted, pushed down stairwells, and otherwise tormented. When one of them, Minnijean Brown, was expelled for retaliating against her tormentors, segregationists printed and distributed cards and posters that read, “One Down . . . Eight to Go.”⁷⁴

Despite those other incidents, Walker viewed discipline at the school as the primary responsibility of the school board and pushed for permission to proceed with further troop reductions. School authorities would never meet their full responsibility, he argued, until faced with continuing withdrawals. The presence of troops at Central High also played into the governor's hands by giving him a good issue in the coming

election. At first Secretary Brucker resisted, but as quiet days ensued during March and Blossom signaled his willingness to cooperate, he decided to go along with Walker's wishes and to execute the next step in the general's phased withdrawal. On 24 March, as a result, the interior guard at the school fell to ten men. The change involved little reduction in security. Despite the reduction in operational levels, the number of troops on hand in Little Rock remained relatively static throughout the period, falling mainly as the result of expired enlistments from 420 at the beginning of February to 408 at the end of March.⁷⁵

April was also a quiet month, prompting Brucker to consider further reductions. On 2 April, during Easter break, he allowed Walker to discontinue foot patrols operating out of the school basement. From then on, at irregular intervals, the two remaining motorized patrols dismounted at the school and walked around it. Later in the month, when Brucker indicated that he was willing to experiment with temporary, brief withdrawals of all guards, Walker acted accordingly. On 24 April, precisely seven months after the arrival of federal troops, he removed all troops from the school. The day passed without any report of trouble.⁷⁶

By the end of April the long-delayed final decision on what should be done at the end of the school year loomed. The president, acting on the advice of his chief of staff, Sherman Adams, and Secretary Brucker, determined to defederalize the Guard.

⁷⁴ Ibid., p. 226; Blossom, *It Has Happened Here*, pp. 154–55, describes the bomb; Huckaby, *Crisis at Central High*, pp. 143–69. For the case of Minnijean Brown and the unending harassment and mistreatment of black students at Central High School, see Melba Pattillo Beals, *Warriors Don't Cry: A Searing Memoir of the Battle To Integrate Little Rock's Central High School* (New York: Pocket Books, 1959), and for Minnijean's expulsion, see pp. 218–45, *passim*.

⁷⁵ Coakley, *Operation ARKANSAS*, pp. 259–62.

⁷⁶ Ibid., pp. 264–66; Huckaby, *Crisis at Central High*, p. 197.

He formally announced his decision on 8 May, releasing the Arkansas National Guard from federal service on 29 May 1958. Following that date, he said, "state and local officials and citizens will assume their full responsibility and duty for seeing that the orders of the Federal Court are not obstructed. The faithful execution of this responsibility will make it unnecessary for the Federal Government to act further to preserve the integrity of our judicial processes."⁷⁷

The Army's principal remaining problem was to ensure that nothing happened before the end of the school year to obstruct the court order. Walker proposed a plan that would back up the local police rather than usurp their functions. The school board did its part, hiring six civilian guards to man stations at the high school during the examination period. There was no official explanation of their presence, and most students apparently thought they were FBI agents—a useful misconception. The single black senior, Ernest Green, passed his final examinations, as did all the other black students. One, Carlotta Walls, made the honor roll.⁷⁸

In the ongoing preparations for the graduation ceremonies, the city police were determined to prevent further disturbances and to relegate the Army to a supporting role. They undertook the primary responsibility for policing the stadium and the surrounding area at both the baccalaureate and graduation ceremonies, asking only that the Army provide a reserve. Nevertheless, Secretary Brucker held General Walker responsible for seeing that the affair took place without incident, and the FBI assisted by looking for sniper positions in the upper windows of houses overlooking the stadium. Thus Central High's first integrated baccalaureate service went off smoothly, observed from the stands by Martin Luther King, Jr., who had been the commencement speaker that morning at an all-black college in Pine Bluff, Arkansas. The later commencement went just as quietly, although Green was left to march alone, without a partner. On 28 May, the last day of school at Central High, no tension was apparent, and "almost everyone was in a gay mood."⁷⁹

The troops spent their last day at Camp Robinson breaking camp and processing for their release from military service. By 1310 (CST), 29 May, the last of them had been discharged. Apparently they suffered no loss of prestige in Arkansas because of their actions at Little Rock. Although one of the black students, Melba Pattillo Beals, later recalled the guardsmen as unprofessional and generally of little help to her, historian Robert Coakley was highly complimentary of the Guard. No guardsman, he observed, "legally obligated to report failed to do so because he opposed the purpose for which the Guard had been called." The guardsmen were "dutiful to federal authority," he added, regardless of their own feelings and "carried out their assigned tasks faithfully." He concluded that "the triumph of the federal authority in this test was as significant . . . as that achieved in enforcing the court order." Speaking for the local soldiers, a writer in the *National Guardsman* advised the Army leadership, in any similar operation in the future, to take the Guard into its confidence and "call on them for the advice and guidance for which their experience

⁷⁷ Coakley, *Operation ARKANSAS*, pp. 269–73. Quote from *Public Papers of the Presidents: Eisenhower, 1958*, p. 387.

⁷⁸ Coakley, *Operation ARKANSAS*, pp. 276–78; Huckaby, *Crisis at Central High*, pp. 206–07.

⁷⁹ Quote from Huckaby, *Crisis at Central High*, p. 217, and see also pp. 207–16. Blossom, *It Has Happened Here*, pp. 174–75.

has fitted them.” Guardsmen should be involved in “the planning phase as well as the later operational stage,” and all regular officers needed orientation “on the role, operational and logistical requirements and limitations of National Guard units.”⁸⁰

The Department of the Army’s instructions ending the Little Rock operation were brief. Issued on 28 May to both General Walker and the Continental Army Command, they stipulated that the provisions of the messages dispatched on 24 September 1957 outlining the operation and its chain of command were to be terminated as of midnight (CST), 29 May 1958. Five days later, at the time specified, having achieved considerable success but without fanfare of any sort, the mission to Little Rock ended. It had lasted, as an operational summary prepared in Washington later noted, “far longer than anyone could have anticipated when it began.”⁸¹

Epilogue

One year later, statisticians working for the Comptroller of the Army put the total cost of the Army portion of the operation at \$4,898,167. Of that amount, \$3,986,953 went for the federalized National Guard. Information received informally from the Air Force put the cost to that service at \$435,712—an estimated grand total for the armed services of \$5,333,879.⁸² In retrospect, the sum was a small price to pay to guarantee the judicial process and to secure constitutional and civil rights too long denied to America’s black citizens.

The intervention, however, hardly ended the struggle over desegregation in Arkansas. Instead, on 20 June, less than a month after the troop withdrawal, in *Cooper v. Aaron*, U.S. District Court Chief Judge Harry J. Lemley, Sr., granted a petition by school authorities who had requested a 2½-year delay in the school integration program. “Troops,” the judge said in his decision, “cannot reduce or eliminate racial tensions, or create a climate that is conducive to education.” The NAACP appealed. On 18 August the U.S. Circuit Court of Appeals for the Eighth Circuit in St. Louis reversed the decision, but three days later stayed its own mandate. The NAACP then turned to the U.S. Supreme Court, which heard the case in a rare special session.⁸³

As those events unfolded, Governor Faubus on 29 July won the Democratic primary by an overwhelming vote, which was tantamount to election to a third term. One month later, on 22 August, students began to register for the fall term at Central High School. Faubus promptly called a special session of the state legislature, which passed a series of school segregation measures. Two hours later, possibly with an eye to the Supreme Court’s pending decision, he issued a proclamation closing all of Little Rock’s senior high schools.

⁸⁰ Beals, *Warriors Don’t Cry*, pp. 163, 168, 170, 171–72, 183; Coakley, “Federal Use of Militia and the National Guard in Civil Disturbances: The Whiskey Rebellion to Little Rock,” in *Bayonets in the Streets*, ed. Higham, p. 30; McGlasson, “The Forgotten Story of Little Rock,” pp. 24–25.

⁸¹ Summary of Operation ARKANSAS, in Operation ARKANSAS Black Book, tab A, ROA, RG 319, NARA.

⁸² Estimated Cost to the Army Resulting from Federalization of the Arkansas National Guard and Use of Active Army Military Personnel at Little Rock, 24 September 1957–29 May 1958 (Direct Obligations), 4 Sep 58, in Operation ARKANSAS Black Book, tab H, ROA, RG 319, NARA.

⁸³ The district judge’s opinion in *Cooper v. Aaron* is in 3 Race Rel. L. Rep. 630–41 (1958). It is abstracted in Record and Record, eds., *Little Rock, U.S.A., Materials for Analysis*, pp. 96–104, with the quote on p. 102. See also *Cooper v. Aaron*, 358 U.S. 1 (1958).

The schools remained closed over the troubled year that followed, forcing many students, black and white, to seek their education elsewhere. Meanwhile, Superintendent Blossom was discharged, and a new school board elected. On 12 September 1958, however, the Supreme Court unanimously affirmed the circuit court's decision to reinstate integration in Little Rock. From there on, the end was in sight. When Little Rock finally reopened its high schools in August 1959, they were integrated.⁸⁴

By then the issues raised in Arkansas had become widespread in the old Confederacy, and schools in Norfolk, Charlottesville, and Warren County, Virginia, were under court orders to integrate. During the summer of 1958, Army staff officers studied the problems of school integration in both Arkansas and Virginia, and Maj. Gen. George W. Hickman, the Army's judge advocate general, stayed in close touch with the Department of Justice "to insure a clear understanding of that agency's plans." In addition, the Army closely followed state legislative actions and tried to assimilate the lessons learned at Little Rock.⁸⁵

Early in September, a proposal drafted by the Department of Justice surfaced in Washington at a meeting of Army staff officers called by Hickman. It suggested that the Army employ the National Guard Bureau to send a special notice to members of the Arkansas National Guard on legal matters of specific concern to them. That communicate would specify that it was a crime to interfere with any U.S. law enforcement officer while engaged in his official duties, including the serving or executing of a legal writ or process of any U.S. court; that it was also a crime willfully to deprive any person of rights protected by the U.S. Constitution and laws; that disobedience to an officer, including a governor, relative to the foregoing, would not constitute a court-martial offense because the order would be illegal; and that the injunction of 21 September 1957, which enjoined the governor and Arkansas National Guard from preventing integration at Central High School, was still in force. When the officers at the meeting apparently opposed the suggestion on grounds that it could only cause more trouble, the Department of Justice withdrew it.⁸⁶

In retrospect, many details of the intervention had bordered on the absurd. That national policy makers should have had to shape their decisions in response to reports of scuffles in school hallways was unusual, to say the least. The spectacle of a few children attending school behind a wall of bayonets embarrassed America's friends, delighted its foes, and baffled well-intentioned people throughout the world who knew little of the long, dark history of American slavery and racism.

Yet the crisis at Little Rock had historic dimensions. The first case of federal military intervention in a domestic disorder since World War II, it served both as a portent of things to come and as a guide to future action. For a generation, Army planning had assumed that troops would be used on the request of a state governor to assist him in restoring law

⁸⁴ Silverman, *The Little Rock Story*, pp. 21, 22, 28; Blossom, *It Has Happened Here*, pp. 184–85; Talking Paper, 15 Sep 58, in Black Book, tab F, ROA, RG 319, NARA.

⁸⁵ Quote from Draft Memo, Hickman for Brucker, 19 Aug 58. See also Draft untitled paper on the Army Staff's surveillance and study of the "School integration problem," n.d. [c. 5 Sep 59], in Black Book, tab F, ROA, RG 319, NARA.

⁸⁶ Draft MFR, Lt Col Winston L. Olson, General Staff (GS), 3 Sep 58, and Memo, Maj Gen Francis T. Pachler, Dir, Opns, ODCSOPS, for CofSA, 12 Sep 58, sub: Little Rock, both in Black Book, tab F, ROA, RG 319, NARA.

and order. Yet at Little Rock, Eisenhower acted to enforce court orders in opposition to a governor, under a law originally passed in 1792, together with a statute enacted during Reconstruction, and established a precedent for federal interventions that soon occurred elsewhere.⁸⁷ Although the legal precedents were old, the events at Little Rock brought important changes in procedures. Among the new approaches introduced by President Eisenhower's intervention were the use of a mixed force of National Guard and regular forces and the establishment of arrangements that kept strict control of the operation in the hands of top officials, civilian and military, of the Department of the Army in Washington. Even when the disorders associated with desegregation in the South were over, these changes remained in place when the Army intervened in the North and West under the orders of future presidents in response to requests from governors harassed by urban rioting. The legal basis for using troops would be different then, but many of the patterns of response set at Little Rock endured.

For the immediate future, the lesson of Little Rock was that those who resisted integration might do so in a variety of legal ways. However, employing the National Guard against the courts on a plea of suppressing disorders caused by the segregationists themselves was not an option.

⁸⁷ The statutes cited by President Eisenhower referred to here are found in Title 10, U.S.C., Sections 332 and 333, respectively. On the statutes from which these sections are derived, see the relevant section in chapter 1, above.

CHAPTER 4

The Road to Oxford

We . . . must avoid another Little Rock. . . . It is not only that such incidents do incalculable harm to the children, . . . seriously undermine respect for law and order, and cause serious economic and moral damage. Such incidents hurt our country in the eyes of the world.

—Robert F. Kennedy, 6 May 1961.

As the decade of the 1960s opened, the troubles in Arkansas were behind the nation but hardly forgotten, especially in the Deep South, where “Remember Little Rock” remained a battle cry for the unreconstructed. Although public school desegregation came almost to a halt in the South in the wake of Little Rock and then moved ahead at an exceptionally slow pace, blacks were nonetheless determined to push ahead on other fronts.¹

They reached a significant new milestone in their effort to attain full citizenship on 1 February 1960, when four black students at the North Carolina Agricultural and Technical College in Greensboro sat down at a segregated lunch counter in a Woolworth’s department store and ordered coffee. Denied service, they occupied their seats until closing time and then returned the next day. Along with them came other students, soon to be joined by pickets who marched outside.

The incident was hardly a first of its type. Other sit-ins had occurred before, both as a means of protest and a vehicle of change, but such occurrences had been relatively isolated. After Greensboro they became much more common. Sympathetic whites began to join thousands of blacks not only in sit-ins but also in parades and other demonstrations. Within a few months the movement had spread to all the southern and border states and to Nevada, Illinois, and Ohio—some twenty states in all—compelling the integration of many public facilities.²

As direct, nonviolent action spread, national support for the equal rights movement grew. Congress passed the Civil Rights Act of 1960, making the use of threats or force to obstruct federal court orders a federal crime punishable by fine or imprisonment. Other

¹ John T. Elliff, “The United States Department of Justice and Individual Rights, 1937–1962” (Ph.D. diss., Harvard University, 1967. New York: Garland Publishing, 1987), p. 621.

² Lewis, *Portrait of a Decade*, pp. 85–87; Miles Wolff, *Lunch at the Five and Ten, the Greensboro Sit-ins: A Contemporary History* (New York: Stein and Day, 1970); Lester A. Sobel, ed., *Civil Rights, 1960–66* (New York: Facts on File, Inc., 1967), pp. 5–20; Louis E. Lomax, *The Negro Revolt* (New York: New Library of World Literature, 1963), pp. 137–39; Benjamin Muse, *Ten Years of Prelude: The Story of Integration Since the Supreme Court’s 1954 Decision* (New York: Viking Press, 1964), pp. 204–06.



LUNCH COUNTER SIT-IN AT WOOLWORTH'S IN GREENSBORO, NORTH CAROLINA

provisions imposed severe punishments ranging from heavy fines to the death penalty for fleeing across a state line to avoid prosecution for burning or bombing a building, for destroying or stealing election records, or for causing death in a bombing. The act also provided for federal registration of black voters in areas where local discrimination could be proved in court.³

Notable, as well, were the positive positions that both major political parties took on the *Brown* decision in their 1960 party platforms, in contrast to their obvious lack of enthusiasm four years earlier. Massachusetts Senator John F. Kennedy, the Democratic candidate, criticized President Eisenhower for a lack of leadership, hinting that if Eisenhower had made it clear that the *Brown* ruling should be enforced, he might have avoided the trouble at Little Rock. Kennedy suggested, however, that if force had indeed been necessary in Little Rock, Eisenhower should have used federal marshals instead of troops.⁴

Kennedy endorsed the sit-ins, but his brother Robert, a close adviser, sought to soften his stand by explaining that the endorsement was meant only for those that were “peaceful and legal.”⁵ This was a politically shrewd interpretation of what the candidate had said, for in the absence up to that time of a Supreme Court ruling on

³ Sobel, *Civil Rights, 1960–66*, pp. 20–27.

⁴ Donald Bruce Johnson and Kirk H. Porter, comps., *National Party Platforms, 1840–1972*, 5th ed. (Urbana: University of Illinois Press, 1975), pp. 599, 618–19.

⁵ Quote from Carl M. Brauer, *John F. Kennedy and the Second Reconstruction*, Contemporary American History Series (New York: Columbia University Press, 1977), p. 35, and see also pp. 32–34, 36–60.

the matter, white southerners commonly regarded the sit-ins as illegal, as they were under local laws. In the November election, Kennedy won by a narrow margin.

By then, segregationist states were under heavy federal pressure to yield to integration. Much of the upper and urban South gave in reluctantly, with Virginia turning against massive resistance in 1959. Other portions of the South were more intransigent. New Orleans began integrating its public schools on court order in 1960, but minor disorders and school boycotts by whites extended over the next two years, with some incidents serious enough to require intervention by federal marshals. Much of the Deep South, especially its rural areas, remained even more obstinate. "By 1960," according to political scientist John P. Roche, "it was clear that little short of physical force or a clear willingness to employ force by the federal government would dislodge segregation in the Black Belt states of Mississippi, Alabama, and South Carolina."⁶

Freedom Rides

In April 1961 James Farmer of the Congress of Racial Equality (CORE) announced that he would lead an effort to test a recent U.S. Supreme Court ruling in *Boynton v. Virginia* (1960) that integrated bus terminals and declared a citizen's right to interstate travel free of discrimination. This would be done by means of "freedom rides" on buses traveling through the South from Washington, D.C., to New Orleans via Alabama and Mississippi. An extension of the sit-ins, the freedom rides represented the new direct-action phase of the civil rights movement. They posed the first serious challenge to the Kennedy administration on civil rights and emphasized the contradiction between the administration's declared support and its reluctance to use force even when nothing but force or the threat of force could succeed.⁷

Preoccupied with other matters, particularly the abortive Bay of Pigs invasion of Cuba in April 1961 and plans for the president's meeting with Soviet Premier Nikita Khrushchev in Vienna in early June, the Kennedy administration at first paid little attention to the rides. As a result, despite letters from Farmer to the new president and Attorney General Robert F. Kennedy seeking protection for the riders, who would number more than a thousand persons by the end of May, both apparently became aware of what was happening after trouble broke out by reading the newspapers.⁸

The first of the freedom riders, a small, integrated group of thirteen, set out from Washington, D.C., on 4 May 1961. Moving south in two buses, one from Greyhound and the other from Trailways, the group encountered little serious opposition until

⁶ John P. Roche, *The Quest for the Dream: The Development of Civil Rights and Human Relations in Modern America* (New York: Macmillan, 1963), p. 248; Muse, *Ten Years of Prelude*, pp. 146–47, 160–77; idem., *The American Negro Revolution: From Nonviolence to Black Power, 1963–1967* (Bloomington: Indiana University Press, 1968), p. 133.

⁷ While accounts of the freedom rides are many, the best is by Taylor Branch, *Parting the Waters: America in the King Years, 1954–63* (New York: Simon and Schuster, 1988), pp. 412–91. For other accounts, see Lomax, *The Negro Revolt*, pp. 144–59, 246–49; Edwin O. Guthman, *We Band of Brothers* (New York: Harper & Row, 1971), pp. 48, 107, 113, 154–78; Victor S. Navasky, *Kennedy Justice* (New York: Atheneum, 1971), pp. 14, 20–24, 123–24, 170, 196, 204–06, 282.

⁸ Branch, *Parting the Waters*, pp. 412–13; Guthman, *We Band of Brothers*, pp. 166–67; Sobel, *Civil Rights, 1960–66*, pp. 61–62; Lomax, *The Negro Revolt*, pp. 149–50; "Defiant Governor: John Malcolm Patterson," *New York Times*, 22 May 61.



SOME FREEDOM RIDERS NEAR A BURNING GREYHOUND BUS IN ANNISTON, ALABAMA

it reached Anniston, Alabama. There, a mob fire bombed the Greyhound bus, which arrived first, completely destroying it. Although the passengers managed to escape with the aid of a state investigator on the bus, the attackers then set upon the freedom riders until Alabama state troopers arrived. When the second bus reached Anniston, eight toughs boarded it, obviously with connivance of the local police, and savagely beat the freedom riders. Despite this attack, the bus went on to Birmingham, Alabama, where, on Sunday, 14 May, Ku Klux Klansmen beat the riders, again with police connivance. Public safety commissioner T. Eugene “Bull” Connor’s excuse for the late arrival of the police (who did not arrive for fifteen minutes) was that the force was short-handed on account of Mother’s Day. When no bus driver would take the riders on to New Orleans, Louisiana, without assurances of protection, the riders flew directly to New Orleans. A new group then arrived from Nashville, Tennessee, to take their place.⁹

The violence received much publicity and appeared to compel federal action. President John F. Kennedy insisted that no intervention occur until state authorities had made a “maximum effort” to handle the problem themselves. Meanwhile, Attorney General Kennedy instructed his deputy, Byron White, to plan for possible federal intervention but also sought commitments from Alabama officials that

⁹ Branch, *Parting the Waters*, pp. 413–29.

they would protect the freedom riders. The state's governor, John M. Patterson, demurred at first but later gave assurances that Alabama would keep the peace and protect all persons anywhere in the state without federal assistance. Whatever his words, no visible change in policy followed. A former political ally of the Kennedys, Patterson became difficult to reach by telephone, as even the president himself discovered.¹⁰

With those vague assurances in hand and with the attorney general having prevailed upon the Greyhound Company to find a driver, on Saturday morning, 20 May, an interracial group of twenty-one freedom riders, eighteen blacks and three whites, left by bus from Birmingham for Montgomery. The bus was escorted at high speed by local police to the city line and then by state troopers to the outskirts of Montgomery. When the group arrived at its destination, despite assurances to the contrary, no police were present, only a mob of some 200 whites armed with pipes, sticks, clubs, and other weapons. In the melee that followed, an aide to Robert Kennedy, John Seigenthaler, was among the injured. Although Governor Patterson allegedly regretted the failure of the police to prevent trouble in Montgomery, that afternoon he issued a statement declaring that if Alabama intended to maintain law and order it could not escort rabble rousers from city to city for the avowed purpose of disobeying the law.¹¹

In Washington, meanwhile, White sought an alternative to the use of troops (which the Kennedys did not want) should intervention become necessary. When he recommended marshals, the Kennedys readily agreed because federal marshals were certainly preferable to the armed troops on political grounds. The president could call them into action without issuing a proclamation or identifying himself with the move in any public way. He just had to issue a written order to his brother, the attorney



BULL CONNOR

¹⁰ Quote from Elliff, "Dept. of Justice and Individual Rights," p. 676, and see also pp. 677, 696. Inters, Anthony Lewis et al. with Robert Kennedy and Burke Marshall, 1964–1965, 4 Dec 64, John F. Kennedy Library, Boston, Mass. (hereafter cited as A. Lewis, Kennedy-Marshall Inters), in *Robert Kennedy in His Own Words*, ed. Edwin O. Guthman and Jeffrey Shulman (New York: Bantam Press, 1988), pp. 547–54; Sobel, *Civil Rights, 1960–66*, pp. 61–62; Lomax, *The Negro Revolt*, pp. 149–50; "Defiant Governor: John Malcolm Patterson," *New York Times*, 22 May 61.

¹¹ Branch, *Parting the Waters*, pp. 443–48; Navasky, *Kennedy Justice*, pp. 22–23, 123–24; W. H. Lawrence, "State Is Warned," *New York Times*, 23 May 61; and the following articles in the *New York Times*, 21 May 61: "Freedom Riders Attacked by Whites in Montgomery," "White Youth Seriously Hurt," "President's Representative Hurt Helping Girl Escape Violence," "Texts on the Montgomery Riots," and "Patterson Vows To Uphold Laws."



GOVERNOR PATTERSON

general, privately instructing him to use the powers at his disposal for dealing with a threat to the peace.¹²

There was, however, a problem with this approach. The number of federal marshals and deputy marshals in the country was small, and some of them were middle-aged and unprepared for arduous duty. Moreover, only a few had received the special training in the techniques of riot control that Attorney General Rogers had provided following Little Rock. None of the other law enforcement agencies were better prepared. Given these circumstances, the Department of Justice drew up plans to augment the small force of trained marshals and deputy marshals with a few selected men from other agencies, including the Bureau of Prisons of the Department of Justice, the Alcohol and Tobacco Tax Division of the Department of the Treasury, and the U.S. Border Patrol of the Immigration and Naturalization Service.

¹² This and the following paragraphs are based upon A. Lewis, Kennedy-Marshall Intervs, 4 Dec 64, in *Robert Kennedy in His Own Words*, pp. 555–56; Memo, Clive W. Palmer, Exec Asst to the Dep Atty Gen, for Byron White, Dep Atty Gen, 25 Jul 62, sub: Report of the Activities of the Executive Office for United States Marshals for the Months of May and June 1961, in Records of the Army Staff, RG 319, NARA, hereafter cited as Palmer Memo; *Annual Report of the Attorney General of the United States for the Fiscal Year Ended June 30, 1961*, p. 23; Branch, *Parting the Waters*, p. 435; Guthman, *We Band of Brothers*, pp. 169–73.

On 16 May the Department of Justice placed White's force, which numbered 400 or more, on a one-hour alert. The force moved to Montgomery by air and automobile on Saturday and Sunday, 20–21 May, assembling at Maxwell Air Force Base on the edge of the city. There, in compliance with the law, the men were sworn in as special deputy marshals for the Middle District of Alabama. Among those in the force were the U.S. Marshal for the District of Columbia, James J. P. McShane, who was the field commander under the overall direction of White. The military provided logistical support. (*See Map 1.*)

Meanwhile, the administration laid plans to use military forces if they were needed. To that end, the Army alerted troops in the early morning hours of 21 May for possible movement to Montgomery. The units selected were the 504th Military Police Battalion at Fort Gordon, Georgia, and the 2d Battle Group, 23d Infantry, at Fort Benning, Georgia—about 1,500 men in all. Because of the secrecy surrounding the entire operation, all concerned were told that the alert was part of a training exercise. As provided by preliminary instructions issued before noon on Sunday, 21 May, by the Acting Chief of Staff of the Army, General Clyde D. Eddleman, the troops would be given a mission if and when they moved to Montgomery. Initially, while in transit, they would come under the commander of the Third Army, General Paul D. Adams, but after arriving in Montgomery they would be subordinate to the local commander.¹³

Although the 1956 Army regulations and other official publications governing the use of military forces in civil disturbances were still in force, there had been some changes. In June 1960 the Army brought out a new edition of the Army Strategic Capabilities Plan for the period extending through June 1961. The commander of the Continental Army Command still had, on paper, responsibility for the design and conduct of Army operations in civil disturbances despite the arrangement at Little Rock under which the chief of staff of the Army in Washington had exercised overall command. Nevertheless, when at Little Rock there had been no bar to gathering intelligence prior to intervention, in the future, Zone of the Interior armies were to avoid activities “employing investigative agents until such time as the use of troops becomes clearly probable.” At that time, as part of the new plan, the CONARC commander had to obtain prior clearance for such tasks, and the president himself, probably in recognition of the FBI's domestic responsibilities under the Delimitations Agreement, had to authorize any counterintelligence operations that were “within the investigative jurisdiction of civil authority.”¹⁴

The Army issued a completely revised field manual on civil disturbances in September 1958, which also covered disaster relief. It abandoned earlier authorization for using heavy weapons, declared the rifle or carbine with bayonet to be “the most practical weapon for general use by troops in riot control operations,” and listed as auxiliary weapons the

¹³ U.S. Congress, *Congressional Record*, 90th Cong., 2d sess., 4 March 1968, 114, pt. 4:5037; MFR, Col Frank W. Norris for Maj Gen John L. Throckmorton, Secy of the General Staff, 21 May 61, in entry 113, Alert of Troops, Birmingham, Ala.—Freedom Riders file (hereafter cited as Freedom Riders Troop file), Records of the Oxford, Mississippi, Operation, 1962–63 (hereafter cited as Oxford files), Records of the Army Staff, RG 319, NARA. (The reference to Birmingham in the title of this file is misleading, since Montgomery, not Birmingham, was the principal trouble spot.)

¹⁴ Department of Defense (DOD) Directive 3025.1, 14 Jul 56, sub: Responsibilities for Civil Defense and Other Domestic Emergencies; AR 500–50, *Emergency Employment of Army Resources: Domestic Disturbances*, 22 Mar 56. Quotes from ASCP, FY 1961, 16 Jun 60, tab C to app. 4 to an. H (Civil Disturbances), p. 167, RG 319, NARA.

shotgun, sniper rifle, and submachine gun or automatic rifle. The machine gun was to be used only for protecting barriers, bivouacs, and troops and when mounted on vehicles “for psychological effect.” Aircraft, especially helicopters, could transport troops and perform reconnaissance and could be employed to clear rioters off roofs and to dispense chemicals.¹⁵

While the manual’s failure to authorize heavy weapons marked a shift away from older conceptions of riot control as warfare, the scope of the changes represented a disappointing use of the lessons taught by Little Rock, possibly because of the political sensitivities unveiled there. Thus the new manual focused mainly on riot control and all but ignored the special problems that the military had encountered in Arkansas, where the protection of individuals had required more attention than a need to quell violent disorders in the streets. It also took on distinctly racial and class-oriented overtones by advising troops to channel mobs away from troubled areas by pushing them into low income neighborhoods. Nothing similar had appeared in the Army’s civil disturbance manual since 1945.¹⁶

Tensions Mount

Martin Luther King’s arrival in Montgomery on Sunday, 21 May, to address an evening meeting at Ralph D. Abernathy’s First Baptist Church where the freedom riders were to be honored was a new cause of concern to federal officials. As people began trickling into the church in the late afternoon, hours before the start of the service, a few federal marshals—symbols of authority but little more—guarded the church while two small clusters of whites stood across the street and around the corner. White had a force that varied in size, averaging about 400 men but also had detachments of marshals at other likely trouble spots around the city. By nightfall 1,500 individuals were inside the church, including freedom riders hiding there, while those outside had increased to a mob of more than twice that number.

Not long after 2000, whites burned a car near the church and, emboldened, some members of the mob darted across the street to throw rocks at church property at close range. The few marshals on hand, supporting two helpful state detectives, spread themselves in a line, with a marshal every twenty feet or so, along the endangered side of the church. Hard pressed, they radioed White for help, whereupon he sent for his reserve force of about a hundred marshals under U.S. Marshal McShane, using mail trucks, a prison truck, and cars in the absence of help from the Army, which had received no orders to assist with transportation. Meanwhile, the thin line of marshals fired their first tear gas, to which the rioters responded with rocks, crude Molotov cocktails, and a brick that struck one of the marshals on the shin. The situation was growing desperate, as King told Robert Kennedy, whom he had reached by telephone.

Just as the riot reached its most critical phase thus far, the reserve force of marshals arrived. From the front of the church they fired a great volley of tear gas. The rioters stumbled backwards, but the gas drifted back over the church and through open windows, which there was now a rush to close. It also affected the marshals, few of whom had masks.

¹⁵ First quote from Department of the Army (DA) FM 19–15, *Civil Disturbances and Disasters*, 8 Sep 58, p. 43, and second quote on p. 45. FM 19–15, chg 1, 25 Feb 60, and chg 2, 21 Feb 63.

¹⁶ FM 19–15, 8 Sep 58, p. 181.

As the marshals retreated around the corner of the church, some rioters forced their way into the building but were driven out by marshals who gained entry through a basement door. A brick thrown through a church window hit an elderly man on the head, rocks broke other windows, and tear gas poured through the holes, affecting the persons inside. A brick also struck a marshal on the head.¹⁷ When White, at this juncture, told Robert Kennedy that he was unsure whether the latest surge of the rioters then under way could be stopped, the attorney general decided to recommend the use of federal troops. The required proclamation was in Washington, however, while the president was in Middleburg, Virginia. Could the troops start from Fort Benning before the president signed the document? While Robert Kennedy considered his options, word arrived that another volley of tear gas had caused the mob to fall back.¹⁸

At the same time, blaming Robert Kennedy for sending the freedom riders into Alabama and holding him responsible for the violence, Governor Patterson ordered out the National Guard under command of Maj. Gen. Henry V. Graham, the state adjutant general. Shortly thereafter, police appeared at the church with a small number of guardsmen armed with fixed bayonets. The police chased the rioters while the guardsmen deployed around the church. Following dispersal of the mob, the troops, by then totaling nearly eight hundred men (and subsequently over a thousand), patrolled critical sections of Montgomery and kept an eye on air, rail, and bus terminals. With the Guard out in strength, the Department of Justice withdrew the marshals to Maxwell Air Force Base. As a precaution, however, it dispatched 200 additional deputies to Maxwell, enlarging the force at Montgomery to over six hundred men.¹⁹

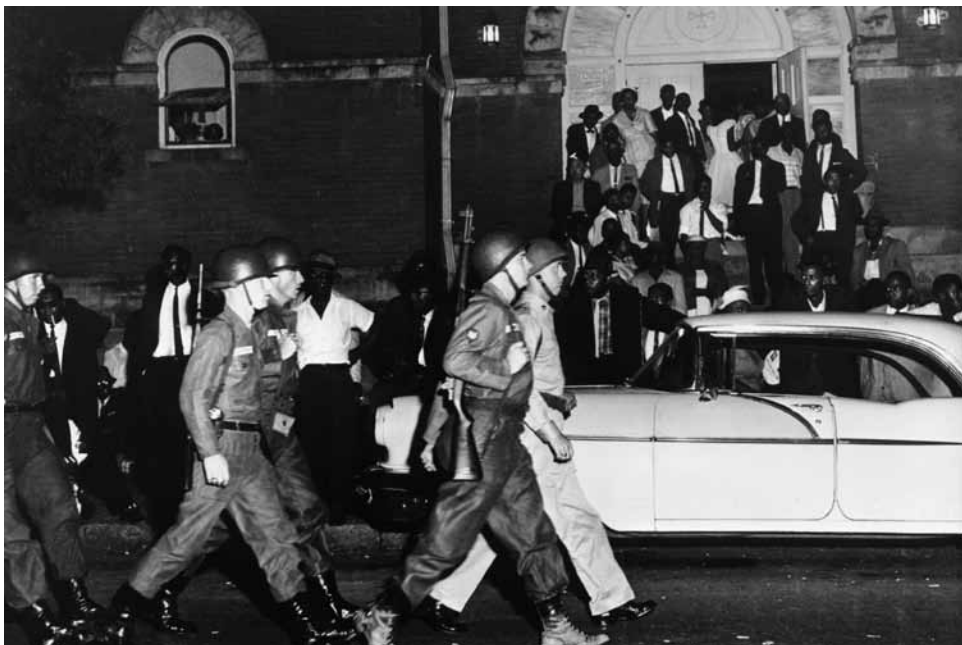
With the city quiet but tense, the concerns of Washington officials shifted to the next objective of the freedom riders, Mississippi, and the possibility that federal troops would have to intervene there.²⁰ On 22 May Acting Army Chief of Staff General Eddleman telephoned instructions for meeting any threat to the Third Army's commander, General Adams. Eddleman observed that, if an emergency occurred, to avoid delays he intended to bypass CONARC and to restore the sort of direct chain of command between his office and units in the field that had prevailed during the operation at Little Rock. The commanding general of IV Corps in Birmingham, Maj. Gen. George T. Duncan, would be the field commander. As had been the case with General Walker at Little Rock, he would be responsible to the chief of staff of the Army and would deal directly with the deputy chief of staff for military operations. Eddleman preferred to use infantry rather than the paratroopers of the 101st Airborne Division because of heightening Cold War tensions. Thus the men of

¹⁷ See especially Branch, *Parting the Waters*, pp. 451–65. See also Frederick S. Calhoun, *The Lawmen: United States Marshals and Their Deputies, 1789–1989* (Washington, D.C.: Smithsonian Institution Press, 1990), pp. 264–65; Guthman, *We Band of Brothers*, p. 173.

¹⁸ Branch, *Parting the Waters*, pp. 460–62; Belknap, *Federal Law and Southern Order*, p. 85; A. Lewis, Kennedy-Marshall Intervs, 4 Dec 64, in *Robert Kennedy in His Own Words*, pp. 569–70.

¹⁹ “Call Out the Guard!” *National Guardsman* 15 (June 1961): 6–7; *Facts on File Yearbook*, 1961, 21:186. See also contemporary newspaper reports as follows: Anthony Lewis, “Alabama Asks U.S. Help as New Violence Erupts,” *New York Times*, 22 May 61; W. H. Lawrence, “State Is Warned,” *ibid.*, 23 May 61; Joseph A. Loftus, “U.S. Puts Length of Deputies Stay Up to Alabamans,” *ibid.*, 24 May 61.

²⁰ Unless otherwise noted, this section is based upon MFR, Brig Gen John W. Keating, Dir of Opns, ODCSOPS, 22 May 61, Briefing on Freedom Riders Situation, sec. III, with draft Letter of Instruction (LOI) to Maj Gen George T. Duncan; and Notes, Maj Gen [Harvey H.] Fischer, 22 May 61, in Freedom Riders Troop file, Oxford files, RG 319, NARA.



WORSHIPPERS AT THE FIRST BAPTIST CHURCH IN MONTGOMERY, ALABAMA, WATCH AS NATIONAL GUARD TROOPS PATROL THE STREETS.

the 504th Military Police Battalion at Fort Gordon and those of the 2d Battle Group, 23d Infantry, at Fort Benning remained on alert.

Military planning at that time encompassed both standard procedures and special provisions that seemed to reflect experience gained at Little Rock. There was no longer any stripping out of Negro personnel from troop units. Although the troops would carry ammunition under procedures to be laid down, weapons were to remain unloaded and bayonets sheathed. The powerful eye and respiratory irritant CS would be used only with the approval of Washington headquarters, but the more common CN could be employed by order of the field commander, who was to use the minimum force necessary for carrying out his mission. There was to be maximum coordination with local civil officials, but the field commander would be responsible only to the chief of staff. The director of operations in the Office of the Deputy Chief of Staff for Military Operations, Brig. Gen. John W. Keating, would be the chief's personal representative for the operation. To avoid communications delays, the Signal Corps would establish a "hot line" between Duncan's headquarters at Maxwell and Keating's office and the Army war room in the Pentagon. Finally, an opinion was obtained from the judge advocate general that, under Title 10 of the *U.S. Code*, Sections 332 to 334, federal troops or militia could be used to enforce federal court orders. Accompanying the opinion were drafts of a presidential proclamation and an executive order.²¹

²¹ Memo, Maj Gen Robert H. McCaw, Actg Judge Adjutant General, for Actg CofSA, 22 May 61, sub: Use of Troops, with accompanying draft proclamation and executive order, tab 4, Freedom Riders Troop file, Oxford files, RG 319, NARA.

The first request for assistance came that same afternoon, 22 May, from the Alabama National Guard, which called for an Army explosive ordnance disposal team to deal with a bomb scare in Montgomery. General Eddleman agreed to furnish the team but only in an advisory role and with a stipulation that the troops would be unarmed, wear civilian clothing, and use commercial vehicles. A second request came later that afternoon. Deputy Attorney General White asked the Army to provide the Department of Justice with a command post in Jackson, Mississippi, along with facilities for 250 marshals. When he made the request, White expected the freedom riders to leave Montgomery for Jackson within a few minutes. When he heard later that some of the riders might go to Birmingham, he also requested Army facilities for marshals in that city. Although Army leaders were willing to provide Army Reserve armories in Jackson and Birmingham, they stipulated that no military personnel were to be present.²²

With a full force of marshals on the alert at Maxwell and a larger force of guardsmen in combat dress patrolling city streets and covering transportation terminals, Montgomery remained quiet. The reduced tension was reflected in an increase of the alert time for the Benning battle group from one to three hours.

Meanwhile, hoping to avoid further intervention if at all possible, the president's advisers moved to find a political solution to the crisis. Under an agreement worked out with the help of Senator James Eastland of Mississippi, authorities would protect riders from the state line to Jackson where they would be arrested. This arrangement reflected the administration's desire to put an end to the crisis and its conviction that it was time for the freedom rides to stop. The arrangement to which Mississippi authorities adhered, using guardsmen and state troopers from the state line to Jackson, was one in which principle succumbed to politics, or as Assistant Attorney General Burke Marshall aptly remarked, in which "order was maintained, but federal law was not." Despite the Kennedys' wishes, however, the freedom rides did not stop, and, by the end of the summer of 1961, 300 riders had been arrested in Jackson and more than 100 in other southern states.²³

Final Phase

By the late afternoon of 25 May, Alabama officials were able to reduce the National Guard force to 150. At that time, Adams recommended that the Army cancel the alert for the units at Forts Benning and Gordon and urged that troops be drawn from the ready forces of the 82d Airborne Division at Fort Bragg, North Carolina, if military assistance were needed in Alabama or Mississippi. One company from that unit could leave Fort Bragg on an hour's notice, he said, and the remainder of the battle group could be moved by air within three hours. Washington authorities quickly approved the proposal, but the matter went no further. The general counsel of the

²² MFRs, Maj Gen Fischer, 22 May 61, sub: Use of EOD Team with Alabama National Guard; 22 May 61, sub: Use of Facilities by Federal Marshals in Jackson, Mississippi, and/or Birmingham, Alabama; and 23 May 61, sub: Equipment for Federal Marshals. All in Freedom Riders Troop file, Oxford files, RG 319, NARA.

²³ A. Lewis, Kennedy-Marshall Intervs, 4 Dec 64, in *Robert Kennedy in His Own Words*, pp. 569–85; Navasky, *Kennedy Justice*, p. 170. Quote from Burke Marshall, *Federalism and Civil Rights*, Gino Speranza Lectures (New York: Columbia University Press, 1964), p. 68, and see also pp. 67, 69. Brauer, *John F. Kennedy*, p. 107; Belknap, *Federal Law and Southern Order*, pp. 87, 88; Sobel, *Civil Rights, 1960–66*, pp. 63–64, 68–69.

Department of Defense, Cyrus R. Vance, passed word that afternoon for the department that the military mission in the Alabama-Mississippi area was concluded.²⁴

The overall performance of the force of deputy marshals and marshals at the First Baptist Church in Montgomery may very well have saved a number of lives. As a peacekeeping force, however, it left something to be desired. The competence and training of its members varied widely, not all of the marshals having had the special riot training that had been given following the trouble in Little Rock, and they had never worked together before. The border patrolmen were the most experienced and brought with them cars and communications equipment. Robert Kennedy thought “the prison guards were not terribly good.” As for the alcohol and tobacco agents, they “didn’t like” the duty. Some were from Mississippi and out of sympathy with their mission, according to Burke Marshall “they were never used again.” Another factor was that all of the special deputies had regular jobs they could not neglect indefinitely.²⁵

In the wake of the freedom rides, adoption of new and more stringent regulations by the Interstate Commerce Commission caused most southern communities, following some negotiation with the Department of Justice, quietly to remove segregation signs from their terminals. As a consequence, the Congress of Racial Equality concluded by the end of 1962 that—except in Mississippi, where it took another year—the struggle to desegregate transportation facilities had largely been won.²⁶

The Kennedy administration was satisfied with its handling of the crisis, having demonstrated, despite its not entirely principled compromise with Mississippi, that it would not permit mob action in a racial matter. According to a Gallup poll taken in June 1961, 50 percent of those polled in the South approved of sending the marshals to Montgomery, 29 percent disapproved, and 21 percent had no opinion. In contrast, only 36 percent had approved Eisenhower’s dispatch of troops to Little Rock while 53 percent had disapproved. Nationally, 70 percent of those interviewed approved of Kennedy’s action and only 13 percent disapproved. The administration’s success in the case, along with the considerable support that the policy had gained even in the South, convinced officials in the Department of Justice that a similar course could be followed in any future cases of this nature. The nonmilitary option also greatly appealed to the Kennedy administration, whose leaders along with most American citizens regarded the commitment of troops to enforce laws as a last resort. As events would have it in Mississippi, the administration would soon face a very serious attack upon the federal system and thus have another opportunity to use marshals.²⁷

The Meredith Case

In the spring of 1961 Mississippi was one of the last three states—South Carolina and Alabama were the others—still maintaining complete racial segregation in public

²⁴ MFR, Maj Gen Fischer, 25 May 61, Freedom Riders Troop file, Oxford files, RG 319, NARA.

²⁵ Quotes from A. Lewis, Kennedy-Marshall Intervs, 4 Dec 64, in *Robert Kennedy in His Own Words*, p. 571, and see also 569, 570.

²⁶ Brauer, *John F. Kennedy*, pp. 108–09. For an extended account of the end of “Jim Crow transit,” see Catherine A. Barnes, *Journey from Jim Crow: The Desegregation of Southern Transit*, Contemporary American History Series (New York: Columbia University Press, 1983), pp. 176–92.

²⁷ Brauer, *John F. Kennedy*, pp. 112, 182; Belknap, *Federal Law and Southern Order*, p. 89.

education. South Carolina, however, would soon yield quietly at the state-supported college level.²⁸

Even when compared with neighboring Alabama, Mississippi was intransigent. The state lagged in industrial progress and was the poorer of the two. It also had the third highest illiteracy rate in the nation. The Citizens' Council dominated its politics, much of its business community, and the lives of its people. Under Governor Ross R. Barnett, the Citizens' Council acquired semiofficial status because an official state commission subsidized its propaganda. Of Mississippi's citizens over twenty years of age who were registered voters, 95 percent were white and only 2 percent were black. As Professor James W. Silver put it, the state was, for all intents, a "closed society."²⁹

In this setting in January 1961 James Howard Meredith, a young, Mississippi-born former Air Force staff sergeant and student at the all-black Jackson State College, applied for admission to the University of Mississippi at Oxford.³⁰ The school formally rejected his application on 25 May, provoking litigation that resulted one month later in a decision by a three-judge panel of the U.S. Court of Appeals for the Fifth Circuit that Meredith had been denied access on racial grounds. As a result, on 13 September 1962, U.S. District Court Judge Sidney C. Mize issued a sweeping injunction that guaranteed Meredith's enrollment at the university without discrimination.³¹

In Washington, both the Department of Justice and the Department of the Army realized that they might have to intervene in Mississippi. The Army's role once again would be that of an executive agent for the Department of Defense, and it would find basic guidance in the Army Strategic Capabilities Plan, relevant sections of which remained unchanged despite a revision issued in August 1961. Similarly unchanged since the freedom rides of the preceding year were the Army's civil disturbance regulations, field manual, and training schedule, as well as the federal laws governing the employment of troops in civil disturbances.³²

As early as 8 September 1962, Army leaders knew that they might have to provide a tent camp and other logistical support for federal marshals in the Oxford area and possibly active military support as well. Involvement became almost certain on 13 September when Judge Mize issued his injunction and Governor Barnett, in a public address, invoked the doctrine of interposition—the theory that a state, by placing its sovereignty between the

²⁸ Except as otherwise noted, this section follows Paul J. Scheips, *The Role of the Army in the Oxford, Mississippi, Incident, 1962–1963*, OCMH Monograph 73M (Washington, D.C.: Office of the Chief of Military History, 1965), pp. 1–87, CMH. Hereafter cited as *Oxford Incident*. The monograph is based upon the extensive project officer's files (the Oxford files), as well as the Oxford Field Records, now in NARA, Washington, D.C. The files that the author organized at the Pentagon during the Oxford operation are now, together with the field records, in Oxford files, RG 319, NARA.

²⁹ Silver, *Mississippi: The Closed Society*, pp. 3–106. See also idem., *Running Scared: Silver in Mississippi* (Jackson: University Press of Mississippi, 1984), an autobiographical account with Silver's later reflections on Mississippi.

³⁰ "Battle in Mississippi: James Howard Meredith," *New York Times*, 21 Sep 62; James H. Meredith, "I'll Know Victory or Defeat," *Saturday Evening Post* 235 (10 November 1962): 14. See also James H. Meredith, *Three Years in Mississippi* (Bloomington: Indiana University Press, 1966).

³¹ The decision was *Meredith v. Fair*. See University of Mississippi, *The University of Mississippi and the Meredith Case* (University: University of Mississippi, 1962), pp. 1–10; 6–7 Race Rel. L. Rep. 1028–32 (1961), and 70–80, 423–40, 739–65 (1962).

³² DOD Directive 3025.1, 14 Jul 56, sec. V-G, p. 3; ASCP, FY 1961, 16 Jun 60, tab C to app. H to an. H (Civil Disturbances), with Incl 1 (Protection of Federal Property); 10 U.S.C. secs. 331–34 (1958) (Supp. IV 1959–62).



GOVERNOR BARNETT

federal government and its own citizens, could render a federal act null and void or even brand it unconstitutional. Barnett pledged that he and other Mississippi officials would go to jail rather than submit to the federal court.³³

Planning began in earnest with an interdepartmental meeting that apparently took place in anticipation of Barnett's edict of interposition or shortly after he issued it. Representing the Army were Secretary Cyrus R. Vance; Under Secretary Stephen Ailes; the Director of Operations, Office of the Deputy Chief of Staff for Military Operations (ODCSOPS), Maj. Gen. Creighton W. Abrams, Jr.; and an aide to Vance, Col. James L. Baldwin. The Assistant Vice Chief of Staff of the Air Force, Maj. Gen. John K. Hester, represented that service. Assistant Attorney General Burke Marshall and Assistant Deputy Attorney General William A. Geoghegan represented the Department of Justice.³⁴

³³ Silver, *Mississippi: The Closed Society*, pp. 134–35; *The University of Mississippi and the Meredith Case*, pp. 6–7.

³⁴ MFR, Maj Gen Creighton Abrams, 14 Sep 62, sub: Meeting with Secretary of the Army, Oxford Problem, in tab 3, Chron file—Preliminary Plans, 14–29 Sep 62, Oxford files, RG 319, NARA. In practice, day-to-day liaison between the Departments of Justice and the Army was conducted through Col. Bland West's Military Affairs Division, Office of The Adjutant General (OTAG), Department of the Army. DF, The Judge Advocate General (TJAG) to Chief of Information (CINFO), sub: Manuscript, "Operation Arkansas," by Robert W. Coakley, OCMH, 14 Dec 62, Comment No. 2 (I. Granville Rouillard), Oxford files, RG 319, NARA. See also penciled notes, arranged chronologically, probably by Col Walter S. Schlotzhauer (Abrams' deputy), for 12–24 Sep 62, in Planning Papers–Miscellaneous (13 Sep–) file; from Conversation, author with Lt Col Gordon C. Jung, 19 Mar 63, and from Telecon, author with Jung, 24 Sep 63, all in Oxford files, RG 319, NARA.

Marshall described the problem as the Department of Justice saw it. The university was under court order to admit Meredith, who would attempt to register on 20 September, the day before classes were to begin. There would probably be public disorder, the Mississippi state police would interfere with Meredith's enrollment, and Barnett's orders to all state officials to resist the enrollment would be carried out. Geoghegan then outlined the department's plans. Justice would use, if necessary, 190 federal deputy marshals with a reserve force of about a hundred based at Memphis Naval Air Station in Tennessee. The marshals would have their own radios and vehicles, together with chartered commercial helicopters. If the operation were prolonged, however, they would need a base closer to Oxford in Holly Springs National Forest, where the Army would be asked to establish a tent camp for three hundred men.

Marshall observed that efforts at civil enforcement of the court orders might not succeed and that armed force might also be required. In reply, Vance stressed the far-reaching implications of a resort to force and urged that all other solutions be fully explored first. Nevertheless, he agreed to provide the tent camp, should it become necessary, and he authorized the Army to plan for the possible use of troops. Vance and Marshall agreed that the two departments would communicate through Abrams and Geoghegan. Hester promised Air Force assistance as necessary.

Responsibility for drawing up detailed plans rested with the staff of the Office of the Deputy Chief of Staff for Military Operations. Abrams was to become the personal representative of the chief of staff for Oxford matters, serving first General George H. Decker, and then General Earle G. Wheeler, who was to be named chief of staff on 1 October 1962. Although Abrams would have day-to-day operational responsibility, the principal burden of coordinating the operations plan would fall upon an action officer, Lt. Col. Gordon C. Jung. As one of his first tasks, Jung sought out the checklist that had been prepared after the Little Rock affair. This original "black book" on the Arkansas operation, amplified by a file of memorandums tracing the Army's role during the trouble over the freedom rides the year before, provided a starting point for planning.

Since separate preparations were needed for the tent city and for the tactical forces, staff agencies and technical services had to draw up plans for both. Memphis Naval Air Station became a staging area for both the troops and the marshals. The facility seemed particularly well suited for the operation because it was only seventy miles by air from Oxford and it stood outside the boundaries of Mississippi.³⁵

The Office of the Chief of Information was one of the first Army agencies Abrams alerted. Under the public affairs guidance that evolved, if the Army provided only the tent city, it would have no function except to ensure logistical support for the marshals and would refer all queries to the senior Department of Justice official at the scene. But should actual military intervention become necessary, a field information section would clear all proposed military statements with the Department of Justice, which—in contrast to Little Rock, where the Army alone had made such decisions—would be responsible for the actual release of information. The troops would receive a general orientation and daily updates to ensure that they understood their role as upholders of

³⁵ Ibid.

the rule of law. As the Army's information officials saw it, restraint and firmness would be key criteria for the success of the operation.³⁶

Abrams brought the Office of The Judge Advocate General into the planning on 14 September because of a need for legal advice and services. He also alerted the chief signal officer, Maj. Gen. Earle F. Cook, to the need for direct communications between his own office, the Department of Justice, the Army war room in the Pentagon, the federal marshals at the naval air station, and the marshals in Oxford. Cook presented a plan the next day that could be implemented in twenty-four hours.³⁷

A conflict soon developed between requirements for secrecy and the need to inform subordinates of what was happening to ensure proper planning. The political sensitivities involved in armed intervention required all concerned to proceed with great discretion. Because of that, those who knew the full dimensions of what was happening were forbidden to discuss it openly, and, with limited exceptions, military personnel engaged in planning were instructed to stay clear of Mississippi. As a result, some officers in crucial positions learned of the operation late, leading some staff agencies to complain that they had had insufficient time to make necessary preparations. When General Abrams finally brought the assistant chief of staff for intelligence into the planning on 26 September, for example, he urged that the Army's interest in the crisis be concealed even though he understood that such concealment would hamper the collection of information.³⁸ The chief of the National Guard Bureau, the provost marshal general, and the deputy chief of staff for personnel learned about the matter even later, between 27 and 29 September.

The Continental Army Command began work on plans for the tent city on 15 September. As with the Washington agencies, there was heavy emphasis upon the sensitive nature of the enterprise, leading planners to assume that official taskings would have to be assigned on short notice. To keep the possibility of military involvement from the

³⁶ After Action Rpt (AAR), Office of the Chief of Information (OCINFO), Mississippi, 8 Sep 62–31 Mar 63 (Working Copy), pp. 1–2. MFR, Abrams, 15 Sep 62, sub: Oxford Problem, tab 4, Chron file I (15–28 Sep 62), stated that on the fifteenth he “informed Col. Coates [Coats], . . . representative of the Chief of Information, about the possibilities of the situation in Oxford as it pertained to the Army,” but the OCINFO AAR, as noted, placed on 13 September the granting of permission to carry the planning forward. Information annexes sent to the U.S. Continental Army Command (USCONARC) (on 21 and 22 September 1962) are, respectively, in tabs 6 and 7, Chron file—Preliminary Plans, 14–29 Sep 62. The author discussed troop information on the Oxford operation in Interv, author with Col Warren D. Hodges, 6 Mar 63, Oxford, Miss., and in Telecon, author with Lt Col L. Gordon Hill, Ch, Public Information Office (PIO), OCINFO, DA, 5 Sep 63. For an evaluation, see Cmd Rpt, 1–10 Oct 62, 101st Abn Div and Ft. Campbell, 17 Nov 62, Operation OLE MISS, RAPID ROAD, Incl 5, to Cmd Rpt, 1–10 Oct 62, XVIII Abn Corps and Ft. Bragg, 6 Dec 62, Operation RAPID ROAD, p. 2. All of the above in Oxford files, RG 319, NARA.

³⁷ AAR, Oxford, Mississippi, Operation [Initial Rpt], Office of the Chief Signal Officer (OCSigO), n.d., tabs A and B, Oxford files, RG 319, NARA. Abrams met with Maj. Gen. Earle F. Cook on 15 September, but the two Signal Corps reports cited here put his first meeting with Cook on the Oxford troubles on the morning after the 13 September Army–Department of Justice meeting. Compare MFR, Abrams, 15 Sep 62, sub: Oxford Problem, tab 4, Chron file I (15–28 Sep 62).

³⁸ Interv, author with Lt Col Whitney D. Stuart, professor of military science at the University of Mississippi, Mar 63; Telecon, author with Stuart, 13 Dec 63; 111th Intelligence Corps Group, Region IV, Oxford Intell Log, 191130 Sep 62. All in Oxford files. MS, Vick J. Johansen, CONUS Intelligence Branch, The Role of the Army in the Civilian Arena, 2 Apr 70, p. 18. All in RG 319, NARA. In point of fact, the 111th Intelligence Corps Group had dispatched thirty-eight agents to Oxford eight days earlier in an attempt to clarify the situation developing there, and the Office of the Assistant Chief of Staff for Intelligence (OACSI) designated an action officer to supervise the intelligence activity in Oxford. The log compiled in Oxford contained unconfirmed rumors, news reports, and observations that any careful observer could make.

public eye, at a meeting on 17 September Abrams and the CONARC commander, General Herbert B. Powell, apparently agreed that a training exercise called HIGH HEELS II/SPADE FORK, then in progress, should provide cover for preparations. The scenario for the exercise would be rewritten to include critical problems supposedly arising as a result of a natural disaster and subsequent civil disorder. Under this pretense, the Army would be able to alert forces in the Third and Fourth Army areas for both the tent city and the task forces without anyone becoming the wiser. It would also be able to requisition transportation, tentage, mess equipment, cots, bedding, showers, latrines, electric lighting, and signal communications equipment without drawing attention to its true objective.³⁹

As planning advanced, decisions were made on a broad range of issues. The Army Staff agreed to give CONARC a 48-hour alert for establishing the tent city. The commander of that effort would be responsible through the normal chain of command to the commanding general, Third U.S. Army, and CONARC. The tactical (task force) commander would remain separate, having no responsibility for the tent city. The Department of the Army would maintain communications between itself, the Justice Department, the field commander, the marshals' office in Oxford, and the tent city, while CONARC would provide administrative support for signal personnel in the tent city itself. Finally, the participants agreed that although Army regulations required clearance with state police for the movement of military convoys, this policy would be waived in the event of a deployment to Mississippi. As for keeping the units involved integrated or stripping them of their Negro personnel, they were to maintain their racial composition "subject to final confirmation" by Washington.⁴⁰

By 19 September, the day before Meredith was scheduled to appear at the university for registration, the 70th Engineer Battalion, a unit garrisoned at Fort Campbell, Kentucky, had been selected to build and operate the tent city. Instructions went out to the Third Army emphasizing that this would be "an actual operational . . . mission" rather than the sort of simulated movement of "forces and/or equipment" planned as part of HIGH HEELS. The engineers would take small arms and gas masks but no crew-served weapons.⁴¹

Meanwhile, Army public affairs policy continued to conceal the nature of the projected operation at Oxford. To keep public speculation to a minimum, queries on the engineers' operations were to be answered with the explanation that the engineers were on a routine Defense Department test of plans for emergency civil defense operations. The troops were to be told much the same thing—that the testing of operational plans would require movement to a place near Memphis to set up a model refugee camp for tornado victims. The order to execute might be expected at any time subsequent to 0101 (EDT), 20 September, and those involved should be prepared for operations of indefinite length under field conditions. The emphasis on secrecy in advance of the move was, perhaps, understandable, but a failure to provide for frank public information on the subject, if the move had to be made, was not.⁴²

³⁹ Ltr, Brig Gen Hugh M. Exton, DCoS for Unit Trng & Readiness, USCONARC, to DCSOPS, 19 Sep 62, sub: Classified Operation (U) (ATUTR-P&O[S]), in Chron file I (15–28 Sep 62), Oxford files, RG 319, NARA.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Ibid., tab 11. Also see MFR, Schlotzhauer, 19 Sep 62, sub: Oxford Problems, tab 13, Chron file I (15–28 Sep 62), Oxford files, RG 319, NARA, concerning Col. Hugh F. Young's errand and related matters.

Efforts To Avoid the Use of Force

While the Army prepared, a complicated political drama played out between the president and his advisers in Washington and the administration of Governor Barnett in Jackson, Mississippi. While Department of Justice officials attempted unsuccessfully to enroll Meredith at least four times, the telephone wires between Washington and Jackson burned with a series of frustrating conversations between Robert Kennedy, Burke Marshall, and even the president on one side, and Barnett, the Mississippi attorney general, and at least two intermediaries on the other.

Among the approaches discussed in Robert Kennedy's office were proposals that President Kennedy invite Barnett to the White House much as President Eisenhower had invited Governor Faubus to Newport; that Vice President Lyndon B. Johnson, a southerner, escort Meredith to the Oxford campus for enrollment; or that official sources feed Barnett a false report that a division of regular troops had been alerted for duty in Mississippi, in hopes of bringing him into compliance.⁴³

"Sending troops in is a hell of a thing for the country," Robert Kennedy remarked.⁴⁴ In this spirit, he briefly agreed to an absurd plan suggested by the governor in which Barnett would stand aside and personally admit Meredith to the campus on 27 September if an escort of about thirty marshals would draw their revolvers, enabling the governor to claim that he had given way due only to overwhelming odds. In the end, however, the president opted for a suggestion by historian Arthur M. Schlesinger, Jr. The attorney general would make a public statement urging compliance with court orders and quoting the Mississippi legislature's rejection in 1832 of John C. Calhoun's doctrine of nullification as an unconstitutional "heresy, fatal to the existence of the Union."⁴⁵

From one point of view, the efforts of the Kennedy administration to avoid the use of force had established a record of forbearance and patience. But not everyone agreed with this charitable view. The head of the Legal Defense Fund of the National Association for the Advancement of Colored People, Jack Greenburg, saw the administration's efforts to achieve integration of the university by jawboning or compromise as merely foolish. Mississippi officials would fail to keep their part of any agreement they made, he observed. On that account, the federal government would have done better to make a real show of force at the beginning. For Meredith himself, living through a time of immense anxiety, the prospect of some sort of bargain between the government and Barnett became the source of the "greatest uncertainty."⁴⁶

As the tension increased, Mississippi officials continued to ignore the orders of the federal court. Meanwhile, the ongoing effort to find a compromise or a satisfactory formula for compliance had very little influence on the actions of Barnett. The governor personally barred Meredith's enrollment at the university on 20 September and again five days

⁴³ Guthman, *We Band of Brothers*, pp. 185–203; Russell H. Barrett, *Integration at Ole Miss* (Chicago: Quadrangle Books, 1965), pp. 115–16, 123–28; selected transcripts of the Robert F. Kennedy–Ross Barnett telephone negotiations of 17–28 September 1962 in Navasky, *Kennedy Justice*, pp. 165–225.

⁴⁴ Guthman, *We Band of Brothers*, p. 189.

⁴⁵ Quote from Arthur M. Schlesinger, Jr., *A Thousand Days: John F. Kennedy in the White House* (Boston: Houghton Mifflin, 1965), p. 942, and see also pp. 941, 943–47.

⁴⁶ Quote from Meredith, *Three Years in Mississippi*, p. 210. Walter Lord, *The Past That Would Not Die*, Pocket Cardinal Reprint series (New York: Pocket Books, 1967), p. 152; Navasky, *Kennedy Justice*, p. 228.

later, when the student presented himself at the Jackson offices of the university's board of trustees. The next day, Lt. Gov. Paul B. Johnson, with a considerable body of Mississippi law enforcement officers, barred Meredith's way at the Oxford campus. On the twenty-seventh Meredith and his escort of marshals themselves turned back, on orders from Robert Kennedy, who had become concerned about the menace that filled the air at Oxford.⁴⁷

Within an hour after this setback, Deputy Attorney General Nicholas deB. Katzenbach asked the Army to move the engineer task force assigned to build the tent city from Fort Campbell to Memphis and to remain there until further notice. Abrams passed the word to CONARC. When the officers involved wanted to know what the commander of the convoy should do if Mississippi officials blocked his way, the only response they received was the not very helpful guidance that he should avoid using force.⁴⁸

Despite forebodings, the first step proved easy. The main body of engineers arrived without incident at Memphis Naval Air Station by 0500 on 28 September. It consisted of the 70th Engineer Battalion with attached medical, signal, quartermaster, and information detachments from the 101st Airborne Division. The force comprised 7 officers and 105 enlisted men under the command of Maj. Ralph S. Kristoferson. At the air station, Kristoferson learned that Abrams had assumed operational control of his little command for the Department of the Army but that he would continue to receive logistical and administrative support from the Third Army and the Continental Army Command. He also received instructions that under the Posse Comitatus Act he could move only upon the order of the Department of the Army and not upon that of the federal marshals.⁴⁹

Rumors about the number of troops in the area and their activities received wide coverage in the press, leaving the engineers at a loss because the public affairs plan for the operation provided no guidance on what they could tell reporters. Katzenbach issued instructions through the senior Department of Justice official at the scene at the time, Marshal John W. Cameron, that they should release no information about the activities of federal marshals or troops at the air station. Since this counsel hardly seemed helpful under the circumstances, they sought further guidance from Washington through the Third Army but received no response.⁵⁰

From that point on, little authoritative information was available because the naval air station was closed to newsmen and the public. Instead, an enterprising reporter telephoned Fort Campbell's deputy commander, Lt. Col. Thomas A. Price. He learned that the engineers were armed because they had been dispatched under a "test exercise procedure," that there were no orders to send this force anywhere else, and that the air station could accommodate several hundred marshals. Since so many marshals might tax facilities at the air station, Price explained, the engineers had been called in. They had stoves and blankets in case any one had to sleep in tents. The cover story fooled no one. Press dispatches

⁴⁷ *The University of Mississippi and the Meredith Case*, pp. 7–8, 11.

⁴⁸ MFRs, Schlotzhauer, 27 Sep 62, sub: Oxford Problem; and Abrams, 28 Sep 62, sub: Actions, Night of 27 September 62, both in tabs 29 and 32, Chron file I (15–28 Sep 62), respectively, Oxford files, RG 319, NARA.

⁴⁹ Memo for Schlotzhauer per Telecon with USCONARC, 272126 Sep 62, tab 13, Chron file—Preliminary Plans, 14–29 Sep 62; MFR, Schlotzhauer, sub: Telecon Between . . . Schlotzhauer . . . and Maj. Ralph S. Kristoferson . . . 29 Sep 62, tab 26, Chron file II (28 Sep–1 Oct 62); Army War Room [AWR] Jnl, entry for 280600 Sep 62. All in Oxford files, RG 319, NARA. For the text and purpose of the Posse Comitatus Act, see Coakley, *Role of Federal Military Forces*, p. 344.

⁵⁰ Cmd Rpt, 101st Abn Div and Ft. Campbell, 17 Nov 62, Operation OLE MISS, RAPID ROAD, Incl 3, pp. 1–5.

observed correctly that Kristoferson's force was "the first detachment of federal troops to be ordered to any kind of duties in connection with the attempt to enroll Mr. Meredith."⁵¹

As the crisis continued, the force of federal marshals and deputy marshals at Memphis rapidly expanded from 140 on Thursday evening, 27 September, to over 500 by Saturday evening. Making up the force, commanded by Chief U.S. Marshal James J. P. McShane, were regular marshals, some from as far away as California; border patrolmen, including so many from Texas that the Mexican border stood "virtually unguarded"; and federal prison guards from Atlanta, Georgia; Leavenworth, Kansas; and Terre Haute, Indiana. Although they came from all parts of the nation, well over half the men hailed from the South, as did Alabama-born Assistant Attorney General Louis F. Oberdorfer, the ranking Department of Justice official on hand. All concerned, even the marshals, were sworn in as special deputy marshals and organized into groups.⁵²

With the marshals ready, Kristoferson and his task force left Memphis Naval Air Station and arrived at 0730 on Sunday, 30 September, at their final destination, an isolated campsite seventeen miles from Oxford in Holly Springs National Forest.⁵³ The information released on the deployment was sparse. Although the Department of Justice granted some interviews, it denied reporters and photographers access to the bivouac area, all but assuring that the deployment would receive maximum press coverage. During the day that followed, a curious crowd of local citizens assembled at the site, along with the local sheriff, members of the state police, and some seventy newsmen.⁵⁴

General Abrams reached the staging area at the naval air station at midday on Sunday. He reported that night that the tent city was "in good shape . . . adequate," with lights, latrines, showers, and mess "O.K." The engineers were also "working on sending 200 cots and floodlights" to the federal marshals in Oxford.⁵⁵ Meanwhile, the tactical units were being readied as well.

The Tactical Forces

When the Army launched active preparations for possible military involvement in Mississippi, planners had visualized a task force composed of one battle group and a military police battalion. But as planning proceeded, they opted instead for two task forces drawn from units designated for the Army Strike Command. Task Force Alfa, commanded by Lt. Col. John J. Flanagan, was to be a composite force of 689 officers and enlisted men drawn mainly from the 503d Military Police Battalion at Fort Bragg. Task Force Bravo, headed by Maj. Gen. Charles H. Chase, the commander of the 2d Infantry Division, was

⁵¹ "Army Engineers Arrive at Base in Tennessee To Help Marshals," *New York Times*, 29 Sep 62, p. 8.

⁵² Quote from Telecon, author with an official of U.S. Marshal's Service, 16 Dec 75, Oxford files, RG 319, NARA. Lord, *The Past That Would Not Die*, pp. 162–63, 170; Michael Dorman, *We Shall Overcome* (New York: Delacorte Press, 1964), pp. 44–45.

⁵³ Telecon, author with an official of U.S. Marshal's Service, 16 Dec 75; Calhoun, *The Lawmen*, pp. 258–60, 267. Calhoun credits Cameron, McShane's assistant, with arranging for the marshals to camp at Holly Springs—without mentioning the Army. "Tent City Is Built for Marshals in Federal Forest Near Oxford," *New York Times*, 1 Oct 62.

⁵⁴ Cmd Rpt, 101st Abn Div and Ft. Campbell, 17 Nov 62, Operation OLE MISS, RAPID ROAD, Incl. 3, pp. 3–4.

⁵⁵ Telecon, Jung with Abrams, 302212 Sep 62, in Memoranda—Miscellaneous Drafts and Rough Notes (Sep–Dec 62) file, Oxford files, RG 319, NARA.



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more varied. With over 1,000 soldiers, its main components were the 2d Battle Group, 23d Infantry, at Fort Benning, commanded by Col. Lucien F. Keller, and Company B, 2d Battle Group, 9th Infantry, both from Chase's division. Also included were various support units from other organizations. The Tactical Air Command would support both task forces.⁵⁶

On 26 September, the day state authorities turned Meredith away from the university for the third time, General Abrams outlined the existing plan to military and Justice Department officials at a conference in Secretary Vance's home. The Justice Department expected that its fourth attempt the next day to enter Meredith into the university would again meet with resistance and that the marshals would once more have to withdraw. As events unfolded, the Army had to consider the likelihood that it would shortly have to commit troops not only at Oxford, but also at the state capital at Jackson should it have to support the arrest of Governor Barnett. In that case, a decision would have to be made after the twenty-eighth, when Barnett was supposed to be in New Orleans to show cause as to why he should not be cited for contempt. The conferees recognized the possibility that he might not appear and that a warrant for his arrest might be issued.⁵⁷

⁵⁶ Scheips, *Oxford Incident*, pp. 39–44.

⁵⁷ MFR, Abrams, 27 Sep 62, sub: Meeting at Secretary Vance's House, 1600 Hours, 26 September 1962, tab 27, Chron file I (15–28 Sep 62), Oxford files, RG 319, NARA.

Although uncertainty over Barnett's movements left military planning open, the impending operation took clearer form in other respects. The conferees agreed to call out the National Guard "only when and if required," a decision that put Regular Army troops into the forefront of any intervention that developed. There was further agreement that the line of command would run directly from Washington to Brig. Gen. Charles Billingslea, who on the day of the meeting had succeeded Maj. Gen. Charles H. Chase as commander of the 2d Infantry Division and thus of the tactical forces at Oxford.⁵⁸ The same channel would also be used for all major guidance and directions from Washington, where the necessary coordination would occur between the Departments of Justice and Defense and the Army. As for the troops, they were to make no advance moves but were to be prepared to proceed to Oxford or Jackson or both places simultaneously, depending upon the situation and the actions of the governor.⁵⁹

With those plans in place, events began to move rapidly toward their climax. On 27 September an attempt to move Meredith to the university failed. Another attempt employing between three and four hundred marshals was slated for the next day. According to the plan, if that final civilian effort also failed, the Army would force access by moving a major portion of Task Force Alfa to the scene by air.

On the twenty-eighth, with the final effort to move Meredith onto campus in the offing, CONARC issued a comprehensive operations plan setting forth explicitly for the first time the actual mission of its two task forces and their areas of operations. Provision was also made to move portions of Task Force Bravo by surface and air to reinforce Alfa if necessary.⁶⁰

On the same day, General Abrams briefed the chief of staff-designate, General Wheeler, and the vice chief of staff on the latest plans. At the meeting, the vice chief suggested that a general officer remain on duty in the Army war room twenty-four hours a day for as long as the troops were in action. Wheeler, doubtless reflecting his experience as General Taylor's personal representative in Little Rock, also had advice, which Abrams summarized in a subsequent memorandum as follows:

The plan laid out for the troops . . . should be in detail and well-organized, and the troops well instructed in it so that when they arrived they could go about the performance of their mission without lost motion in a very businesslike and knowledgeable and firm fashion. He felt . . . it was appropriate to have ammunition on the person but only . . . [if it were] permitted to be loaded in weapons. The troops must have a very high sense of discipline, be especially responsive to orders and requirements of high disciplinary standards; troops should be well-informed, particularly in . . . holding their tempers, not engaging in arguments with civilians. . . . They should be prepared to accept abusive language calmly and resolutely, and . . . soldiers losing control of their emotions . . . should be immediately removed from the scene of the operation.⁶¹

⁵⁸ Quote from *Ibid.* On Billingslea, see "Combat-Tested General—Charles Billingslea," *New York Times*, 2 Oct 62.

⁵⁹ Cmd Rpt, 2d Inf Div, 3 Dec 62, tab A, par. 2b, Oxford files, RG 319, NARA.

⁶⁰ Msg, Commanding General, U.S. Continental Army Command (CGUSCONARC)/CINCARSTRIKE to CG, Third Army, DAIN 271230, 280820Z [Z denotes Greenwich mean time] Sep 62, in Msg file, Oxford files, RG 319, NARA.

⁶¹ The briefing is in MFR, Abrams, 28 Sep 62, sub: Briefing the Vice Chief of Staff and Chief of Staff Designate, in tab 33, Chron file I (15–28 Sep 62), Oxford files, RG 319, NARA.

Although the twenty-eighth brought a reprieve in the form of a court order giving the governor until the following Tuesday to admit Meredith to the university before being considered in contempt of court and becoming subject to arrest, the deadline led the Army to form a third task force shortly after midnight on the morning of 29 September. Task Force Charlie, commanded by Lt. Col. Brice Emmett, would be composed of the 716th Military Police Battalion stationed at Fort Dix, New Jersey, together with the 5th and 17th Field Hospitals, a public information section, and a composite intelligence detachment—617 men in all.

In the meantime, Army headquarters sent Billingslea the texts of two proposed messages. The first designated him the field commander and provided him with basic instructions. The second, a so-called fragmentary order, set out “assumed Army missions resulting from expected Executive Orders.”⁶²

The second draft document provided a scenario of possible events. According to it, Army planners expected Mississippi officials to prevent the enrollment of Meredith at the university. The governor and key members of his administration would then take refuge from the U.S. Court of Appeals “on the 10th floor of the bank building in Jackson . . . ringed and occupied by Mississippi State police and deputies.” To enforce federal court orders, the Army would have to remove any persons obstructing the governor’s arrest and Meredith’s enrollment and attendance at the university. Afterward, it would have to maintain law and order. The draft alerted Billingslea to the possible use of the National Guard, the necessity for formulating plans both to phase Guard units into the operation and, eventually, to remove Regular Army units from the Oxford area.⁶³

While the Army would “use minimum strength and force to accomplish its mission,” necessity might require it to employ the entire task force—by then, code-named Oxford. If a squad were sufficient, Billingslea was to avoid using a platoon but to ensure successful completion of the mission, his reserve forces were to “be responsive to any . . . escalation requiring more troops.” The same policy was to govern the use of weapons. The troops would begin with unloaded rifles and no bayonets and progress as necessity required, to unloaded rifles carrying fixed but sheathed bayonets; tear gas; unloaded rifles with fixed bayonets unsheathed; and, finally, loaded rifles. There were to be similar priorities for carbines and pistols, but strict adherence to weapons policy was never to “jeopardize successful completion of the mission.” Billingslea was authorized to use either CS or CN when it was “clearly required and lesser efforts would not suffice,” but could not delegate that authority to his subordinates.⁶⁴

Since the Army’s mission involved only the removal of obstructions to justice, federal marshals were to take civilian troublemakers into custody whenever possible.

⁶² Quote from Msg, DA (Abrams) to CG, 2d Inf Div, Ft. Benning, Ga., DA 919735, 29 Sep 62, pt. II, contains the draft documents. Msg, DA (Abrams), to CG (Billingslea), 2d Inf Div, DA 919745, 300711Z Sep 62, repeats them officially as orders. Both in Oxford files, RG 319, NARA.

⁶³ Msg, DA to CG, 2d Inf Div, DA 919735, 29 Sep 62, pt. II.

⁶⁴ Quotes from Ibid. See Extract from CofSA Weekly Summary, 19 Jul 60; Fact Sheet, 16 Mar 61, sub: Use of CS in Riot Control; and MFRs, Lt Col Charles W. Adcock, 2 Oct 62, sub: Status of Chemical Ammunition, and 3 Oct 62. All in Memoranda—General (2 Oct) file, Oxford files, RG 319, NARA.

If Army personnel were obliged to hold civilians, they were to turn their prisoners over to a marshal as quickly as possible. They were not to escort Meredith or to apprehend or escort Barnett or any other Mississippi official. They were only to provide “the assurance that no one” would interfere with the marshals’ duties.⁶⁵

With the Army integrated and about 15 percent of the personnel selected for the Mississippi operation Negro, whether blacks should participate in the operation posed a special problem. The question had arisen at Little Rock. Operation commanders had settled it at that time by separating the black soldiers of the 101st Airborne Division from white civilians. This was the approach initially selected for Oxford, but as time shortened General Abrams had second thoughts. On 27 September he informed Attorney General Kennedy that, to avoid promoting any sort of incident, he would allow his black troops to proceed to the objective area but had instructed commanders verbally to refrain from committing them to action.

General Wheeler later adopted the policy and stated it explicitly in personally written instructions to Billingslea’s successor. “Keep Negro troops in base camps,” Wheeler wrote, “or [on] administrative support duties.” Through some failure in communication, however, black members of Task Forces Alfa and Bravo were thereafter clearly in evidence in Oxford. Meanwhile, the commanders of the units composing Task Force Charlie apparently also misinterpreted the instruction, but in the opposite direction, leaving most of their black members at home.⁶⁶

On Saturday, 29 September, receiving orders to move Alfa, Bravo, and Charlie, the Army authorized placing a new task force, Delta, on alert at Fort Benning. Formed around the 2d Battle Group, 1st Infantry, Delta included a company of the 2d Battle Group, 9th Infantry, together with necessary support troops—1,196 men altogether. Its commander was Col. Edgar R. Poole.⁶⁷

That same evening, the pace of events began to accelerate. The Tactical Air Command ordered execution of its operational plans to provide airlift for Task Forces Alfa and Charlie, and about 2200, with the Air Force waiting, orders to the First and Third U.S. Armies required them to execute their operational instructions. Alfa and Charlie were to move to the Memphis staging area by air, while Bravo was to join them by surface transportation, avoiding Mississippi en route. Within the hour, Major Kristoferson received final notification to take the tent-city force to Mississippi, and word reached Abrams that the president wanted a force of 500 military policemen at the Memphis staging area in addition to those already scheduled for arrival there. This resulted in orders to the 720th Military Police Battalion at Fort Hood, which now became Task Force Echo. Within the same hour the attorney general left for the White House and Secretary Vance took up station in the Pentagon. General Wheeler was brought up to date, and at five minutes before

⁶⁵ Msg, DA to CG, 2d Inf Div, DA 919735, 29 Sep 62.

⁶⁶ Quote from instructions prepared personally by the chief of staff for the deputy chief of staff for military operations, 1 October 1962, in a gathering of documents marked “Copies of Memos for Record & Orders Reference Use of Colored Soldiers Oxford Area,” signed by Rundquist, in Memoranda—General (9 Oct) file. Informal penciled Memo, 29 Sep (62) in Memoranda—Miscellaneous Drafts and Rough Notes (Sep–Dec 62) file. Both in Oxford files, RG 319, NARA. See also Scheips, *Oxford Incident*, pp. 57–59.

⁶⁷ Msg, DA (Abrams) to CGUSCONARC, DA 919740, 29 Sep 62; Cmd Rpt, 2d Inf Div, 3 Dec 62, tab A, p. 2; DA (ODCSOPS) Situation Report (Sitrep) 1–62 (as of 301100 Sep 62), Summary of Special Operations; Msg, CGUSCONARC to RUCAC/CGTUSA, DAIN 272006, 30 Sep 62. All in Oxford files, RG 319, NARA.

midnight (2355) the Army leadership learned that a presidential press conference or briefing would be held thirty-five minutes later at 0030 Sunday.⁶⁸

The President Acts

Procedures and the legal citations followed well established precedents. At one minute past midnight, 30 September 1962, President Kennedy signed a proclamation declaring that the governor of Mississippi and other officers and persons in that state were “willfully opposing and obstructing the enforcement” of federal court orders. In consequence, enforcement of federal laws in Mississippi by the ordinary course of judicial proceedings was impracticable. The governor had failed to give adequate assurances that federal court orders would be obeyed and that law and order would be maintained. Therefore, the president commanded “all persons engaged in such obstructions of justice to cease and desist therefrom and to disperse and retire peaceably forthwith,” citing as his authority “the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code, particularly sections 332, 333 and 334.”⁶⁹

Army headquarters in Washington had expected a time lag between the proclamation and the executive order, as had happened in the case of Little Rock, but Kennedy issued his proclamation and executive order more or less simultaneously. His executive order quoted the essential parts of the proclamation and declared that, since the proclamation’s commands had not been obeyed, obstruction of the court orders still existed and threatened to continue. Again citing the legal authority set forth in the proclamation, together with Section 301 of Title 3 of the *U.S. Code*, he authorized the secretary of defense to take steps to enforce the relevant federal court orders and to remove obstructions to justice in Mississippi. The secretary was authorized to use such of the armed forces of the United States as he might need; to call into the active military service of the United States any or all units of the Mississippi Army and Air National Guards; and to delegate to the secretary of the Army or the secretary of the Air Force, or both, any of the authority thus conferred upon him.⁷⁰

Shortly after the president’s proclamation, Secretary McNamara, through the secretaries of the Army and Air Force, called all units and members of the Mississippi Army and Air National Guards into federal service for an indefinite period. At that time, McNamara directed Secretary Vance to take such action as might be necessary to carry out White House and Department of Defense orders and delegated authority to him to use regulars

⁶⁸ Msg, CGUSCONARC/CINCARSTRIKE to CG, First Army, and CG, Third Army, DAIN 271946, 30 Sep 62; Msg, Tactical Air Command (TAC) Command Post, Langley Air Force Base (AFB), to Ninth Air Force (AF), Shaw, DAIN 271892, 29 Sep 62; informal penciled Memo, 29 Sep (62). All in Memoranda—Miscellaneous Drafts and Rough Notes (Sep–Dec 62) file, Oxford files, RG 319, NARA.

⁶⁹ Proclamation 3497, *Obstruction of Justice in the State of Mississippi*, 30 September 1962, 27 F.R. 9681, and 3 C.F.R. 225 (1959–63 comp.).

⁷⁰ EO 11053, *Assistance for Removal of Unlawful Obstructions of Justice in the State of Mississippi*, 30 September 1962, 27 F.R. 9691, and 3 C.F.R. 645 (1959–63 comp.). The wording was almost the same as at Little Rock. During the late nineteenth century, it was not uncommon for the proclamation to follow the deployment of troops. See Laurie and Cole, *Role of Federal Military Forces*. On calling the Mississippi National Guard, see Belknap, *Federal Law and Southern Order*, p. 90; AAR, National Guard Bureau (NGB), Mississippi, 17 Dec 62, items 1–2, Oxford files, RG 319, NARA; Presidential Recordings, Integration of the University of Mississippi, Dictabelt Transcript 24, 29 Sep 62, pp. 1–4, Papers of John F. Kennedy, Kennedy Library.

and the Guard. Transmitting the order to the proper Mississippi authorities, including Governor Barnett, he then instructed all Mississippi National Guard units to assemble at their home armories and air bases, where they would come under General Billingslea's operational control.⁷¹

Although news reports probably supplied a great deal of information on what was happening, most of the 9,894 Army and 1,017 air guardsmen called into service had no official knowledge of the specific duties they might be called upon to perform. On Sunday over 92 percent nonetheless reported, a "completely satisfactory" response according to the adjutant general of the Mississippi National Guard, Maj. Gen. William P. Wilson, with "absolutely no incidents of any individual willfully refusing to report." The guardsmen, Wilson added tartly, "responded in the same manner as though they were . . . mobilized for a real—and I say again, a real—National emergency."⁷²

An unusual case was that of the commanding general of the 31st Infantry Division Artillery, the senior commander of the Mississippi Army National Guard, Brig. Gen. Claude F. Clayton. Receiving orders to report to the air station, where he was to occupy a position outside the chain of command, Clayton notified higher authorities that he was a U.S. district court judge in civilian life and therefore subject to a conflict of interest because any rioters arrested in Oxford or at the university would be tried in his court. He received an official release from duty before the day was out.⁷³

Meanwhile, instructions went out to three Mississippi National Guard units to prepare to move from their armories to Oxford by ground transport on Monday morning, 1 October, when Meredith was to attempt to register again and trouble was expected. They were to carry only individual weapons. Their commanding officers were to report to General Billingslea at Memphis Naval Air Station a day early, by 1400 Sunday, 30 September. In all, the strength of the units totaled somewhat more than 3,000 officers and enlisted men. Also summoned was a small detachment of doctors and enlisted men—fifty persons altogether—from the 134th Surgical Hospital, which had only recently been released from active duty in response to an international crisis in Berlin.⁷⁴

Billingslea conferred at the naval air station with the commanders of the three units on Sunday afternoon. He laid out his instructions from the Department of the Army,

⁷¹ Memo, McNamara for the Secy of the Army and the Secy of the Air Force, 20 Sep 62, sub: Implementation of Executive Order, in Abrams' Book, tab A-3, Oxford files, RG 319, NARA.

⁷² Quotes from Allan G. Crist, "Oxford! The Mississippi National Guard Stands Fast!" *National Guardsman* 16 (November 1962): 4. *Reserve Component Program of the Army Fiscal Year 1963*, an. 2, Army National Guard Unit Program, 30 September 1962, p. 7, and DF, AACNGBAR (Greenlief) to Ch, NGB, 5 Oct 62, sub: Strength of Mississippi ARNG, in Strength and Status of Forces file, both in Oxford files, RG 319, NARA.

⁷³ On the Clayton case, see Msg, DA (Abrams) to Brig Gen Claude F. Clayton, DA 318077, 30 Sep 62; Ltr (pers), Clayton to Abrams, 1 Oct 62, with Incls, in Commanding Generals & Other Key Personnel file; Telecon, Abrams to Hall, 30 Sep [62] (in pencil), in Commanding Generals & Other Key Personnel file; MFR, Schlottzhauer, n.d., in Commanding Generals & Other Key Personnel file; Telecon, Greenlief to Clayton, 30 Sep 62, in Commanding Generals & Other Key Personnel file; MFR, Schlottzhauer, 30 Sep 62, accompanied by copy of Msg, DA (Hoskot for CofSA [pers], for Gen Wheeler) to Abrams, Memphis Naval Air Station, 30 [Sep 62], tab 43, Chron file II (28 Sep–1 Oct 62); Msg, TAG to Clayton, DA 318084, 1 Oct 62; Cmd Rpt, for Period Ending 23 Oct 62, 108th ACR (armored cavalry regiment), 29 Oct 62, tab G, to Cmd Rpt, 2d Inf Div, 3 Dec 62, p. 1; AAR, NGB, Mississippi, 17 Dec 62, items 9–10. All in Oxford files, RG 319, NARA.

⁷⁴ Msg, DA (Abrams) to Mississippi Army National Guard (ARNG) and Air National Guard (ANG), DA 318078, 30 Sep 62, Oxford files, RG 319, NARA; George Fielding Eliot, "Salute to the Mississippi National Guard," *National Guardsman* 16 (November 1962): 6; Crist, "Oxford!" pp. 4, 9.

explained probable missions, and provided everyone with orientation material his staff had prepared. Robert Kennedy participated in the conference by telephone. Whatever their private feelings may have been, the officers were cordial and responsive.⁷⁵

The mix of civilian and military forces and the question of who was running the Oxford operation in Washington created problems for Billingslea. He served directly under the chief of staff but had instructions to aid the Department of Justice and now learned from Abrams that Attorney General Kennedy was exercising policy direction for the operation. Planning by the Departments of Justice and of the Army, however, had proceeded somewhat independently, which made coordination difficult when the need arose because of separate instructions from the two departments.⁷⁶ This arrangement gave Kennedy greater responsibility for Oxford than Attorney General Brownell had exercised for Little Rock and made it especially important that the Department of Justice and the Army work in close coordination.

Problems began to arise early Sunday afternoon. Without any prior warning, Abrams informed Billingslea that he would also have to command the federal marshals guarding Meredith. Later relating that “his military mind boggled” at the sight of the marshals standing about in seeming disorder, he was daunted by the additional mission. When Billingslea located Assistant Attorney General Oberdorfer, who had charge of the marshals, and began to express his dismay, Oberdorfer cut him short. “General,” he is reported to have said, “there’s just one thing we want to hear from you. What are your capabilities?” Shortly afterward, however, the marshals were removed from Billingslea’s control.⁷⁷

The elimination of one problem merely created another. Given Billingslea’s mission to assist the marshals in restoring and maintaining order on the Oxford campus, it appeared that the general would answer to Deputy Attorney General Katzenbach, the senior Department of Justice official in Oxford and, as Billingslea might have presumed, the president’s representative at the scene. Becoming aware of the real need for coordination as the crisis in Oxford mounted Sunday evening, Katzenbach informed Vance that he would like to have a liaison officer from Billingslea’s staff. Vance issued the necessary instructions, thus bridging an organizational and communications gap in the operation.⁷⁸

⁷⁵ Msg, Parker to Abrams, 302103Z Sep 62, tab 46a, Chron file II, 28 Sep–1 Oct 62, Oxford files, RG 319, NARA. Robert Kennedy did not make the call until almost 1800, after Billingslea’s signal officer, Lt. Col. Gus Grisard, called Washington to say that the officers were waiting for the call “and that they had other things to do and did we [in the Office of the Chief Signal Officer] have any idea when Mr. Kennedy was going to . . . call.” Geoghegan, who had not known about the proposed call, had to remind Kennedy. AAR, Oxford, Mississippi, Operation (Initial Rpt), OCSigO, entries for 301725 and 301755 Sep 62, tab A, p. 7, Oxford files, RG 319, NARA.

⁷⁶ Cmd Rpt, 2d Inf Div, 3 Dec 62, tab A, pp. 6–7.

⁷⁷ Ibid.; penciled Memo, unsigned [301705 Sep 62] with notation (“will cmd marshals as well as trps”) in Memoranda—Miscellaneous Drafts and Rough Notes (Sep–Dec 62) file, Oxford files, RG 319, NARA. Quotes from Guthman, *We Band of Brothers*, pp. 98–99.

⁷⁸ Cmd Rpt, 2d Inf Div, 3 Dec 62, tab A, pp. 6–7; penciled Memo, unsigned [301705 Sep 62] with the notation (“will cmd marshals as well as trps”); notation following a handwritten Draft Msg, Parker to Billingslea, 010240Z [Oct 62], in Parker Notes, Oxford files, RG 319, NARA, reading as follows: “Mission: Initially to assemble then if required assist marshals restore & maintain order on campus University. Recognizes this puts Billingslea under Katzenbach’s control but will square this away.” Cy Msg, Parker to Abrams, 302212 Sep 62, tab 44, Chron file II (28 Sep–1 Oct 62), Oxford files, RG 319, NARA; MFR, Schlotzhauer, 29 Sep 62, in Memoranda—General (28 Sep–1 Oct [62]) file, Oxford files, RG 319, NARA.



TENT CITY IN HOLLY SPRINGS NATIONAL FOREST, MISSISSIPPI

Meanwhile, Army representation at the scene increased. Serving as the personal representative of the chief of staff, General Abrams left Andrews Air Force Base, Maryland, at 1000 Sunday. Included in his party were his legal adviser, Col. Bland West of the Office of The Judge Advocate General, and a three-man team from the Office of the Chief of Information. At Memphis Naval Air Station, the information officer from Fort Benning and his party joined with Army public affairs officers already on the scene under the command of Lt. Col. L. Gordon Hill, Jr., to form the thirteen-man information section prescribed in earlier planning.

The troops were also assembling. By Sunday afternoon there were variously en route, on alert, or already positioned at the naval air station and at the tent city in Mississippi 4,582 regular officers and enlisted men. The number included the personnel of the Marine Aircraft Group 26, which was at the naval air station with its helicopters. In addition, three Mississippi National Guard units totaling 3,116 men had been alerted for possible movement to Oxford on Monday when trouble was expected. Not included in these figures were the Air Force personnel involved in the airlift, the Army personnel who staffed the operation in Washington, and the support personnel

and staff members employed by the headquarters of the Continental Army Command and by the numbered armies involved.⁷⁹

The Growing Crisis

Even as the marshals and troops readied themselves, the Kennedy administration made every possible effort, despite its previous experience with Barnett, to secure a guarantee of safe registration for Meredith. President Kennedy himself spoke twice with Barnett on Saturday before issuing his proclamation. In the first conversation, the governor had little to offer, but in the second, after rambling on about various diversionary measures that might allow Meredith to be registered, he had suggested a three-week postponement to allow the situation to cool down. In the end, however, he had declined to guarantee Meredith's safety at the end of the period, effectively ending negotiations.

On Sunday morning, a worried Barnett had called Robert Kennedy to plead again for a postponement of Meredith's enrollment. When told that was impossible, he made a new proposal. A large military force, he suggested, should escort Meredith to the campus. Barnett would meet him backed by unarmed highway patrolmen supported by unarmed sheriffs and read a proclamation barring Meredith. The federal military escort would draw its weapons, and Barnett would capitulate. Kennedy rejected the proposal out of hand but countered with a suggestion that the marshals occupy the campus that day and that Meredith arrive by helicopter on Monday, 1 October. When Barnett hesitated, the attorney general threatened to have the president, during a television address to the nation that evening, reveal the record of Barnett's earlier bargaining with him and the fact that the governor lied.⁸⁰

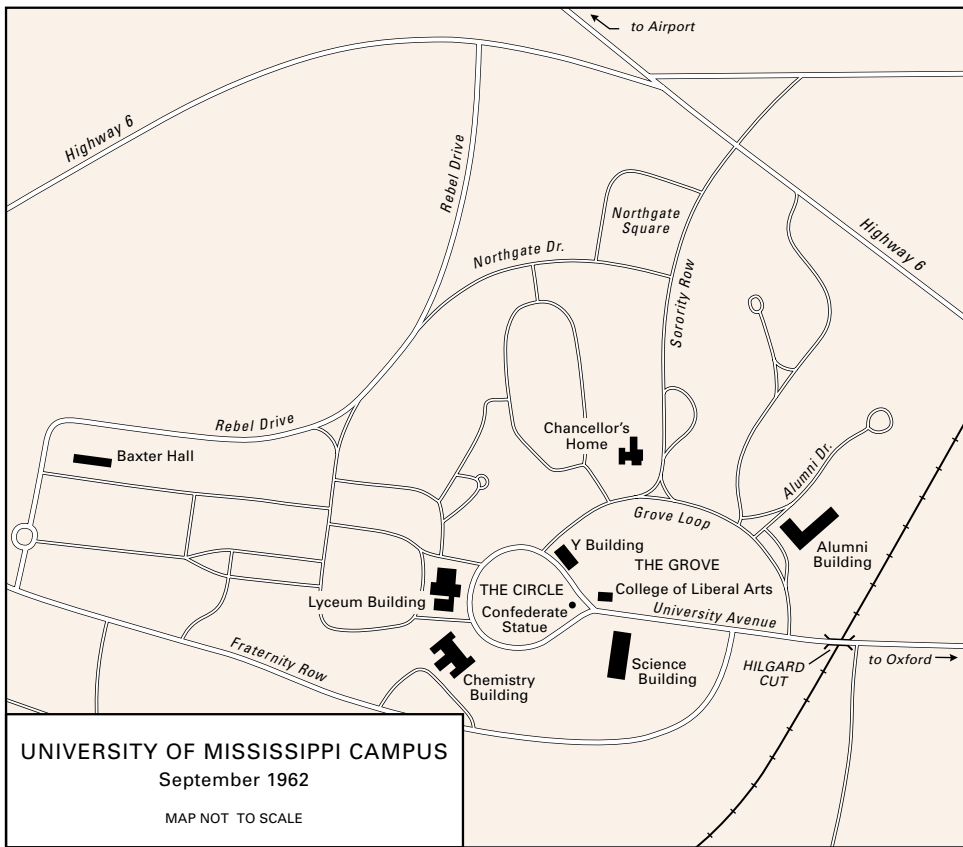
Hoping to prevent any revelation of the secret negotiations, Barnett capitulated with a suggestion that Kennedy have Meredith flown to the campus before the president's address. From then on, the discussion moved rapidly. Barnett gave assurances that the state police would give every assistance to federal officials. He received, in return, an agreement that he would be allowed to issue a statement saying that he had given way to superior force and that he could pursue the matter further in the courts. Under this arrangement, the element of surprise favored federal forces, but precisely how Barnett was to maintain the peace in the event of trouble was never spelled out.⁸¹

Robert Kennedy saw no need to alter the plans under which the Army would act, if needed, on Monday when Meredith was expected to arrive in Oxford to register. And he

⁷⁹ Msg (ATUTR-WR 302062), CGUSCONARC/CINCARSTRIKE to RUWFAH/CG, Fourth Army, DAIN 272002, 30 Sep 62, amending ATUTR-WR 302048, 28 Sep 62; AAR, 716th MP Bn, Operation OLE MISS, 31 Oct 62, tab J, to Cmd Rpt, 2d Inf Div, 3 Dec 62, p. 1; DA (ODCSOPS) Sitrep 1-62 (as of 301100 Sep 62), Summary of Special Operations; Breakdown of Strengths as of 281800 Sep 62, in Strength & Status of Forces file; AWR Jnl, entry for 301355 Sep 62; AAR, OCINFO, Mississippi, 8 Sep 62-31 Mar 63 (Working Copy), p. 3. All in Oxford files, RG 319, NARA.

⁸⁰ On the effort to enroll Meredith and the attempt to secure Barnett's help, see Barrett, *Integration at Ole Miss*, pp. 115-18, 123-28; Guthman, *We Band of Brothers*, pp. 185-203; Meredith, *Three Years in Mississippi*, pp. 184-206. Navasky, *Kennedy Justice*, pp. 165-225, has extended quotations from transcripts of Kennedy-Barnett telephone conversations through 28 September. Navasky uses an affidavit prepared by Burke Marshall for the Barnett contempt case, which was not filed because President Kennedy believed it would contribute to national divisions at a time when the Cuban missile crisis made national unity more important. See pp. 231-34.

⁸¹ See also Presidential Recordings, Integration of the University of Mississippi, Dictabelt Transcripts 4A, [29] Sep 62, pp. 1-4, 5, and 4C, [29] Sep 62, pp. 1-9, Papers of John F. Kennedy, Kennedy Library; Barrett, *Integration at Ole Miss*, pp. 115-16, 123-27.



MAP 2

evidently saw no need to discuss the matter with the Army before deciding to move Meredith on Sunday. Instead, he simply told Secretary Vance around 1430 Sunday that “the plan was for the marshals to go it alone today.” He did not want troops in Mississippi, he later explained, “because that would have destroyed the whole idea of the marshals.” As for the university, he also left it in the dark.⁸² Campus officials had hired extra police from nearby towns for Monday, when they expected Meredith to arrive, but only the regular policing staff was on hand for the weekend. They learned only just before 1600 on Sunday that Meredith would be arriving a day early.

At that hour, truckloads of marshals began to pass by the residence of Chancellor John D. Williams on their way to the center of the campus. This contingent, 160 or 170 strong, was the first to reach Oxford from the Memphis staging area via the small University-Oxford airport

⁸² First quote from MFR, Schlotzhauer, 301630 Sep [62], tab 41a, Chron file II (28 Sep–1 Oct 62), Oxford files, RG 319, NARA. Second quote from A. Lewis, Kennedy-Marshall Inters, 4 Dec 64, tape VII, in *Robert Kennedy in His Own Words*, p. 743. At 1147 on 30 September, Wheeler advised Abrams that, as of that time, there were “no definitive instructions for action tomorrow; however, tentative plan remains unchanged.” Msg, Wheeler to Abrams, 301647Z Sep 62, Abrams’ Book, Oxford files, RG 319, NARA.

two miles away. These marshals, as well as those who followed, were under the immediate command of Chief U.S. Marshal McShane and his deputy, Marshal Cameron. Shortly afterward, Katzenbach arrived from Washington to take overall charge. Seven Army trucks, four of them driven by black soldiers, and a sedan from the tent city, were at the airport to meet Katzenbach's party and the marshals. Before reaching the campus, the convoy met by prearrangement with the head of the Mississippi state police, Col. Thomas B. Birdsong, who escorted it the rest of the way. Its destination was the Lyceum, the university's principal administrative building.⁸³

Centrally located on campus, the Lyceum was on a tree-studded circle flanked on the northeast by a wooded area called the Grove. (*Map 2*) From the circle opposite the Lyceum, University Avenue ran straight across Hilgard Cut and the Illinois Central Railroad tracks into the adjacent town of Oxford. Although several times enlarged since its opening in 1848, the Lyceum with its stately classical columns was the only survivor of the original university buildings and the most venerated structure on campus. It was there that Meredith would have to register the next day because university officials would not register him on Sunday. Katzenbach set up his command post in the registrar's office, using two open pay phones in the hall as his telephone connections with the White House and the Department of Justice. He quickly secured the building by deploying the marshals around it.

Notified that they were only on a drill, the marshals themselves wore varied clothing. Some sported T-shirts and other casual clothing while others were dressed in business suits. All, however, possessed riot vests, identifying arm bands, and white World War II helmet liners displaying the stenciled words "U.S. Marshal." They carried gas masks, tear gas dispensers, riot batons (some homemade), and service revolvers out of sight in shoulder holsters. All had received at least some riot training. Highway patrolmen, sheriff's deputies, local policemen, and other peace officers formed a cordon between them and a gathering crowd.⁸⁴

Assisting with the arrangements was the president pro tempore of the Mississippi Senate, State Senator George M. Yarbrough, who led a four-man delegation dispatched to Oxford by Barnett to represent him personally and "to assure that the peace and security of the people of the state are fully protected." The members of the delegation apparently believed that they had been sent to Oxford to prepare once again to resist Meredith's enrollment at the university, but they found the federal marshals already present when they arrived. At the same time, Barnett had evidently instructed Birdsong to cooperate with the federal officials and keep order in accordance with his agreement. These layers of deception made for ambiguity, confusion, and considerable peril in a situation that would shortly begin to spin out of control.⁸⁵

⁸³ See Barrett, *Integration at Ole Miss*, p. 125, for a useful map of the campus showing these features.

⁸⁴ On events leading up to the riot, see Cmd Rpt, 101st Abn Div and Ft. Campbell, 17 Nov 62, Operation OLE MISS, RAPID ROAD, Incl 3, p. 3; MFR, Schlottzauer, 30 Sep 62, tab 42a, Chron file II (28 Sep–1 Oct 62), compare with MFR, Shive, 301750 Sep 62, tab 43b, Chron file II (28 Sep–1 Oct 62); Intell Log, 301735 Sep 62; AAR, Oxford, Mississippi, Operation (Initial Rpt), OCSigO, entry for 292215 Sep 62, tab A, p. 5; Interv, author with Maj Ralph S. Kristoferson, Mar 63, in Oxford, Miss., XVIII Abn Corps Intell Rpt, G-2, Lt Reiber signed for Chamberlain, 042345 [Oct 62], in Border Patrol Personnel file; AWR Jnl, entry for 301735 Sep 62; MFR, McDaniel, 5 Oct 62, in Memoranda—General (5 Oct) file. All in Oxford files, RG 319, NARA.

⁸⁵ Barrett, *Integration at Ole Miss*, pp. 128–29.

CHAPTER 5

The Riot at Oxford

My obligation, under the Constitution and the statutes of the United States, was and is to implement the orders of the court with whatever means are necessary, and with as little force and civil disorder as the circumstances permit.

—President John F. Kennedy’s national radio address, 30 September 1962.

Although an airport crowd of four to five hundred jeered and civilian vehicles darted recklessly in and out of the motor convoy en route, the first group of marshals reached the Lyceum without serious incident on Sunday afternoon, 30 September. After unloading, the trucks returned to the airport to pick up a second contingent. By that time the group at the airport had started moving on foot toward the campus. When the trucks returned with more marshals at about 1700, a threatening crowd of three to four hundred students already surrounded the Lyceum. The jeering continued, along with occasional shouts of “Nigger” directed at four black truck drivers. Some state troopers on the scene attempted to maintain order but others allowed the crowd to approach close enough to military vehicles to touch them and to yell insults through the windows.¹ (*See Map 2.*)

Meredith arrived in Oxford from the Memphis Naval Air Station about 1730 Sunday. The atmosphere was tense. Escorted by the university police chief, highway patrolmen, and federal officials, his caravan drove slowly from the town’s airport to the campus, entered through a back entrance, and proceeded uneventfully to Baxter Hall, a dormitory where he would live. Thanks to poor coordination between the Departments of Justice and of the Army, General Abrams first learned about Meredith’s Sunday arrival from one of his staff officers who heard about it on a newscast while out getting something to eat. This, of course, was a surprising development, since Army planning had proceeded on the assumption that Meredith would not appear until Monday when he was expected to register. According to Frederick C. Calhoun, the marshals’ official historian, there were 536 federal lawmen at Oxford, including 125 regular U.S. deputy marshals, 300 border patrolmen, and 97 prison guards sworn in as special deputy marshals. It has never been clear, however, despite Calhoun’s figures, exactly how many of these lawmen were there

¹ Paul J. Scheips, *The Role of the Army in the Oxford, Mississippi, Incident, 1962–1963*, OCMH Monograph 73M (Washington, D.C.: Office of the Chief of Military History, 1965), p. 90, CMH. Hereafter cited as *Oxford Incident*. For more details on the Oxford riot, see also pp. 89–291.



A U.S. ARMY CONVOY CARRYING MARSHALS MOVES PAST THE FRATERNITY HOUSES ON THE UNIVERSITY OF MISSISSIPPI CAMPUS.

that night. About 300 surrounded the Lyceum; others guarded Meredith at Baxter Hall; and some apparently did not arrive until later.²

At 1930 that evening, Governor Barnett went on television to announce that Meredith had arrived on campus under federal protection and to urge that the peace be preserved. In a radio broadcast later that night, however, he denied that he had given in to the government's wishes—an ominous addendum.³ Heightening official concern was a report that Maj. Gen. Edwin A. Walker (U.S. Army, Retired) had come to Oxford and registered under an assumed name. The commander of federal troops at Little Rock, Walker had been compelled to retire from the Army for distributing right-wing propaganda to his troops. He had refused to fade away, however, and had made a radio appeal for 10,000 volunteers to come to Mississippi to “rally to the cause of freedom.” Secretary Vance instructed Abrams to ask the marshals to detain Walker, if his actions made it necessary.⁴

Meanwhile, the crowd on the Oxford campus grew steadily, reaching 1,000 by early evening and then increasing to 2,000 or more. Many were outsiders, some of whom came armed. They centered their hostility on the cordon of marshals around the Lyceum, but some also took notice of Baxter Hall once they learned that Meredith was there. At one

² Meredith, *Three Years in Mississippi*, pp. 194, 210–11; Dorman, *We Shall Overcome*, p. 26; Calhoun, *The Lawmen*, pp. 267, 273–74. Theodore C. Sorenson, *Kennedy* (New York: Harper & Row, 1965), p. 485, reports that the force “in the end reached 550.” Memo, McShane for Katzenbach, 18 Dec 62, sub: Report of Activities of the Executive Office for United States Marshals for the Months of September, October, and November 1962, p. 3; Telecon, author with P. D. Dowser, U.S. Marshals Service, 18 Dec 75; and Conversation, author with Abrams, Dec 62. Latter three in Records of the Army Staff, RG 319, NARA. Note Nicholas Katzenbach’s comment below at footnote 8 that the force of marshals was too small.

³ In his television appearance, Barnett stated that Meredith had been placed on the campus by “government helicopters.” See Barrett, *Integration at Ole Miss*, p. 146.

⁴ *Ibid.*, p. 119.

point, the marshals protecting Meredith became so concerned that they shoved him into a closet and covered him with a mattress. The crowd's anger at this point was nonetheless directed primarily against the federal government and its intervention in what many considered the internal affairs of Mississippi.⁵

Among those drawn to the scene was Lt. Col. Whitney D. Stuart, professor of military science at the university, who was accompanied by a young Army intelligence agent, one of a number drawn from the 111th Intelligence Corps Group and assigned to Oxford to augment the one-man Oxford office. Stuart watched as rioters shouted obscenities at the marshals, spit at them, and threw bottles, bricks, lighted cigarette butts, and pieces of pipe and cinder blocks. A new science building under construction near the Circle on which the Lyceum stood provided a ready source of missiles.⁶

The president began his radio and television address at 2000, Oxford time, with an appeal to reason and with laudatory references to Mississippi's history. But his words had little effect. Many rioters listened to Kennedy on their transistor radios, then returned to throwing objects at the marshals. When, by one account, a piece of lead pipe crashed down on a marshal's helmet liner, the marshals responded with tear gas.⁷

By that time, the marshals had begun to reap the consequences of Robert Kennedy's unplanned decision to move Meredith to the campus on Sunday. Katzenbach later observed that although enough officers were present at the scene to provoke the crowds, there were too few to overcome the violence that resulted. Their effectiveness was further diminished by a hasty deployment that disrupted their organization and caused them to leave bullhorns and other equipment behind. Those disadvantages notwithstanding, the marshals stood their ground under considerable punishment and obeyed their orders to keep their side arms holstered unless Meredith himself was in danger, except in three cases. In those instances, marshals used their side arms against a fire truck, a fire hose, and a speeding driverless car.⁸

The state police was of little assistance as the crisis developed. Although expected to play a leading role in maintaining law and order despite a lack of the necessary police powers, it abandoned roadblocks around the campus on Col. Thomas B. Birdsong's orders as early as 1830 and withdrew entirely from the campus on State Senator George M. Yarbrough's orders little more than an hour later. When Robert Kennedy called Barnett to complain and the governor countermanded his subordinates' orders, some of the patrolmen resumed their former positions at the Lyceum, where one of them was seriously injured when a tear gas canister fired by a marshal accidentally hit him. With that, the patrolmen

⁵ Calhoun, *The Lawmen*, p. 272; Silver, *Mississippi: The Closed Society*, p. 122.

⁶ Stuart related his experiences to the author in Oxford, Mississippi, in March 1963 and in Telecon, author with Stuart, 13 Dec 63. Notes on both conversations are in entry 113, Records of the Oxford, Mississippi, Operation, 1962-63 (hereafter cited as Oxford files), RG 319, NARA.

⁷ On the situation from the vantage point of the White House, see Sorenson, *Kennedy*, pp. 484-86. The text of President Kennedy's radio and television address on 30 September 1962 is in *Public Papers of the Presidents of the United States: John F. Kennedy, 1962* (Washington, D.C.: Government Printing Office, 1963), item 420, and in Barrett, *Integration at Ole Miss*, pp. 149-51.

⁸ Navasky, *Kennedy Justice*, p. 111; Guthman, *We Band of Brothers*, pp. 206-07; Intervs, Anthony Lewis et al. with Robert Kennedy and Burke Marshall, 1964-1965, 4 Dec 64, tape VII, John F. Kennedy Library, Boston, Mass. (hereafter cited as A. Lewis, Kennedy-Marshall Intervs), in *Robert Kennedy in His Own Words*, ed. Edwin O. Guthman and Jeffrey Shulman (New York: Bantam Press, 1988), pp. 734-36; William Doyle, *An American Insurrection: The Battle of Oxford, Mississippi* (New York: Doubleday, 2001), p. 351n214.

again began to withdraw, claiming that their gas masks were ineffective. Forty-three patrol cars loaded with highway patrolmen and other local peace officers pulled off the campus in one convoy, leaving only the marshals and a handful of campus police to face the mob. Shortly afterward, Yarbrough with Barnett's other representatives returned to Jackson. Under pressure from President Kennedy, Barnett then sent Lieutenant Governor Paul B. Johnson to Oxford to move the patrolmen back and to order them to assist in restoring order. Patrolmen again manned roadblocks where Johnson claimed they turned back hundreds of cars bound for the campus. Whether that was true or not, their on-again, off-again behavior did little to quell the violence.⁹

Looking back, Department of Justice officials would later admit that they had miscalculated in assuming that Colonel Birdsong would do as his counterpart at Montgomery had done the year before and order his men to prevent violence. Even so, highway patrolmen did not join the mob, one of the few accomplishments, Robert Kennedy and Burke Marshall later concluded, that the negotiations with Barnett had achieved.¹⁰

Military Intervention

In the end, Katzenbach delayed requesting federal troops for as long as possible, believing even as conditions deteriorated that the situation could be restored without military intervention.¹¹ Bitterly disappointed, he finally asked for troops at 2030, Oxford time. Shortly thereafter, disheartened by the violence against the marshals and concerned that the mob might find Meredith and lynch him, President Kennedy authorized the use of troops, instructing General Billingslea to move a force of from 800 to 1,000 federalized guardsmen to Oxford to reinforce the marshals.¹²

Of the three major National Guard units already alerted for movement to Oxford, only the 108th Armored Cavalry received orders to depart immediately. The first of its elements arrived at the campus about midnight, Oxford time. The other two Guard units left for Oxford shortly afterward. In the interim, the situation at the Lyceum worsened, leading officials to decide that more troops might be needed. At 2133 Billingslea thus received orders to initiate movement of his regular troops to support the federal marshals.

Caution nonetheless seemed the order of the day. Although Billingslea was to begin moving all forces under his command including the federalized National Guard to Oxford or other locations so that they would be in position for employment if needed, he received word almost immediately that the president wanted him to go to Oxford himself. He was to evaluate the situation and to inform the president of what was happening before committing federal troops to action. In the end, events overtook those instructions. Before Billingslea

⁹ Silver, *Mississippi: The Closed Society*, pp. viii, 121–22, 163, 164, 175, 247, details the actions of the highway patrol; Barrett, *Integration at Ole Miss*, pp. 160–61. Presidential Recordings, Integration of the University of Mississippi, Audiotape Transcripts 26, 30 Sep 62, p. 53; 26A, 9 Sep 62, pp. 2–3; and Dictabelt Transcripts 4E, 30 Sep 62, p. 1; 4F, 30 Sep 62, pp. 1–6, all in Papers of John F. Kennedy, Kennedy Library. Col. Thomas B. Birdsong was the commander of the Mississippi state police.

¹⁰ Guthman, *We Band of Brothers*, pp. 206–07.

¹¹ Lord, *The Past That Would Not Die*, p. 194.

¹² Sorenson, *Kennedy*, p. 487; handwritten Draft Msg, Parker to Billingslea, 010240Z [Oct 62], in Parker Notes, Oxford files, RG 319, NARA. Oxford was two hours behind Washington because it observed central standard time while Washington was on eastern daylight savings time.

could leave for Oxford, he received formal orders confirming telephonic instructions already issued “to take all necessary action with all forces” at his disposal to aid the marshals. He was to report the progress of the action as frequently as possible.¹³

As the troops began to converge on Oxford, the situation there continued to decline. By early evening virtually all the streetlights around campus had been either broken or shot out, and rioters had been using shotguns, rifles, and pistols under cover of darkness to fire at the marshals and others. Karl Fleming of *Newsweek*’s Atlanta bureau had three quick shots fired at him but all missed. A number of other people were hit by birdshot. Marshal Graham E. Same of Indianapolis almost died after being hit by a bullet in the neck. Paul I. Guihard of Agence France Presse was murdered by a gunshot in the back at close range. Walter Ray Gunter, a 23-year-old jukebox repairman from Abbeville, Mississippi, died on the way to the hospital about 2330 after being hit in the forehead by a stray .38-caliber bullet. Gunter had fallen while watching the riot from a point near the university’s new science building.¹⁴



GENERAL BILLINGSLEA

With gunfire crackling in the darkness, marshals crouched behind the army trucks in front of the Lyceum. At no time did they return the rioters’ fire, except with tear gas. By midnight, when most of the students had returned to their rooms, the character of the mob changed as outsiders became more and more numerous. Throughout the hours of darkness that remained, disturbing reports reached Washington that others were on their way to the town. Uncertain when the troops could be expected to arrive on the campus, faced with a vicious mob, and unable to depend upon the state police, Katzenbach found himself in an increasingly difficult position. At that juncture, however, help arose from a source close at hand. Colonel Birdsong suggested using Troop E, 108th Armored Cavalry, a local Guard unit that was awaiting orders at the Oxford armory.¹⁵

Welcoming the idea, Katzenbach secured President Kennedy’s consent and at 2150 telephoned the troop commander, Capt. Murry C. Falkner, a nephew of the novelist

¹³ DA Sitrep 2–62 (as of 010700 Oct 62), pars. 2, 5; Cmd Rpt, 2d Inf Div, 3 Dec 62, tab G, p. 2; tab E, p. 1; and tab F, p. 2. Quote from Msg, Parker to Billingslea, 010418 Oct 62, tab 50, and see also *Ibid.*, 010240 and 010332 Oct 62, tabs 48–49. Msgs in Chron file II (28 Sep–1 Oct 62), Oxford files, RG 319, NARA.

¹⁴ “Text of Mississippi Grand Jury Report of Rioting at University in Oxford,” *New York Times*, 17 Nov 62; George B. Leonard, T. George Harris, and Christopher Wren, “How a Secret Deal Prevented a Massacre at Ole Miss,” *Look* 26 (31 December 1962): 34–36; Dorman, *We Shall Overcome*, p. 84. See also Doyle, *An American Insurrection*, p. 215.

¹⁵ Pencil Memo, unsigned, with information from Abrams, 010318 (Eastern Daylight Time [EDT]) Oct 62, and inked Memo, unsigned, with information from Billingslea [1 Oct 62], in Memoranda—Miscellaneous Drafts and Rough Notes (Sep–Dec 62) file, both in Oxford files, RG 319, NARA; Dorman, *We Shall Overcome*, p. 84.

William Faulkner, to tell him that Kennedy had ordered Troop E to the campus. With a strength of 3 officers and 71 enlisted men, the unit had been ordered to its station at the Oxford armory that day, and by midafternoon all but 3 enlisted men had reported.¹⁶

Believing that the president had federalized the Guard only to remove it from the governor's control, Falkner had not expected to become directly involved in the Meredith affair. Nevertheless, he had made preparations. At the armory (where the troop flew both the American and Mississippi flags) Falkner posted a guard to keep reporters away and ordered his men to load equipment and duffle bags and to be ready to move on short notice. When he heard radio reports of cars headed toward Oxford, Falkner conferred with his executive officer and decided to issue M1 rifles as far as they would go. But until he received Katzenbach's call, he doubted that his unit would be ordered to the campus.¹⁷

Katzenbach instructed Falkner to surround the Lyceum and then to report to him. Falkner explained that he had only two officers besides himself and only seventy-one enlisted men and that the troop "had only a few hours of riot . . . training." He could have added that he had no tear gas. Nevertheless, he told Katzenbach that he could leave the armory in ten minutes and be at the Lyceum in less than fifteen. While his men lined up the troop's little convoy of four jeeps and three trucks, Falkner telephoned his squadron commander, Lt. Col. James R. Williams, because he was uncertain about the civilian channel through which he had received his orders. Williams instructed him to comply, first authorizing ammunition for the troop and then instructing Falkner to leave his ammunition at the armory.

At 2200 Katzenbach called again to see if the troop was ready to pull out. When Falkner replied that it was, Katzenbach asked him if he was positive and then instructed him to make sure the enlisted men were loaded aboard their trucks and would follow him to the Lyceum. Katzenbach did not suggest any route to take from the armory or tell him what to expect from the mob. He also failed to mention that tear gas was heavy about the Lyceum.

Leaving the armory, Falkner turned his convoy onto University Avenue and then, for no reason that he could later recollect, ordered his men to put on their gas masks. Fortunately the tarpaulin covers on the vehicles had not been rolled back, providing some protection. Falkner took the shortest route—straight west though Oxford on University Avenue. Reflecting upon Katzenbach's questions about his men and their readiness he realized that federal officials questioned their loyalty. Although he believed that his men were segregationists, the thought that they might not obey orders or follow him seemed impossible.

As the convoy passed the high school, people on both sides of the street yelled and threw small rocks. From the time Falkner and his men crossed the bridge over Hilgard Cut and the Illinois Central Railroad tracks at the entrance to the university campus, where

¹⁶ Except as otherwise noted, the account of Troop E and the following nine quotes are from Memo, Capt Murry C. Falkner, CO, Troop E, 2d Recon Sqdn, 108th ACR (armored cavalry regiment), n.d. (hereafter cited as Falkner Statement), p. 3, copy in Oxford files, RG 319, NARA. Falkner, who had dropped the *u* from his family's name, prepared this at the request of Lt. Col. Whitney D. Stuart, Professor of Military Science, University of Mississippi.

¹⁷ Tables of Organization and Equipment for an armored cavalry troop prescribed the issuing of M1911A1 pistols and M3 submachine guns as the personal weapons of tank crewmen. This is why the troop had more soldiers than M1 rifles.



U.S. MARSHALS EXPLODE TEAR GAS TO SUBDUE A NIGHTTIME RIOT.

crowds thronged the street and moved toward the campus, the guardsmen “were constantly yelled at and cursed.” Then they approached the scene of the riot.

I could see the mob in the Grove and the Lyceum Building. It appeared the Grove was full of people and the street on which we were to drive was a sea of people. The only lights were at the Lyceum and the glow from a burning automobile. As we passed the Geology Building and the Confederate Statue, a 2 x 6 piece of lumber was thrown at my jeep. Fortunately, it missed its target! From here to the Lyceum bldg, was absolute hell! People would not move out of the street. They threw bricks, concrete, everything and anything they could find—including words. I leaned over to my driver and screamed for him to put the jeep in second gear and not to slow down or stop for anything.

Bricks battered the sides of the trucks and fell into the back. “If there had been any doubt as to whether the men would follow me, there was none now,” Falkner recalled. “I was indubitably sure I had their support. . . . A person loose in that mob, wearing a uniform, would have been dead. Now we were all concerned with a matter of self-preservation.” A barricade of three concrete benches had been placed across the street, but the jeep dodged them. A brick came through the windshield, raining shattered glass. “Something white” came toward Falkner’s face and he instinctively threw up his left arm. The missile broke three bones and cut his wrist. Three of the following vehicles smashed into the concrete benches that had been placed across the street, providing more ammunition for the mob. When the convoy finally reached the Lyceum, Falkner remembered, the marshals laid down “a volley of tear gas for us to drive through.”

Upon later examination, Falkner found his vehicles more “beat up” than any he had ever seen before. One of the jeeps had six bullet holes in the right side of the windshield. “All . . . had broken windshields or windows.” In his own jeep he found seven bricks and a Molotov cocktail that had failed to ignite. There was also a bullet hole in the radiator.

At the Lyceum, Falkner ordered his men to fall in with the marshals while he reported to Katzenbach. It was 2210, only twenty minutes since Katzenbach had first called him. After deploying his troops as Katzenbach wished, Falkner looked after his casualties. “Most of the wall space was taken up by hurt men,” he later recalled, one of whom had glass in his eye from the shattered eyepiece of a gas mask, while another had an elbow swollen to half again its normal size.

At Katzenbach’s request, Falkner took a bullhorn and with about a half-dozen of his men went before the mob in an effort to reason with the rioters. When the bullhorn stopped working, the mob rushed forward, but he and his troops returned safely to the Lyceum under cover of tear gas. He tried again with another group of volunteers, but stones and curses again flew and he had to retreat. By then he had only one uninjured officer. He sent the man to the airport with his three trucks to pick up General Billingslea and his staff, who were expected soon. From conversations with some of the marshals he learned that their supply of tear gas was running low.

At that point Falkner thought he heard the sound of trucks coming toward the Lyceum. In fact, it was a bulldozer driven by a rioter. Marshals dragged the man off his makeshift tank. The next threat came from a fire truck that attempted to hose the defenders. Agile marshals captured the driver and stopped the truck on its third pass. It was not until after these occurrences, apparently, that Falkner sought medical attention for his injured arm. Meanwhile, an ambulance had managed to reach the back of the Lyceum, where highway patrolmen were also taking away the injured.

About 2045, five minutes after he received orders to move guardsmen to Oxford, General Billingslea had ordered Troop E’s parent unit, the 108th Armored Cavalry, then on a one-hour alert, to move immediately to Oxford from its headquarters in Tupelo, about fifty miles away. It was the closest to Oxford of the three major National Guard units originally instructed to be in Oxford on Monday morning. The unit’s commander, Col. James G. Martin, reached the Oxford armory about 2230. There he found the Howitzer Battery and Troop G of the 108th’s 2d Reconnaissance Squadron, which had arrived just ahead of him. For the first time he learned that Troop E had been committed not long before and that he should look to Katzenbach for instructions. By telephone Katzenbach ordered Martin “in the name of the President” to commit whatever force he had at once to relieve the pressure building at the Lyceum, but the effort to prepare and instruct the men delayed their departure from the armory until midnight, about the time that Billingslea arrived at the airport from Tennessee. Meanwhile, General Abrams had reported to Washington that three troops of the 108th were in Oxford but that only one had been committed. Word quickly returned that the president wanted the other two troops moved onto the campus as soon as possible.¹⁸

¹⁸ Katzenbach quote from Cmd Rpt, for Period Ending 23 Oct 62, 108th ACR, 29 Oct 62, tab G, to Cmd Rpt, 2d Inf Div, 3 Dec 62. Cmd Rpt, 2d Inf Div, 3 Dec 62, tab C, p. 2; DA Sitrep 2–62 (as of 010700 Oct 62). All in Oxford files, RG 319, NARA.

Maj. Warwick B. Beane, the 108th's regimental operations officer, led the battery and Troop G, about ninety-five strong, to the campus. The men carried rifles with sheathed bayonets. They had ammunition in their pockets but were under orders to load only at an officer's command. Beane led this force up University Avenue to the same kind of a reception at the Circle that Troop E had received. The mob smashed the windshield of Beane's jeep and put Troop G's Capt. Hassel Franklin out of action with a bleeding mouth and a smashed finger. Beane reached the Lyceum about 0025 and stationed his troopers on the north side and at the rear of the building. Unimpressed by the arrival of reinforcements, the mob set one truck's tarpaulin on fire and put a bullet into the radiator of another.

The first hour of 1 October was marked by heavy firing from the rioters. During a volley of shots into the front of the Lyceum, Falkner observed several of his men accidentally knock down marshals "as they hit the dirt." Another group of three or four guardsmen from his troop decided to take a "smoke break" but could not approach the front door because of marshals "clamoring to get in." As time went by firing came from all directions. Several of Falkner's men were hit by spent bullets falling to the ground after striking the columns of the Lyceum.¹⁹

Colonel Martin had already reconnoitered the campus while Beane and his force were en route to the Lyceum. He noted that some twenty-five patrol cars were parked at the Alumni Building but that highway patrolmen themselves were doing little to restore order and greeted him in a "most antagonistic" manner. In the absence of tear gas, Martin concluded "that it would be impossible to disperse this mob with anything less than firepower."²⁰

Guardsmen continued to arrive. The Headquarters and Headquarters Troop and Troop F of the 108th's 2d Reconnaissance Squadron reached the armory about 0050. Forty minutes later the 3d Reconnaissance Squadron followed, minus its Troop H. By this time six cases of tear gas had been obtained from the supply dump at the airport. When the 1st Reconnaissance Squadron arrived in Oxford about 0200 (about the time General Billingslea and the first active Army troops reached the Lyceum), regimental officers devised a plan and issued orders for deployment on the campus. Since no maps were available, bits and pieces of information from guardsmen who had some familiarity with the campus went into the regimental operational plan—a rough sketch on a blackboard. This plan called for the 1st and 3d Squadrons to clear the campus of the mob, while part of the 2d Squadron remained in reserve. The 1st Squadron was to move directly west on University Avenue, while the 3d Squadron moved to the north side of the campus and entered the Circle from that direction.²¹ By then, however, regular troops were on the move.

The Regulars

President Kennedy's address early in the evening had sent a surge of relief through Task Force Alfa. At 2100 on 30 September the unit had received orders to release its entire

¹⁹ Cmd Rpt, 108th ACR, 29 Oct 62, pp. 2–3.

²⁰ Msg [probably telephoned], Abrams, 010241 (EDT) Oct 62, sub: A Report from Martin, in Chron file II (28 Sep–1 Oct 62), tab 55, Oxford files, RG 319, NARA.

²¹ Cmd Rpts, 2d Inf Div, 3 Dec 62, tab A, p. 5, and 108th ACR, 29 Oct 62, p. 3.

load of tear gas for airlift to the marshals in Oxford. An hour later, however, when orders arrived to prepare for movement to Mississippi, it had had to reclaim the gas. At that point, Billingslea requested permission for his troops to take rifles into the objective area instead of the nightsticks specified along with pistols in his orders. General Abrams authorized the change once Billingslea assured him it would cause no delay.²²

To President Kennedy, preoccupied with the serious riot in progress, the movement of the troops to Oxford was agonizingly slow, making him “furious,” especially when he was unable to reach General Billingslea himself. Robert Kennedy, who later complained that “we didn’t have an exercise with the Army in which they didn’t screw it up,” was not only angry but also remorseful. He thought he had let his brother down because he had chosen to use marshals and, when needed, the troops had not arrived within two hours of notification as the military had supposedly promised. But the delay stemmed from the younger Kennedy’s decision not to have the troops in Mississippi or even to place them on alert because “that would have destroyed the whole idea of the marshals.” And, of course, the Army was not even informed that Meredith was being placed on the campus on Sunday instead of on Monday as planned. Thus Robert Kennedy had good reason to blame himself for what happened and for observing to Anthony Lewis in 1964 that “the procedure . . . followed was right; the execution was wrong, and the person . . . responsible for the execution was me.”²³

Military records and recollections are not in exact agreement as to the time it took for the troops to reach the riot from the Memphis staging area, but they are sufficient to conclude that it took about four hours and not the five hours that Robert Kennedy claimed. And nowhere do they confirm anything even near the two-hour promise that Robert Kennedy claimed the military had made. General Abrams later agreed with General Wheeler, who thought that changing from nightsticks to rifles could not have taken more than a few minutes and that the troops came within “about” twenty minutes of keeping to their “postulated schedule.” Abrams admitted, though, that so much was happening that he never checked the time that the order came down to commit the troops in support of the marshals. He “had no reference point” for estimating the time taken, he told Wheeler, “and neither did anyone else.” These, however, were not General Abrams’ final thoughts on the subject.²⁴

The lack of communications that prevented President Kennedy from reaching General Billingslea at Oxford created an odd situation. Billingslea’s party left the Memphis staging area at 2315 and arrived at the University-Oxford airport with the first of the troops. The general immediately telephoned Katzenbach, who told him the situation at the Lyceum was critical. Meanwhile, Lt. Col. L. Gordon Hill, Jr., Billingslea’s principal information

²² Cmd Rpt, 503d MP Bn, 1 Nov 62, tab H, to Cmd Rpt, 2d Inf Div, 3 Dec 62, par. 1-a-(7-8), Oxford files, RG 319, NARA; Scheips, Oxford Incident, pp. 56–57, 106.

²³ Arthur M. Schlesinger, Jr., *Robert Kennedy and His Times* (Boston: Houghton Mifflin, 1978), pp. 323–25; Sorenson, *Kennedy*, p. 387. Quotes from A. Lewis, Kennedy-Marshall Intervs, tape VII, in *Robert Kennedy in His Own Words*, pp. 751, 749, 743, 744, respectively, and see also pp. 733ff.

²⁴ Quotes from MFR [Wheeler-Abrams conversation], 040800 Oct 62, in Memoranda of Conversations (Sep 62–) file, as cited in Scheips, Oxford Incident, pp. 112, 113, respectively, and see also pp. 108–09, 111. For Abrams’ later comments on slow deployment and related matters in handling civil disturbances, see the text below at note 97 and in chapter 6 at note 20.

officer, placed a collect call to the Army war room in the Pentagon from a public telephone booth at the airport, the only one available because security considerations had prevented the Signal Corps from installing equipment ahead of time. For five and a half hours, until airport personnel expelled him about 0700 on 1 October, Hill kept this line open. With the help of Maj. William J. Koch he received intelligence from the campus, monitored various federal and state police radio messages, and relayed the information to Washington.²⁵

Billingslea's instructions were for Capt. Fred J. Villella's Company A of the 503d Military Police Battalion—that is, Task Force Alfa—to be airlifted by helicopter from the Memphis staging area to Oxford. The remainder of the battalion would travel by road. Company A's orders, issued about 2200 on 30 September, were to assemble on the airstrip at the Memphis Naval Air Station, where the soldiers received M1 rifles, M1 carbines, and .45-caliber ammunition and some ten cases of M25A1 tear gas grenades. The unit also took sixteen shotguns with 500 shells. The unit's personnel boarded the helicopters in haste and at random, apparently without regard for established loading patterns.²⁶

The first helicopter, whose passengers included the battalion and company commanders and several enlisted men, took off at 2349. A reconnaissance helicopter that had gone ahead radioed that the area about the Lyceum was insecure and that the company should land at the University-Oxford airport. The first helicopter reached its destination at 0030 on 1 October. The other helicopters then began landing at two-minute intervals. By 0111 all had arrived and been unloaded.²⁷

In the darkness, amid the roar of arriving and departing helicopters and other aircraft, assembly of Company A's personnel—approximately 119 men—proved difficult. As Billingslea shouted desperately for speed, a young Texan, Lt. Donnie Bowman, received command of the riot platoon, to which a shotgun squad of twelve men was attached. Bayonets were fixed on all rifles, and seven men were designated to remain at the airport with the baggage and gas grenades.²⁸

The trucks that Falkner had sent to the airport were not used for the trip to the campus. Instead, the men were loaded into four Navy buses. The journey was an unnerving experience, with natural anxieties sharpened in the lead bus by the blaring of a radio whose announcer described the mob violence and the plight of the marshals at the Lyceum, now not far away. In this atmosphere, the company commander ordered rifles loaded and locked. Suddenly there was a shot, immediately suggesting an ambush in the dark. But no one had been injured and investigation showed that a soldier loading his rifle in the darkness had accidentally fired a bullet through the roof of the bus.²⁹

The tactical plan, composed en route to Oxford, sketched a line of approach that would have brought the buses to the Lyceum from the rear rather than have them drive through the worst of the mob. For reasons that remain unclear, the convoy failed to use the plan

²⁵ Cmd Rpts, 2d Inf Div, 3 Dec 62, tab A, p. 4, and 503d MP Bn, 1 Nov 62, par. 1-a-(8).

²⁶ Cmd Rpt, 503d MP Bn, 1 Nov 62, par. 1-a-(b); Capt Fred J. Villella, *Operation Mississippi*, n.d., pp. 3–4, in *Riot at Oxford*, Mississippi, file, Oxford files, RG 319, NARA. Hereafter cited as *Villella, Operation Mississippi*. Captain Villella's personal history of Company A, 503d Military Police Battalion, 24 September 1962 to 1 October 1962 (with a University of Mississippi Plot Plan showing march routes).

²⁷ Villella, *Operation Mississippi*, p. 4; Cmd Rpts, 2d Inf Div, 3 Dec 62, tab A, p. 4, and 503d MP Bn, 1 Nov 62, par. 1-a-(8).

²⁸ Villella, *Operation Mississippi*, p. 5; Cmd Rpt, 2d Inf Div, 3 Dec 62, tab A, p. 4.

²⁹ Villella, *Operation Mississippi*, p. 6; Cmd Rpt, 2d Inf Div, 3 Dec 62, tab A, p. 4.

and went instead to the Sorority Row entrance to the campus, a route that brought it right to the front of the Lyceum. Billingslea's command report stated that a carload of marshals "who knew the route" led the buses. The authors of the 503d's command report had a different explanation. They asserted that the buses had in fact been directed to the entrance "by the Mississippi Highway Patrol whose motives appeared questionable," since Sorority Row was more heavily barricaded.³⁰

As the buses unloaded at the campus entrance at 0130 or so, the men were ordered into formation. State troopers and others lounging nearby harassed them, shining lights in the faces of the company's black soldiers and making offensive remarks. As gibes continued about the marshals' treatment of students and the Army's use of bayonets, Lieutenant Bowman arranged two squads of the riot platoon in wedge formation and positioned his shotgun squad to the rear to cover his left and right flanks. The other platoon, which included the company headquarters personnel, immediately followed in column formation. Captain Villella, the company commander, came next. Also in the formation were Billingslea in a Border Patrol sedan, other officers, and a lieutenant from Captain Falkner's troop, who served as guide.

The order was to proceed quickly. With bayonets fixed, the troops marched in cadence. The air was chilly and at first quiet. The route, about seven-tenths of a mile in length, lay in darkness through a gully and then up a steep curving hill past sorority houses to the chancellor's residence. On the right, at the crest of the hill, stood a small group of spectators, their calm creating a false sense of security as the troops marched past, although distant shouts and other noises could be heard.

Soon the troops were passing the chancellor's residence and bearing right onto Grove Loop. With the wooded grove on their left, the troops bore down upon the YMCA (Young Men's Christian Association) building near the Circle. There, elements of the mob surging about the Grove and the Circle waylaid them with a shower of Molotov cocktails, bricks, and rocks. Many of the troops were hit; the commander, himself unmasked, urged his men to take the abuse and not to break formation. The point man of the wedge felt the slap of his sergeant's hand on his buttocks urging him not to falter. Indeed, if the men had not kept on their way in riot formation they might well have been either overwhelmed or forced to use firearms. As it was, the battalion and Task Force Alfa commander, Lt. Col. John J. Flanagan, later told a reporter that if any of his men had been burned by Molotov cocktails he might have ordered the use of shotguns. "The men were wearing so many straps that they couldn't have gotten out of their clothes if they had been set afire."

Company A kept its forward motion and emerged from the ambush without serious injury. The Lyceum lay just ahead. The weary marshals in their gas masks greeted the troops with unrestrained applause and muffled cheers. The company quickly deployed along the roadway in front of the Lyceum with the immobilized fire truck and bulldozer to its right. It was about 0200, Oxford time, and 0400 in Washington. Just four hours after Billingslea received the final order to relieve the marshals, he and the battalion commander, Flanagan, conferred with Katzenbach inside the Lyceum.

Outside, the mob attacked with Molotov cocktails and rocks, and the regulars responded with tear gas, their grenade throwers protected by the rifles and bayonets of the company's

³⁰ Villella, *Operation Mississippi*, pp. 4–6, and accompanying University of Mississippi Plot Plan. First quote from Cmd Rpt, 2d Inf Div, 3 Dec 62, tab A, p. 4, and second quote from Cmd Rpt, 503d MP Bn, 1 Nov 62, par. 1-a-(8). Both as cited in Scheips, *Oxford Incident*, p. 111.

skirmish line. The soldiers fired no shots. When Villella reported inside the Lyceum about 0300, he received instructions to send a squad of twenty-four men to assist the marshals guarding Meredith's residence at Baxter Hall. Lieutenant Bowman with twenty-three enlisted men and a marshal to guide them secured the building without meeting any significant resistance.³¹

On the way to the campus the 1st Reconnaissance Squadron, 108th Armored Cavalry, ran the same gauntlet that Troop E and other units of the 2d Squadron had run. One missile struck the squadron commander, Lt. Col. Guy J. Gravelee, Jr., in his midsection. His driver crashed his jeep through a crude timber-and-concrete roadblock, knocking debris in every direction. Missiles thrown by the mob knocked out vehicular radio power packs and one Molotov cocktail set fire to a tarpaulin on a truck. At one point the convoy had to leave the road to bypass the flaming wreckage of three automobiles. When it reached the Lyceum, fifteen marshals covered its unloading.

Meanwhile, only minutes before the 1st Squadron arrived in its trucks, the 3d Squadron moved in from the northern edge of the campus, approaching the Circle in columns of sixes with unsheathed bayonets. Taking its share of whatever was thrown but making effective use of tear gas, it broke through in front of the line of military policemen and marshals. One officer went down. Another's helmet was creased, apparently by a piece of pipe. The time was about 0300.

As daybreak neared the troops, now in adequate strength, took the offensive. Forming a skirmish line that included about 200 marshals and 400 soldiers, they began to push the mob away from the Lyceum and off the campus. Included were Company A, 503d Military Police Battalion, of Task Force Alfa; what was left of Falkner's Troop E; and the 1st and 3d Squadrons. The 1st Squadron cleared the northern side of the campus and the 3d the eastern. Company A moved only as far as the bridge over Hilgard Cut, apprehending several rioters and returning them to the Lyceum. From there on, the main burden of the work fell to the guardsmen. One of Troop E's men picked up a brick thrown at the troops—the first ammunition he had had all night. He was about to throw it back when he was ordered not to do so.

The process was difficult to control and not always orderly. At several points during the retreat rioters stopped in an effort to talk. Several times during the action, enlisted men of Troop E broke formation, raced toward the mob, and had to be ordered back. When the troops moving eastward were ordered to halt at the corner of University Avenue and South Fifth Street, the portion of the mob they were pursuing moved to the corner of South Lamar Boulevard and University Avenue, where it continued to make trouble until dispersed later in the morning.

Left behind on the campus was what Captain Villella described as a mass of rocks, bricks, broken Coke bottles, tear gas containers, and broken windshield glass. Wrecked and overturned cars littered the grounds along with a host of others exhibiting broken window glass and great dents in their sides and hoods. At approximately 0600, Company

³¹ Cmd Rpts, 2d Inf Div, 3 Dec 62, tab A, pp. 4–5, and 503d MP Bn, 1 Nov 62, pars. 1-a-(8) and 1-b-(1-2); Villella, Operation Mississippi, pp. 7–10; Interv, author with Villella and Bowman, in Oxford, Miss., 22 Mar 63, Oxford files, RG 319, NARA; Scheips, Oxford Incident, p. 114; Flanagan quote from "Army Unit Chief Re-creates Action at Oxford," *New York Times*, 5 Oct 62, p. 19. Falkner Statement, p. 9; Leonard, Harris, and Wren, "How a Secret Deal Prevented a Massacre at Ole Miss," p. 36.



SOME OF THE DESTRUCTION AND DEBRIS ON CAMPUS FOLLOWING A NIGHT OF RIOTING

A moved in column to Baxter Hall, its way strewn with glass, bottles, rocks, and numerous overturned concrete benches. The unit established a bivouac in an adjacent playing field.³²

As reports came in, they indicated that trouble had not been limited to Oxford. In the land convoy of Task Force Alfa were Companies B and C of the 503d under the command of Maj. Raymond E. LeVan, the battalion's executive officer. With 161 jeeps and trucks, LeVan's column cleared the Memphis Naval Air Station at 2340 Sunday, 30 September. Along the way it received its only information about Oxford from transistor radios belonging to some of the men. As the situation seemed to grow worse, the column speeded up dangerously until it sometimes traveled at forty-five miles an hour. According to the official command report, it was neither assisted nor delayed by Mississippi state troopers, but, as LeVan put it, "to say that the state police gave no trouble would be 'eyewash' and untrue." About twenty-six miles from Oxford, the convoy passed two state police monitoring vehicles, and about eight or ten miles from Oxford it was stopped by a roadblock of twenty or twenty-five scout cars. Major LeVan advised the officer in charge that his was a federal troop convoy and demanded that the road be opened and that the convoy be allowed to pass unmolested. LeVan also requested the officer to clear the convoy through any other roadblocks that might lie ahead. Apparently the officer complied because there was no interference with the convoy at two additional roadblocks it passed, although officers and men heard such remarks as "God Damn Yankees" and "Nigger Lovers" as they sped by.

³² Falkner Statement, p. 10; Villella, *Operation Mississippi*, pp. 10–11; Cmd Rpts, 2d Inf Div, 3 Dec 62, tab A, p. 5, and 108th ACR, 29 Oct 62, pp. 3–4; Crist, "Oxford!" pp. 6–8; Scheips, *Oxford Incident*, p. 118.

As the convoy approached Oxford on Highway 6, LeVan observed, “things did not appear to be just right” at the Illinois Central’s overpass just ahead. Apparently to see better, LeVan stood up in his jeep as it passed under the bridge. As he did so, “about five persons,” or so it appeared to him, dropped a railroad tie, which missed him but smashed the back of his jeep. Another open jeep in the convoy overturned when a truck or some scrapped portion of one was dropped from the bridge on top of it. The convoy continued, however, and a local policeman at a filling station directed LeVan and his command to the Oxford armory, which they reached about 0400 Monday.

From the armory, LeVan set out for the campus by a roundabout way. When black soldiers were spotted among the rear elements of the column, however, “objects of all types” were thrown and injured some of the men. LeVan then diverted the convoy to the town square, procured maps from the National Guard, and sent eight combat jeeps to reconnoiter “two lateral roads” to the campus. Rioters smashed all eight windshields before this party returned, causing LeVan to bring ten combat vehicles forward and to arm their riders with shotguns in plain view of everybody in the square. He instructed his men that the shotguns were to be used only if their lives were endangered and ordered the men to don masks to protect themselves from flying objects. Finally, the convoy set off for the campus by way of University Avenue, other routes being too narrow and convenient for ambushers.

The rear of the convoy was composed of Company A’s vehicles driven by men of Company C. When it was attacked, LeVan sent it back to the airport and took the rest of his force to the campus, which he reached not long after it had been cleared of the rioters. There he found “many State and Campus Policemen at the main entrances,” but they were not taking sides. He immediately made a reconnaissance of the entrances and set up roadblocks to stop and identify those seeking to enter the campus and to look for contraband material, particularly firearms.³³

Meanwhile, by midday Sunday, the 716th Military Police Battalion, Task Force Charlie, had completed its arrival at the Memphis staging area from its home station at Fort Dix. (*See Map 1.*) Its men learned that evening that they would move by road to support Task Force Alfa in Oxford and perform whatever other duties might be assigned. After packing up, Charlie left the air station at 0030 Monday, 1 October. A Navy truck guided the convoy through Memphis and a motorcycle escort of Tennessee state troopers took it to the state line. At that point, a member of the convoy, Pvt. Charles Vanderburgh, reported seeing a large sign that read, “Welcome to Mississippi—Land of Beautiful Women.”

“What a ride that was!” he added. “Flat out all the way. Pitch black. Not a sign of life. As if we had fallen into a pit.” After arriving at a point about three miles north of Oxford on Highway 7, the road from Holly Springs, a reconnaissance party went ahead to secure information and to establish contact with Billingslea’s headquarters. The party received its instructions and returned to the main body at 0430 Monday, whereupon

³³ The account of the early morning hours draws upon Cmd Rpt, 503d MP Bn, 1 Nov 62, par. 1-a-(9-10); Villella, *Operation Mississippi*, p. 11; the relevant note in “Memorandum for Record, Subject: Utilization of and Need for a Protected or Armored Vehicle in the Military Police Corps,” *Military Police Journal* 12 (March 1963): 18. Quotes from Ltr, Maj Raymond E. LeVan, XO, 503d MP Bn, to Lt Col Kenneth C. Donaldson, Actg Ch, Histories Div [OCMH], 11 Aug 63, in Riot file, Oxford files, RG 319, NARA.

Charlie moved to the intersection of Highways 6 and 314, between the Rebel Drive and Sorority Row entrances. Its job was to secure these entrances, support the troops at the Lyceum, and sweep the northwest section of the campus.³⁴

Task Force Bravo, built around Keller's 2d Battle Group, 23d Infantry, had been scheduled to leave Fort Benning for the Memphis staging area shortly before midnight on Saturday, but it did not in fact leave until about 0100 Sunday. Traveling by convoy, it expected to reach the naval air station before midnight Sunday, avoiding Mississippi en route. After several hours on the way its officers reported from Anniston that their drivers were feeling sleepy, but Bravo continued on to the Redstone Arsenal in Huntsville, Alabama, for fuel and rest. By 2030 Sunday, Oxford time, with the riot under way, lead elements of Bravo had reached Waynesboro, Tennessee. Two hours later, the unit learned that it was to proceed directly to Oxford through Bolivar, Mississippi, and Holly Springs.

Bravo's operational control now passed to General Billingslea. Unit commanders received aerial photographs of Oxford and of the university, and instructions went to all elements to proceed under the new orders. The men were issued armored vests, which were to prove very useful against bottles, rocks, and bricks the next morning. Rerouted, the advance party arrived at Oxford about 0330 Monday. The various other elements arrived later. Meanwhile radioed instructions informed the task force that it was not to enter the city until its commander could be instructed in person. Bravo arrived in time to assist in bringing order to Oxford by daylight.³⁵

Of the National Guard units ordered to Oxford, the two battle groups of the 155th Infantry from the 31st Infantry Division, were the last to arrive. Col. Robert L. Gray, commander of the 2d Battle Group, had been instructed at Billingslea's commanders' conference to have his unit, based at Amory, Mississippi, on location near Oxford by 1000 Monday. But at 2030 Sunday, with the riot in progress, the battle group went on a one-hour alert and at 2330 received orders to move immediately to the vicinity of Oxford. At 0430 Monday Gray's headquarters reported from the Oxford armory that the battle group would be ready to move onto the campus within an hour, but it received orders to stand in place until further notice. By then, the federal force at the scene was too large for the tasks that remained. As a precaution, the buildup in the vicinity nonetheless continued for a time.³⁶

The 1st Battle Group, 155th Infantry, from Laurel, Mississippi, found little to do but set up checkpoints to prevent undesirables from entering Oxford. Task Force Echo, built around the 720th Military Police Battalion at Fort Hood, was employed in the same manner. The unit also manned roadblocks at critical points on the main roads entering the city, conducted patrols and searches, confiscated weapons, appre-

³⁴ Cmd Rpt, 25 Sep–2 Oct 62, 716th MP Bn, 9 Nov 62, tab I, to Cmd Rpt, 2d Inf Div, 3 Dec 62, pp. 2–4, Oxford files, RG 319, NARA. Quotes from Charles Vanderburgh, "A Draftee's Diary from the Mississippi Front," *Harper's* 228 (February 1964): 38–39.

³⁵ Cmd Rpt, For Period Ending 21 Oct 62, 2d Battle Gp, 23d Inf, 19 Nov 62, tab D, to Cmd Rpt, 2d Inf Div, 3 Dec 62; AWR Jnl, entries for 300814, 301715, 301719, and 302345 Sep 62; MFR, Abrams for AWR, 010141 Oct 62, and copy Msg, DCSOPS to USCONARC, 010141 Oct 62, in Chron file II (28 Sep–1 Oct 62), tabs 52–53. All in Oxford files, RG 319, NARA.

³⁶ Cmd Rpt, For Period 30 Sep–16 Oct 62, 2d Battle Gp, 155th Inf, 30 Oct 62, tab F, to Cmd Rpt, 2d Inf Div, 3 Dec 62, pp. 1–2, Oxford files, RG 319, NARA.

hended forty-seven persons, and turned both weapons and detainees over to the marshals. The last of the five task forces planned before the riot, Task Force Delta, organized around the 2d Battle Group, 1st Infantry, stationed at Fort Benning, moved no closer than Columbus Air Force Base, Mississippi, where it was held until ordered back to Benning a week later.³⁷

Casualty figures underlined the human cost of the rioting. In addition to the 2 civilian deaths, the Army's first report counted 48 military injuries—"contusions, lacerations, and cuts caused by thrown objects and flying glass." The same report counted 20 federal marshals, 3 state troopers, an estimated 20 students, and 8 other civilians who received treatment at the university infirmary during the night of 30 September and the morning of 1 October. There was no record of minor injuries treated at the Lyceum. On 4 October the Department of Justice released figures showing 166 injuries to its personnel during the riot—79 marshals, 72 border patrolmen, and 15 Bureau of Prison guards. Figures for the nonfatal injuries varied from 245 to 375.³⁸

Oxford in Daylight

At 0730 Monday Billingslea met with the unit commanders who were present and set up two task forces for controlling the campus and the city. Colonel Martin received command of Task Force Campus, which comprised Martin's 108th Armored Cavalry; the 2d Battle Group, 155th Infantry; and the 503d and 716th Military Police Battalions. Colonel Keller took responsibility for Oxford itself, forming Task Force City out of the 2d Battle Group, 23d Infantry, and the 720th Military Police Battalion. Later, when the 1st Battle Group, 155th Infantry, went into bivouac west of Oxford, it served as a reserve force.³⁹

About the time Billingslea was having his conference, a group of soldiers and marshals, including McShane, escorted James Meredith into the Lyceum through a back door for registration as a junior in the College of Liberal Arts. An hour later, with his escort, Meredith went to his first class. Vastly relieved, the young veteran felt that "my personal battle was over."⁴⁰ But even as Meredith registered, rioters prowled the streets of Oxford.

³⁷ Cmd Rpt, for Special Operations in Oxford, Mississippi, 1st Battle Gp, 155th Inf, 29 Oct 62, tab E, to Cmd Rpt, 2d Inf Div, 3 Dec 62, p. 1; Cmd Rpt, 1–10 Oct 62, XVIII Abn Corps and Ft. Bragg, 6 Dec 62, Operation RAPID ROAD, p. 2; AAR, 720th MP Bn, Operation OLE MISS, 31 Oct 62, tab J, to Cmd Rpt, 2d Inf Div, 3 Dec 62, p. 1; James A. Thompson and Wellington J. Griffith, "720th MPs at Oxford," *Military Police Journal* 12 (January 1963): 8–9. Cmd Rpt, 2d Inf Div, 3 Dec 62, tab A, p. 3 (par. 3-g-[3]), seems to be in error in stating that the 2d Battle Group, 1st Infantry (Task Force Delta), crossed the initial, or starting, point at Fort Benning at 301000Z September 1962, instead of on 1 October. All in Oxford files, RG 319, NARA.

³⁸ DA Sitreps 8–62 (040600 Oct 62), and 10–62 (041800–050500 [EDT] Oct 62), 10 Nov 62, par. 2, both in Oxford files, RG 319, NARA; Congressional Fact Paper, ODCSOPS [by Lt Col Gordon C. Jung and Paul Scheips] (hereafter cited as Congressional Fact Paper) 11 Jan 63, sub: Mississippi Operations, p. 3.3. All in Oxford files, RG 319, NARA. Mississippi General Legislative Investigating Committee, *A Report by the General Legislative Investigating Committee to the Mississippi State Legislature Concerning the Occupation of the Campus of the University of Mississippi September 30, 1962, by the Department of Justice of the United States* [c. 1965], pp. 14–15, in Mississippi State Document collection, Mississippi State Archives, Jackson, Miss. Hereafter cited as *Report of Miss. Legis. Invest. Comm.* Doyle, *An American Insurrection*, p. 280, citing the *New York Times*.

³⁹ Cmd Rpt, 2d Inf Div, 3 Dec 62, tab A, p. 5.

⁴⁰ Quotes from Meredith, *Three Years in Mississippi*, pp. 212 and 214, respectively, and see also p. 213.

Shortly thereafter, Billingslea moved his command post to the National Guard armory in Oxford, where the first order of business became dealing with the remaining troublemakers. At 0900, responding to a request for assistance by Oxford's Mayor Richard Elliott, soldiers dispersed a stubborn mob in the Oxford city square. (The town's police force contained only seven men, and the state troopers, as the mayor put it, were just sitting and watching.) Armored vests were again worn by the men, providing them protection against objects thrown by the mob.⁴¹

At about that time, the troops apprehended a major troublemaker. Retired Maj. Gen. Edwin A. Walker had been spotted at a roadblock the night before and was thought to have "strongly influenced" the actions of the mob in the Oxford square, where he had also been present. Informing Washington and learning that the Department of Justice intended to seek a warrant for the general's arrest, Katzenbach issued instructions for his detention. The next morning, when the mob at the city square dispersed and Walker attempted to flee, he was recognized and halted by a lieutenant, Robert Clark, the commander of Company B, 2d Battle Group, 9th Infantry. Escorted to the Lyceum about 1130, he was charged with seditious conspiracy and insurrection and placed under arrest. In the end, nothing came of the matter. When a federal grand jury later declined to indict the general, the government dropped the charges.⁴²

Governor Barnett was another source of concern. With rumors circulating that he might come to Oxford, Billingslea requested guidance on what action to take if he did. Authorized by President Kennedy and Secretary of Defense McNamara, the guidance issued shortly after 0900 on Monday stipulated that any aircraft bearing Barnett should be denied permission to land at Oxford. The Federal Aviation Agency was then alerted in case one of its control towers might be involved, and two companies of Keller's task force were dispatched to carry out the instructions. One went to University-Oxford airport while the other hastened to a small airfield eight miles south of Oxford that belonged to the Champion Oil Company. In this case the precautions proved unnecessary. Barnett never made an appearance. By 1030 Monday Billingslea was able to report that about a hundred persons had been detained and that the town of Oxford, despite the continuing presence of a large number of outsiders, was quiet.⁴³

One trouble spot, however, required stern action. A portion of the mob that had been driven from the campus lingered at the intersection of South Lamar Boulevard and University Avenue, where members of the group brandished iron pipes and spikes and threw bricks, bottles, and debris at every passing soldier. To handle the problem, Martin created two special detachments of about forty men each, including some members of Troop E, 108th Armored Cavalry. About midmorning, he approached the intersection with

⁴¹ Cmd Rpts, 2d Inf Div, 3 Dec 62, tab A, p. 6; 2d Battle Gp, 23d Inf, 19 Nov 62, p. 2; and 716th MP Bn, 9 Nov 62, p. 4. Msg, CO, U.S. Army Forces Oxford (COUSAFOX), to AWR [08] 2030Z [Nov 62]. All in Oxford files, RG 319, NARA. Vanderburgh, "A Draftee's Diary from the Mississippi Front," pp. 39–40; Scheips, Oxford Incident, p. 129.

⁴² Cmd Rpts, 2d Inf Div, 3 Dec 62, tab A, p. 6, and 2d Battle Gp, 23d Inf, 19 Nov 62, p. 3; "Walker Is Facing Charges in Riot," with accompanying UPI telephoto, *New York Times*, 2 Oct 62, pp. 1, 27.

⁴³ Memo of Conversations, n.d. (probably 1010 [EDT] or sometime after, 1 Oct 62), in Memoranda of Conversations (Sep 62–) file; DA Sitrep 3–62 (012000 Oct 62); Cmd Rpt, 2d Battle Gp, 23d Inf, 19 Nov 62, p. 2; MFR, Shive (by McDaniel), 032400 Oct 62, Chron file, 1–4 Oct 62, tab 37. All in Oxford files, RG 319, NARA.



SOLDIERS OF THE 2D INFANTRY DIVISION TAKE STUDENTS INTO CUSTODY FOLLOWING A DISTURBANCE ON CAMPUS.

his troops, probably keeping one of the two forces in reserve. The mob responded with such menace that he ordered shots fired into the air. After about fifteen rounds the mob dispersed. Martin detained forty or more of the demonstrators and turned them over to the marshals.⁴⁴

Maintaining a Military Presence

The riot at Oxford was over, but problems for the government and the Army had just begun. Some had to do with the inevitable political fallout. On the afternoon of 1 October, an ardent segregationist, Congressman John Bell Williams of Mississippi, wired Secretary Vance to find out “who ordered Mississippi National Guardsmen to fire over the heads of their fellow citizens in Oxford.” Martin’s superiors defended him both then and later, arguing that he had been instructed to use the minimum force necessary and had done so.

Congressman Williams also complained that reports from Oxford indicated that soldiers were “lining up citizens and needlessly beating them with rifle butts” and that prisoners were being held in a basement without food or water upon the orders of military authorities. He requested “an immediate personal investigation” by Vance.

⁴⁴ Cmd Rpt, 108th ACR, 29 Oct 62.

The Army looked into the allegations but found no substance to them. “In fact,” reported Billingslea’s successor, Lt. Gen. Hamilton M. Howze of the XVIII Airborne Corps, “University officials . . . stated that the soldiers conducted themselves in an exemplary manner and that at no time was any brutality whatsoever observed.” Howze added that the military authorities had no one in custody and could not dictate the conditions under which prisoners were detained.⁴⁵

Suits for damages under the Federal Tort Claims Act were filed by a number of plaintiffs, but all ultimately failed. Courts at the district and appellate levels tended to agree that the discretionary functions exception to this law exempted the government and its high-level officials from liability where civil disturbance planning, the timing of the use of troops, and decisions on the particular measures necessary to control a riot were concerned.⁴⁶

On campus, Meredith remained unwelcome and posed problems for the president. Kennedy continued to view the situation with deep concern after an unsatisfactory telephone conversation with Governor Barnett early Monday morning. Supporting greater federal intervention, he approved a troop buildup that now went far beyond the total strength contemplated in the pre-riot planning. Consideration was even given to moving a Regular Army division to Oxford, and the president himself appears to have thought about using Marine ground forces.⁴⁷

The deployments now authorized for Oxford and the buildup at the supporting staging areas at the Memphis Naval Air Station and the Columbus Air Force Base, Mississippi, were considerable. In all, they included 3 military police battalions, 4 infantry battle groups (including 2 of the National Guard), 10 airborne battle groups, 1 armored cavalry regiment, and headquarters troops of the XVIII Airborne Corps and 2d Infantry Division. Administrative and support units—signal, quartermaster, logistical, aviation (including a Marine air unit with helicopters), hospital, transportation, maintenance, and engineer troops (the latter at the tent city)—came from places such as New River, North Carolina; and Forts Bragg; Campbell; Hood; Knox, Kentucky; Lee, Virginia; McPherson, Georgia; Rucker, Alabama; and Leonard Wood, Missouri. Of the tactical units, only 7 battle groups, 1 armored cavalry regiment, and 3 military police battalions ever reached the Oxford area itself. The other Regular Army units remained at the Columbus and Memphis staging areas. Although federalized, units of the Mississippi National Guard except for the two battle groups of the 155th Infantry, the 108th Armored Cavalry, and a small medical unit, remained at their home stations.

The approximate strength of all the units alerted, deployed, and committed in the Oxford area, including the federalized Mississippi Air and Army National Guards, was 30,656 by official count—probably until then the largest buildup for a single distur-

⁴⁵ All Williams quotes from Telg, Williams to Vance, DAIN 791207, 011635 (EDT) Oct 62. Msg, CO [CG], XVIII Abn Corps, to AWR, n.d. [probably 2 Oct 62], Oxford files, RG 319, NARA. This contains the Howze quote.

⁴⁶ *The National Guard and the Constitution: An ACLU Legal Study* (New York: American Civil Liberties Union, 1971), pp. 128–30.

⁴⁷ Pencil Memo, unsigned, with information from Abrams, 010318 (EDT) Oct 62, p. 1, in Memoranda—Miscellaneous Drafts and Rough Notes (Sep–Dec 62) file, Oxford files, RG 319, NARA. President’s Office files, and Presidential Recordings, Integration of the University of Mississippi, Dictabelt Transcript 46, 1 Oct 62. Both in Papers of John F. Kennedy, Kennedy Library.

bance in the nation's history. The maximum number of Regular Army troops deployed for the operation reached a total of about 20,600 on 6 October. The actual number of troops committed to the Oxford area peaked on 2 October at about 12,000. Of those, 9,300 were regulars and 2,700 members of the Mississippi Air and Army National Guards.⁴⁸

The Army selected General Howze to command the force. Assuming his duties at 1500 on Monday, 1 October, Howze played the same role and followed essentially the same instructions as Billingslea. He was directly responsible to the Chief of Staff of the Army, General Wheeler, and had overall responsibility for a sphere of activity that embraced not only the Oxford area, exclusive of the tent city, but also the two staging areas. Under him, Maj. Gen. Charles W. G. Rich, commander of the 101st Airborne Division, took command of the operational troops in the Oxford area. General Abrams



GENERAL HOWZE

remained the personal representative of the chief of staff but made only a single brief visit to Oxford on 2 October. At that time or shortly thereafter, the Army scaled back its strength around Oxford to 10,000 men at most.⁴⁹

Command of the Oxford rear area at the naval air station in Memphis also changed, passing from Col. Louis A. Kunzig to Maj. Gen. Derrill M. Daniel of the Third U.S. Army. Daniel's task was to provide administrative and logistical support to the troop units deployed in the Oxford operation. He also assumed command of the task force operating the tent city, which had been under the direct control of the Department of the Army. This new command, generally referred to as the Third Army (Rear) but officially titled the Third Army Logistical Command (Provisional), also became operational on Monday afternoon. It would exist for only twelve days.⁵⁰

With his command established, Howze embarked on a round of conferences with important local leaders. He reported to General Abrams that he found everything quiet, that he was trying to dispose his troops in such a way as to stop problems before they developed, and that the principal difficulty he had encountered was his inability to recog-

⁴⁸ Congressional Fact Paper, pp. 3-3.1, 5.1-5.2. According to Jung, the figures were the very best available.

⁴⁹ Compare Billingslea's instructions (Msg, DA [Abrams], to CG [Billingslea], DA 919745, 300711Z Sep 62), with Howze's instructions (Msg, DA [Parker], to CG, XVIII Abn Corps [Howze], DA 919750, 010640Z Oct 62). All in Oxford files, RG 319, NARA.

⁵⁰ Msgs, DA (Parker, DCSOPS) to CGUSCONARC (Buchanan), DA 919749, 011638Z Oct 62, and DA to Abrams, DA 919757, 011936Z Oct 62, who was to pass it to Daniel, both in Oxford files, RG 319, NARA; Cmd Rpt, 2d Inf Div, 3 Dec 62, tab A, p. 6.

nize the enemy. Howze had a cordial one-hour meeting with Chancellor John D. Williams of the University of Mississippi and solicited his cooperation. This marked the beginning of a consultative relationship between the Army and the university that continued for as long as troops remained in Oxford.⁵¹

Howze also met with Katzenbach, who agreed on at least the outlines of a *modus operandi* between the marshals and the Army for Meredith's protection. The plan provided for a prompt reduction in the number of marshals in Oxford, with the small group that remained functioning as a constant escort for Meredith. Meanwhile, the Army would guard Baxter Hall and serve as a support force.⁵² Under those arrangements, commanders maintained a jeep patrol (known as the Peanut Patrol from its call sign), with an alert platoon in reserve bivouacked in a gully known locally as the Hole and located behind Baxter Hall. The alert platoon provided security details for the building, but its principal mission was to respond in case of trouble, either there or elsewhere on the campus.⁵³

A larger reserve force formed the main body of troops stationed at Oxford after the major redeployments of October ended. It was divided at first between an encampment at the armory and one at the University-Oxford airport, but after March 1963 the two bases were combined into a single camp located a mile south of Baxter Hall. Other features of the security arrangements were a sedan that patrolled the campus and the town of Oxford; air support in the form of four helicopters and one fixed-wing aircraft; the assignment of Army intelligence agents to the Oxford area; and the designation of troops for rapid deployment to Oxford in case of need.⁵⁴

Meredith had hoped that the attention focused on his enrollment would quickly disappear, so that he could pursue his studies quietly. But that was not to be. Marshals accompanied him wherever he went, ate with him, and slept in a room adjoining his in Baxter Hall. The jeep patrol followed him as inconspicuously as possible. Four deputy marshals also worked undercover for a time, "posing as students," with one remaining on this duty for the entire school year.⁵⁵

As at Little Rock, the minutiae of student life became national issues, discussed at the highest levels of the government. Whether or not the university's homecoming football game could be played on Saturday, 6 October, for example, became a problem of urgent importance because of the potential for violence. In the end, the game was moved to Jackson, where the mayor acted firmly, calling for peace but backing up his rhetoric with policemen armed with riot guns. The Army, for its part, prepared a special contingency plan, alerted battle groups of the 82d Airborne Division for possible airlift to Jackson from

⁵¹ MFR, Chief of Staff Conversation with Gen Howze at 012225–2235 Oct 62, Chron file, 1–4 Oct 62, tab 11; DA Sitrep 4–62 (as of 020700 Oct 62), pars. 2–3; Msg, 2d Inf Div to AWR, 012145Z [Oct 62]; Cmd Rpt, XVIII Abn Corps and Ft. Bragg, 6 Dec 62, Operation RAPID ROAD, p. 1. Howze's instructions were in Msg, DA (Parker) to CG, XVIII Abn Corps (Howze), DA 919750, 011640Z Oct 62. All in Oxford files, RG 319, NARA.

⁵² For the mission, composition, and operational procedures of the security force, see HQ, U.S. Army Forces Oxford (USAFOX), Memo 5, SOP for Special Security Patrol (Peanut Patrol), 18 Nov 62, in Security Arrangements file, Oxford files, RG 319, NARA. See also HQ, USAFOX, Directive, Alert Platoon, 27 Jan 63, in Security Arrangements, Oxford, file, Oxford files, RG 319, NARA.

⁵³ For an account of how the name "Peanut Patrol" came about, see Capt Robert D. Masters, USAFOX Information officer (IO), The Peanut Patrol, 13 Apr 63, in Security Arrangements, Oxford, file, Oxford files, RG 319, NARA.

⁵⁴ Ibid. See also HQ, USAFOX, Memo 5, SOP for Special Security Patrol (Peanut Patrol), 18 Nov 62, and the map showing how, for example, the jeep positions changed to cover Meredith's attendance at Fulton Chapel.

⁵⁵ Memo, U.S. Federal Marshal Activities [at Oxford, Miss.], 17 Oct 62, in Security Arrangements, Oxford, file, Oxford files, RG 319, NARA. Quote from Calhoun, *The Lawmen*, p. 273.



JEEP PATROL MONITORING THE CAMPUS

Columbus Air Force Base, and assigned Army intelligence agents to work with the FBI in Jackson. In the end, however, the event went off peacefully. A trainload of students from Oxford attended the game and returned home without incident. With quiet prevailing, on Saturday at 1945, Washington time, Secretary Vance and General Wheeler canceled the alert.⁵⁶

As the situation returned to normal, the racial makeup of the force in Oxford remained an issue. Among the political developments was a query from Mississippi Senator John Stennis, who declared that he “couldn’t believe” reports that blacks had been assigned to patrols around the university. Howze was inclined to return black soldiers to their home stations, but the Army declined to approve any action of the sort. Instead, Wheeler instructed Howze to adhere to the policy of keeping blacks away from missions that would put them on public view. In the end, the policy failed to satisfy local residents. Black soldiers were so unpopular in Mississippi that in late November Oxford city officials even objected to their presence on a Regular Army water detail that used an outlet near the fire station.⁵⁷

⁵⁶ Scheips, *Oxford Incident*, pp. 155–60.

⁵⁷ MFR, Abrams, with Abrams initialed notations on the Secretary of the Army’s and the Chief of Staff’s responses, 4 Oct 62, in *Memoranda—General* (4 Oct) file; Msg, Abrams to CG, XVIII Abn Corps, 041948Z Oct 62, Chron file IV (4–6 Oct 62), tab 4. Oxford (Stennis) objections to Negroes on the water detail are mentioned in DA Sitrep 85–62 (as of 290800 [EDT] Nov 62). All in Oxford files, RG 319, NARA.

It was James Meredith who brought the issue to a head. Not unnaturally, it seemed odd to him that the troops guarding him and seen elsewhere on the campus were segregated. He complained to Howze, who explained that the policy had been adopted at Washington's direction. When Meredith made his objections known, the matter was discussed at the highest levels, and President Kennedy directed full integration of all assignments at Oxford except those involving individual duty at isolated posts where a black soldier might face serious danger. On Saturday, 6 October, Howze issued the necessary orders. But Meredith, still angry, renewed his complaints, this time to the press. General Howze assured Wheeler that the new policy was being implemented without foot-dragging, the only exception being the guards at Baxter Hall who checked students' identification. It was "a matter of good judgment not to put Negroes in such a position of control over white students whose prejudices on this matter are extraordinarily strong." But Meredith's complaint to the press that the only blacks he had seen were on a garbage detail was never answered directly.⁵⁸

Apparently the new policy brought officials into line with the feeling in the Army units, most of whose soldiers opposed the official policy of segregation that had existed during the riot and immediately afterward. General Howze himself thought that any attempt to separate whites from blacks in Army units in Oxford would have a disruptive effect. By 1962, 20 percent of the strength of the active Army, including company commanders and other key personnel, was black.⁵⁹

As for Oxford troop views on integration, the commander of the 82d Airborne Division later observed that "a serious morale problem" resulted when the 1st Airborne Battle Group, 503d Infantry, had to leave its black personnel at the airport while the rest moved into Oxford.⁶⁰ Officers within the 101st Airborne Division were equally emphatic. They declared in their command report on the operation that "segregation of Negro troops is highly undesirable. Negro soldiers should perform their normal functions with their units."⁶¹ Sentiments in other units were either strongly for integration or uncertain. The most forthrightly pro-separation opinion that surfaced came from the commander of the 720th Military Police Battalion from Fort Hood, who raised a practical objection based on his own recognition that the presence of blacks in military police details in Oxford would only have inflamed the mob. "Taking negro personnel to Oxford was ill advised," he declared. "Their presence created a great morale problem for the Battalion commander because they could not be used as Military Policemen."⁶²

⁵⁸ "Meredith Statement," *New York Times*, 10 Oct 62; "Vance Statement," *ibid.*, 10 Oct 62. Quote from Msg, Howze to Wheeler, n.d., copy with Memo, Abrams for Wheeler, 10 Oct 62, Incl 7, Chron file, 10–11 Oct 62, tab 13, Oxford files, RG 319, NARA.

⁵⁹ Cmd Rpt, XVIII Abn Corps and Ft. Bragg, Operation RAPID ROAD, 6 Dec 62, p. 10.

⁶⁰ AAR, 82d Abn Div, 2 Nov 62, Incl 2, to Cmd Rpt, 1–10 Oct 62, XVIII Abn Corps and Ft. Bragg, 6 Dec 62, Operation RAPID ROAD, p. 4, Oxford files, RG 319, NARA.

⁶¹ See Cmd Rpt, 1–10 Oct 62, 101st Abn Div and Ft. Campbell, 17 Nov 62, Operation OLE MISS, RAPID ROAD, Incl 5, to Cmd Rpt, 1–10 Oct 62, XVIII Abn Corps and Ft. Bragg, 6 Dec 62, Operation RAPID ROAD, Oxford files, RG 319, NARA. Commenting upon support activities, the 101st reported that "initially the laundry and bath facilities were inadequate. Improvised showers had to be installed to cope with the problem of showers for Negro personnel."

⁶² Cmd Rpt, 716th MP Bn, 9 Nov 62, p. 9. Quote from AAR, 720th MP Bn, Operation OLE MISS, 31 Oct 62, p. 3.

The upshot of the much-argued issue, however, seemed to be that an integrated Army could not be resegregated, regardless of whether the presence of black soldiers exacerbated racial tensions during civil disturbance duty or not.

Redeployments and Troubling Incidents

Shortly after he assumed command at Oxford, Howze began planning a phased reduction of Regular Army troops to the minimum strength necessary for maintaining order. The first to go, however, were Department of Justice personnel. In the period immediately following the riot, the tent city in the Holly Springs National Forest was dismantled and all but about two-dozen marshals and deputy marshals were redeployed. The remaining marshals were billeted at the university and in town. The 70th Engineer Battalion, which had built and operated the tent city, returned to Fort Campbell on 7 October.⁶³

General Howze's instructions looked forward to the withdrawal of all the Regular Army units. But as planning went forward, it became clear that Katzenbach thought the Army should keep a company of regulars in Oxford indefinitely. Howze urged that the responsibility for providing such troops should fall on the National Guard, and Wheeler, who wanted to move the divisions out and then the military police, agreed that, as he put it, "leaving an Army company in Oxford indefinitely is for the birds. National Guardsmen—OK." Closely connected with the national leadership, however, Wheeler realized that Howze wanted a faster redeployment than the political leadership would ever permit.⁶⁴

Even so, there were obviously too many troops on hand. As a result, on the basis of Howze's recommendation for a phased return of Regular Army units to their home stations, the Continental Army Command drew up a redeployment plan. Since no trouble had developed in Jackson or over the reintegration of black soldiers into regular units, on 8 October the Army began to redeploy its troops, with the initial units leaving Oxford by air promptly at 0800. Included were the 1st Airborne Battle Group, 502d Infantry; the 2d Airborne Battle Group, 501st Infantry; and several miscellaneous support units, somewhat less than 6,000 men. Also redeployed at that time was the Marine Aircraft Group 26. Redeployments on 9 and 10 October proceeded largely as planned, and on the tenth General Billingslea resumed command of Oxford forces in place of General Howze.⁶⁵

Those redeployments, together with the release of 30 percent of the Mississippi National Guard for hardship and compassionate reasons, so reduced the forces available

⁶³ Third Army (Rear) Logistics Rpt 3 (032400Z-042400Z Oct 62), 5 Oct 62, tab 40; Msg, CG, XVIII Abn Corps, to AWR, 050810Z Oct 62, tab 49; MFR (McDaniel), 5 Oct 62, tab 66; MFR (Schlotzhauer), 5 Oct 62, sub: Inactivation of Tent Camp, tab 69; DA Sitreps 12-62 (051800-060500 [EDT] Oct 62), and 15-62 (070500-071800 Oct 62). All in Chron file IV (4-6 Oct 62), Oxford files, RG 319, NARA.

⁶⁴ Quote from Wheeler-Parker-Schlotzhauer Conversation [7-8 Oct 62], in Memoranda of Conversations (Sep 62-) file. MFR, Leonard, 072100 Oct 62, sub: Call from Col. Smith, XVIII Abn Corps, in Memoranda-General (8 Oct) file; MFR, Abrams, about 081055 (EDT) Oct 62, sub: Telecon [possibly Army War Room] with Col. Smith, Acting Chief of Staff, XVIII Abn Corps, pp. 1, 2, 4, in Memoranda of Conversations file. All in Oxford files, RG 319, NARA.

⁶⁵ [J. P. Welch], Operation RAPID ROAD, draft chapter from the USCONARC Annual Historical Summary for FY 1963, pp. 10-14, in General Accounts (Statistical Summaries, etc.) file; materials in Chron file IV (4-6 Oct 62), tabs 42, 55, 56, and 103, and Chron file V (7-9 Oct 62), tabs 37, 38, 39 (USCONARC Operations Order [OPORD] 4-62), 40 (USCONARC Operation Plan [OPLAN] 4-62), 61, 62, 81, and 88 (Execution Order for R+1). All in Oxford files, RG 319, NARA.

at Oxford that the Army was obliged to pause and consider its long-term goals. Political pressure was increasing to release even more guardsmen, both for reasons of hardship and because the men were needed for a local emergency that developed when barges loaded with chlorine sank in the Mississippi River. At that time, about 2,600 Regular Army troops remained in the Oxford area along with an equal number of guardsmen—a force that inevitably continued to draw criticism because of its size. The problem was to reach an acceptable compromise level. General Howze thought that the residual force should consist of the 2d Squadron, 108th Armored Cavalry, including Oxford's Troop E; and one company of the Regular Army's 720th Military Police Battalion. Such a force, he said, would meet a ratio desired by Wheeler of two guardsmen to one regular soldier. Deputy Attorney General Katzenbach concurred in the force mix, provided that the university took firm disciplinary action on the campus.⁶⁶

This requirement reflected a disturbing upsurge of troubling incidents that recalled but also differed from those at Central High School in Little Rock. A campaign of random harassment and catcalls began, which, unlike the riot, was directed specifically at Meredith and those who guarded him. The most common of the eighty or more incidents that occurred between October 1962 and June 1963 involved firecrackers and much more dangerous cherry bombs that were thrown at sentries on duty. There were also bomb threats. On the evening of 29 October a small riot also took place on campus. It began at the university cafeteria while Meredith was eating and drew a crowd of 100 to 150 students. The military police security patrol, which had remained outside, was the focus of the initial antagonism and took a barrage of firecrackers and eggs. A privately owned car then tried to run a military police vehicle off the road. Later that evening "a great number of students" filled the windows in dormitories overlooking Baxter Hall, throwing eggs, firecrackers, bottles, cherry bombs, and at least one Molotov cocktail. Using slingshots, students fired marbles at the sentries, one striking the sergeant of the relief guard just below the eye. Large groups gathered on the street south and east of Baxter Hall, until a dean prevailed upon the campus police, who had not previously intervened, to move the students back to their rooms.

Although the Army recognized the disorganized nature of the incident and called no troops other than sentries, the matter seemed serious for a time. A potentially dangerous episode, for example, occurred about 0530, when an enlisted man in Company B, 716th Military Police Battalion, Pfc. Dominick Niglia, fired into a dormitory window after a cherry bomb and what was probably a bottle filled with blasting powder exploded near him. The bullet struck no one but ricocheted off a corridor wall before lodging in a doorframe. Frightened, the soldier reported the shot, justifying it on the grounds that he had feared for his life and had fired a warning shot in self-defense. The incident created a considerable stir that led to independent investigations by both a grand jury and the Army. In the end, citing the dangerous harassment the sentries had undergone and Niglia's previously unblemished record, the Army declined to prosecute him.⁶⁷

⁶⁶ See Msgs, Abrams for DCSOPS to CG, XVIII Abn Corps, DA 318868, 091422Z Oct 62; Abrams for DCSOPS to CG, XVIII Abn Corps, DA 318898, 091759Z Oct 62; and CG, Third Army, to CG, XVIII Abn Corps, and Others, DAIN 794054, 091535Z Oct 62. MFR, Burke, 10 Oct 62, sub: Oxford Strength Report, tab 9. All in Chron file VI (10–11 Oct 62), Oxford files, RG 319, NARA. See also Scheips, Oxford Incident, p. 181.

⁶⁷ Ltr, Vance to Stennis, 31 Jan 63, enclosing Statement of Facts Concerning the Firing of a Shot by a Soldier on Duty at the University of Mississippi on 30 October 1962, Investigations file, in Oxford files, RG 319, NARA.



MEREDITH WALKS ACROSS CAMPUS AFTER CLASS AMID THE STARES AND JEERS OF FELLOW STUDENTS.

Another major incident occurred during the early evening of 31 October, when a military policeman walking his post at Baxter Hall was struck in the left eye by fragments of a cherry bomb thrown from a nearby dormitory. A report surfaced that there were seventeen sticks of dynamite in Baxter Hall, the university requested that the Army assist the campus police in a search of that building and a nearby dormitory whose residents had been implicated in recent troubles. The search turned up firecrackers, knives, clubs, one gas grenade, a gasoline can with a small quantity of gasoline, and a .22-caliber rifle—a threatening haul, even for Halloween.⁶⁸

After the disorders of 29–31 October, bomb threats and other incidents kept Meredith's protectors on the alert, but a relative calm settled over Oxford. University cooperation with Army headquarters showed improvement, particularly where investigations of student acts against Meredith and campus security personnel were concerned. Apparently the faculty and administration had been impressed by the potentially lethal character of some of the disorders, not to mention the possibility that the university's accreditation might fall into question if the institution failed to maintain order on its campus. This did not mean, however, that university life was becoming easier for Meredith.⁶⁹

⁶⁸ Cmd Rpts, USAFOX, 14 Nov 62, p. 3, and 9 Dec 62, p. 2; USAFOX Sitrep 86, 010100Z [Nov 62]; Msgs, COUSAFOX to Wheeler, 011036Z [Nov 62], and DA (Abrams, ADCSOPS), DA 921046, a special report, 011801Z Nov 62. All in Oxford files, RG 319, NARA.

⁶⁹ Congressional Fact Paper, p. 5.4 (Rev. 23 Apr 63); Cmd Rpts, USAFOX, 9 Dec 62, pp. 1–4, and 4 Jan 63, p. 2. All in Oxford files, RG 319, NARA.

Reducing and Rotating the Force

Meanwhile, the Army continued its troop reduction at Oxford, begun before the incidents of late October, and considered the kind of force it wanted for the protection of Meredith for the rest of his stay at the university. Upon the advice of Secretary Vance and General Wheeler, President Kennedy decided to use regular military police instead of guardsmen as President Eisenhower had done at Little Rock. The regulars, he now believed, were better trained, better equipped for the mission, provided a wider choice of commander and staff than the guardsmen, and were free of political and social pressures. Accordingly, in mid-October, shortly after Billingslea replaced Howze, the Army redeployed and released the remaining guardsmen of the 1st and 2d Battle Groups, 155th Infantry, together with a number of Guard staff officers. Wheeler and Katzenbach then agreed upon another major cutback in the force at Oxford, from about 4,000 men to fewer than 550. Shortly thereafter, as of 20 October Billingslea's headquarters, Colonel Keller's battle group, the 716th and 720th Military Police Battalions—except Companies A and B of the 716th, which remained in Oxford—and various support elements all redeployed. On 23 October the 108th Armored Cavalry also departed, but without Captain Falkner and a five-man detail from Troop E who remained until the twenty-eighth.⁷⁰

As the process advanced, General Wheeler decided that a division commander was unnecessary at Oxford and that a colonel could take command. He asked Billingslea and the commanding general of CONARC for recommendations. Billingslea's first choice was Colonel Keller, commanding officer of the 2d Battle Group, 23d Infantry, who was already in Oxford. Secretary Vance and Wheeler confirmed the nomination and on 17 October recommended him to the White House. With the redeployments of 20 October, Billingslea passed the command to Keller.⁷¹ It is worth noting, to keep these developments in historical perspective, that Keller assumed command as the Cuban missile crisis was heating up. That event had occasioned Jung's departure on 19 October from the new Army war room in the Pentagon where he had been engaged with Oxford matters for over two weeks.⁷²

⁷⁰ Memo, Abrams for Military Aide to President [Clifton], 17 Oct 62, sub: Army Forces in Oxford, Mississippi, in Memoranda—General, 11 Oct, file; Msgs, CG, 2d Inf Div, to AWR, 150435Z Oct 62, and DA to CG, 2d Inf Div, DA 320069, 191709Z Oct 62; Falkner Statement, p. 12; Msgs, DA (Abrams for ODCSOPS) to CG, 2d Inf Div, DA 920432, 191727Z Oct 62, and CGUSCONARC to CG, 2d Inf Div, CP Oxford, Miss., DAIN 797828, 200710Z Oct 62. The cleanup details of the 108th apparently were released as of midnight 28 October 1962, at which time the only Mississippi guardsmen still on active federal service were six who were under hospital care. DA Sitrep 55–62 (as of 300800 [EDT] Oct 62). All in Oxford files, RG 319, NARA.

⁷¹ On Keller and his appointment, see penciled Memo, unsigned, n.d., sub: Info for White House Visits, in Commanding General & Other Key Personnel file; Msg, Hall to Abrams, 12 Oct 62, sub: Colonel Commander for Oxford Forces; Memo, Abrams for Military Aide to President [Clifton], 17 Oct 62, sub: Army Forces in Oxford, Mississippi, and Msg, CG, 2d Inf Div, to DCSOPS for Abrams, 231630Z Oct 62, both in Memoranda—General (11 Oct 62) file. See also Official Biography of Colonel Lucien F. Keller [Fort Benning, Ga., 1963], copy in Commanding Generals & Other Key Personnel file. All in Oxford files, RG 319, NARA.

⁷² Memo, Abrams for Parker, 28 Sep 62, sub: Operation Mississippi; notation signed "S" (possibly Schlottzhauer) on penciled Memo, 29 Sep [62], in Memoranda—Miscellaneous Drafts and Rough Notes (Sep–Dec 62) file; AWR Jnl, various early entries for 27 Sep and 291753 Sep 62; Conversations, author with Jung, including 24–25 Oct 63; Msg, DA (Wheeler) to CG, First Army, and Others, DA 318080, 301440Z Sep 62, assuming post of chief of staff. All in Oxford files, RG 319, NARA. Ernest R. May and Philip D. Zelikow, eds., *The Kennedy Tapes: Inside the White House During the Cuban Missile Crisis* (Cambridge, Mass.: Belknap Press of Harvard University Press, 1997).

Colonel Keller's message announcing his assumption of command indicated that he was the "CO U.S. Army Forces Oxford," an unofficial designation that gave rise to the acronym "USAFOX." This coinage led in turn to the creation of an unofficial organizational symbol featuring a fox and to a mimeographed paper called *The USAFOX Tale*. The force was reduced from two military police companies to one on 19 December, just before the Christmas holidays, when Keller reduced the guard at Baxter Hall as "a major step toward campus normalcy while maintaining maximum security."⁷³

During its existence, the command adopted a policy of troop rotation, basing the approach on the fact that the men were in a continuous alert status and had little opportunity to relax because they were under constant scrutiny by critical townspeople. Under the plan, the troops rotated every three weeks, with the duty company leaving 24 hours after the arrival of its replacement. In that way, the 66th Military Police Company arrived on 12 November, replacing Company A, 716th Military Police Battalion, which left the following day. Later, the normal tour for officers, excepting the commander, became thirty days to ensure continuity within the command.⁷⁴

At the top, Colonel Keller and the commanders who followed him each served a tour of about three months. Col. Warren D. Hodges arrived in Oxford from Fort Benning on 2 January 1963 for a two-week period of orientation. During that time Keller saw to it that Hodges met key university officials, Oxford's mayor and chief of police, and the local sheriff. Hodges replaced Keller on the morning of 16 January 1963.⁷⁵

Hodges immediately stepped into a tense situation precipitated by the hazing of Meredith on campus. On 7 January Meredith had issued a statement that he would not register for the second semester "unless very definite and positive changes are made to make my situation more conducive to learning." The statement worried his friends among the faculty, who wanted him to see the ordeal through; set off criticism of the university by Robert Kennedy in Washington; and infuriated white students, who launched a new wave of harassment and disorder on campus.⁷⁶

Throughout January, Meredith faced harassment that ranged from insulting language to fireworks. In the cafeteria he was greeted by stamping of feet, rapping on glasses, and crowding tactics in line. The tires on his automobile were slashed and the antenna broken. Meredith's departure at the end of the first semester was "quiet and orderly," Hodges reported, but no one knew what to expect if and when he returned. Hodges ordered "intensified training in riot control and use of chemical munitions and equipment," prepared to use the water hoses of two decontamination vehicles,

⁷³ Quote as cited in Scheips, Oxford Incident, p. 199, and see also pp. 196–98. "USAOX" was sometimes used in place of USAFOX.

⁷⁴ Ibid., pp. 199–200.

⁷⁵ Memo, Lindeman for Abrams, n.d., sub: Replacement for CO, Army Forces Oxford, Mississippi, and MFR, Jablonsky, 31 Dec 62, sub: CO of Troops, Oxford, Mississippi, both in Commanding Generals & Other Key Personnel file; Msg, CO, U.S. Army Forces Oxford, to AWR, 120510Z Jan 63; Msg, CO, U.S. Army Forces Oxford, to AWR, 161520Z Jan 63. All Keller's responsibilities and authority passed to Hodges when Hodges assumed command in Msg, Abrams for DCSOPS to CGUSCONARC (for Hodges), DA 923204, 022321Z Jan 63, copy in files with penciled marks indicating later use, *mutatis mutandis*, in designating Lynch to replace Hodges. All in Oxford files, RG 319, NARA.

⁷⁶ Quote from Meredith, *Three Years in Mississippi*, p. 250, and see also pp. 243–49, 251–69.

planned and maintained rooftop security and surveillance on the campus during registration, ensured that shotguns were on hand, and readied battery-powered portable loud speakers and gas masks. Army planners made special arrangements to reinforce Hodges and the marshals if necessary, and Lt. Col. Thomas J. McGuire of the General Staff went to Oxford as a representative of the chief of staff and the department.⁷⁷

At the end of January, Meredith held a news conference in Jackson and announced that he would return to the university for the second semester. Fortunately, the return was without trouble, in part, as Meredith realized, because every precaution had been taken to see that he enrolled safely: “All in all,” he wrote later, “more security measures were taken for my second enrollment than for the first.” According to Hodges, the students received Meredith with “complete indifference,” which Hodges concluded was evidence that the university had taken “effective measures” to maintain discipline on the campus. His one remaining fear was the possibility that some individual or small group might assassinate Meredith.⁷⁸

Later, although no serious problems developed, hazing and harassment resumed, leaving the Army no choice but to continue its presence on campus. As a result, Hodges ended his tour as commander at Oxford on a campus where a small military presence had become almost routine. He turned over command of the Oxford forces to Col. William R. Lynch, Jr., the last USAFOX commander, on 1 May 1963.⁷⁹

After Lynch arrived, he faced, not only continuing incidents on campus, but a potentially serious fracas in downtown Oxford on 18 May when three unidentified blacks assaulted a university freshman. A small crowd gathered but city and campus policemen stepped in to disperse it. Tense moments of that sort notwithstanding, Lynch concluded during May that student reaction against Meredith had lessened. He himself did all he could to moderate local feelings by working hard to promote good relations with the university and Oxford communities. He also made a good impression on Meredith, who later recalled that “I knew Colonel Lynch better and had more contact with him than with any” of the other commanders. “He always came to inform me of any major changes in policy.”⁸⁰

Lynch believed at the beginning of May that the existing troop strength of 31 officers and 269 enlisted men was the minimum necessary for performing his mission. With the summer session coming up and reduced enrollments in prospect, however, he thought he might make the sort of changes that would reduce the Army’s pro-

⁷⁷ First quote as cited in Scheips, *Oxford Incident*, p. 211. Second quote as cited in *ibid.*, p. 212. Cmd Rpt, USAFOX, 9 Feb 63, pp. 1, 3–4; Msgs, COUSAFOX to AWR, 290545Z Jan 63; (for Abrams), 300420Z Jan 63 (closing time); and (for Abrams), 310520Z Jan 63. For Army contingency planning for possible trouble at the beginning of the new semester, see Memo, Abrams, 24 Jan 63, sub: Oxford, Mississippi; MFRs, Hammond, 301000–302000 Jan 63, sub: Oxford Actions, 30 Jan 63; McDaniel, 30 Jan 63, sub: Oxford . . . Chancellor’s Proposed Plan (several copies, some with notations); unsigned, 31 Jan 63, sub: Oxford Actions; and Memo, Powell for CofSA, 31 Jan 63, sub: Reinforcement/Reaction Times. All Memos and MFRs in Memoranda—General (Jan 63) file. Everything in Oxford files, RG 319, NARA.

⁷⁸ First quote from Meredith, *Three Years in Mississippi*, p. 271, and see also pp. 269–70, 272. Second and third quotes as cited in Scheips, *Oxford Incident*, p. 211. Barrett, *Integration at Ole Miss*, pp. 211–13; Msg, COUSAFOX to AWR (for Abrams), 031540Z Feb 63, with penciled notations by Jung, Oxford files, RG 319, NARA.

⁷⁹ Msgs, COUSAFOX (Hodges) to AWR (for Powell), 010610Z May 63, and COUSAFOX (Lynch) to AWR (for Powell), 010610Z May 63. For biographical material on Lynch, see Commanding Generals & Other Key Personnel file, including *The USAFOX Tale 1* (3 July 1963): 1. All in Oxford files, RG 319, NARA.

⁸⁰ Scheips, *Oxford Incident*, p. 222. Quotes from Meredith, *Three Years in Mississippi*, p. 303.

file on campus. One proposal he made and carried out was the substitution of inconspicuous sedans for jeeps in the Peanut Patrol. He also hoped to dispense during daylight hours with the walking guard outside of Baxter, but he balked at a proposal that marshals take over the Army's duties. The Department of Justice, he thought, lacked the manpower and communications to sustain the force required.⁸¹

General Wheeler agreed. Since early April there had been at least six bomb threats and the explosion of a homemade device at a dormitory that blew out six windows. As Wheeler saw it, the Army's mission in Oxford "to remove obstructions to the Court order" was the equivalent of securing Meredith from bodily harm or harassment. In his view, "if the Mississippi officials take on this chore, we can be relieved of it. If they don't, we can't." Even as it was, with the marshals providing close-in protection, the university the outer cordon, and the Army the strategic reserve, he believed he could not guarantee Meredith's security, even though, as he put it, "we are still on the hook."⁸²

Complications increased when a second black student was admitted to the university for the summer session. Twenty-one-year-old Cleve McDowell of Drew, Mississippi, was an honor graduate of Jackson State College. He had applied months before for admission to the university's law school, and on 3 June a court order forbade the university to deny him admittance. Troubled at the prospect of having two black students at a time when the governor still vehemently opposed any integration at all, Chancellor Williams told Lynch that if difficulties arose over McDowell's registration, he had no one but the Army to turn to.⁸³

For a time the situation seemed alarming. Lynch began to prepare for a replay of the earlier crisis, urging that an additional military police company be moved to Oxford by 4 or 5 June, that the Army earmark a standby force, and that the government maintain close surveillance of Mississippi National Guard authorities. The Departments of Justice and the Army agreed to enlarge the Peanut Patrol and to alert the other elements of Lynch's force. Preparations were also necessary in case



COLONEL LYNCH

⁸¹ Memo, stamped DRAFT, n.d., and filed with Memo, Bus [Wheeler] for Cy [Vance], 4 May 63, copy in Withdrawal of Troops from Oxford, 1963, file, Oxford files, RG 319, NARA.

⁸² Ibid.

⁸³ USAFOX Sitrep 447, 242355Z May 63, and Cmd Rpt, USAFOX, 1 Jun 63, pp. 5, 9, both in Oxford files, RG 319, NARA.

Governor Barnett appeared at the upcoming registration. As in the past, although liaison remained essential, little reliance could be placed on local or state police for assistance.⁸⁴

The Oxford forces went on full alert at 0815, Oxford time, Wednesday, 5 June. Army aircraft kept McDowell under continuous observation from the time he left Jackson until he arrived at the university, traveling with four federal marshals in two cars. During his registration, completed shortly after 1500 Wednesday, the Peanut Patrol, the marshals, the Federal Bureau of Investigation, and Army intelligence kept him under surveillance. The upshot of all this activity was an unexpected but very welcome anticlimax. Instead of crowds, only reporters and a few state officials showed up. There were no state police cars on the campus, although eight were reported in Oxford. Contenting himself with a bitter address on television, Governor Barnett did not appear. Neither did he send any representatives.⁸⁵

Colonel Lynch viewed the routine character of McDowell's registration and the university's efforts that had brought it about as a "favorable turn of events" that strongly indicated "the desirability of an immediate but planned withdrawal of Army elements from Oxford." Almost equally impressive was Meredith's uneventful return to the campus and his registration the following day.⁸⁶

In the light of these developments, Lynch proposed a three-phase withdrawal of troops from Oxford, beginning on 10 June and ending on 1 July. Secretary Vance for the Army and Geoghegan for Justice agreed that on 10 June marshals would assume responsibility for protecting Meredith and McDowell and thereafter rely upon the Army only for reinforcements if needed, but they put off for a few days any decision on further reductions. Instead Lynch received instructions that those of his troops performing duties on campus could return to their base camp but that he was to continue to maintain reaction forces both there and at the University-Oxford airport. The chief critic of the new policy was Meredith himself, perhaps understandably.⁸⁷

At the appointed time on 10 June, Lynch passed the keys to Baxter Hall to the senior federal marshal in Oxford. The alert platoon closed out its operation in the Hole, and the

⁸⁴ See Memo, Kenneth J. Hodson, AJAG, for Powell, 31 May 63, sub: Authority of Oxford Commander in Relation to Law School Applicant; Msgs, DA (Powell for ODCSOPS) to COUSAFOX, DA 928758, 011919Z Jun 63, and COUSAFOX to DA (for Abrams), DAIN 53056, 010435Z Jun 63; Memos, for Abrams, n.d., sub: Staff Recommendations [concerning DAIN 53056], copy in Registration of Meredith & McDowell, Jun 63, file, and [possibly Rundquist] for Abrams, 5 Jun 63, sub: USAFOX Plan—Registration of Mr. Meredith and Mr. McDowell at the University of Mississippi; Memorandum of Understanding, 5 Jun 63, sub: Registration of Mr. Meredith and Mr. McDowell at the University of Mississippi, copy bearing penciled notation "Approved by Katzenbach & Sec[re]tary [Vance]," in Registration of Meredith & McDowell, Jun 63, file; Msg, DA (Abrams) to COUSAFOX, DA 928807, 041734Z Jun 63, with MFR (by Abrams), 4 Jun 63, sub: Telecon with Colonel Lynch Reference Memorandum of Understanding, in Registration of Meredith & McDowell, Jun 63, file; and rough transcript of Telecon, 5 Jun 63, sub: McDowell's Registration, initialed "gcj" (Jung), p. 6, Registration of Meredith & McDowell, Jun 63, file. All in Oxford files, RG 319, NARA.

⁸⁵ Msgs, COUSAFOX to Powell, DAIN 53280, 022300Z Jun 63, and to AWR, DAIN 869664, 060430Z Jun 63, in Oxford files, RG 319, NARA; Cmd Rpt, USAFOX, 1 Jun 63, p. [1].

⁸⁶ Memo, Lynch for Jung, 23 Sep 63, with Incls, in Withdrawal of Troops from Oxford, 1963, file, Oxford files, RG 319, NARA.

⁸⁷ Msgs, COUSAFOX to AWR (for Powell), DAIN 54865, 070900Z Jun 63, and 070800Z May 63; and COUSAFOX to DA (for Powell), DAIN 54932, 071650Z Jun 63. Memo, for CofSA, 6 Jun 63, sub: Reduction and Phase-out of U.S. Army Troops at Oxford, Mississippi, in Withdrawal of Troops from Oxford, 1963, file. All in Oxford files, RG 319, NARA. For Meredith's views on the troop pullback, see his *Three Years in Mississippi*, pp. 304–06.

Peanut Patrol withdrew from the scene. Despite some concern, Washington agencies then agreed to the reduction in troop strength proposed by Lynch. On 17 June 7 officers and 124 enlisted men left Oxford.⁸⁸

Aside from Meredith, those most uneasy with the soldiers' departure were the university officials. Speaking confidentially for the chancellor and faculty in mid-June, Dean Leston L. Love requested that the Army remain in Oxford until the governor made some kind of commitment to guarantee peace and order. The need, he emphasized, was not so much for a substantial military presence, but essentially for simply "the U.S. Flag and two soldiers." While responsible Mississippians had realized the inevitability of school integration, he said, there were as yet too few of them, and there was a strong possibility that future political campaigns would keep the race issue simmering.⁸⁹ People still had ambivalent feelings about the Army's presence. On the one hand, many welcomed the soldiers as a protection against disorder, but on the other, they wished to return to their customary ways and regain complete control of their community without outside intervention. Overall, in the university, the town, and the county, the second impulse seemed to be winning out over the first.

Meanwhile, a guarantee of security for the university had come from a surprising source, the sheriff of Lafayette County of which Oxford was the seat. In a letter dated 24 May 1963, the lawman promised Chancellor Williams that "I, as Sheriff of Lafayette County, will exert and use all of the force and power that I can lawfully command to keep and preserve peace, to quell disturbances and riots and to save and preserve property and life, on the campus of the University, upon your call to me for such help and assistance."⁹⁰

On 17 July Lynch expressed the view that a closeout plan should be drafted. Thinking in Washington tended to follow in the same direction. Two days earlier, Lt. Col. Gordon C. Jung, the action officer who had been occupied with the Oxford operation almost without a break since before the riot, summarized recent developments for the Army's general counsel, Joseph A. Califano, Jr. In turn, on 19 July, Califano drafted a memorandum for Secretary Vance that summed up the situation. In it he indicated the concurrence of a number of important players, recommended that all troops be withdrawn from Oxford immediately, and proposed that either he or Secretary Vance should call Katzenbach for his approval. Department of Justice officials signed on quickly, agreeing that withdrawal should take place on Thursday, 25 July. There was to be neither publicity nor press releases, though media queries would be answered.⁹¹

⁸⁸ Cmd Rpt, USAFOX, 1 Jul 63, pp. 1-2, 3; Msgs, DA (Powell for DCSOPS/Operations Directorate) to CGUSCONARC and COUSAFOX, DA 340730, 11 Jun 63; and COUSAFOX to AWR and CGUSCONARC, DAIN 871901, 12 Jun 63. Also USAFOX Sitreps 460, 070305Z Jun 63; 471, 180100Z Jun 63; 473, DAIN 875040, 200004Z Jun 63; 483, DAIN 879035, 300010Z Jun 63; and 496, DAIN 883711, 130045Z Jul 63. All in Oxford files, RG 319, NARA.

⁸⁹ Quote as cited in Scheips, *Oxford Incident*, p. 244. Msgs, COUSAFOX to AWR (for Powell), DAIN 57274, 140729Z Jun 63, with penciled notation, and 181815Z Jun 63. Both in Oxford files, RG 319, NARA.

⁹⁰ Copy of Ltr in Msg, COUSAFOX to AWR (for Powell), 181815Z Jun 63, and Ltr, Vance to Stennis, 11 Jun 63, both in *Withdrawal of Troops from Oxford*, 1963, file, Oxford files, RG 319, NARA.

⁹¹ USAFOX Sitrep 501, DAIN 885579, 180300Z Jul 63; Memo, Jung for General Counsel [Califano], 15 Jul 63, sub: Oxford, Mississippi, and Note, Califano to Powell, 19 Jul 63, enclosing draft Memo for Secy of the Army, 19 Jul 63, sub: The Oxford Situation, copies of both in *Withdrawal of Troops from Oxford*, 1963, file. All in Oxford files, RG 319, NARA.

The schedule for closing out the Army's Oxford operation provided for breaking camp on 23 July and closing Army communications and operations at 1200, Oxford time, the next day. Company A, 716th Military Police Battalion, would leave for the naval air station at Memphis by bus at that time and would remain there until aircraft arrived to lift its members to Fort Dix. The remainder of the personnel, excepting a small cleanup detail, would also leave for their home stations. Lynch notified the university's acting chancellor on Tuesday morning, 23 July, and shortly afterward told Meredith, whose cryptic reaction was that the Army and the marshals should have departed a long time before.⁹²

The departure occurred without incident. Twenty 2 1/2-ton trucks and six large vans from Fort McClellan, Alabama, removed materiel and equipment from the dismantled camp. Lynch's last duty was a final inspection of the campsite and its release to the Forest Service along with lumber, pipe, and plumbing equipment he had been authorized to leave behind. Finally, on 26 July, with the redeployment of the 716th Military Police Battalion to its home station via Military Air Transport Service airlift, the Continental Army Command declared an end to RAPID ROAD, the unofficial nickname of the Oxford operation.⁹³

Meredith received his Bachelor of Arts degree with about 440 other students at exercises on 18 August 1963 in the Grove, near the Lyceum around which rioters had surged and fought eleven months before. McDowell, however, never received his law degree, the university expelling him after discovering that he carried a gun for self-protection.⁹⁴

Obviously, the human toll in the Oxford affair was incalculable and far beyond the casualty figures, but given the complexity of the operation, even the monetary costs were difficult to compute. The official figure cited by the Army for the entire period through 30 June 1963 was \$2,507,200. Much of that was absorbed by Army field commands that reprogrammed their activities. The Pentagon put the cost of maintaining Army troops for Meredith's protection at about \$4,364,000, a figure that presumably included not only the Army's expenses but also those of the other military services and transportation supplied by the Military Air Transport Service. Over the same period, the Department of Justice appears to have spent about \$559,000, the largest portion of which went for travel expenses, overtime, and premium pay. The total expense to the federal government, Departments of Defense and Justice combined, approximated some \$5,000,000 in the yet to be inflated money of the time.⁹⁵

Both President Eisenhower at Little Rock and President Kennedy at Oxford enforced the law unequivocally, but without placing its enforcement in a moral context. Publicly, black leaders praised President Kennedy, and Meredith wrote the Kennedys to thank them. Privately, however, Martin Luther King, Jr., complained about Kennedy (as he might have about Eisenhower) that he "summoned the nation to nothing more positive than a grim

⁹² MFR, Powell, 23 Jul 63, sub: Withdrawal of U.S. Forces, Oxford, Mississippi; Memo, unsigned, n.d., sub: For Use in Answering Queries, 23 Jul 63; USAFOX Sitreps 506, DAIN 887341, 230030Z Jul 63, and 507, DAIN 887871, 230115Z Jul 63. All in Withdrawal of Troops from Oxford, 1963, file, Oxford files, RG 319, NARA.

⁹³ USAFOX Sitrep 508, 241800Z Jul 63; Msg, USCONARC to CG, Third Army, et al., DAIN 069884, 241810Z Jul 63; USAFOX Daily Jnl, 240001–1200 Jul 63, p. 1, the last entry in which reads: "All USAFOX terminated, Journal Closed." All in Oxford files, RG 319, NARA.

⁹⁴ Fred Powledge, "Meredith Received Mississippi Degree with 440 Whites," *New York Times*, 18 Aug 63, pp. 1, 13 (with photograph); Meredith, *Three Years in Mississippi*, pp. 302–04, 324–28.

⁹⁵ Congressional Fact Paper, p. 2 (Rev. 23 Apr 63); "Ole Miss Troop Cost \$4 Million," *New York Times*, 25 Jul 63, p. 4, and "The Cost at Oxford" (editorial), *St. Louis Post-Dispatch*, 1 Aug 63, as quoted in the *Army Editorial Digest*, 7 Aug 63; Telecons, author with Jung, 16 Jun 63 and 20 May 64, Oxford files, RG 319, NARA.

obedience to law.”⁹⁶ Nevertheless, the federal government’s intervention in the instances reviewed was a victory for constitutional government and federalism and a defeat for latter-day state’s rights.

The lessons of the riot and its aftermath were fairly clear. General Abrams outlined them a year later, when racial problems were again on the rise in the South. Speaking generally but with Oxford fresh in his mind, he decried the lack of planning and coordination between military and civilian agencies that had characterized earlier interventions, complained about inadequate intelligence that had caused troops and equipment to be employed “wastefully” and “far in excess of actual requirements,” and declared that communications and troop reaction times had been inadequate “to a potentially dangerous degree.” It was essential, he concluded, to discard ad hoc methods of responding to the Department of Justice’s requirements and to hash out working arrangements well in advance of problems.⁹⁷

Colonels Hodges and Lynch wrote a joint letter of commendation to the Department of Justice in which they praised the teamwork and effectiveness of the marshals guarding Meredith. It was their hope, Lynch said in his letter of transmittal, that recognition of that effort and its success might bolster the confidence of those officers and lead to a time when incidents such as the one at Oxford “may very well be handled without direct commitment of Army forces.”⁹⁸

There was very little support within the government for Lynch’s hopes, but the Army filed Abrams’ recommendations for future reference. They and others like them would be resurrected the next time a major civil disturbance threatened and would form the basis for the plan that would define the Army’s response to domestic disorders over the next three decades.

⁹⁶ Quote from Branch, *Parting the Waters*, p. 672.

⁹⁷ Abrams’ quotes from Msg, Abrams to Wheeler, 190018Z May 63, as cited in Scheips, Oxford Incident, app. B, p. 282.

⁹⁸ Ltr, Powell to McShane, 18 Sep 63, enclosing Ltr, Lynch to Powell, transmitting Hodges’ and Lynch’s remarks, 28 Aug 63, in Withdrawal of Troops from Oxford, 1963, file, Oxford files, RG 319, NARA.

CHAPTER 6

Three Troubled Years

Segregation now! Segregation tomorrow! Segregation forever!

—Governor George C. Wallace of Alabama, Inaugural Address, 1963.

I have a dream today.

—Martin Luther King, Jr., 18 August 1963.

The period following Oxford held considerable promise. The legal structures underpinning segregation were mortally wounded, and signs that racial strife would soon diminish were as common in the South as outbreaks of violence. At the time, however, it was hardly clear to anyone that the problems accompanying integration in the South were anywhere near resolution. For a brief time during the spring of 1963, it appeared that the federal government might have to intervene with marshals supported by troops in disorders resulting from a black voter registration drive in Greenwood, Mississippi.¹ Although this proved to be unnecessary, shortly thereafter serious disturbances broke out in Birmingham, Alabama. (*See Map 1.*) Overall, between 1963 and 1965, the Army planned continually to meet and cut off potential civil disturbances and periodically committed either regular or National Guard forces to limited operational assignments in support of that end.²

Birmingham: Operation OAK TREE

The situation in Birmingham was particularly troublesome. Alabama's industrial center, the city seemed outwardly calm but it had long been an exemplar of racial intolerance. As *New York Times* reporter Harrison Salisbury remarked in a 1960 article, blacks held only the most menial of jobs, the schools were completely segregated, and local opponents of integration and reform received encouragement from the segregationist administration of Alabama Governor George C. Wallace.³ On the surface, white Alabama seemed less rigid than white Mississippi. During April 1963, voters in Birmingham elected a comparative moderate, Albert Boutwell, as their new mayor. Legal complications, however, prevented Boutwell from assuming office until 23 May, and in the interim the city was in the

¹ Greenwood Chronological file, 1 Apr 63. This and other documents cited in this chapter, unless otherwise indicated, are in Records of Operations OAK TREE–PALM TREE, 1963, Records of the Army Staff, RG 319, NARA. On Greenwood, see also Branch, *Parting the Waters*, pp. 633–34 and passim.

² Two useful sources on race relations of the period are Muse, *The American Negro Revolution*, and Sobel, *Civil Rights, 1960–66*.

³ Lewis, *Portrait of a Decade*, pp. 175–76.

hands of hard-liners, including T. Eugene “Bull” Connor, the commissioner of public safety.⁴ Immediately after the April election, blacks seeking reform in Birmingham began a direct-action campaign that employed methods developed by Martin Luther King, Jr., who became the movement’s central figure.⁵ King’s principal tactic was the protest march, many of the marchers being children in their teens and younger. As King had expected, the Birmingham police reacted with such violence that their assault on the marchers with dogs and fire hoses shocked and astonished the nation. While television cameras rolled, many marchers were arrested—some 500 on one day alone. On Good Friday, 12 April, the police further dramatized the black struggle by arresting King himself and two of his associates. While in jail King wrote a remarkable letter explaining why he and other black leaders could not withdraw their support from the marches. “Freedom,” he said, “is never voluntarily given . . . ; it must be demanded.” King’s mastery of nonviolent struggle tactics, combined with his courage and eloquence, made his demands nearly irresistible. Against a background of national indignation at Connor’s methods, black leaders conferred with prominent white Birmingham businessmen while Assistant Attorney General Burke Marshall sat in. The result of the negotiations, a modest agreement looking toward the desegregation of some public facilities came into being. Freed from jail, King announced on 8 May that the demonstrations would be halted.⁶

On Saturday night, 11 May, senseless violence nevertheless continued when two dynamite blasts demolished the home of Alfred D. Williams King, Martin’s younger brother. A third blast rocked the Gaston Motel, headquarters for the black protest movement. Wild disorders followed when thousands of blacks armed with bricks, rocks, and knives poured into the streets. Some set fires. Others attacked policemen and firemen. Officials called upon peace officers, including state troopers, to restore order. The police arrested 33 individuals, of whom 32 were black, and 50 persons required hospitalization. Governor Wallace alerted the Alabama National Guard but in the end had no need to call it out. By early Sunday morning relative quiet had returned.⁷

This time the reaction of the administration in Washington was both firm and swift. President Kennedy went on television and radio that Sunday evening to express his deep concern and to declare that the “government will do whatever must be done to preserve order, to protect the lives of its citizens . . . [and to] uphold the law of the land.” Referring to the Birmingham agreement as “fair and just,” he called upon all the city’s residents to abide by it. To back up the government’s determination in the matter, he revealed that he was sending Burke Marshall back to Birmingham, that he was dispatching selected units of the armed forces to bases near the city, and that he was taking preliminary steps to call the Alabama National Guard into federal service.⁸

⁴ Jim Bishop, *The Days of Martin Luther King, Jr.* (New York: G. P. Putnam’s Sons, 1971), pp. 268–71, 280–315; Brauer, *John F. Kennedy*, pp. 230–41; Sobel, *Civil Rights, 1960–66*, pp. 179–84.

⁵ Brauer, *John F. Kennedy*, pp. 154–55, 168–79, 231–34, 238.

⁶ Branch, *Parting the Waters*, pp. 688–707, 728–802, has a detailed account of King’s Birmingham campaign. Quote from the text of King’s “Letter from Birmingham Jail,” in Flip Schulke and Penelope O. McPhee, *King Remembered* (New York: W. W. Norton, 1986), p. 278, and see also pp. 276–77, 279–84.

⁷ Operation OAK TREE Sitrep 1–63, DA 927960, 131239Z May 63.

⁸ AP Msg, 12 May [63], copy in News Reports (Miscellaneous), May–Jun 63, file.

At the direction of the Continental Army Command, the Third Army drew troops from the 2d Infantry Division, the 503d Military Police Battalion, and the 101st Airborne Division. From those active units, CONARC organized seven task forces—two with the numerical designations 101 and 503, and five with letter designations from Alpha to Echo. It also established a service support force. At peak strength on 18 May, units in the field totaled 18,525 officers and men, of whom 15,685 filled tactical positions while 2,840 served in support echelons.⁹ On the side, provision was made for adding Alabama National Guard units if they were federalized. The official name of the operation was OAK TREE. Brig. Gen. John T. Corley, assistant division commander of the 2d Infantry Division, commanded the force initially. Maj. Gen. Creighton W. Abrams again became the chief of staff's personal representative. Generals Corley and Abrams established themselves



GENERAL CORLEY

in the federal building in Birmingham, where on 13 May the first commander of the Oxford forces, Maj. Gen. Charles Billingslea, division commander of the 2d Infantry Division, succeeded Corley as commander of the troops earmarked for Birmingham. By late afternoon of the following day, the advance party included 104 Army and 37 Air Force personnel.¹⁰ With a view toward airlifting some of the task forces, the Continental Army Command made a survey of the availability of Army aircraft at Fort Benning and elsewhere and also of Marine Corps aircraft. The Tactical Air Command, assisted by the Military Air Transport Service, handled the airlift for the Air Force, which had an officer on duty in the Army war room around the clock.¹¹ The Army put most of the earmarked forces on a one-hour alert but placed two task forces, Bravo and 503, on fifteen-minute suspenses. Task Force Bravo—composed of a military police company and an infantry company—was stationed at Lawson Field near Columbus, Georgia, so that aircraft could deploy it quickly to Birmingham. Task Force 503 moved from Fort Bragg to Maxwell Air Force Base at Montgomery, where it remained on a fifteen-minute airstrip alert. Meanwhile, a third unit, Task Force Alpha—composed of a

⁹ Msg, CGUSCONARC to CG, Second Army, and Others, DAIN 8600934, 130912Z May 63; Operation OAK TREE Sitreps as follows: 1–63, DA 927960, 131239Z May 63; 2–63, DA 928058, 141306Z May 63; and 6–63, DA 928247, 181251Z May 63.

¹⁰ Msgs, DA 928956 and 927961 to Brig Gen John T. Corley, 12 and 13 May 63, respectively; Operation OAK TREE Sitrep 1–63, DA 927960, 131239Z May 63; Msgs, Field Comdr, Bringham, Ala., to DA (Sitrep), DAIN 46622, 13 May 63, and DA 928056 to CGUSCONARC; CG, Tactical Air Command; and Billingslea, 150112Z May 63; Operation OAK TREE Sitreps 2–63, DA 928058, 141306Z May 63, and 3–63, 15 May 63.

¹¹ Msgs, Thompson to Channon and Truman to Johnson, both in [AWR], OAK TREE Jnl, 122222 and 122325 May 63, with Incls, and CGUSCONARC to CG, Second Army, and Others, DAIN 860934, 13 May 63.

brigade of the 2d Infantry Division under the command of Col. Lucien F. Keller—moved by surface transportation to Fort McClellan.¹² As at Oxford, the troops were instructed to use minimum force if they were called upon to extinguish a civil disturbance.¹³

As deployments continued, questions arose concerning the slowness of the movements. Officials at the Department of Defense and the White House showed concern when Task Force 503 took more than ten hours to reach its destination, while Task Force Alpha, moving by road, arrived promptly. General Wheeler wanted to know what had happened, and President Kennedy himself complained, much as he had a year earlier when the troops failed to reach Oxford in an expeditious manner. Both the Army and the Air Force blamed each other, but Secretary of Defense Robert S. McNamara viewed the problem in a different light. A failure to earmark Army and Air Force units ahead of time, he noted, had delayed the assembly of troops and aircraft, had confused the loading of the men and their equipment, and had resulted in inaccurate calculations of flight times. Advance planning was needed, he implied, rather than hasty ad hoc responses to crises as they occurred.¹⁴

Controversy of a different sort arose when Governor Wallace began to notice the first signs of federal intervention. Claiming that state and local authorities could maintain order, Wallace objected bitterly to the stationing of federal troops in Birmingham. President Kennedy attempted to ease the tension as soon as he could and on 14 May withdrew all OAK TREE personnel from Birmingham except for Abrams, his two principal assistants, and twenty members of the Air Force. Under instructions to move at night without attracting undue attention, Army personnel transferred to Fort McClellan, which became the new headquarters for OAK TREE. Air Force personnel relocated to Sewart Air Force Base in Tennessee.¹⁵

These relocations notwithstanding, Wallace took his objections to the U.S. Supreme Court, where he complained in an 18 May filing that Kennedy's dispatch of federal troops was unconstitutional. The court gave the matter short shrift. "By alerting and stationing military personnel in the Birmingham area," its ruling read, the president had merely "made ready to exercise the authority conferred upon him" by Title 10 of the *U.S. Code*, Section 333. "Such purely preparatory measures and their alleged adverse general effects upon the plaintiffs afford no basis for the granting of any relief."¹⁶

¹² Msgs, CGUSCONARC to CG, Second Army, and Others, DAIN 860934, 13 May 63, and to DA, DAIN 860978, 13 May 63, and Hurlburt to Alger, in [AWR], OAK TREE Jnl, 182045 May 63; [AWR], OAK TREE Jnl entries 354 and 470. Task Force Bravo totaled 500 men. Task Forces 503 and Alpha had a combined strength of 3,780 troops.

¹³ For instruction on levels of force used at Oxford, see chapters 4 and 5.

¹⁴ Operation OAK TREE Sitrep 1–63, DA 927960, 131239Z May 63; Msg, Powell to [AWR], and MFR of telecon, both in [AWR], OAK TREE Jnl, 130950 and 131055 May 63, respectively, with Incls.

¹⁵ Msgs, Field Comdr, Birmingham, Ala., to DA (Sitrep), DAIN 46622, 13 May 63, and DA to CGUSCONARC, CG, TAC, and Billingslea, DA 928056, 150112Z May 63; Operation OAK TREE Sitreps 2–63, DA 928058, 141306Z May 63, and 3–63, 15 May 63; Significant Events (filed with Operation OAK TREE Sitreps), 141743 and 150145, 150225, 151245 [May 63]; [Abrams Diary], 141640 (CST) May 63; and the following entries in the [AWR], OAK TREE Jnl: Msgs, Abrams to Wheeler, 122240 May 63; Corley to [AWR], 122300 May 63; Vance to Katzenbach, 122308 May 63 (based on Johnson to Abrams, 122302 May 63); Alger to Abrams, 141842 May 63; and Lawrence (AWR) to Connell and Stewart, 142145 May 63.

¹⁶ Quotes from *Alabama v. U.S.*, 373 U.S. 545 (1963). Sobel, *Civil Rights, 1960–66*, pp. 185–86; Bernard Schwartz, *Super Chief: Earl Warren and His Supreme Court—A Judicial Biography* (New York: University Press, 1983), pp. 463–64.

The situation in Birmingham was touchy and remained so for some time, but as May wore on, further incidents failed to occur. In mid-May a citizens' committee endorsed the interracial settlement that Burke Marshall had arranged. Shortly thereafter, Martin Luther King dissuaded the city's blacks from resuming their protests, and the Board of Education ordered the suspension or expulsion of more than a thousand students who had engaged in demonstrations. The U.S. Circuit Court of Appeals for the Fifth Circuit in Atlanta quickly reversed a U.S. district court order upholding the board, but on 23 May the Alabama Supreme Court ordered the moderate Boutwell administration into power in Birmingham, putting an end to the outspokenly segregationist Connor regime.¹⁷ After that, the situation improved so rapidly that on 23 May the Army replaced General Abrams with Colonel Keller, the former Oxford commander who had taken charge of Task Force Alpha. Two days later, the Army reduced the size of the OAK TREE force by almost half, and on 31 May the operation itself ceased.¹⁸

Although OAK TREE had ended in the best possible way, the Birmingham protests and the reactions to them were, by all accounts, landmarks for the civil rights movement, the government, and the military. The violence that inaugurated the crisis, dramatically reported in newspapers and on radio and television, brought racism to the forefront of public consciousness in the United States. The success of the protests that followed convinced many blacks that street demonstrations could produce concrete results. Civil rights protests flared nationwide and the Kennedy administration began to press for new civil rights legislation. The Civil Rights Act of 1964, however, was not passed until after President Kennedy's death.¹⁹

Recommendations and Planning

Concerned in the interim that extremist groups would exploit any failure by moderate blacks to achieve their goals, both the president and his military leaders concluded that the armed forces should be ready for future emergencies and began to examine their options. General Abrams' long memorandum to General Wheeler on 19 May, noted earlier, urged the Army to discard the ad hoc method and, instead, draw up plans, set up organizations, and acquire the basic equipment necessary to meet future emergencies. Close coordination between the Army and the Department of Justice was essential, Abrams said. It would simplify command and control, promote unified planning and operations, and forestall unreasonable demands. The need for good intelligence, he said, was similarly critical. Although an abundance of hard information was "indispensable as the basis for the many difficult and fateful decisions that must be made during a civil rights operation," the Army had attempted to function to date with only "informal and patchwork arrangements" for the collection of data and had made virtually no provision for its assembly and evaluation. To preclude violence, troops had to be employed as soon as local law enforcement organizations failed to maintain order. Yet without adequate intelligence, the timing of any decision to commit them

¹⁷ David J. Garrow, *Bearing the Cross: Martin Luther King, Jr., and the Southern Christian Leadership Conference* (New York: William Morrow and Co., 1986), p. 263.

¹⁸ Operation OAK TREE, Sitreps 10-63, 22 May 63; 11-63, 21 May 63; 12-63, 241000Z May 63; 13-63, 251044Z May 63; 19-63, 311349Z May 63; 20-63, 011106Z Jun 63.

¹⁹ Muse, *Ten Years of Prelude*, pp. 264-65; Brauer, *John F. Kennedy*, pp. 237-52, 265-70, 314, and passim; Garrow, *Bearing the Cross*, pp. 263-64, 267-68, and passim.

could only be “an agonized guess.” Because of that, a major effort to identify potential troublemakers, white or black, and to assemble information at a single center for collation and interpretation had to commence. Apparently unaware of the existing Delimitations Agreement, Abrams suggested that the FBI should take the lead in that effort and in all other attempts to gather information on civil rights operations that might require federal intervention. Besides intelligence, Abrams saw a need for improved communications and public information. He urged that the Army establish its own telephone system early in any intervention and that it include a signal officer in its advance party. The advance party groups should also include a legal officer, he said, and an experienced public information officer. The advance party (or liaison group, as he sometimes called it) should accompany Department of Justice representatives whenever they were sent “to mediate or otherwise assist in a civil rights operation” that might require the use of troops. The head of the advance party should be the personal representative of the Army chief of staff.

Abrams was not the only one to demand a more coherent policy. Recalling his own anger at the Army’s slow initial response at Oxford, President Kennedy, in particular, was dissatisfied with the slowness of Task Force 503 in reaching Maxwell Air Force Base. Other political and military leaders also had questions.²⁰ Referring to the need for “precise timing on troop movements,” Secretary of Defense McNamara set forth in a memorandum to the president on 14 May what he and the Joint Chiefs had already ordered on the previous day. Plans were to be developed, he said, to earmark various units ranging in size from a reinforced company to a division for possible use in civil disturbances and to set aside the air and ground transportation to move them wherever necessary. Responsible authorities would maintain alert force status reports and would conduct periodic unscheduled exercises to test troop responsiveness. Meanwhile, to clarify lines of command at the beginning of an operation, the Joint Chiefs would prepare a directive assigning the commander in chief of the Army’s rapid-reaction force, the Strike Command, to equip and deliver troops to an objective area where the chief of staff as the executive agent for the Joint Chiefs would employ them in accordance with procedures developed during operations at Oxford and Birmingham.²¹

Less than two weeks later, on 25 May 1963, the Joint Chiefs formalized those arrangements in a staff memorandum. According to the plan, the Strike Command was to be prepared “to move ready deployable, tailored Army forces ranging in size from a reinforced company to a maximum force of 15,000 personnel armed and equipped as specified in Department of the Army . . . plans.” It would provide and deploy logistical support forces as required; plan for the deployment of forces by air or by land; provide, in coordination with the Army’s chief of staff, an Army officer to serve as a joint task force commander; direct the movement of all domestic disturbance forces to and from the objective area;

²⁰ Msg, Abrams to CofSA, 190018Z [May 63]. Quotes from a copy of this message (which has minor errors in transmission corrected), in Paul J. Scheips, *The Role of the Army in the Oxford, Mississippi, Incident, 1962–1963*, OCMH Monograph 73M (Washington, D.C.: Office of the Chief of Military History, 1965), pp. 283–86, CMH. James R. Gardner, “The Civil Disturbance Mission of the Department of the Army, 1963–1973: An Analysis of Perceptions, Policies and Programs” (Ph.D. diss., Princeton University, 1977. Ann Arbor, Mich.: University Microfilms, 1980), pp. 23, 35–36. Hereafter cited as Gardner, “Civil Disturbance Mission.”

²¹ Quote from Memo, McNamara for the President, 14 May 63, as cited in Gardner, “Civil Disturbance Mission,” pp. 41–42. Gardner thinks (p. 43) that Abrams’ memorandum, which came after McNamara’s memorandum for the president, “was really an apology, one which was reacting to the fait accompli of the previous week.”

assure “an appropriate readiness posture as requested by the Chief of Staff”; and maintain a reinforced rifle company or its equivalent in readiness for movement on six hours’ notice. Upon arrival of the troops in the objective area, operational control would pass to the chief of staff, who would relinquish it to the commander of the Strike Command after the crisis was over.²²

Earmarking seven active Army brigades, about 21,000 troops, for riot control duties, the Strike Command incorporated the provisions of the memorandum into Commander in Chief, Strike Command (CINCSTRIKE), Operation Plan 563 of July 1963. The Joint Chiefs approved the plan on 4 September 1963, deleting a provision stating that forces nearest an objective area would not be used and nicknaming it STEEP HILL. To ensure flexibility, a June 1966 revision of the plan stated force requirements in terms of total forces necessary rather than in reference to specific units and specified that division forces would be composed of two or more brigades with control and support forces as required. In June 1967 the Army changed the name of STEEP HILL to GARDEN PLOT and then in 1968 produced a new family of plans, also nicknamed GARDEN PLOT, that served to guide military responses to civil disturbances throughout the remainder of the 1960s and into subsequent years.²³

Although leaving the surveillance of civilians to the FBI as provided in the Delimitations Agreement, the second edition of CINCSTRIKE Operation Plan 563, issued on 23 October 1963, created what could be viewed as the beginning of a civil disturbance early-warning system by authorizing the expansion of advance intelligence-gathering activities that Abrams had recommended. Under implementing directives from the Continental Army Command, the intelligence groups of the continental armies were to be responsible for briefing task force commanders upon the initial deployment of federal troops by the president and for providing needed information during the operations that followed. To prepare for those tasks, the groups had to collect information, but as a rule they were to draw it only from other agencies and the news media. In an emergency, the commander of any continental army could authorize Army agents to begin intelligence-gathering operations of their own tailored to the developing situation, but the collection of covert intelligence required the approval of the commander of the Continental Army Command after coordination with the FBI.²⁴

On 1 January 1965, the Army combined under a single headquarters known as the Intelligence Command all of the military intelligence groups assigned to the various

²² Decision on JCS 1259/630, including Chief of Staff, Army, Memo (CSAM) 344–63, CofSA for JCS, 20 May 63, sub: Terms of Reference for CINCSTRIKE Domestic Disturbance Force, with quotes and description of the new procedure from app. (Memo for Commander in Chief, Strike Command (CINCSTRIKE), 25 May 63, sub: Domestic Disturbance Force [SM 685–63]), pars. 3a and 3g, respectively. Msg, Wheeler to Powell, in [AWR], OAK TREE Jnl, 131743 May 63; Msg, DA 337684 to CINCSTRIKE and Others, 140708Z May 63.

²³ Msg, JCS to CINCSTRIKE/USCINCMEDIAFSA, 281403Z Sep 68; Gardner, “Civil Disturbance Mission,” pp. 23–24; Jean R. Moenk, USCONARC Participation in the Suppression of Civil Disturbances, April 1968 (Fort Monroe, Va.: Historical Branch, USCONARC, 1968), pp. 17–18, copy at CMH.

²⁴ Christopher H. Pyle, “Military Surveillance of Civilian Politics, 1967–1970” (Ph.D. diss., Columbia University, 1974. Ann Arbor, Mich.: University Microfilms, 1980), pp. 347–48; Testimony of Asst Secy of Defense (Admin) Robert F. Froehle, in U.S. Congress, Senate, *Federal Data Banks, Computers and the Bill of Rights*, Hearings Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, 92d Cong., 1st sess., 23, 24, and 25 February and 2, 3, 4, 9, 10, 11, 15, and 17 March 1971, pt. 1, p. 381.

continental armies except for those that dealt strictly with tactical military intelligence. Included was the Central Records Facility (later called the Investigative Records Repository) at Fort Holabird, Maryland, which housed millions of Army and FBI investigative reports along with Army security clearance dossiers. The directives establishing the new command incorporated existing policies on the collection of civil disturbance information except that they reserved to the commander of the Intelligence Command authority to authorize covert operations.²⁵

Sometime early in 1965, the Intelligence Command began preparing a daily civil disturbance situation report for the Army Staff. Later in the year, with the approval of both the secretary of the Army and the deputy secretary of defense, the command discontinued the report, but five months later, as part of the STEEP HILL series, the command published a revised collection plan that greatly expanded the scope of military surveillance activities. It named civilian groups to be watched and lifted all restraints on the use of agents to observe demonstrations and other political activities. Under the revised plan, subordinate commanders were to supply “appropriate resources”—that is, they were to collect information from tactical intelligence units along with federal and nonfederal civilian agencies and then supply this information to their own commands and the Intelligence Command on a continuing basis both prior to and during operations. The new approach came about through the process of bureaucratic accretion rather than as a result of directives from the president and Congress. The key decisions arose from middle management—the colonels and generals in charge of revising contingency plans and conducting operations—in response to a series of violent outbreaks in northern and western cities. No comprehensive analysis occurred at any level of the Army’s requirement for domestic intelligence or of its authority in civilian law enforcement. In effect, as Christopher H. Pyle notes, military planners had inadvertently reduced the FBI’s role in the intelligence-gathering process “to a supporting role” despite the Delimitations Agreement and had inserted the Army into sensitive operations involving the surveillance of civilians. “Over time,” Pyle concluded, “these standard operating procedures hardened around institutions to become the functional equivalent of policies developed by legislation and command.”²⁶

In the end, domestic intelligence-gathering was never the main concern of the organizations responsible for it. With the interest of the nation’s leadership increasingly focused on potential civil disturbances, however, and with both civilian and military authorities expressing dissatisfaction over the quality and quantity of the data they received, those within the government who should have checked the growth of military domestic intelligence activities were under no compulsion to do so. Instead, the opposite was true. They were inclined to seek more information rather than less.²⁷

²⁵ Pyle, “Military Surveillance of Civilian Politics,” pp. 342, 348. See also undated lists (probably 1971) of military intelligence groups, tactical military intelligence units (mostly companies and detachments, but including two battalions), together with a map, showing their stations, and a statement of their missions; a simple organizational chart of the Intelligence Command showing how its chain of command ran from its headquarters through its military intelligence groups, regions, and field offices, in *Federal Data Banks, Computers and the Bill of Rights*, pt. 1, pp. 441–43.

²⁶ Pyle, “Military Surveillance of Civilian Politics,” pp. 348–50.

²⁷ Testimony of Froehлке, in *Federal Data Banks, Computers and the Bill of Rights*, pt. 1, p. 382.

Operation PALM TREE

By 1963 only South Carolina and Alabama still excluded blacks from their institutions of higher learning. In January of that year, a black student, Harvey B. Gantt, enrolled in South Carolina's Clemson University, effectively integrating that institution. From then on, school and college desegregation proceeded apace in South Carolina.²⁸ The situation was different in Alabama under Governor George Wallace. In his inaugural address in 1963, Wallace had challenged the federal government by declaring that he would "draw the line in the dust and toss the gauntlet before the feet of tyranny. And I say: 'Segregation now! Segregation tomorrow! Segregation forever!'"²⁹ Conflict became inevitable on 21 May, when a federal judge ordered the admission of qualified black applicants to the University of Alabama. There were, at the time, three. Vivian J. Malone and James A. Hood wished to enroll at the university's main campus in Tuscaloosa, and David M. McGlathery sought to study at an extension center in Huntsville. In response, and despite the desire of the university's president and faculty to maintain the educational integrity of the institution, Governor Wallace pledged that he would personally bar any black from entering the university.³⁰

Although hoping to persuade Wallace to adopt a more moderate course, national leaders had no choice but to prepare for the possible use of force at Tuscaloosa and Huntsville on 10–11 June, when students were to register, and on the following day, when they were to begin classes. Early plans contemplated the employment of three active forces, each with a strength of 5,000: one for Tuscaloosa, one for Huntsville, and one as backup for either or both. Troops of the 101st Airborne Division would be responsible for Huntsville and those of the 2d Infantry Division for Tuscaloosa. Concern about possible demonstrations in Birmingham led to the creation of a fourth task force. Also at this stage the National Guard Bureau was instructed to prepare a supporting plan for the Alabama Guard. Altogether the active force would have an aggregate strength of 20,000 plus support troops. To improve reaction times, all could be pre-positioned.³¹

On 31 May, the Third Army terminated Operation OAK TREE, and replaced it with Operation PALM TREE (Operation Plan 3–63), which provided for four task forces. Task Force Cassidy, designed as a quick reaction force for use in Birmingham, if needed, was built around troops of the XVIII Airborne Corps and named after its commander, Brig. Gen. Patrick F. Cassidy. Based at Fort McClellan, it had a planned strength of 5,891. Task Force Billingslea, with troops of the 2d Infantry Division at Fort Benning and a strength of 6,034, was to move to either Tuscaloosa or Columbus Air Force Base. Task Force Critz,

²⁸ Muse, *Ten Years of Prelude*, pp. 256–59. Autherine J. Lucy, a young black woman, had been enrolled at the University of Alabama in 1956 but only for a short time. See the text in chapter 2 at note 16.

²⁹ Quote from Guthman, *We Band of Brothers*, p. 207. Clark, *The Schoolhouse Door*, p. 168.

³⁰ Guthman, *We Band of Brothers*, pp. 207–13; Sobel, *Civil Rights, 1960–66*, p. 217; Lewis, *Portrait of a Decade*, pp. 189–90; Muse, *Ten Years of Prelude*, pp. 266–67.

³¹ Msgs, Powell to Wheeler, 221005 May 63; Abrams to Bellinger, 230807 May 63; Powell to Reaugh, 230914 May 63; and Powell to Hamlett, 231035 May 63. All in [AWR], OAK TREE Jnl. Memo for Ch, National Guard Bureau (NGB), 22 May 63, sub: Planning Directive for Civil Disturbance in Huntsville and Tuscaloosa, AL, copy in [AWR], OAK TREE Jnl, 280830 May 63; Msg, DA 928360 to CGUSCONARC, 21 May 63, sub: Planning Directive for Civil Disturbances in Huntsville and Tuscaloosa; Significant Events 230914 May 63 (filed with Operation OAK TREE Sitreps and photos); Moenk, USCONARC Participation in the Suppression of Civil Disturbances, April 1968, pp. 7–8.

with a strength of 5,802, was built from units of the XVIII Airborne Corps and intended for use in Huntsville. Finally, Task Force Cannon, also formed from XVIII Airborne Corps troops, with a strength of 5,234, was to move to Fort McClellan as a reserve force. A 3,000-man Department of the Army support element at Fort McClellan would provide necessary logistical support for the task forces as well as tent cities for 300 to 500 Department of Justice personnel at Birmingham, Tuscaloosa, and Huntsville.

In support, the Tactical Air Command and Military Air Transport Service would furnish basic airlift for the operation, while the Army would provide helicopters for the command elements of Billingslea, Cassidy, and Critz along with helicopter lift for one company of each force. The Marine Corps was to provide helicopter lift for two companies. Altogether the four task forces and their support elements numbered about 26,000 troops.³²

On 31 May the Army chief of staff also issued a directive formalizing the practice of designating a personal representative for his office whenever military intervention in a civil disturbance became a “distinct possibility.” Each such representative would be accompanied by a Department of the Army liaison team. So that he could have the best possible grasp of the situation, his designation would trigger a series of supporting actions, including the designation of a point of contact within the area of operations who could respond both to his queries and to those of the task force commander.³³

On 6 June the National Guard Bureau issued its final operation plan for the Alabama Guard. Under it, three operational task forces of the Guard, named Tusk, Hunt, and Birm, would deploy, if needed, to the three cities from which their names were derived. The Regular Army would provide a reserve force of 5,000 tactical troops but would otherwise furnish only administrative and logistical support. State authorities were to receive no advance notice of a plan.

With portions of the 31st Infantry Division of the Alabama Guard training in the field, the headquarters element of the 2d Brigade, 31st Division, was designated the headquarters of Task Force Tusk under Brig. Gen. Henry V. Graham. In case of federalization, he and his headquarters would return from the field along with most of the 31st Division’s other troops. Composed variously of divisional and nondivisional troops, Tusk would have a strength of 4,412. General Abrams would be the Department of the Army representative, a title apparently interchangeable with personal representative of the chief of staff. The command channel for the federalized Guard would run from the Department of the Army to the Continental Army Command, but the channels for operational control (as for the assignment of tasks) would extend directly from the department to the forces in the field.

Task Force Hunt, composed of the headquarters element of the 1169th Engineer Group from Huntsville and a miscellany of signal, special forces, and other troops under Col. James O. Johnson, would have a strength of 3,916. Task Force Birm, composed of the headquarters element of the 1st Brigade, 31st Division, and various infantry, engineer, and other troops, would total 4,170. Maj. Gens. Antrey J. Maroun and H. D. Ives would serve as Department of the Army representatives for these two forces. In addition, a support command composed of 1,061 troops would provide backup from Fort McClellan while

³² Operation OAK TREE Sitreps 17–63, 29 May 63; 20–63, 011106Z Jun 63; 21–63, 021106Z Jun 63; Third U.S. Army OPLAN 3–63 (PALM TREE), 311300Z May 63 (but with an. D [Information] rev. 041300Z Jun 63).

³³ Msg, DA 92800 to CG, First Army [and Others], 311832Z May 63.



BURKE MARSHALL AND ROBERT KENNEDY CONFERRING

the Alabama Area Command, with a strength of 261 under Alabama's adjutant general, Maj. Gen. Alfred C. Harrison, would provide administrative and logistical support. The Alabama Air National Guard, with a strength of 1,839, would organize and attach a mobile civil disturbance and riot control force to Task Force Birm and would design a similar force for use either in Tuscaloosa or Huntsville.

In moving to the objective areas the forces were to employ organic transportation whenever possible. Adhering to priorities established in OAK TREE, all concerned were to use minimum force and to keep weapons other than individual arms out of sight during movement.³⁴

While the administration and the Army prepared for the worst, they still hoped to avoid a resort to force. To that end, Robert Kennedy and Burke Marshall went to Montgomery on 25 April to see Governor Wallace. They found the local mood decidedly hostile. Wallace placed a guard of 600 state troopers around the capital. One trooper stuck a billy club into Kennedy's stomach, and later, at a press conference, a newsman asked the attorney general if he was a member of the Communist Party. For publicity purposes, Wallace tape-recorded his conversation with the two and then tried to make Kennedy admit that he would use troops to enroll black students. Kennedy responded by insisting that the answer was in Wallace's hands.³⁵ The verbal sparring apparently ended with no clear decision. A more astute and decisive character than Governor Barnett of Mississippi, Wallace found it easy to keep the administration guessing.

³⁴ NGB OPLAN 3-63 (PALM TREE), 061700 Jun 63.

³⁵ Brauer, *John F. Kennedy*, pp. 254-58; Edwin O. Guthman and Jeffrey Shulman, eds., *Robert F. Kennedy in His Own Words: The Unpublished Recollections of the Kennedy Years* (New York: Bantam Press, 1988), pp. 188-95; Clark, *The Schoolhouse Door*, pp. 180-86.

In mid-May, following an address at Muscle Shoals, President Kennedy had a brief conversation with Wallace, but without mentioning the University of Alabama, and the Department of Justice mounted a major campaign to bring economic pressure to bear on the governor through Alabama businessmen who wished to avoid violence. As registration day approached, however, the administration could only wonder what might happen. Rumor had it that while Wallace intended to provoke the use of federal troops by barring the doorway and using state police to exclude black students, he would stand aside after making his point. Even so, there was concern that he might also withdraw the state police from the campus at a critical moment, the sort of move that had led to violence in Oxford. According to an FBI informant on 5 June, the head of the state police, Col. Albert J. Lingo, had talked with the Grand Dragon of the Ku Klux Klan in Tuscaloosa. The content of the discussion was unknown, but Robert Kennedy believed that the two had agreed that the Klan would not indulge in violence if Wallace barred the door.³⁶

While these bits of intelligence were encouraging, federal officials remained concerned because the Klan continued to meet in Tuscaloosa. As a result, the commanding general, Third U.S. Army, requested permission for the Army Security Agency to engage in electronic surveillance of “police, taxi, amateur, and citizens band radio” and to jam radio transmissions of the Ku Klux Klan in Tuscaloosa, if that became necessary. Surveillance of that sort was illegal, but the Army had no explicit policy regarding the domestic use of the ASA. In this case, nonetheless, the Department of the Army refused the request in a message to all subordinate commands. The Army Security Agency was “prohibited,” it declared, “from engaging in [such operations] . . . within the states and territories of the United States of America.”³⁷

With registration scheduled to begin first in Tuscaloosa, state troopers equipped with helmets, radios, and gas masks began to converge on the town as early as 7 June. On Sunday, 9 June, Wallace ordered the National Guard to Tuscaloosa and alerted guardsmen for possible duty in Huntsville, Birmingham, and Gadsden, where demonstrations had also taken place. He wired President Kennedy that the Guard would be used only to maintain law and order and not to block the entry of black students into the university. As it happened, most of the guardsmen dispatched to Tuscaloosa were not among those earmarked for Tusk. By early Monday morning, 10 June, 500 guardsmen had arrived, bringing state forces in Tuscaloosa to 1,300. Shortly thereafter, Wallace himself arrived. Commandeering an office just inside the doorway of the campus auditorium, he ordered a line to be chalked or painted in front of the entrance to mark where he should stand in order to provide the best picture for television cameramen. At that point President Kennedy made a critical decision by deciding against the use of a large force of federal marshals. The reasoning behind his move was unclear. Robert Kennedy would later suggest that the university’s president had ventured that Wallace would never stand aside for marshals, but the difficulty that the lawmen had at Oxford may also have been a

³⁶ Guthman and Shulman, *Robert F. Kennedy in His Own Words*, pp. 188–95; Clark, *The Schoolhouse Door*, pp. 193–94.

³⁷ Quotes from “Improper Surveillance of Private Citizens by the Military,” in U.S. Congress, Senate, *Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans*, Final Report of the Select Committee To Study Governmental Operations with Respect to Intelligence Activities, 94th Cong., 2d sess., 1976, S.R. 94–755, bk. 3, p. 808, and see also p. 807.



GOVERNOR WALLACE BLOCKS THE AUDITORIUM DOOR TO BLACK STUDENTS REGISTERING AT THE UNIVERSITY OF ALABAMA.

consideration. Whatever the case, because of the decision, the administration had no choice but to use federalized guardsmen and the Regular Army, in that order, if the maintenance of law and order came to require the commitment of a substantial force. Still unsure about whether the governor planned active resistance or mere political theater, responsible officials made their final plans. The Army placed on ninety-minute alert a battalion-size force of Task Force Cassidy, elements of Task Force Billingslea, a truck company, and the two Marine helicopter companies.

Not until the morning of registration was a decision made on how to proceed if Wallace kept his word and barred the door to the university. At that time, to avoid having to charge the governor with contempt if he refused to admit the students in defiance of court orders, officials decided that the two, Vivian Malone and James Hood, should accompany Deputy Attorney General Katzenbach onto campus but then remain behind when Katzenbach walked to the auditorium. Should Wallace block the

way, Katzenbach and the students would then withdraw, and, if Wallace persisted, the president would federalize the Alabama Guard.³⁸

On Tuesday morning, 11 June, with the guardsmen confined to their armory, the state police on hand, and local police sealing off the campus to unauthorized persons, Katzenbach and the two students drove to the university in the company of a few federal marshals. Katzenbach carried with him a presidential proclamation. Leaving the two young blacks behind, Katzenbach, with a United States attorney and a marshal, walked to where Wallace stood at a lectern behind the white line at the entrance to Foster Auditorium. Calling attention to the president's proclamation, he asked the governor to step aside and permit the students to register, but Wallace interrupted to read his own proclamation, which castigated the federal government for violating the sovereignty of the State of Alabama. Katzenbach remarked that the situation was "scarcely worth this kind of attention." As planned, when Wallace remained adamant, the deputy attorney general and his party retired.³⁹

Following Little Rock precedents, at 1334 (EDT) President Kennedy federalized the entire Alabama National Guard, both Army and Air, a force of 17,000. This led to the activation of Task Force Tusk and the movement of some of its elements along with General Graham to Tuscaloosa. Acting for the chief of staff, General Abrams played an active role in directing troop dispositions. Altogether, only about 3,000 officers and enlisted men of those assigned to Tusk ever deployed to the Tuscaloosa area, but the rest of the task force remained on standby alert. The Guard units already in Tuscaloosa remained there, and those not already assigned to Tusk were transferred to Graham's command.

About one hundred guardsmen had already been deployed to the campus when, at 1540 Tuesday afternoon, Katzenbach and the students returned to the registration hall. The troops were all members of the Special Forces because Abrams had wanted to impress the governor and his supporters with men of the sharpest possible appearance. Armed with their individual weapons, with bayonets fixed but scabbarded, they made an impressive show as they joined the Katzenbach party and the two blacks at the auditorium. Accompanied by four carefully selected but unarmed soldiers, Graham escorted the party to the spot where, once again, Governor Wallace stood behind the white line in the doorway. The soldiers had been instructed to push the governor aside as gently as possible if he refused to permit the students to register. This, however, proved unnecessary. Saluting Wallace, Graham announced that it was his sad duty to

³⁸ Operation PALM TREE Sitreps 8–63, DA 929001, 081314Z Jun 63; 9–63, DA 929013, 091102Z Jun 63; 10–63, DA 929013, 10 Jun 63; and 11–63, DA 929049, 111046Z Jun 63. Rpt of Civil Disturbance—University of Alabama, June 1963, supplied as Incl to Ltr, Blankenship (for The Adjutant General [TAG]), Office of The Adjutant General (OTAG), Montgomery, Ala., to NGB, Army, 25 Jul 75, sub: Information Concerning the Use of the Alabama National Guard in the 1960s, p. 1, copy in Historian's files, CMH. Hereafter cited as Alabama Rpt, Jun 63. This can also be found in Records of Operations OAK TREE–PALM TREE, 1963, RG 319, NARA. Guthman and Shulman, *Robert F. Kennedy in His Own Words*, pp. 190–91; "Civil Disturbance Duty: Tuscaloosa, Alabama," *National Guardsman* 17 (August 1963): 9.

³⁹ Katzenbach quote from Guthman, *We Band of Brothers*, pp. 215–17; Proclamation 3542, *Unlawful Obstructions of Justice and Combinations in the State of Alabama*, 11 June 1963, in 28 F.R. 5707 and 3 C.F.R. 292 (1959–63 comp.); Guthman and Shulman, *Robert F. Kennedy in His Own Words*, pp. 192–93; Log of Activities . . . Abrams . . . Tuscaloosa, 8–11 Jun 63 (hereafter cited as Abrams' Tuscaloosa Log), 110954–111050 Jun 63; Operation PALM TREE Sitrep 12–63, 12 Jun 63; Clark, *The Schoolhouse Door*, pp. 222–27.



GOVERNOR WALLACE AND GENERAL GRAHAM *salute each other before Wallace stands aside to allow the black students to register.*

ask him to step aside. After making a brief statement, the governor withdrew and the students registered.⁴⁰

By evening, although the campus was still barricaded and guarded by about forty-five federalized guardsmen, all was quiet. In Washington, President Kennedy went on the air to call attention to the fact that the National Guard had been required to integrate the University of Alabama that afternoon. That all had gone peacefully, he said, was due in good measure to the conduct of the students. Then he launched into one of the most notable of all presidential addresses on civil rights, in which he described the country's racial tensions as "a moral crisis" and outlined the provisions of what would later become the Civil Rights Act of 1964.⁴¹ The histrionic quality of the performance at Tuscaloosa might have conveyed a sense that both sides had now learned their roles in a drama that would henceforth unfold peacefully to a predetermined end. But, in fact, extremes of violence by both whites and blacks still lay ahead. President Kennedy's assertion of a moral crisis

⁴⁰ EO 11111, *Providing Assistance for the Removal of Obstructions of Justice and Suppression of Unlawful Combinations Within the State of Alabama*, 11 June 1963, in 28 F.R. 5709 and 3 C.F.R. 770, 771 (1959–63 comp.); Abrams' Tuscaloosa Log, 111050–111554 Jun 63; Operation PALM TREE Sitrep 12–63, 12 Jun 63; Msgs, all 11 Jun 63, as follows: DA to CG, Fort McClellan, Ala. (for Brig Gen Henry V. Graham) (instructions); DA to CG, U.S. Army Forces, Tuscaloosa, Ala. (Graham), 1825Z (instructions); DA to CG, Task Force Tusk, Tuscaloosa, Ala. (Graham), 2152Z (instructions); Ch, NGB, to Governor George C. Wallace, 1811Z (on federalization of the National Guard); DA to Wallace, 1814Z (on federalization); DA to White House Situation Room, 2226Z (on National Guard at Tuscaloosa); and DA to CGUSCONARC, 1958Z (on changes in task force composition).

⁴¹ Quote from *Public Papers of the Presidents of the United States: John F. Kennedy, January 1 to November 22, 1963* (Washington, D.C.: Government Printing Office, 1964), p. 469, and see also pp. 468, 470–71. Abrams' Tuscaloosa Log, 111554–111645 Jun 63; Msg, CG, Third Army, Fort McPherson, Ga., to AWR, DAIN 872436, 130334Z Jun 63; Operation PALM TREE Sitrep 12–63, 121150Z Jun 63. The address is discussed in Guthman and Shulman, *Robert F. Kennedy in His Own Words*, pp. 198–201.



DAVID M. MCGLATHERY REGISTERING AT THE UNIVERSITY OF ALABAMA

received uncommon emphasis on the very next morning, when an assassin's bullet cut down black leader Medgar Evers in Jackson, Mississippi. Racial turmoil broke out in Mississippi's capital city, continuing and, indeed, increasing after Evers' funeral on 15 June. This led to some new contingency planning, and when the Army ordered the principal PALM TREE forces home, it established Task Force Alpha (Jackson) at Fort Campbell, with a strength of 5,619, but it was never ordered to intervene.⁴²

Disturbances in Mississippi notwithstanding, integration proceeded peacefully in Alabama. On Thursday, 13 June, when David M. McGlathery registered at the university extension center in Huntsville, the Department of Justice had fifteen or twenty federal marshals on hand and the Army had Task Force Hunt of the federalized Alabama National Guard in support. A reserve force waited at nearby Redstone Arsenal, where General Maroun, the personal representative of the chief of staff, and Col. James Johnson, the commander of the task force, had their headquarters. On the day of registration, only about 500 soldiers were actually deployed to the Huntsville area—a company of Johnson's regular command from Huntsville itself, and the 1343d Engineer Battalion from Athens, Alabama. There was little of the drama that

⁴² Memo, Powell for CofSA, 6 Jun 63, sub: Plans for Jackson, Mississippi; USCONARC, Semiannual Historical Rpt, 1 Jan–30 Jun 63, pp. 4–5; Msgs, CG, Third Army, to AWR, DAIN 56303, 12 Jun 63, and DA 929225 to CGUSCONARC, 14 Jun 63; Operation PALM TREE Sitrep 17–63, 17 Jun 63; Sobel, *Civil Rights, 1960–66*, pp. 190–92.

had occurred at Tuscaloosa two days earlier. Governor Wallace stayed away, and McGlathery walked through the door of the extension center to register unescorted. When the calm continued, on 17 June, Task Force Hunt closed its headquarters.⁴³ By then, most of the active Army PALM TREE forces had retired to their home stations. Even so, all plans remained in effect and the troops were subject to recall within twenty-four hours. At Birmingham, where quiet had prevailed throughout PALM TREE, the headquarters closed on 14 June. Most of the federalized Guard was also relieved from service, but enough concern lingered to make officials cautious. As a result, they decided about 19 June to keep Task Force Tusk in being, retaining on duty all but one company of the 1st Battalion, 200th Infantry. Of these troops, a select force of 100 to 125 men kept vigil on or near the campus while the remainder returned to their normal activities subject to recall. The force remained in Birmingham until 20 November 1963.⁴⁴

Elsewhere in the nation, the political landscape had been beset by frequent demonstrations that summer. Officials in Washington expressed fear that federal intervention might be required in several places at once. During 7–13 June, for example, demonstrations of one sort or another took place in over a dozen states and the District of Columbia.⁴⁵ But those events were soon to be overshadowed by another demonstration of a very different sort, one that would embody for many Americans all the hopes of the civil rights movement of the 1960s.

The March on Washington

There were precedents for the March on Washington for Jobs and Freedom—such as Coxey’s army of 1894 and the Bonus Expeditionary Force of 1932—but its strong civil rights orientation, composition, and size made it unique.⁴⁶ Originally, the march was to have had an economic orientation, but by the summer, under the impetus of the events in Birmingham and the influence of Dr. King, the focus had shifted to include support for the president’s new proposals. In fact, although the march retained the word “jobs” in its name, it became in essence an outpouring for civil rights. Concerned about congressional reaction, the Kennedy administration initially opposed the march. But once it became inevitable, President Kennedy blessed it and then kept his distance until it was over. At the same time, the authorities took no chances. In cooperation with the Department of Justice, the Army drew up contingency plans in case the marchers, expected to number in excess of 100,000, became

⁴³ Msg, DA 929114 to CO, U.S. Army Forces, Huntsville, Ala., 12 Jun 63; Memo, Maj. Gen. Antrey J. Maroun for CofSA, 17 Jun 63, sub: After Action Report for PALM TREE, Task Force Hunt, with Incls (two logs); “Civil Disturbance Duty: Tuscaloosa, Alabama,” p. 10; Clark, *The Schoolhouse Door*, p. 236.

⁴⁴ Msg, DA 929220 to CGUSCONARC, 14 Jun 63; Talking Paper, Channon, 19 Jun 63, sub: Domestic Disturbances—Resume of Recent Actions, with Incls; Operation PALM TREE Sitreps, as follows: 15–63, 15 Jun 63; 18–63, DA 929326, 18 Jun 63; 20–63, DA 929430, 20 Jun 63; 21–63, DA 929473, 21 Jun 63; 22–63, DA 929542, 22 Jun 63. For the relief of the last of the Guard forces (Headquarters and Headquarters Company, 1st Battalion, 200th Infantry) from federal service, see Msg, DA 945305 to CG, Third Army, Fort McPherson, Ga. (for Wallace), 16 Nov 63. The unit was relieved at “2400 hours CST 20 Nov 63,” except for a rear detachment of about fifteen people who were at home station for up to two weeks from 20 November.

⁴⁵ For a list, see Navasky, *Kennedy Justice*, pp. 197–98.

⁴⁶ For an account of these events, see Laurie and Cole, *Role of Federal Military Forces*.

embroiled in a major disturbance.⁴⁷ At the time, the Military District of Washington already possessed a contingency plan to handle civil disturbances in the nation's capital, but during April at the Army's request it began work on an operational concept. On 12 June 1963, it issued Operation Plan 1–63 (Operation INSIDE), just in time for use during a local civil rights march that was scheduled to occur in Washington two days later. For now, the plan proved unnecessary. On 14 June some three thousand blacks assembled peaceably in Lafayette Square, marched to the District Building and the Department of Justice, listened to speeches, and then disbanded without incident.⁴⁸

On the same day, a planning directive instructed the Strike Command and CONARC to prepare plans for moving a task force of active Army troops into Washington if that became necessary to deal with a civil disturbance local officials could not handle. This directive was in accord with the civil disturbance mission the Strike Command had received in May. Both the Army element of the Continental Army Command and the Air Force element of the Strike Command were involved in the effort. The force, to be called Task Force Washington, was to be composed of an initial force of 4,000 troops provided by the Continental Army Command and an augmentation force of 15,000 provided by the Strike Command. Support units would be listed separately. Planning focused on the forthcoming march on Washington, which was scheduled to take place on 28 August.⁴⁹

Work by the Army commands went quickly. The Military District of Washington and the Third Army completed their operation plans during June and July; the Strike Command finalized its new CINCSTRIKE Operation Plan 563 (STEEP HILL) on 20 July; and the operations order was issued on 17 August. The operation bore the designation STEEP HILL I, in accord with the new contingency planning, and was thus the first of a series of STEEP HILL operations. President Kennedy instructed the Department of Justice to manage the entire affair for the executive branch, and Robert Kennedy designated Assistant Attorney General John W. Douglas to act in his place.

⁴⁷ Bishop, *The Days of Martin Luther King, Jr.*, pp. 315–18, 322–23; Brauer, *John F. Kennedy*, pp. 290–92; Muse, *The American Negro Revolution*, pp. 1, 9–12; Bayard Rustin, *Strategies for Freedom: The Changing Patterns of Black Protest* (New York: Columbia University Press, 1976), pp. 48–50; Sobel, *Civil Rights, 1960–66*, pp. 169–70; Navasky, *Kennedy Justice*, pp. 99, 182–83, 226. Thomas Gentile's, *March on Washington: August 28, 1963* (Washington, D.C.: New Day Publications, 1983), pp. 3–16, 36–39, 82–94, 142, is the only overall, book-length treatment of the march of which the author is aware, although it is weak on the military's role. Branch, *Parting the Waters*, pp. 212–13, 216–18, 846–72; articles in the *Washington Post*, 11 and 27 Aug 63, and the *New York Times*, 29 Aug 63.

⁴⁸ Memo, Alger, Assistant Deputy Chief of Staff for Military Operations (ADCSOPS), for Powell, 27 May 63, enclosing Memo, Powell for Johnston, 24 May 63, sub: Concept for Control of Civil Disturbances in the District of Columbia, with 3 Incls (OPDS OD CD, 1–3–3, MDW Memos, 201–40, tabs 1–5); MDW, Operation WASHINGTON: Final Report (Washington, D.C.: [8 Nov 63]), p. 4 (hereafter cited as OpWash Final Report). Documentary material and clippings cited in "The March on Washington" section, unless otherwise indicated, are in entry 93, Records of the March on Washington or Operation STEEP HILL, 1963, RG 319, NARA. Operation PALM TREE, Sitrep 15–63, 15 Jun 63.

⁴⁹ Ltr, Maj Gen Harold K. Johnson, ADCSOPS, to Commander in Chief, U.S. Strike Command (CINCUSSTRICOM), and CGUSCONARC, 14 Jun 63, sub: Planning Directive for Civil Disturbance in Washington, DC; Msg, USSTRICOM to RUCRC/Commander in Chief, Army Strike Command (CINCARSTRIKE) and Others, DAIN 60526, 25 Jun 63; Summary of Info, Asst Chief of Staff (ACS) (G–2), Fifth Army, 11 Jul 63, sub: Civil Rights March on Washington, 28 Aug 63; Susanna McBee, *Washington Post*, 3 Jul 63; Gardner, "Civil Disturbance Mission," pp. 46–47.



BAYARD RUSTIN pointing to a map of the route the march on Washington will take

Douglas participated in key policy conferences and involved himself in all important arrangements, including the issuing of a permit on 8 August for the march.⁵⁰

Military planning refined earlier experience. The initial force was called Task Force Inside, following the name of the MDW plan. Inside had four subordinate task forces—Red, Blue, Orange, and Green—that assembled respectively at Fort McNair; Fort Myer; the Naval Receiving Station, D.C.; and the Anacostia Naval Station, D.C., on 27 August. Based on the 1st Battalion, 3d Infantry, Red had the mission of protecting the White House. Composed of two engineer battalions from Fort Belvoir, Virginia, Blue was assigned to protect a sector that included the Lincoln Memorial, the Tidal Basin, and the area north to Constitution Avenue and east to 14th Street. Orange, composed of a miscellany of units, including HAWK anti-aircraft missile crews, military police, and other troops stationed at

⁵⁰ MFRs, Powell, 25 Jul 63, sub: Meeting of Department of Justice on Demonstrations, and 9 Aug 63, sub: Meeting in Mr. John Douglas' Office . . . 8 Aug 63. See also Task Force Inside, Operations Instruction 1-63-1, 22 Aug 63; Third Army OPLAN 4-63 (Operation STEEP HILL ONE), 051500 Jul 63; Msg, Cardinali, AAG, USSTRICOM, to Commander in Chief, Air Force Strike Command (CINCAFSTRIKE), and Others, 17 Aug 63, sub: CINCARSTRIKE Operation Order 637, STEEP HILL ONE, with Msg, CINCARSTRIKE to DCSOPS, DA, and Others, 171700Z Aug 63 (STRJ3-0 2163, STEEP HILL ONE); Gentile, *March on Washington*, pp. 61ff., 146-50, and passim; Gardner, "Civil Disturbance Mission," pp. 47-49.

Fort George G. Meade, was to assist Blue. Composed of marines from Quantico, Virginia, Green was to be held in reserve to assist the Capitol Police if needed. In addition to these forces, Task Force Inside had a detachment of Armed Forces Police and the 116th Intelligence Corps Group under its control. Also attached was the 82d Aviation Battalion from Fort Bragg, which had the mission of lifting Company A, Task Force Red, to the south lawn of the White House, and the 3d Transportation Company (Light Helicopter) at Davison Army Airfield, Fort Belvoir. Finally, the Potomac River Naval Command (which later became part of the Naval District of Washington) was to protect the Anacostia River bridges and to provide logistical support for Task Force Green. Total strength, exclusive of the naval command, came to about 5,215.⁵¹

Maj. Gen. Philip C. Wehle, commander of the Military District of Washington, headed Task Force Inside and also served as the personal representative of the chief of staff. If it became necessary to augment the initial force, however, he was to relinquish command of Task Force Washington to the commander of the 82d Airborne Division, Maj. Gen. John L. Throckmorton. Wehle's and Throckmorton's instructions both provided for the use of minimum force, following priorities governing the escalation of force that had by then become standard. Later, in November 1963, Wehle objected to such detailed instructions, claiming that the progressive application of force was the result of a compromise with the attorney general's office, which at one time had advocated having the troops carry no ammunition. He thought it was "regrettable" that there had been a departure from the regulation that normally provided for an initially "'formidable' appearance of the troops with bayonets fixed (unsheathed) and weapons locked and loaded." Wehle also thought it would be a good idea to use light armor. Responding politely but firmly to "Dear Phil," General Wheeler rejected Wehle's complaints and stood by the instructions as issued.⁵²

The augmentation force, 16,000 strong, designed to augment Task Force Inside if necessary, was based on the XVIII Airborne Corps and the 2d Infantry Division. Under it were Task Force Vapor Trail, with three subordinate forces, Alpha, Bravo, and Charlie; Task Force Clay Court; Task Force Cold Blast; and an aviation force called simply Airlift Task Force, with forty-eight C-130 aircraft. None of the augmentation forces was prepositioned, except part of the 82d Aviation Battalion, with helicopters, which was attached to Task Force Inside and located at Bolling Air Force Base, D.C. Together these units constituted the only forces immediately available for use in case of trouble, a fact that gave the Army some discomfort.⁵³ Questions were raised during planning about the legal basis for the use of troops in Washington, and there was some talk during May of martial law, a subject rarely discussed by the Army. To resolve the issue, the planners adopted a legal opinion citing the well-established "sovereign right of any nation to protect itself, its agencies, and its property . . . and to use for that purpose such of the means at its disposal

⁵¹ OpWash Final Report, *passim*; Task Force Inside, Operations Instruction 1-63-1, 22 Aug 63.

⁵² Msgs, Powell to Maj Gen Philip C. Wehle, 21 Aug 63, sub: Letter of Instruction, and DA 934362 to CG, 82d Abn Div, Fort Bragg, N.C., 28 Aug 63; Ltr, Wheeler to "Dear Phil" (Wehle), 5 Dec 63, in response to Msg, Wehle to Wheeler, 4 Nov 63, sub: Final Report, Washington Civil Rights March of 28 Aug 63, from which quotes are drawn, with related papers. All in OPDS OD CD 1-3-3 and 1-3-6. Gardner, "Civil Disturbance Mission," p. 5.

⁵³ Third Army OPLAN 4-63, 5 Jul 63; CINCSTRIKE OPORD 637, STEEP HILL ONE (STRJ3-0 2163); Task Force Inside, Operations Instruction 1-63-1, 22 Aug 63; Msg, DA 931791 to CINCAFSTRIKE and Others, 8 Aug 63.

as circumstances require.” Their reasoning was based upon AR 500–50 and a variety of opinions of the judge advocate general going back to *In re Debs* (1895).⁵⁴

One assumption of the Third Army’s plan was the availability of a federalized District of Columbia National Guard. The White House, however, opposed using local Guard units, and the Military District of Washington even avoided coordinating with the Guard during the planning stage. In the end, local authorities placed approximately 2,300 guardsmen on inactive drill status and used them to assist a local force composed of some 4,000 policemen and others who served during the march under the direction of Washington’s chief of police. The guardsmen were deputized as special police, identified by brassards, and armed with billy clubs. They remained under the command of their own officers but accepted police guidance while directing traffic and performing similar functions. Legal authority for the arrangement was found in Section 39–602 of the *District of Columbia Code*.⁵⁵

Perhaps reflecting Abrams’ recommendations in May, if the reaction forces seemed small in comparison to the expected outpouring of demonstrators, surveillance was intense. Army intelligence agents reported on persons and organizations headed for Washington from points all across the continent. Although the growth of intelligence gathering was to have serious long-term repercussions, the agents’ work at the time gave Army leaders some idea of what to expect on march day.⁵⁶ No summary of military preparations can impart a real sense of the almost infinite problems of detail that preoccupied the federal and civil agencies involved in preparations for the march. The experience was nonetheless all to the good, for it laid out models and procedures that would prove invaluable in meeting similar circumstances in Washington and throughout the nation during the years to come.

In light of all those preparations, the march itself was anticlimactic. Wednesday, 28 August 1963, proved to be a warm and peaceful day in the capital city. The marchers composed a great throng, their number variously estimated at from 150,000 (the

⁵⁴ Memo, Alger for Powell, 27 May 63, enclosing the source of the quote: Memo, Powell for Johnston, 24 May 63, sub: Concept for Control of Civil Disturbances in the District of Columbia, with 3 Incls (OPDS OD CD, 1–3–3, MDW Memos 201–40, tabs 1–5). Memo, Col Bland West for Powell, 28 Jun 63, sub: Civil Disturbance Within the District of Columbia (JAGA 1963/198), enclosing Memo, West for Hudson, 5 Jun 63, sub: Protection of Federal Property (JAGA 1963/4239), OPDS OD CD, 1–3–7, MDW Memos and Letters, 201–40, tab B; MFR, Powell, 29 Jun 63, sub: Meeting with . . . Commissioners at 1630, 28 Jun 63 . . . (OPDS OD CD, 1–3–6, MDW Memos, 201–40, tab 24). See also MFRs, Powell, 27 Jun and 23 Jul 63, OPDS OD CD, 1–3–6, MDW Memos, 201–40, tabs 2, 13.

⁵⁵ Various memos by Powell relating to the Guard and other matters on 17, 23, 24, 25 Jul, 9, 14, 22 Aug 63; Status Rpt [for Secy of Army Cyrus Vance], 28 Aug Civil Demonstration . . . 15 Aug 63. All in OPDS OD CD, 1–3–6, Memos for Record, 201–40, tabs 8, 11, 14, 15, 32, 33, 34, 22 Aug (no tab). Strength Status, D.C. National Guard as of 31 Jul 63, OPDS OD CD, 1–3–2, MDW Charts, no tab; Briefing for Mr. [John W.] Douglas, Asst Atty Gen, . . . 31 Jul 63, OPDS OD CD, 1–3–22, MDW Memos and Letters, 201–40, tabs 1, 26, with no tabs for 14 and 22 Aug; Memo, Asst Atty Gen N. A. Schlei, n.d., sub: Authority To Use the National Guard of the District of Columbia To Supplement Civilian Police Force Activities . . . , as attached to Ailes to Winstead, n.d., a copy of letter apparently not dispatched, in OPDS OD CD, 1–3–4, Congressional Inquiries, 201–340, tab 1, and compare with legal material prepared for the march on the Pentagon as set forth in chapter 9; “Policemen for a Day,” *National Guardsman* 17 (October 1963): 4–6; Gardner, “Civil Disturbance Mission,” p. 4.

⁵⁶ OPDS OD CD, 1–3–10, MDW Daily Intelligence Summaries, 201–40; Memo, Failey for CG, MDW, 1 Oct 63, sub: After Action Report (Intelligence)—Operation WASHINGTON, appended to OpWash Final Report; Gentile, *March on Washington*, pp. 145–46; Athan Theoharis, *Spying on Americans: Political Surveillance from Hoover to the Huston Plan* (Philadelphia: Temple University Press, 1978), pp. 173–75.



MARCH ON WASHINGTON FOR JOBS AND FREEDOM

Army figure) to 200,000 or more; Thomas Gentile asserted that most experienced observers put the crowd at midafternoon at “closer to 400,000 than 200,000.” In an impressive display of racial amity, about one-quarter of them were white, reflecting the extent to which the majority race had taken up civil rights as an issue. Russell Baker of the *New York Times* called the multitude a “gentle” army. Certainly, no one who heard it sing “We Shall Overcome” or watched it move to the Reflecting Pool fronting the Lincoln Memorial to hear Martin Luther King’s great address, “I Have a Dream,” could ever forget the scene. King’s address, in particular, caught the spirit of the moment and marked the day as one to remember.⁵⁷

After their harsh experiences in earlier disorders, the military experienced the happy circumstance of being well prepared for a task that never materialized because, in the end, the soldiers had little to do except to stand by while the march progressed and to terminate their operations the next day.⁵⁸ Yet even as that landmark passed peacefully in Washington, new events to the south gave fair warning that the future might not be nearly so quiet.

⁵⁷ DA Sitrep, DA 934502 to JCS, White House, et al., 291151Z Aug 63, with Joint Operations Rpt (JOPREP) 08002; Bishop, *The Days of Martin Luther King, Jr.*, pp. 322–30; Branch, *Parting the Waters*, pp. 872–87; Brauer, *John F. Kennedy*, pp. 290–93. First quote from Gentile, *March on Washington*, p. 230, and see also pp. 212–29, 231–71. Muse, *The American Negro Revolution*, pp. 13–16; Robert E. Baker, “Largest Demonstration on Civil Rights Urges Passage of Legislation,” *Washington Post*, 29 Aug 63; Russell Baker, “Capital Is Occupied by Gentle Army,” *New York Times*, 24 Aug 63; E. W. Kenworthy, “200,000 March for Civil Rights in Orderly . . .,” *New York Times*, 24 Aug 63; Sobel, *Civil Rights, 1960–66*, pp. 170ff.

⁵⁸ Termination was at 1300Z on 29 August 1963. Msg, DA 934504 to CG, U.S. Army, Military District of Washington (CGUSARMDW), 29 Aug 63; Msg, DA 934505 to CINCSRIKE, 29 Aug 63; [AWR], Operation WASHINGTON Jnl, entries 105–12, 29 Aug 63. On the Army’s general satisfaction with the operation and the new STEEP HILL arrangements, see Gardner, “Civil Disturbance Mission,” p. 51.

Birmingham and Tuscaloosa—Again

As the 1963 fall term approached, 150 school districts in a dozen or more southern and border states faced limited desegregation. Most planned to integrate voluntarily, but twenty, including those in four Alabama cities, would do so under federal court order. With trouble expected in a few cases, planning began in Washington on 27 August.

The approach adopted under CONARC's Operation Plan 6-63 involved the creation of task forces for Birmingham; Mobile, Alabama; Baton Rouge, Louisiana; Savannah, Georgia; Charleston, South Carolina; Tuskegee, Alabama; and Huntsville. The overall operation was designated STEEP HILL II, and the task forces for the seven cities were as usual named Alpha, Bravo, Charlie, Delta, Echo, Foxtrot, and Golf—or STEEP HILL 2A for Birmingham to 2G for Huntsville. The forces ranged in size from 2,880 for Tuskegee to 10,290 for Birmingham. There was to be no pre-positioning of troops, and only Alpha and Foxtrot were to be prepared to move on short notice to their objective areas, Birmingham and Tuskegee. In addition, liaison teams, with both Army and Justice representatives, were dispatched to both of these cities. Plans for the use of the Alabama National Guard in case of trouble closely resembled the earlier planning for Birmingham, Tuscaloosa, and Huntsville. Should the Guard be federalized and military forces be needed at Birmingham and Tuskegee, guardsmen would be used rather than troops from the active forces.⁵⁹

If the planning for the operation seemed familiar, so was the bickering between the state and the federal authorities. With Tuskegee's schools under a court order to integrate, Wallace issued an executive order on 2 September that delayed the school opening for a week and dispatched state troopers to enforce the directive. In Birmingham, the Department of Justice threatened to send federal troops or marshals to enforce desegregation, and the schools opened with two black students on 4 September. That night, trouble broke out with the explosion of a bomb at the home of a prominent black. Two hours of rioting followed during which the police killed a black youth. On the next day, asserting that it acted partly at Wallace's request, the Birmingham school board closed three white schools that had been scheduled for desegregation. State troopers then blocked the delayed opening of Huntsville schools to prevent the enrollment of four blacks. Mobile's Murphy High School opened on 6 September, but only after authorities had become certain that blacks would not register. On 9 September Wallace allowed all public schools in Birmingham, Tuskegee, Mobile, and Huntsville to open. Except in Huntsville, however, he used state troopers and deputized guardsmen to block the enrollment of black students.⁶⁰

⁵⁹ *Facts on File Yearbook*, 1963, 23:245-46, 277, 309, 381. MFR, Powell, 27 Aug 63, sub: Meeting in the Office of Mr. [Joseph A.] Califano . . . 27 August, with 7 Incls, copy for ADC filed in [AWR], Operation WASHINGTON Jnl, 271900 Aug 63; Msg, DA 934149 to CINCSRIKE, 27 Aug 63, sub: Planning Directive for Possible Civil Disturbances in Seven Southern Cities; USCONARC, Semiannual Historical Rpt, 1 Jul-31 Dec 63, pp. 3-4; Msg, DA 935837 to CG, Fort Campbell, Ky. (exclusive for Critz from Powell), 10 Sep 63; Gardner, "Civil Disturbance Mission," pp. 51-52; Paul J. Scheips and Karl E. Cocke, *Army Operational and Intelligence Activities in Civil Disturbances Since 1957*, OCMH Study 73, rev. ed. (Washington, D.C.: Office of the Chief of Military History, April 1971), pp. 33-35, CMH.

⁶⁰ Unless otherwise cited, the "Birmingham and Tuscaloosa—Again" section is based on Sobel, *Civil Rights, 1960-66*, pp. 215-16; DA Sitrep, DA 936027 to JCS, White House, et al., 111112Z Sep 63, with JOPREP 09007.

In Washington, President Kennedy called attention to the 144 school districts that had desegregated quietly. He added that local authorities had repeatedly stated that they were prepared to carry out court directives and that Wallace had prevented orderly desegregation to support his claim of federal interference. Wallace knew, the president concluded, what the federal response would have to be.⁶¹ That night all five United States district court judges in Alabama joined in an order prohibiting the governor from interfering with desegregation. Wallace then withdrew his troopers from the Birmingham, Tuskegee, and Mobile schools and sent 327 guardsmen to replace them. President Kennedy responded by signing both a proclamation ordering all persons obstructing the court order in Alabama to cease and desist, and an executive order directing the secretary of defense to take all necessary steps to enforce federal court orders, including federalization of the Alabama National Guard. Wallace then stepped aside, and federalization followed.

Initially, the Army ordered the guardsmen Wallace had called to duty to be held at their armories. The rest of the federalized guardsmen, except for those still serving with Task Force Tusk in Tuscaloosa, went on four-hour alert but were not required to report to their mobilization stations.⁶² The Army reinforced the Guard units in troubled Birmingham, a special cause of concern, with 200 troops from Task Force Tusk in Tuscaloosa, but violence was not deterred. On 15 September a bomb in Birmingham's 16th Street Baptist Church killed four black children and injured more than a dozen other people. Disorders followed, and as they spread two more black children were killed. The Army tightened its grip, holding the remainder of Task Force Tusk in Birmingham and placing part of the Regular Army's Task Force Alpha on increased alert. Meanwhile, Burke Marshall, accompanied by other Department of Justice officials and twenty-five agents of the FBI, hurried to Birmingham to investigate.⁶³

The children's murders provoked intense rage. Martin Luther King declared, in the name of 150 black leaders, that the Army "ought to . . . take over this city and run it." In response, Robert Kennedy stated that he saw no legal basis for sending marshals or regular troops to do as King wished. President Kennedy issued a statement expressing his "outrage and grief" and on 19 September sent personal representatives, former Secretary of the Army Kenneth C. Royall, and former West Point football coach Earl H. Blaik, to attempt to quiet the fears in the city. Unfortunately, their efforts were so ineffectual that they never even formulated a report. Nevertheless, the storm subsided, and black leaders withdrew their demand for federal troops.⁶⁴

Gradually the tension in Alabama eased, and the troops stood down. After a general but incomplete defederalization at midnight on 12 September, the Army released the Guard units

⁶¹ *Public Papers of the Presidents: Kennedy, 1963*, pp. 661–62.

⁶² Proclamation 3554, *Obstructions of Justice in the State of Alabama*, and EO 11118, *Providing Assistance for the Removal of Unlawful Obstructions of Justice in the State of Alabama*, both 10 September 1963, in 28 F.R. 9861 and 9863, respectively, and 3 C.F.R. 306 and 782, respectively (1959–63 comp.); Jnl entry, Brandt to Maroun, Pickett, and Col Lucien F. Keller, in [AWR], Alabama Operations Jnl, 100830–100900 Sep 63.

⁶³ On Task Force Tusk, Task Force Alpha, and peacekeeping in Birmingham, see Msgs, Alger to Powell, in [AWR], Alabama Operations Jnl, 101125 Sep 63; Walker to Army Operations Center (AOC), 151012 Sep 63; and Adcock to Powell, 151340 Sep 63, and related entries in [AWR], Alabama Operations Jnl, 15 Sep 63.

⁶⁴ Quotes from Sobel, *Civil Rights, 1960–66*, p. 187, and see also p. 188. Bishop, *The Days of Martin Luther King, Jr.*, pp. 331–34; Branch, *Parting the Waters*, pp. 889–95, 901, 909–10; Garrow, *Bearing the Cross*, pp. 291–96, 297–98.

on duty in Mobile at midnight on 13 September and in Tuskegee twenty-four hours later. By then, the active duty forces of STEEP HILL II were also on the move. The Army released Task Forces Delta (Savannah) and Echo (Charleston) on 6 September, Charlie (Baton Rouge) on 10 September, Golf (Huntsville) on 11 September, and Bravo (Mobile) on 13 September. None had ever been committed to action. The process took much longer in Birmingham. The portion of Task Force Tusk serving there did not return to Tuscaloosa until the morning of 28 October, and the other Guard units stationed there were not defederalized until midnight of that same day. It was not until 29 October that the Army terminated Birmingham's Task Force Alpha, concluding the entire operation.⁶⁵ Overall, the terrorist attacks in Birmingham had served to obscure a large and peaceful step forward for school integration in several important southern cities.

Other STEEP HILL Operations

The same pattern of spotty disorder marked other areas in Alabama and the South at large. In dealing with it Secretary of the Army Vance and Deputy Attorney General Nicholas Katzenbach quietly coordinated things directly between themselves or their personal representatives. On 20 September 1963, before STEEP HILL II had run its course, the Army planned for possible intervention in the continuing troubles over racial segregation in Cambridge, Maryland. Thus was born Operation STEEP HILL III. Under CONARC's Operation Plan 7-63, the Army created three task forces with a total strength of about 3,200 and scheduled them to move by land and air if a need arose. When the situation failed to turn violent and the force did not have to be used, the operation terminated on 1 November 1963. Cambridge, on Maryland's conservative and southern-oriented Eastern Shore, nonetheless continued to be a trouble spot, causing the Army to make plans during May and June 1964 to commit a brigade-size force to the town under STEEP HILL VII. Once again, the operation remained in the planning stage, and federal forces involved never saw duty.⁶⁶

Concurrent with STEEP HILL II and III and with the assistance of the Strike Command, the Army planned to cope with serious trouble that seemed to be developing in racially disturbed Selma, Alabama. Although planners earmarked a battle group of the 101st Airborne Division—1,173 troops—for possible employment in the area, nothing of significance happened. Operation STEEP HILL IV, as it was, ran its course from planning to termination between 1 and 8 October 1963. A few months later, the Army again went on the alert, drawing up plans for STEEP HILL V, a battalion-size task force targeting Auburn University in Auburn, Alabama, which was under court order to enroll its first black, Harold A. Franklin. Federal marshals were on hand at Auburn on 4 January 1964, when registration

⁶⁵ On defederalization of the units in Birmingham, return of the remainder of Task Force Tusk to Tuscaloosa, and termination of STEEP HILL II Alpha, see USCONARC, Semiannual Historical Rpt, 1 Jul-31 Dec 63, p. 4; the following entries in the [AWR], Alabama Operations Jnl: Msgs, Palmer to Doster, 27 Oct 63, and Tracy to AOC, 28 Oct 63; and no. 13, 29 Oct 63. Msgs, DA 936180, DA 936312, and DA 936534 to CG, Third Army, Fort McPherson, Ga., 11, 12, and 13 Sep 63, respectively.

⁶⁶ Policy in this period is summarized in Gardner, "Civil Disturbance Mission," pp. 53-55. Maryland's use of the National Guard at Cambridge is treated briefly in Robert W. Coakley, Paul J. Scheips, and Vincent H. Demma, *Use of Troops in Civil Disturbances Since World War II, 1945-1965*, OCMH Study 83, rev. ed. (Washington, D.C.: Office of the Chief of Military History, 1971), pp. 94-95, CMH. For the Army's role, see Msg, DA 937492 to CINCSTRIKE, 210023Z [Sep?] 63, sub: Planning Directive for Possible Civil Disturbances in Cambridge, Maryland; USCONARC, Semiannual Historical Rpt, 1 Jul-31 Dec 63, pp. 4-5.

began for the university's spring term, but again there was no trouble, and the operation ended two days later.⁶⁷ Within the month, however, the Army had no choice but to plan for STEEP HILL VI, a battalion-size task force to ensure the integration under federal court order of public schools in the towns of Notasulga and Shorters, Alabama. Once again, the presence of troops proved unnecessary and the Army terminated the operation. During late summer 1964, the service organized a series of five brigade-size task forces, code-named Operations STEEP HILL VIII through XII, in support of court-ordered public school integration in St. Helena Parish, Louisiana; in Leake County, Biloxi, and Jackson, Mississippi; and in Montgomery, Tuskegee, Union Springs, and Gadsden, Alabama. In each of those instances, plans were drawn up for the federalization and employment of National Guard units, but significant disturbances never developed and no troops were used.⁶⁸

With integration proceeding apace in the South and potential disturbances on the horizon in a number of localities, the Army strove throughout 1964 to prepare for any trouble that developed by streamlining its planning. During March the Army Staff drew up a blueprint for a force of approximately seven brigades or 20,000 troops for possible employment in the Washington, D.C., area. During September, the service also issued a standardized planning directive that simplified future arrangements to meet trouble that developed anywhere in the country. From that time onward, the Strike Command would be able to use the directive to guide its preparations, modifying procedures only when that became necessary to respond to special circumstances.⁶⁹

Voter Registration

At the time, following an uncertain start, school integration seemed to be proceeding in an orderly manner, but there were many other issues separating the races. In early 1965, for example, trouble broke out in Selma, Alabama, over registration of black voters. On 7 March Martin Luther King attempted to lead a protest march from Selma to the state capital in Montgomery, fifty-four miles away, but local authorities turned the marchers back. When he tried again on 9 March, Kennedy's successor, President Lyndon B. Johnson, alerted federal troops in case disorders developed. Feelings were running particularly high because of the beating that same day of three white ministers supporting King. One of them, the Rev. James J. Reeb, died, the second fatality of the campaign. A conference in Washington on 13 March between the president and Governor Wallace proved unproductive. On 17 March U.S. District Court Judge Frank M. Johnson, Jr., of Montgomery upheld the right of the demonstrators to proceed in an orderly fashion, enjoined the governor and other Alabama officials from interfering, and ordered officials to protect the marchers. Wallace denounced the order and requested the federal government to provide federal civil protection for the marchers, asserting that 6,171 law enforcement officers, 489 vehicles,

⁶⁷ USCONARC, Semiannual Historical Rpt, 1 Jul–31 Dec 63, pp. 5–7; [AWR], Auburn Jnl; Sobel, *Civil Rights, 1960–66*, p. 267.

⁶⁸ USCONARC, Semiannual Historical Rpt, 1 Jan–30 Jun 64, pp. 1–2; [AWR], STEEP HILL VI Jnl.

⁶⁹ USCONARC, Semiannual Historical Rpts, 1 Jan–30 Jun 64, p. 2, and 1 Jan–30 Jun 66, pp. 3–4; Msg, DA 987484 to CINCSTRIKE, 242304Z Sep 64, sub: Basic and Future Planning Directives for Possible Domestic Disturbances in CONUS. A provision of this directive of particular interest to historians and others was providing for the automatic declassification of "the implementing plan, order, or directive" following its execution.

and 15 buses would be needed to provide the necessary protection. President Johnson replied that there were hardly enough federal marshals to carry out the task and that the governor might call upon the Alabama National Guard instead. He added that if Wallace failed to take that step, he would. The governor replied that Alabama could not afford to call the Guard and that the state legislature thought the federal government should foot the bill.⁷⁰

On 20 March 1965, at 0128 hours the president issued a proclamation declaring that Alabama was unable to provide for the safety of the marchers and ordering all obstruction to cease. Two minutes later he signed an executive order authorizing the secretary of defense to use active forces and any or all of the Alabama National Guard to protect the marchers. In a news conference shortly thereafter, Johnson remarked that he found the duty particularly unwelcome when the federal government had to assume a state's own responsibility for protecting the constitutional rights of its citizens.⁷¹

Deputy Attorney General Ramsey Clark now served as overall coordinator of the effort while Attorney General Nicholas deB. Katzenbach followed events. Approximately one hundred agents of the Federal Bureau of Investigation and from seventy-five to one hundred federal marshals were on the scene in Alabama. The federalized guardsmen, from units of the 31st Infantry Division, numbered 1,938. The active Army units committed to the operation (Operation STEEP HILL XIII) included a brigade of the 2d Infantry Division organized as Task Force Clay Court and the 503d and 720th Military Police Battalions. The 503d and 720th deployed, respectively, to Montgomery and Selma on 20 March. Each was teamed in its sector with a brigade of guardsmen. Task Force Clay Court remained on alert at Fort Benning. General Graham of the Alabama Guard, who served as commander of the STEEP HILL forces, cooperated with both local police and Department of Justice officials. The selection of a National Guard officer as a task force commander in charge of Guard and active Army troops was not common.

The march to Montgomery began from Brown Chapel AME (African Methodist Episcopal) Church in Selma early on Sunday afternoon, 21 March, when more than three thousand marchers took to the road following the lead of Dr. King, Ralph J. Bunche, John Lewis, and clergymen of various faiths. Most returned to Selma after a time, in compliance with court orders that no more than 300 marchers were to occupy two-lane U.S. Highway 80 at any one time. During the march, jeep patrols and Army ordnance teams moved ahead to examine bridges and culverts for explosives; Army helicopters and fixed-wing aircraft provided surveillance along the route; and troops guarded the marchers on the roads, at their campsites, and at their destination, the capital, when they reached it on 25 March.

⁷⁰ For the brutal death of Jimmie Lee Jackson and that of Reeb, whose death received more attention, and related matters, see Garrow, *Bearing the Cross*, pp. 391–94 (passim), 405, 406–07, 408, 419; Sobel, *Civil Rights, 1960–66*, pp. 295–300; William Chapman's and Robert E. Baker's articles in the *Washington Post*, 18 and 19 Mar 65; *Public Papers of the Presidents of the United States: Lyndon B. Johnson, 1965*, in 2 bks. (Washington, D.C.: Government Printing Office, 1966), passim.

⁷¹ Garnet D. Horner, "Takes Action After Wallace Says He Can't," *Washington Evening Star*, 20 Mar 65; Lawrence Stern, "LBJ's Order Is Critical of Governor Wallace," *Washington Post*, 21 Mar 65; Morton Mintz, "Johnson Outscores Wallace, Reverses Troop Blame," *ibid.*, 21 Mar 65; "Transcript of President's News Conference," *ibid.*, 21 Mar 65; Proclamation 3645 and EO 11207, both *Federal Assistance in Alabama*, 20 March 1965, in 30 F.R. 3739 and 3743, respectively, and 3 C.F.R. 102 and 290, respectively (1964–65 comp.); Sobel, *Civil Rights, 1960–66*, pp. 300–301. For federalization of the Guard, see Msgs, Ailes to Wallace and Others, DA 707079 and 708001, 200822Z and 201932Z Mar 65; and Wilson to Wallace and TAG, DA 707989, 200830Z Mar 65.



CIVIL RIGHTS MARCH FROM SELMA TO MONTGOMERY, ALABAMA. *Brown Chapel AME Church is at the far right.*

When the marchers neared their destination, their ranks swelled to 25,000, but no serious incidents occurred. After the demonstration had ended, however, a white participant, Viola Gregg Liuzzo of Detroit, was murdered on the highway between Selma and Montgomery. The Army kept the task force in being for a short time after the concluding rally in Montgomery and then released the two military police battalions on 29 March. As for the National Guard units, all but a few close-out personnel returned to state control the following day.⁷²

New Troubles Replace Old

Although no one could have foreseen it at the time, the Selma-Montgomery march of 1965 proved to be the last time federal troops would be used to quell a civil disturbance in the South during the 1960s. In the immediately following years outbreaks serious enough to involve the federal military establishment occurred in the western, northern, and eastern portions of the country.

⁷² Sobel, *Civil Rights, 1960–66*, pp. 301–05; AAR, HQ, 31st Inf “Dixie” Div (Alabama part), Task Force Steep Hill XIII, Montgomery, 15 Apr 65, copy bound with other similar reports under title Civil Disturbance After Action Reports, Historian’s files, CMH; Moenk, USCONARC Participation in the Suppression of Civil Disturbances, April 1968, pp. 10–11; [Paul J. Scheips and John Albright], *Use of Troops in Civil Disturbances, 1963–1968*, an. 6, to L. B. Johnson Administrative History, Oct 68, pp. 28–29, Lyndon B. Johnson Library, Austin Tex., copy in CMH files; Garrow, *Bearing the Cross*, pp. 410–13.

There were signs nonetheless that one era in the nation's internal troubles was ending while another was beginning. The year 1965 marked a major escalation of American involvement in the ongoing war in South Vietnam, an event that would eventually result in major domestic resistance to the conflict and to the military draft that supported it. The problem began with four relatively minor war-related episodes that necessitated Army responses. Three involved protection of military facilities under the provisions of AR 500-50 and thus received no STEEP HILL designations. They included preparations for possible trouble during a draft induction on 10 September, at Fort Wayne, Detroit, Michigan, and measures for securing the Army base in Oakland, California, during demonstrations by the Vietnam Day Committee (VDC) and associated organizations on 15 and 16 October. A subsequent demonstration at Oakland on 20 November 1965 caused the Sixth U.S. Army to begin accumulating files on the "personalities, organizations and plans of the VDC." In the end, none of the incidents resulted in disorders of any significance.

The one operation of late 1965 unconnected with civil rights that received a STEEP HILL designation was a demonstration and rally of the National Committee for a Sane Nuclear Policy and other peace groups on 27 November in Washington, D.C. Operation STEEP HILL XV involved alerting the 1st Battalion, 3d Infantry, at Fort Myer and the 91st Engineer Battalion at Fort Belvoir. The Military District of Washington made plans to use these troops, but no trouble occurred, and the Army quickly canceled the alerts after the demonstrators departed.⁷³

In retrospect, despite well-publicized confrontations, the years between 1957 and 1965 were marked by substantial progress for the civil rights movement and by thoughtful adjustments to the way in which the Army handled civil disorders. Unlike the interventions that occurred during the Reconstruction era between 1866 and 1877, the Army at no time became involved in local politics. Instead, operating under restrictions imposed by presidential directives and the Posse Comitatus Act, it confined its actions to the suppression of violence and the enforcement of court orders. Meanwhile, local National Guard organizations rendered loyal service to national authorities, regardless of their members' individual feelings. Although there would be no end to racial violence in the United States, almost two years would pass after Selma before federal troops would again appear on the nation's streets.

⁷³ During a serious riot in the Watts section of Los Angeles in August 1965, federal preparations were made to offer assistance and intervene if necessary in an operation designated STEEP HILL XIV on which see the following chapter. USCONARC, *Semiannual Historical Rpt*, 1 Jul-31 Dec 65, pp. 1-4. Quote from Sixth United States Army Annual Historical Supplement, 1 Jan-31 Dec 65 (Presidio of San Francisco, Calif., 1966), p. 28, and see also p. 29. Moenk, *USCONARC Participation in the Suppression of Civil Disturbances*, April 1968, p. 11.

CHAPTER 7

Crisis in the North and West

The Los Angeles riot, the worst in the United States since the Detroit riot of 1943, shocked all who had been confident that race relations were improving in the North, and evoked a new mood in Negro ghettos across the country.

The events of 1966 made it appear that domestic turmoil had become part of the American scene.
—*Report of The National Advisory Commission on Civil Disorders* (1968).

The early 1960s had seen violence and the threat of violence characterize the racially troubled South. By the middle of the decade, however, just as measurable progress in race relations could be witnessed throughout the southern states, serious troubles arose in the urban ghettos of the West and North. Worse, the war in Vietnam began to generate a seemingly endless series of violent confrontations throughout the country that ultimately split the nation along pro and antiwar lines. The result was a series of domestic crises that shook the cultural and civil foundations of the United States.

As measured by public sympathy for blacks, race relations in the 1960s were probably at their best during the march on Washington in August 1963. By the same measure they remained relatively good in 1964, despite riots that broke out in a number of eastern cities. Nationwide revulsion at the brutal murder of three young civil rights workers in Mississippi was accompanied by a general acceptance of the Civil Rights Act passed in 1964. A legislative landmark, the new law contained many notable features, including Title II on public accommodations, Title IV on public education, and Title V, which strengthened and extended the life of the Commission on Civil Rights. Title VI—perhaps the single most important provision of the law and the one that would achieve the widest application—provided for a cutoff of funds in cases of discrimination in federally assisted programs. Title X established a conciliation agency, the Community Relations Service, in the Department of Justice.¹

President Lyndon Baines Johnson's victory over Barry Goldwater in November 1964 was in part an expression of pro-civil rights sentiment, which reached an emotional peak in early 1965, following the events in Selma, Alabama, and the march to Montgomery. The Voting Rights Act of 1965, which stemmed from the violence in Selma, became law at that time. By ensuring the entry of an ever-growing number of blacks onto voter registration rolls, it became a capstone for

¹ Muse, *The American Negro Revolution*, pp. 182–91 and passim. Muse is excellent on all the important aspects of the subject and period he covers. A summary of the relevant press reports of the period is in Sobel, *Civil Rights, 1960–66*, pp. 232–368.

the changes occurring in the South.² Although de facto segregation due to demographics and housing patterns remained, the ability of the federal government to enforce compliance under Title VI of the Civil Rights Act ensured by 1966 that school segregation in the South was well on its way into history. By then, limited integration of the National Guard had also begun. As late as 1962 ten southern states had been without black guardsmen, but by 1965 all had enrolled at least a few.³

The Urban Ghettos

Since the southern states contained large populations of blacks that interacted continually with whites, the move toward accommodation in the South was somewhat easier than in the North and West, where, as author Robert Conot notes, the black ghettos were so large that they had become “cities within cities, where the races never meet. It is impossible for the white person to understand the sense of isolation the residents of the ghettos have unless he himself goes into them. Within their boundaries, he will feel himself as foreign as if he had ventured to Haiti.”⁴ Overall, as a result, the South at the time seemed to be more tranquil and to make greater progress toward integration and the empowerment of black voters than other areas of the country, where inequities continued to fester.

The ghettos had been in the making for a long time, as blacks emigrated from rural areas of the South to the North and the West. Over the course of two decades, the black populations of New York, Philadelphia, Boston, Chicago, Detroit, Los Angeles, and San Francisco increased enormously. For the average black resident of those places, life was grim, marked by poverty, crime, the breakdown of the family, increased availability of drugs, and a sense of alienation from the larger society that was easily transformed into anger.

In the spring of 1964, Burke Marshall of the Department of Justice forecast continuing racial disturbances in a number of northern cities and towns, and events soon proved him right. Rioting erupted in seven cities that year—in New York City and Rochester, New York; in Jersey City, Elizabeth, and Paterson, New Jersey; in a suburb of Chicago, Dixmoor, Illinois; and in Philadelphia, Pennsylvania. The disturbances sent shock waves through the nation and forcibly drew attention to conditions in the black ghettos. Clashes with the police were violent and only in Rochester did the authorities resort to the National Guard, which remained under state control.⁵

Attempts to right social wrongs were under way, but they came late and were insufficient. In January 1964 President Johnson had announced a national war on poverty, but that enemy

² David J. Garrow, *Protest at Selma: Martin Luther King, Jr., and the Voting Rights Act of 1965* (New Haven: Yale University Press, 1978).

³ Integration of the Guard received attention in The U.S. President's Committee on Equal Opportunity in the Armed Forces, Final Report: Military Personnel Stationed Overseas and Membership and Participation in the National Guard (Gesell Committee), November 1964, pp. 12–22, U.S. Army Military History Institute (MHI), Carlisle Barracks, Pa.

⁴ Robert Conot, *Rivers of Blood, Years of Darkness* (New York: Bantam Books, 1967), p. ix.

⁵ *Report of the National Advisory Commission on Civil Disorders* (hereafter cited as the *Kerner Report*) (Washington, D.C.: Government Printing Office, 1968), pp. 19–20; Franklin, *From Slavery to Freedom*, pp. 597, 620, and passim; James R. Gardner, “The Civil Disturbance Mission of the Department of the Army, 1963–1973: An Analysis of Perceptions, Policies and Programs” (Ph.D. diss., Princeton University, 1977. Ann Arbor, Mich.: University Microfilms, 1980), pp. 44–45; Robert W. Coakley, Paul J. Scheips, and Vincent H. Demma, *Use of Troops in Civil Disturbances Since World War II, 1945–1965*, OCMH Study 83, rev. ed. (Washington, D.C.: Office of the Chief of Military History, 1971), pp. 101–03, 125, CMH.

proved no less tenacious than the North Vietnamese, with whom the United States was also at war. In a memorable address delivered at Howard University, D.C., in June 1965, inspired by the Moynihan report on the black family, Johnson declared publicly that white America was responsible for the plight of the nation's black citizens; described the condition of the big city ghettos; and cited the need of the black poor for jobs, decent housing, education, and social welfare programs.⁶ Ten weeks later and only one week after Johnson signed the Voting Rights Act of 1965, frightful rioting broke out in the Watts section of Los Angeles.

Beneath the violence lay long pent up racial frustrations and grievances against the police, who seemed to many blacks insensitive at best and brutal at worst. As in so many cases, a small incident triggered the outbreak—in this case, the arrest on 11 August of a young black by a highway patrolman on a charge of driving while drunk. When a crowd gathered and a newly arrived patrolman waded in with his billy club, violence smoldered for some thirty hours before bursting into flame in downtown Watts.⁷ On 14 August 1965, the situation became so bad that the acting governor, in the absence of Governor Edmund G. "Pat" Brown, proclaimed a state of emergency in Los Angeles County and established a curfew. Elements of the California National Guard had already been called into state service. Now the entire 40th Armored Division, which had its headquarters in Los Angeles, was ordered to duty and preparations were made to use the 49th Infantry Division from northern California as well. The Guard deployed more than 13,400 troops into the riot area, where they took up station beside the police, sheriff's deputies, and state highway patrolmen.

Opinions differed with respect to President Johnson's views on providing federal troops. Governor Brown recalled that the administration flew him back to California from New York and offered other assistance. Presidential assistant Joseph A. Califano, Jr., remembered that the president sought to distance himself from the rioting and the responses to it by remaining in Texas, where he had gone for the weekend, out of touch with Califano. Johnson feared that such troubles would hamper efforts to pass new Great Society legislation. Meanwhile, Califano authorized logistical assistance to the California National Guard at the request of Vice Chief of Staff General Creighton W. Abrams, Jr., and with the support of Secretary of Defense Robert McNamara and Attorney General Nicholas deB. Katzenbach. When informed of this action Johnson called Califano, who thought he "sounded more sorrowful than angry," but in any case he did not rescind the action taken.⁸

Despite efforts to suppress it, the ferocity of the outbreak seemed to confirm President Johnson's worst fears. Looters smashed into stores, and arsonists crying, "Burn, baby, burn,"

⁶ Muse, *The American Negro Revolution*, pp. 192–203.

⁷ Conot, *Rivers of Blood*; Kerner Report, p. 20. For the text of *Violence in the City—An End or a Beginning? A Report by the Governor's Commission on the Los Angeles Riot (McCone Report)* (2 December 1965), see Spencer Crump, *Black Riot in Los Angeles: The Story of the Watts Tragedy* (Los Angeles: Trans-Anglo Books, 1966), pp. 125–54. Anthony M. Platt, ed., *The Politics of Riot Commissions, 1917–1970: A Collection of Official Reports and Critical Essays* (New York: Collier Books, 1971), pp. 259–337; Sobel, *Civil Rights, 1960–66*, pp. 306–13.

⁸ The use of the California National Guard in the Watts riot is set forth in its AAR, Military Support of Law Enforcement in Civil Disturbances: A Report Concerning the California National Guard's Part in Suppressing the Los Angeles Riot, August 1965 (Sacramento: Office of the Adjutant General, n.d.) (hereafter cited as California National Guard AAR), Historian's files, CMH; Julian Hartt, "Riot Duty: The California National Guard at Watts," *National Guardsman* 19 (October 1965): 8–13, 40. On President Johnson's reaction to the riot, see and compare Transcript of Interv. Joe B. Frantz with Edmund G. "Pat" Brown, tape 2, Lyndon B. Johnson Library, Austin, Tex., and Joseph A. Califano, Jr., *The Triumph and Tragedy of Lyndon Johnson: The White House Years* (New York: Simon and Schuster, 1991), pp. 59–64 and passim.

set portions of Watts ablaze. In its official report on the riot, the McCone Commission put the number of participants at 10,000, but subsequent surveys indicated that at least 20,000 were involved and possibly as many as 50,000—a very substantial minority of the black population of the community. In the end, more than 950 buildings were looted, damaged, or destroyed and almost 200 burned to the ground. Nearly 4,000 individuals were arrested. One thousand more were injured. Thirty-four were killed, most of them blacks.⁹

A hail of gunfire by rioters, guardsmen, and police indicated both the savagery of the riot and possible poor training among the troops. The California National Guard's after action report was silent on the quantity of ammunition expended, but guardsmen evidently used their weapons freely. At the beginning and end of the trouble, squad leaders controlled ammunition, with one man in each squad responsible for returning fire directed at the unit. For much of the riot, however, all guardsmen were apparently issued ammunition, authorized to carry loaded weapons, and permitted to fire as necessary "to ensure their safety and accomplish their missions." In at least one instance, an officer allowed his troops to fire thirty-five rounds from a .30-caliber machine gun at rooftop snipers. There were also a number of instances in which troops fired at vehicles attempting to crash roadblocks, sometimes with fatal effect.¹⁰

The Guard's firing was in contravention of guidelines laid down in the most recent edition of the Army field manual, *Civil Disturbances and Disasters*. Defining the characteristics of mobs and the tactics necessary for dealing with them, the manual offered guidance for operations in built-up areas. It recognized that mobs might set buildings aflame or use them from which to snipe or to lay down a heavy volume of fire against the troops. It then specified that the firing of weapons in response was to be carefully controlled and that commanders were to gear their actions to the traditional injunction that "the suppression of violence without undue force is a worthy military achievement."¹¹

As the riot intensified, in preparation for possible orders to intervene, the Army opened an advance emergency center at Sixth Army headquarters, Fort MacArthur, California. On 15 August it also alerted the 4th Infantry Division at Fort Lewis, Washington, for possible duty in the riot zone. One battalion went on advance alert for what the Army now designated as STEEP HILL XIV. Out of concern that trouble might spread beyond the Los Angeles area, planning also included the possible use of armored units stationed at Fort Ord and Fort Irwin, California.

On the afternoon of 15 August key officials met at the White House to discuss the employment of federal troops to quell the riot. Some preliminary decisions were reached. If the Guard were federalized and active forces were committed in Los Angeles, the Department of Justice would exercise control over the operation, including public relations. The Army chief of staff would serve as the executive agent of the secretary of defense. Three top officials would occupy adjacent quarters in Los Angeles: the Department of Justice representative; the troop commander, who would be Lt. Gen. James L. Richardson,

⁹ Robert M. Fogelson, "White on Black: A Critique of the McCone Commission Report," in *The Politics of Riot Commissions*, ed. Platt, p. 313; *Kerner Report*, p. 20. Quote from Muse, *The American Negro Revolution*, p. 206. California National Guard AAR, p. 45.

¹⁰ Sixth Army, Los Angeles Civil Disturbance, 12–13 August 1965: After Action Report (Presidio of San Francisco, Calif., 1965) (hereafter cited as Sixth Army AAR), tab A, Historian's files, CMH. Quote from California National Guard AAR, p. 19, and see also pp. 13, 14, 18, 29–31. *Kerner Report*, p. 20.

¹¹ DA FM 19–15, *Civil Disturbances and Disasters*, 21 Sep 64, pp. 5–6.

commanding general, Sixth Army; and the personal representative of the chief of staff, Maj. Gen. Carl C. Turner, provost marshal general. The participants also agreed that if the violence spread beyond Los Angeles, the Guard would stay under state control in the city while regular forces deployed to the other areas. In any case, the Guard would not be federalized nor federal troops committed unless the situation deteriorated further. Various federal military and civilian agencies, notably the Sixth Army, were already providing logistical assistance to the Guard, including 361,025 rounds of .30-caliber ammunition and 823 chemical grenades. Aircraft of the U.S. Air Force, the Air Force Reserve, and the Arizona National Guard augmented the California Air National Guard.¹²

In the end, the State of California contained the riot without requesting federal troops. Although state authorities did not withdraw the last detachment of the California Guard, a security force guarding the Los Angeles County Court House, until 23 August, the Sixth Army closed its emergency center and the 4th Infantry Division went off alert status on 17 August.¹³ Even though the Regular Army had not seen duty in the confrontation, the episode suggested the shape of events to come. Over the years to follow, at the very time when the U.S. Army was fighting a foreign war in Vietnam and maintaining readiness in Europe, the likelihood now existed that the Army would also face a succession of violent confrontations on the streets of America's great cities.

Tension Rises

Sympathy for blacks began to diminish in 1966 due to a so-called "white backlash" to the riots and to pressure for social reform from the liberal and black communities. The malaise was evident in the failure of Congress to pass the Civil Rights and the Equal Employment Opportunity Acts of 1966 and in the general ineffectiveness of a White House conference "To Fulfill These Rights." The elections of 1966 suggested a growing current of resentment, for in that year, for the first time in the decade, substantial numbers of anti-black whites took part in disturbances in the North and West.

The year also saw pronounced changes in the civil rights movement. Among blacks, there was no consensus favoring opposition to the war in Vietnam. In fact, military service in Vietnam was looked upon more favorably by blacks than by whites. Nevertheless, the Student Nonviolent Coordinating Committee (SNCC), the Congress of Racial Equality, and Martin Luther King's Southern Christian Leadership Conference (SCLC) joined the antiwar movement. At the same time, both SNCC and CORE turned toward black nationalism, which King strongly opposed, creating ideological divisions within the civil rights movement by adopting language and tactics that were not in the mainstream of the movement. Stokely Carmichael, a fiery mili-

¹² Sixth Army AAR; Sixth United States Army Annual Historical Supplement, 1 Jan–31 Dec 65 (Presidio of San Francisco, Calif., 1966), p. 28; Sobel, *Civil Rights, 1960–66*, p. 309; Msg, DA 728267 to CGUSCONARC and Others, 152117Z Aug 65, sub: White House Conference on Los Angeles Civil Disturbance; California National Guard AAR, p. 28; USCONARC, Semiannual Historical Rpt, 1 Jul–31 Dec 65, p. 1; Msg, DA 728261 to CINCSRIKE, 150633Z Aug 65, sub: Planning Directive for Civil Disturbance Operations in Los Angeles, California. Copies of such documents as those cited here are among the Detroit materials in Historian's files, CMH.

¹³ Sixth Army AAR, pp. 29–30; California National Guard AAR, p. 30.

tant, became the leader of the coordinating committee and a symbol for the militants. He gave currency to the slogan “Black Power.”¹⁴

Ghetto riots marked 1966 more than any preceding year. State authorities used the National Guard on at least twenty-nine occasions. Twelve of the disturbances involved racial conflict, and in five others the authorities assembled the Guard or placed it on standby alert out of concern that such problems might arise. Meanwhile, only two outbreaks occurred in the South: a demonstration at Alcorn Agricultural and Mechanical College in Lorman, Mississippi, and a march by a coalition of civil rights leaders that followed the ambush and shooting of Mississippi civil rights leader James H. Meredith on a 6 June 1966 march to urge blacks to vote. The Regular Army’s only action came during disorders in Chicago and Cleveland, when some logistical support was supplied to the Guard and preliminary steps were taken to provide two brigades of regular troops if needed.¹⁵

The following year was one of the worst in the nation’s history for domestic violence. During 1967, Congress failed to pass new civil rights legislation proposed by President Johnson, fueling black frustration. Civil disturbances again occurred, particularly between April and December and mostly in the North. Some were large and violent. Most were racial. In all, the International City Managers Association tallied 82 outbreaks, while the now defunct Lemburg Center for the Study of Violence at Brandeis University, Massachusetts, with less exacting standards counted 249. Disturbances occurred in areas as diverse as Tampa, Florida; Cincinnati, Ohio; Atlanta, Georgia; Newark and Plainfield, New Jersey; Minneapolis, Minnesota; Cambridge, Maryland; Wilmington, Delaware; Milwaukee, Wisconsin; and Winston-Salem, North Carolina. National Guard troops were employed on twenty-five occasions, in all but one under state control. The Guard not only did riot duty but also served in nonoperational ways, placing its officers on liaison and intelligence duty, providing helicopter crews to local authorities, manning emergency operations centers, guarding public facilities, and assembling troops in their armories as a precautionary measure.¹⁶ By contrast, federal forces became involved only three times—on the occasion of the intended burial in Culpeper National Cemetery, Virginia, of the former leader of the neo-Nazi National Socialist White Power Party, George Lincoln Rockwell; when a

¹⁴ Harry McPherson, *A Political Education* (Boston: Little, Brown and Co., 1972), pp. 346–52; Muse, *The American Negro Revolution*, pp. 254–70.

¹⁵ Paul J. Scheips, *Use of Troops in Civil Disturbances Since World War II*, Supplement I (1966), OCMH Study 107, rev. ed. (Washington, D.C.: U.S. Army Center of Military History, 1973), especially pp. 5–6, 10–12, 137–38, CMH; Jean R. Moenk, *USCONARC Participation in the Suppression of Civil Disturbances, April 1968* (Fort Monroe, Va.: Historical Branch, USCONARC, 1968), p. 12, copy at CMH; Sobel, *Civil Rights, 1960–66*, pp. 390–432; Muse, *The American Negro Revolution*, pp. 235–37, 288.

¹⁶ Steven D. Price, ed., *Civil Rights, Volume 2, 1967–68* (New York: Facts on File, Inc., 1973), pp. 89–90 (for 1967), 334ff. (for 1968), 362–63; Muse, *The American Negro Revolution*, p. 290; Urban America, Inc., and the Urban Coalition, *One Year Later: An Assessment of the Nation’s Response to the Crisis Described by the National Advisory Commission on Civil Disorders* (New York: Frederick A. Praeger, 1969), p. 60; U.S. Congress, Senate, Permanent Subcommittee on Investigations of the Committee on Government Operations, *Staff Study of Major Riots and Civil Disorders—1965 Through July 31, 1968*, 90th Cong., 2d sess., 1968, pp. 6–14; Paul J. Scheips and M. Warner Stark, *Use of Troops in Civil Disturbances Since World War II*, Supplement II (1967), OCMH Study 75 (II) (Washington, D.C.: Office of the Chief of Military History, January 1974), CMH; *Kerner Report*, pp. 21–30.

race riot of major proportions broke out in Detroit; and in response to an antiwar march at the Pentagon.¹⁷

Violence in Newark

About a week before the Detroit riot, a major disturbance broke out in Newark, New Jersey, which proved the most violent disorder since the 1965 upheaval in Watts. (*See Map I.*) Newark's population was 50 to 60 percent black, but its government was overwhelmingly white, as was the police department, which employed only 145 blacks on a force of 1,379. Under those circumstances, complaints about police brutality were not surprising, and neither was the growth of racial tensions over certain key issues, including the city's plan to transfer 150 acres in the middle of the ghetto to state ownership for use as a medical-dental college. Underlying all the special issues, and exacerbating them, were social problems endemic to the ghetto itself: heavy unemployment, broken families, and a high crime rate.

The arrest in the ghetto on the evening of 12 July 1967 of John William Smith, a black taxicab driver, for an alleged traffic violation would trigger the riot. An unfounded rumor spread that the driver had been beaten to death, causing more speculation and unrest in the black community. One incident followed another until, by the early morning of 14 July, a major riot was in progress, beyond the control of the Newark police. Mayor Hugh J. Addonizio called Governor Richard J. Hughes to request the aid of the state police and the National Guard. Hughes responded with a proclamation that ordered the state police and the Guard to take all actions necessary to reestablish peace and order. He told President Johnson that the state could handle the situation on its own.¹⁸ The judgment relieved the president, although he told Hughes that his administration wanted to support and help him.¹⁹

Army officials initially agreed with the governor. The director of operations for the Office of the Deputy Chief of Staff for Military Operations at the Pentagon received informal word from the First Army that the New Jersey National Guard was "in excellent condition to handle the . . . emergency" and that the resources available to Hughes were "adequate for any situation short of insurrection."²⁰ The Army passed this information to the White

¹⁷ Scheips and Stark, *Use of Troops in Civil Disturbances Since World War II*, Supplement II (1967), 1974 update, pp. 196, 199, 200; Office of the Provost Marshal General (OPMG), 1st Military Police Detachment (Criminal Investigation), After Action Report on Incidents at Culpeper National Cemetery on 29 August 1967, 12 Sep 67. In the Culpeper case, military police and other military personnel under Maj. Gen. Carl C. Turner, the provost marshal general, with the aid of U.S. marshals, canceled the burial permit when some party members insisted on wearing their Nazi regalia at the funeral service.

¹⁸ Governor's Select Commission on Civil Disorder, State of New Jersey, *Report of Action* (Trenton, N.J., 1968), pp. 1–111, 143. On the concurrent racial disturbance in nearby Plainfield, where the National Guard also saw service, see *Ibid.*, pp. 145–63, and Scheips and Stark, *Use of Troops in Civil Disturbances Since World War II*, Supplement II (1967), 1974 update, pp. 57–67.

¹⁹ For President Johnson's willingness to help Hughes, while glad that he did not have to, see Memo, James H. Jones for W. Marvin Watson, 14 Jul 67, quoting Hughes on the riot, with what appears to be the transcript of a Telecon, Hughes with Johnson, President's Appointments file (Diary Backup); Memo, Larry Levinson for the President, 15 Jul 67, with attachmt; and Memo, Vice President (H.H.) for the President, 17 Jul 67, Richard J. Hughes Name file. All in White House files, Johnson Library. Intervs, Joe B. Frantz with Gov. Hughes and Mrs. (Betty) Hughes, 6 Aug 69, and Harri Baker with Ramsey Clark, 16 Apr 69, Interv 4, tape 1, both in Johnson Library; Califano, *Triumph and Tragedy of Lyndon Johnson*, pp. 209–13.

²⁰ Information Brief 3, Col Hamilton, ODCSOPS, OD, RE, 15 Jul 67, EX HU2/St30, White House Correspondence file, Johnson Library.



NEWARK, NEW JERSEY, RIOT

House. In addition, the Army's 108th Military Intelligence Group continuously manned the emergency operations center in its headquarters at Fort Devens, Massachusetts, together with an emergency center in Newark through which it funneled reports on information collected from various sources.²¹

With the Army limited to observing events, the whole burden fell upon the police and the National Guard, which reached a peak strength of 5,367 in Newark on 17 July. At its height, the riot was quite violent and in some respects a nightmare of confusion. Each of the three law enforcement agencies—the Newark police, the state police, and the National Guard—operated under separate instructions governing the use of weapons. Although the policy of the Newark police was to refrain from firing on looters, the force never received formal orders to that effect. Meanwhile, the state police had no specific guidance to follow, and apparently neither did the Guard, whose local commanders had instructions only to control their men's fire. The Newark police were armed with some personal weapons, as well as officially issued rifles, carbines, and

²¹ AAR, 108th Military Intelligence Group, Newark Riots (Fort Devens, Mass.), 27 Jul 67, Historian's files, CMH.

automatic weapons; the state police had rifles, shotguns, carbines, three submachine guns, and pistols. National guardsmen carried M1 rifles.

Many of those weapons appear to have been fired indiscriminately, aggravating the situation on the streets. Sniping by rioters provoked the fire, but how much actually occurred remains unclear. Newark's police director, Dominick A. Spina, told the National Advisory Commission on Civil Disorders (Kerner Commission) that his department recorded 79 instances, and state police records tallied 152 for 14–17 July. But gunfire by responding security forces was sometimes mistaken for fire by snipers and was so profuse that the Kerner Commission report could hardly escape being an indictment of the wanton and deadly fire by police and the National Guard that caused serious injury and death to wholly innocent people.

Some observers among the police and military were also critical. The Chief of Staff of the New Jersey National Guard, Maj. Gen. James F. Cantwell, testified that initially “‘there was too much firing . . . against snipers’ because of ‘confusion . . . and our thinking of . . . [the riot] as a military action.’” Police Director Spina concluded from personal observation that sniping reports were inflated because “trigger-happy guardsmen” (a term he said he disliked) sometimes fired indiscriminately and at noises. Cantwell thought that amid the confusion, guardsmen and police at one point were exchanging gunfire with each other, and a state commission found indications that police units had sometimes fired unwittingly upon one another.²²

Although figures are incomplete, the record shows that state police fired a total of 2,905 rounds of ammunition in a variety of calibers during the riot while the National Guard expended 10,414. Riot control agents such as tear gas could have been used and might have reduced or even eliminated heavy firing but were never employed. Instead, Newark's deputy chief of police testified that he knew nothing of those means and their capabilities, while the superintendent of the state police, Col. David B. Kelly, opposed the use of tear gas because it seemed dangerous to children, the elderly, and persons with respiratory ailments. Inadequate communications—the Newark police lacked walkie-talkies and had no auxiliary generator to back up their main radio network—contributed to the volume of reckless fire, as did the fact that one shot might carom and reverberate for over a mile through the city, setting off reactions from the troops and the police wherever it hit. That many of the guardsmen involved were young, frightened, and lacking in riot training only made matters worse, as did prejudice against blacks on the part of some whites participating in the effort to restore order.²³

The Newark riot resulted in a number of casualties. The Kerner Commission reported 23 riot-related deaths in Newark, but the governor's commission put the deaths at 26: 24 blacks,

²² AAR, New Jersey Dept. of Defense, Trenton, N.J., to Ch. NGB, Washington, D.C., 22 Aug 67, sub: Operational Report, Newark, N.J., Period 14 Thru 17 July 1967, Historian's files, CMH; Warren Kennet, “Newark/Plainfield: Riots Assume a New Dimension,” *National Guardsman* 21 (September 1967): 4–5; U.S. Congress, Senate, *Riots, Civil and Criminal Disorders*, Hearings Before the Permanent Subcommittee on Investigations of the Committee on Government Operations, 90th Cong., 2d sess., 91st Cong., 1st and 2d sess., 1967–70 (25 pts. and 2 interim Rpts), pts. 4, 5; Thomas E. Hayden, *Reunion: A Memoir* (New York: Random House, 1988), pp. 150–72; James Miller, “*Democracy Is in the Streets*”: *From Port Huron to the Siege of Chicago* (New York: Simon and Schuster, 1987), pp. 273–77, 407n35. First quote from *Kerner Report*, pp. 36–37, and see also pp. 30–35, 38. Second quote from *Report of Action*, pp. 136–37, and see also pp. 104–25.

²³ *Report of Action*, pp. 135–37; *Kerner Report*, pp. 37, 180.

1 white detective, and 1 white fireman. Injuries appear to have exceeded 1,000. Arrests totaled at least 1,465 and may have exceeded 1,600. Estimates of damage to private property in Newark was over \$10.4 million, more due to stock losses from damages and looting than to loss of buildings and fixtures.²⁴

Taking Stock

The onset of the troubles in the North and West found Army leaders optimistic that the regulars could either avoid intervention, or, if called, carry out their mission successfully. They thus reviewed various aspects of the civil disturbance mission during the mid-1960s but made no major changes in procedure. In the spring of 1964 they considered but did not adopt centralized civil disturbance training, even though a survey had called attention to substantial differences among Army formations. The training, the survey said, varied depending on the unit's location and mission assignments. The Army also studied the desirability of assigning civil disturbance missions to low-priority reserve units as a means of lifting the burden on active duty forces.

The service had reason for cautious confidence. Recent experiences had been ample, and operational plans of proven value were clearly in place. A memorandum prepared for the secretary of the Army during the Watts riot thus expressed satisfaction with the procedures laid down in the current CINCSTRIKE plan. In an assessment for the secretary in 1966, referring to the Chicago and Cleveland riots in July, General Abrams likewise concluded that the planned force of 15,000 active Army troops augmented by the National Guard could deal with foreseeable civil disturbances. Only if rioting became so serious that it spilled over into insurrection would changes in tactics and policy become necessary. Everything considered, there was little evidence in the view of the Army Staff that federal troops would be needed anytime soon. The fact that they had not been called upon since the Selma-Montgomery march of 1965 suggested that governors were reluctant to seek federal aid until they had exhausted all state resources, which of course was the way the system was supposed to work.

Another assessment of May 1967 found the Army Staff of about the same opinion. On-going events and prudence, however, suggested caution. Accordingly, the chief of staff warned the secretary of the Army in May 1967 that it was "not too early [in the year] to start planning" and that the staff was "working actively" with the Continental Army Command. The Army sought to keep operational military police units at home, despite the growing pressure of the Vietnam War, and in June temporarily lowered intelligence and height standards for military policemen (MPs) to maintain numbers sufficient to meet the twin demands of domestic disorder and foreign war. Despite such modest preparations, leaders still hoped—until Newark—that state and local resources would prove sufficient to the need.²⁵

The Newark riot with its undisciplined use of weapons, threw earlier optimistic assumptions into doubt. Concerned that similar disturbances might lie ahead and require com-

²⁴ *Kerner Report*, p. 325n12; *Report of Action*, pp. 124–42; U.S. Congress, House, Committee on Armed Services, *Hearings Before Special Subcommittee To Inquire into the Capability of the National Guard To Cope with Civil Disturbances*, 90th Cong., 1st sess., 1967, p. 5999, hereafter cited as *Capability Hearings*.

²⁵ Quotes from Gardner, "Civil Disturbance Mission," p. 60, and see also pp. 57–59, 61–65. Scheips, *Use of Troops in Civil Disturbances Since World War II*, Supplement I (1966), pp. 28–72.

mitment of regular troops, the Army Staff directed the Intelligence Command, which had over 300 offices across the nation, to set up a network that could provide early warning of disorders. To direct the work, the command established a new organization in its operations center. Called continental United States (CONUS) Intelligence Section, Operations IV, it was to serve as a clearinghouse for information on potential civil disturbances that would come to it both through its own apparatus and through its nationwide intelligence connections. The section was just beginning to organize when serious trouble erupted in Detroit.²⁶

Meanwhile, within the Army Operations Directorate, which had cognizance of civil disturbance matters, arrangements for handling civil disturbances remained low key and primarily ad hoc in nature, reflecting the historical reluctance of the Army to become involved in civil disturbances and the belief of Army leaders that their plans and preparations were sufficient for the occasional crisis that might arise. Just before the Detroit riot began, as a result, responsibility for coordinating responses to civil disturbances was lodged in the Army Operations Center Branch of the Readiness Division, Operations Directorate, which employed only six officers on a regular basis with a seventh officer in the Unit Readiness Branch of the same division. Within the Operations Center Branch, officers were on duty around the clock to monitor civil disturbance matters and receive surveillance reports from Army intelligence and other areas of the government. They could be augmented by special teams that were always on call if a disturbance required additional personnel.²⁷

The Detroit Riot

Serious problems in Detroit began in the wake of the Newark disturbances. Although accompanied by troubles in several smaller eastern and midwestern cities, the Detroit riot was of a different order of magnitude. Racial frustration and anger were hardly strangers to the "Motor City," which had experienced major disturbances before, in 1863 and again in 1943. In both instances, violence became so great that it required federal intervention. Yet, when trouble had developed in August 1966, Detroit police had restored order without loss of life or property damage. By 1967 the city under Mayor Jerome P. Cavanagh, a Democrat, was working hard to overcome its racial difficulties and was "riding the pinnacle of national acclaim as a model community in race relations in the United States." It was a model, however, only in relation to other large cities, for as historian Sidney Fine points out at considerable length, it still had serious problems in its race relations, notably in police-community relations.²⁸

²⁶ Christopher H. Pyle, "Military Surveillance of Civilian Politics, 1967-1970" (Ph.D. diss., Columbia University, 1974. Ann Arbor, Mich.: University Microfilms, 1980), p. 37.

²⁷ Detmar H. Finke and William J. Tobin, Department of the Army, General Staff Responsibilities for Emergency Military Support to Civil Authorities in Civil Disturbances, OCMH Study 36 (Washington, D.C.: Office of the Chief of Military History, 1968), CMH. See also relevant material in chapter 1.

²⁸ See Coakley, *Role of Federal Military Forces*, pp. 260-61, for the 1863 riot. See Laurie and Cole, *Role of Federal Military Forces*, pp. 407-20, and Robert Shogan and Tom Craig, *The Detroit Riot: A Study in Violence* (Philadelphia, Pa.: Chilton Books, 1964), for the 1943 riot. See the following two volumes, which cover the 1966 Kercheval riot and particularly the 1967 riot: quote from Hubert G. Locke, *The Detroit Riot of 1967* (Detroit, Mich.: Wayne State University Press, 1969), p. 16, and see also pp. 65-66. Sidney Fine, *Violence in the Model City: The Cavanagh Administration, Race Relations, and the Detroit Riot of 1967* (Ann Arbor: University of Michigan Press, 1989), pp. 1-154.



MAYOR CAVANAGH

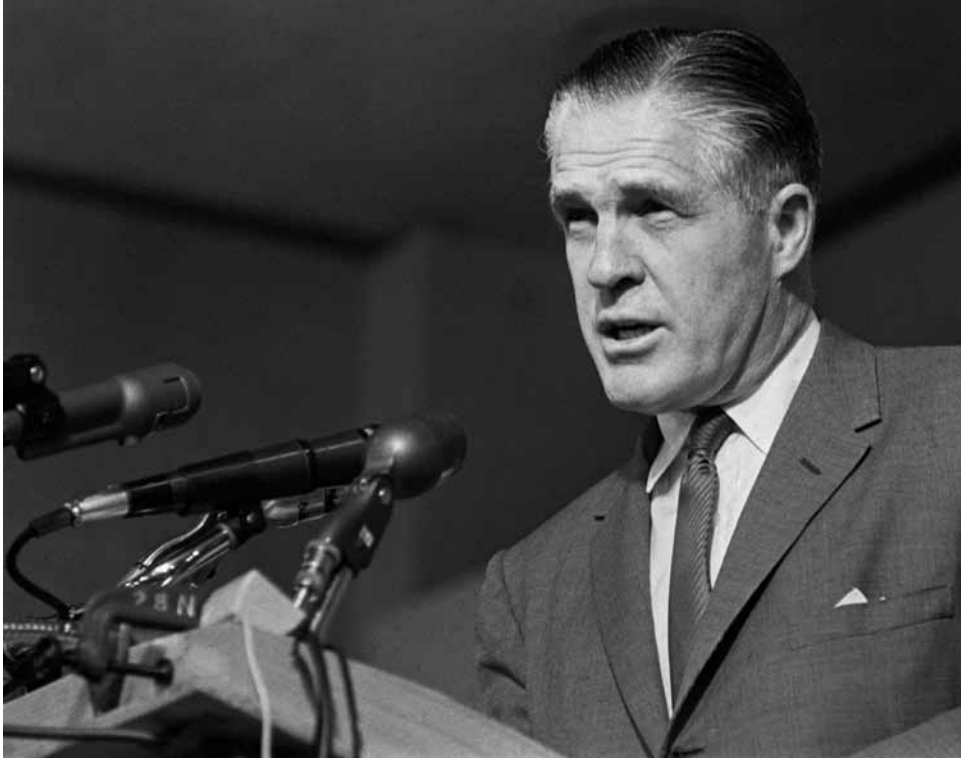
Frictions between blacks and the police broke into the open on Sunday, 23 July, when the police staged an early morning raid on a black after-hours drinking club. As the club's 82 patrons were loaded into police vans, a crowd of 200 gathered. Someone threw a bottle at a police car, and the crowd set off down the street, breaking windows. In accord with a policy devised by Police Commissioner Ray Girardin and Mayor Cavanagh, the police sealed off the area but did not enter it. The rioting developed slowly, but by 0750 the following morning considerable rock and bottle throwing had occurred. The police—by then, 360 strong in the riot area—attempted to clear Twelfth Street, where much of the disturbance had occurred, but the effort had little effect because the crowd, at more than 3,000, far outnumbered them. Perhaps unwisely, police units blocked access to an important recreational area by closing off Belle Isle, where the 1943 riot had begun.

They also sealed the international border to all but residents.

The trouble gained momentum as Sunday lengthened, and by noon a huge crowd, between 8,000 and 12,000 strong, had gathered and would not disperse. Shortly before 1300 several fires erupted. When fire units responded, they were pelted with rocks and bottles. A frenzy of looting by both blacks and whites began, at first spontaneous but later possibly abetted by criminals and their cohorts. The looters seemed willing to risk being shot, and some were. On Sunday evening there was a new development as the first confirmed reports of shooting came in. By 0200 Monday, a total of 5,839 incidents of all kinds had occurred. According to a Detroit police official, more than 10,000 persons had participated.

Shooting from rooftops and windows frightened firemen, policemen, and others obliged to be in the riot area. As fires set by arsonists and fanned by strong winds spread, casting a pall of smoke over the entire area, the firemen attempted to respond but fought a losing battle. Coming under attack, in hundreds of cases they gave up and withdrew, 283 times before the riot was over. Fires grew, as a result, leaping from building to building, ultimately destroying more than 600 structures, one-third of them residences. In one case a rioter threw a Molotov cocktail into a corner business establishment. Within an hour, the entire block was in flames. Fittingly, the ninth house to burn belonged to the perpetrator himself.²⁹

²⁹ *Kerner Report*, pp. 47, 51–53, 68–69; Locke, *The Detroit Riot of 1967*, pp. 24, 31–34; Robert Conot, *American Odyssey* (New York: William Morrow and Co., 1974), pp. 523–34.



GOVERNOR ROMNEY

Michigan Governor George W. Romney, a Republican presidential hopeful, learned of the riot about 0800 Sunday. By that afternoon Mayor Cavanagh had placed the city under curfew and shortly thereafter, about 1400, requested help from the state police. On Sunday evening, augmented by some 360 state troopers with more on the way, the city police ordered out all units. Then, just before midnight, Romney declared Detroit and its enclaves of Hamtramck and Highland Park to be in a state of emergency and issued orders reinforcing the curfew, prohibiting the sale of alcoholic beverages, and banning meetings of more than five people without permission of the state police.³⁰

³⁰ David W. Jordan, "Civil Disturbance: A Case Study of Task Force Detroit, 1967," in *Perspectives in Defense Management* (Washington, D.C.: Industrial College of the Armed Forces, August 1968), pp. 21–22; Ltr, Ray Girardin, Commissioner [of Police, Detroit], to Mayor Jerome P. Cavanagh, 20 Oct 67, in *Riots, Civil and Criminal Disorders*, pt. 6, pp. 1453–57. Remarks Prepared for Delivery by Governor George Romney [of Michigan], National Advisory Commission on Civil Disorders, Washington, D.C., 12 Sep 67 (hereafter cited as Romney's Report to Kerner Commission), p. 3, box 319, and the following copies of documents as appended: Proclamation, n.d. [State of Michigan, Exec Ofc, Lansing, 23 July 1967], box 281, and EO 1967–6 [State of Michigan, Exec Ofc, Lansing], 23 July 1967, box 281, all three in George Romney Papers, Bentley Historical Library, University of Michigan, Ann Arbor, Mich. Press reports of the period include Andrew J. Glass, "Detroit Convulsion: Segment of America in Open Insurrection," *Washington Post*, 30 Jul 67; Fine, *Violence in the Model City*, pp. 155–88; Van Gordon Sauter and Burleigh Hines, *Nightmare in Detroit: A Rebellion and Its Victims* (Chicago, Ill.: Henry Regnery Co., 1968), pp. 1–15.



GENERAL SIMMONS

Shortly after requesting state troopers, Mayor Cavanagh also asked Romney to commit the Michigan National Guard. The governor complied with some promptness, ordering the 46th Infantry Division to Detroit and avoiding, it is said, the 1943 mistakes in city-state coordination. A so-called reinforcing reserve unit, the 46th operated at 50 percent strength in personnel and equipment and thus only had about 8,500 troops. The unit began moving on Sunday evening, and by late Monday afternoon some 7,000 of its personnel were on station in the city.³¹

Following an existing state plan called Operation SUNDOWN, the Guard's mission was to assist the Detroit police and state troopers. To that end, the troops formed foot patrols, accompanied police officers on motorized patrols, escorted firemen on their trucks, stood watch on fire stations, and otherwise stood on call as required.

They were armed with rifles and machine guns (some of .50-caliber), and their equipment included armored personnel carriers and tanks. As stipulated by instructions from Romney, the commander of the 46th Division, Maj. Gen. Cecil L. Simmons, announced that he and his troops would use whatever force was necessary to ensure that the laws of the state were obeyed and then issued live ammunition to his men. They were to return fire when fired upon and to shoot looters if that was the only way to stop them. Those instructions were in accord with custom "from time immemorial," Simmons later avowed, but if that was so, given the inadequate training of the guardsmen, they threatened to put a second armed mob onto the streets and to create the equivalent of an urban guerrilla war in Detroit.³²

Federal Intervention

By 0200 on Monday, 24 July, Governor Romney, now in Detroit, was becoming increasingly worried both by reports he was receiving and by his own observations. The

³¹ Locke, *The Detroit Riot of 1967*, pp. 29, 36; Fine, *Violence in the Model City*, pp. 188–91; Billy B. Dansby, "Operation Sundown: Devastation in Detroit," *National Guardsman* 21 (September 1967): 6; AAR, Task Force Detroit (HQ, Task Force Detroit, Third Army, Fort McPherson, Ga., 16 Aug 67), 24 Jul 67–2 Aug 67, pp. B-3, D-2 to D-3 (Annex D being the task force operational report, 46th Infantry Division), hereafter cited as TF Detroit AAR, in Historian's files, CMH; Cyrus R. Vance, Final Report of Cyrus R. Vance, Special Assistant to the Secretary of Defense Concerning the Detroit Riots, July 23 Through August 2, 1967 (released 12 Sep 67), pp. 13–14, copy at MHI (hereafter cited as Vance Report); *Riots, Civil and Criminal Disorders*, pt. 7, pp. 1503–05.

³² Dansby, "Operation Sundown," pp. 6–7; Jordan, "Civil Disturbance," p. 23; *Kerner Report*, pp. 55, 57; TF Detroit AAR, pp. D-3, D-4, D-11. Quote from *Capability Hearings*, p. 6066.

problem, he later observed, was no longer limited to the western portion of the city. Arson, looting, and sniping were “moving into the eastern part . . . and quite far.” Fires flared over a 2.5-by-3.5-mile area. “The nearest thing I can compare it to,” the governor later said, “is a battlefield. It looked like the city had been bombed and was burning.”

For these reasons, as Romney recalled, he set out to obtain federal troops. The task took until early Tuesday morning after a series of difficult telephone conversations between Romney and Attorney General Ramsey Clark with other officials also participating. Romney’s recollections differ from the federal record, which is itself less than clear. Washington agencies were, of course, aware of developments in Detroit. A chronology prepared by former deputy secretary of defense Cyrus R. Vance on the basis of Department of Defense and Justice records places the first communication between Michigan officials and Clark at 2355 Sunday. At that time, Mayor Cavanagh, who was accompanying Romney, called Clark to say that a dangerous situation existed in Detroit. Clark, in turn, passed the information to Secretary of the Army Stanley R. Resor. Romney himself asserted that the process began following a consultation between himself, Cavanagh, and other Michigan officials around 0200 Monday. At that time he and his colleagues placed the maximum number of city and state forces available at 1,500 Detroit policemen, 350 to 400 state police, and 4,000 guardsmen (a substantial underestimation of Guard strength). Based upon those figures, Romney concluded that 5,000 additional troops were needed and that they would have to come from federal sources. He and Mayor Cavanagh then talked with Vice President Hubert H. Humphrey, who was in Minneapolis. Humphrey advised Romney that if federal assistance was needed, he and the mayor should call Ramsey Clark.³³

Hence, by Romney’s recollection, just before 0300 Monday Cavanagh placed a call to Washington, and both the mayor and the governor discussed the situation with Clark. Romney stated that they wanted 5,000 federal troops as soon as possible. Clark urged caution, observing that no governor had requested federal troops since 1943 when another Michigan governor had also sought federal assistance during a race riot in Detroit. As Romney recalled the conversation, Clark assured him that his oral request was sufficient. Romney claimed that he never withdrew that request and never ceased “pressing for the



RAMSEY CLARK

³³ Quotes from Transcript of Romney Press Conference, 31 Jul [67], in *Capability Hearings*, pp. 6310–11. Vance Report, pp. 1–2; Romney Radio Address, 30 Jul 67, in *Capability Hearings*, pp. 6306–07.

earliest possible use of Federal troops in the streets.”³⁴ Yet according to the Vance chronology, Romney reported to Clark at 0340 that things were “about the same and that he still might need help from the Army.” Clark said that “the Army could be present by late morning, if necessary.”

At 0550 Secretary Resor called to say that 2,400 troops from Fort Bragg and an equal number of troops from Fort Campbell could be moved to Selfridge Air Force Base, Michigan, by noon if ordered to move out in the next ten or fifteen minutes. At 0650 Governor Romney again called Clark to inform him that he would evaluate conditions on the streets and call back in an hour. Clark told him that if troops were used, the government probably would have to federalize the National Guard. Romney should not ask for troops unless they were needed, he said, but if troops were to arrive in Michigan during daylight a decision would have to be made within three hours.³⁵ Romney believed that he called back between 0700 and 0800, but Vance’s chronology puts the return call at 0855. Whenever the call occurred, Romney read a telegram he proposed to send to Clark recommending the use of federal troops. A discussion ensued between the governor and the attorney general over the wording of the telegram. Clark insisted in accordance with a legal strategy devised by President Johnson and his friend and adviser Associate Justice Abe Fortas that Romney “request” troops rather than simply recommend them and that he state positively that an “insurrection” existed which the state could not control with even a full commitment of its resources. Romney summed up his position by countering that no one in authority in Detroit would say that troops were not needed but that he could not say positively that the state with all its resources would be unable to control the situation. As for his reluctance to claim that he faced an insurrection (which really was not the case), Romney feared, on the basis of legal advice, that so characterizing the situation would result in cancellation of insurance policies.³⁶

The legal basis for Attorney General Clark’s efforts to persuade Romney to use the terms *request* and *insurrection* was Title 10, *U.S. Code*, Section 331, embracing the old Calling Forth Act, and Section 334, providing that in cases of “insurrection” the president may render military aid to a state “upon request of its legislature or of its governor if the legislature cannot be convened.” Worth noting is the fact that Section 331 was not applicable in such earlier cases as Little Rock and Oxford in which troops were used against the wishes of Governors Faubus and Barnett. Section 331 is based upon Article IV, Section 4, of the Constitution, which uses instead of *insurrection* the term *domestic violence*. It would have been better if in his conver-

³⁴ Quote from Romney Radio Address, 30 Jul 67, in *Capability Hearings*, p. 6307, and see also p. 6306. Telecons of the Attorney General, and Transcript of Romney, Cavanagh, and Vance Press Conference, both attachments, 24 Jul 67, to Memo, Joe Califano for the President, 2 Aug 67, Romney Name file, White House Correspondence file, Johnson Library.

³⁵ Quotes from Vance Report, p. 2, and see also pp. 3–5. Transcript of Romney Press Conference, 31 Jul [67], in *Capability Hearings*, pp. 6311–12, 6313.

³⁶ Jordan, “Civil Disturbance,” pp. 26–28; Califano, *The Triumph and Tragedy of Lyndon Johnson*, pp. 214–15; Joe Baker, Jr., Policy Decisions for Civil Disturbance Operations, Case Study AWC/IS–69 (Carlisle Barracks, Pa.: U.S. Army War College, 10 Mar 69), pp. 11–12. For Romney’s insurrection concerns, which seem to have been unfounded, see Fine, *Violence in the Model City*, pp. 205, 210, 296. The full text of Romney’s proposed telegram to Clark, 24 Jul 67, recommending federal troops, which Romney sent despite its legal inadequacy, is appended to Romney’s Report to Kerner Commission.

sations with Romney, Clark had used the constitutional rather than the statutory terminology.³⁷

Romney's preference for equivocal language and his failure to coordinate his efforts with the commander of the Michigan National Guard, General Simmons, complicated matters. At one point, unaware of Romney's efforts to secure federal troops, Simmons told Army Chief of Staff General Harold K. Johnson that he believed the Guard when fully mobilized could control the disturbance as it then existed. This was also the view of his assistant division commander, Brig. Gen. Noble O. Moore. When Simmons learned of Romney's efforts, however, he deferred to the governor and, when questioned by Romney, admitted that he could not be certain whether the Guard could put down the sort of outbreak that could grow to encompass the entire 139 square miles of the city.³⁸

Still Romney temporized. Calling back at a time he remembered as "sometime between 9:00 and 9:30" but that the federal log put at 0945, he read another proposed telegram. In this message he and Mayor Cavanagh officially requested the immediate employment of federal troops in Detroit to assist state and local authorities in reestablishing law and order. "There is reasonable doubt" the message said, "that we can suppress the existing looting, arson and sniping without the assistance of Federal troops."³⁹

Clark found the telegram "adequate" despite the fact that it used neither the term *insurrection* nor *domestic violence* and did not state categorically that the state could not put down the riot without federal assistance. Clark told Romney he should send it to the president and quickly. Romney later recalled that the message went out "sometime shortly before 10:00," but the federal record puts its dispatch at 1046 and its receipt by President Johnson at 1056, Monday.⁴⁰

Having conferred not only with Clark, but with Secretary of Defense McNamara, FBI Director J. Edgar Hoover, Deputy Attorney General Warren Christopher, John Doar, and Roger Wilkins, President Johnson had already decided on the course he would take if Romney formally requested assistance. Accordingly, when informed of the governor's final call and without waiting to review the telegram, he asked Clark to instruct Resor to move ahead quickly with arrangements. He then informed Romney at 1142 (EDT) that he was dispatching troops to Selfridge Air Force Base, located about thirty miles from Detroit, where they would be "available for immediate deployment as required." In addition he said he was dispatching Cyrus Vance to confer with Romney and to make specific plans for providing such support and assistance as seemed necessary. Vance had been secretary of the Army during the Oxford crisis and had acquired a great deal of experience in civil disturbance matters.⁴¹

³⁷ "Riot Control and the Use of Federal Troops," *Harvard Law Review* 81 (January 1968): 639-47; Paul J. Scheips, "The Army and Civil Disturbances: Oxford and Detroit," in *Soldiers and Civilians: The U.S. Army and the American People*, ed. Garry D. Ryan and Timothy K. Nenninger (Washington, D.C.: National Archives and Records Administration, 1987), pp. 179-84; Vance Report, pp. 27-28. See *Kerner Report*, p. 288, for the Kerner Commission's recommendations for revision of Section 331.

³⁸ Simmons' Testimony, in *Capability Hearings*, pp. 6074-75.

³⁹ First quote from Transcript of Romney Press Conference, 31 Jul [67], in *Capability Hearings*, pp. 6312-13. Second quote from Vance Report, p. 68.

⁴⁰ First quote from Vance Report, p. 5, and see also p. 68. Second quote from Transcript of Romney Press Conference, 31 Jul [67], in *Capability Hearings*, pp. 6312-13. Jordan, "Civil Disturbance," p. 28.

⁴¹ Quote from Telg, Johnson to Romney, 24 Jul 67 (1142 EDT), as cited in full in Jordan, "Civil Disturbance," p. 28. See also Vance Report, pp. 5, 69.

President Johnson distrusted Romney and was unconvinced that Romney's request for troops met all legal requirements. Political considerations aside, he was fearful of a loss of life and what his critics would say. In a quandary, Johnson instructed Vance to ascertain whether federal troops were really needed. Once that was done, Vance was to evaluate the situation in the field and take whatever action he deemed necessary. Although Vance had the rather ordinary title of special assistant to the secretary of defense, he was in fact a trusted presidential agent to whom Johnson delegated all the responsibility he could delegate within the law.⁴²

Responsible for forming a team, Vance selected as his subordinates Christopher, who would be the ranking representative of the Department of Justice; Doar; Wilkins; General Counsel of the Army Albert B. Fitt; and Deputy Assistant Secretary of Defense for Public Affairs Daniel Z. Henkin. The idea of a federal team headed by a presidential agent to whom both the senior Army and Department of Justice representatives were subordinate was a new development that would have been very useful in the interventions in Little Rock and Oxford. Something of a precedent for Vance's appointment can be found in President Washington's selection of Alexander Hamilton as his representative during the Whiskey Rebellion. Military authorities favored this arrangement, which would be used later, because it enabled the task force commander at the scene to devote more attention to his command responsibilities.⁴³

Deployment of Federal Troops

Preparations for possible deployment of federal troops in Detroit had begun at the Pentagon hours before President Johnson authorized the movement of regular troops to Selfridge Air Force Base. Although the Army Operations Center monitored reports from Detroit throughout the day on Sunday, and although Secretary Resor knew that troops might be needed, it was only at 0246 on Monday, 24 July, that the center learned troops might be sent and that it should begin making preparations. Augmentation of the center's staff followed, and planning moved forward quickly, with the Continental Army Command directed to alert one brigade each from the 82d and 101st Airborne Divisions and to prepare them for movement to Detroit by noon. Also alerted was the Tactical Air Command, which was to provide airlift from Pope Air Force Base, North Carolina, for the troops of the 82d and from Fort Campbell for those of the 101st.

Under existing arrangements, the U.S. Strike Command would be responsible for moving the troops to Michigan and for returning them to their home bases at the end of the operation. In the preparatory stages, the Continental Army Command dealt not only with the airborne divisions, but also with the Army Strike Command. Meanwhile, after issuing instructions to its units at Pope, Sewart, and other air bases, the Tactical Air Command coordinated with the Air Force Strike Command.⁴⁴

⁴² Vance Report, pp. 7–8; Fine, *Violence in the Model City*, p. 208; Califano, *The Triumph and Tragedy of Lyndon Johnson*, pp. 215–17; Lyndon B. Johnson, *The Vantage Point: Perspectives of the Presidency, 1963–1969* (New York: Holt, Rinehart, and Winston, 1971), pp. 168–69; Gardner, "Civil Disturbance Mission," p. 97; Jordan, "Civil Disturbance," p. 28, for the text of Telg, Johnson to Romney, 24 Jul 67.

⁴³ For Hamilton's role in the Whiskey Rebellion, see Coakley, *Role of Federal Military Forces*, pp. 28–68. On the request for troops, including Vance's role, see Fine, *Violence in the Model City*, pp. 191, 193, 203–17.

⁴⁴ Chronology of Events Preceding Arrival of Active Army Forces in Detroit, in *Capability Hearings*, p. 5764; TF Detroit AAR, pp. 2, E-2. The official records of the Army's operations during the Detroit riot are in Records of Task Force Detroit, 1967, Records of the U.S. Army Commands, 1942–, RG 338, NARA. Copies of AARs and related materials are also among the Detroit materials in Historian's files, CMH.

The troops selected for the Detroit mission were the 2d Brigade of the 101st, the 3d Brigade of the 82d Airborne Division under Col. Alexander R. Bolling, Jr., and a division command element of the 82d. Totaling about 5,000 men and commanded by Maj. Gen. Richard J. Seitz, the commander of the 82d Airborne Division, these units comprised Task Force 82. Upon federalization of the Michigan National Guard, it and the airborne troops would become parts of Task Force Detroit under the commander of the XVIII Airborne Corps, Lt. Gen. John L. Throckmorton, whose command would provide the necessary headquarters personnel. Throckmorton, an experienced officer, was the kind of level-headed commander that President Johnson needed on the scene. Johnson, as he put it, did not want a “hero” of the Douglas MacArthur type “riding . . . on [a] white horse.”⁴⁵

Logistical support for Task Force Detroit was to come primarily from the Fifth U.S. Army, which sent a liaison group to the task force headquarters. But the 43d General Support Group from Fort Carson, Colorado, with additional combat support units including some from Forts Bragg and Campbell, augmented the G-4 headquarters element of the XVIII Airborne Corps. The corps’ 50th Signal Battalion and supporting signal communications detachments, together with the 107th Signal Battalion, 46th Infantry Division, were to provide signal communications. The 61st Aviation Company from Fort Campbell (later replaced by the 17th Aviation Company from Fort Riley) was to provide air mobility for one infantry company.⁴⁶

Army intelligence agents were already at the Detroit field office of the 113th Military Intelligence Group, a unit of the Army Intelligence Command. They received no advance warning of the riot, but with the invocation of LANTERN SPIKE, the Intelligence Command’s operation plan, late on the evening of 23 July, the 113th opened an emergency operations center and took other steps to keep the Intelligence Command at Fort Holabird informed around the clock. Information came from various sources, including the police and the Federal Bureau of Investigation, with whom the Intelligence Command and the 113th maintained liaison. Until the end of the rioting, the 113th sent its reports only to Fort Holabird, which relayed them to the Army Operations Center in the Pentagon. Late in the operation, however, the reports went directly to the center’s intelligence element, which was drawn from personnel of the Office of the Assistant Chief of Staff for Intelligence. Field intelligence was primarily the responsibility of the Counterintelligence Division, Directorate of Security, OACSI, in Washington. Despite all the intelligence reports, there is no evidence that they influenced the decisions regarding the use of troops.

Task Force Detroit’s own intelligence (G-2) section of three officers and eight enlisted men accompanied General Throckmorton into the Detroit area. A liaison officer from the 113th joined the section for the duration of the emergency. Communication with the 113th was maintained by “hot line.” The intelligence (S-2) sections of the subordinate task force units, except the battalion and brigade sections, were understrength. With one exception, however, the battalions that deployed were augmented by counterintelligence and prisoner-of-war interrogators from the 82d Airborne Division’s military intelligence detachment.

⁴⁵ [Brooks E. Kleber], Chronology, Detroit Civil Disturbance, 23 Jul–2 Aug 67 [USCONARC, 1967] (hereafter cited as Kleber Chronology), pp. 3, 6, 11, 20. Quote from Fine, *Violence in the Model City*, p. 208. Califano, *The Triumph and Tragedy of Lyndon Johnson*, pp. 216–17. Five thousand soldiers of the 5th Infantry Division at Fort Carson, Colorado, were held on alert as a backup force but never used.

⁴⁶ TF Detroit AAR, ans. C, G, H, I.



GENERAL THROCKMORTON

The assignment of counterintelligence agents was an indication of official concerns about conspiracy and subversion.⁴⁷

About 1220 Monday, after a briefing at the White House, Vance telephoned Throckmorton at Fort Bragg to instruct him to deploy the troops that were alerted and waiting at Forts Bragg and Campbell and to meet with him at Selfridge Air Force Base. From that point, events moved rapidly. The first troops left Pope Air Force Base and Fort Campbell about 1400 or shortly thereafter. General Throckmorton arrived at Selfridge about the same time and Vance an hour or so later. Troops began arriving in Detroit around 1600. By midnight Monday, over 3,000 were on the ground. The 169 C-130 aircraft required to make the lift came from not only Pope Air Force Base, but also bases in Ohio (Lockbourne), Tennessee (Sewart), Texas (Dyess), Virginia (Langley), and Kansas (Forbes).⁴⁸

General Throckmorton met Cyrus Vance's plane. They conferred briefly. Throckmorton agreed to place the incoming troops on a thirty-minute alert, checked the arrangements the Fifth Army was making to move troops to Detroit, and then accompanied Vance into the city to confer with Governor Romney, Mayor Cavanagh, General Simmons, and others at police headquarters. Arriving about 1625 Monday, they learned that arsonists had set some 483 fires, 23 of which were still burning on the West Side and 6 on the East. Meanwhile, detention facilities were groaning under the strains imposed by 1,800 arrests, and the ability of local forces to cope with the situation appeared to have reached its limit.⁴⁹

When General Simmons revealed that he had refrained from deploying "a substantial number" of guardsmen to await the arrival of the federal officials, Throckmorton and Vance advised him to make the deployment immediately, whereupon Simmons

⁴⁷ Paul J. Scheips and Karl E. Cocke, *Army Operational and Intelligence Activities in Civil Disturbances Since 1957*, OCMH Study 73, rev. ed. (Washington, D.C.: Office of the Chief of Military History, April 1971), pp. 72–74, 75, CMH; DA Task Group Final Rpt, CSM 67–316, *Army Preparedness in Civil Disturbance Matters* [1968], pp. M-5, M-1-2, M-1-4 to M-1-5, M-2-1 to M-2-2, Historian's files, CMH; Pyle, "Military Surveillance of Civilian Politics," pp. 41, 42, 43–44.

⁴⁸ Kleber Chronology, pp. 5, 6, 7, 9, 11, 12; USCONARC Annual Historical Review for FY 1968, pp. 159–60; TF Detroit AAR, p. A-2; Vance Report, p. 8; DA Sitrep 1, DA 824901, 250600 Jul 67, Operation GARDEN PLOT I, Historian's files, CMH; Detroit Riots Chronology, Larry Levinson and Tom Johnson, White House Staff, and attached to Memo, Califano for the President, 26 Jul 67 (hereafter cited as White House Chronology), pp. 3–4, 6, in Diary Back-up file, White House Correspondence file, Johnson Library; DA Task Group Final Rpt, CSM 67–316, p. F-6; Telecon, author with David Schoem, reference historian, Office of Air Force History, 29 Jan 69, RG 319, NARA. The White House Chronology does not always agree with other official chronologies.

⁴⁹ TF Detroit AAR, pp. 2–3.



RESIDENTS WALKING THE DETROIT CITY STREETS AFTER TWO DAYS OF RIOTING

complied. Governor Romney, for his part, noting that 730 state police were in the city, stated his belief that federal troops were necessary but seemed unable to admit that the situation was out of hand. In response to a direct question from Vance as to whether a “condition of insurrection or domestic violence” existed that Michigan forces could not control, Romney would only say that “there was reasonable doubt” that local forces were adequate. Vance persisted, telling Romney that the commitment of federal troops required a finding of insurrection or domestic violence that local forces were unable to control.

With the issue unresolved for the time being, Vance turned to examine the condition of the city. After arranging for a headquarters near the offices of the mayor and police commissioner, he toured Detroit with Throckmorton, Christopher, and Doar, in company with Romney and Cavanagh. Doar thought the tour should have been more complete and included a flight over the riot area, but based on his observations and various reports he received at the time, Vance was satisfied with the tour and concluded that the situation was much quieter than on Sunday. The fires seemed to be coming under control, and in large areas there was only an occasional broken window or burned-out store to remind observers of the riot. Vance, with Romney and Cavanagh, then met with a delegation of community leaders, including two black

congressmen from Detroit, Charles C. Diggs, Jr., and John Conyers, Jr. A majority of the leaders, including Diggs, favored the immediate deployment of federal troops. Conyers, however, thought the rioting had passed its peak and that the situation was not critical enough to justify deployment, which might, he said, only aggravate the situation. Diggs and the president of the United Auto Workers, Walter Reuther, disagreed, each telephoning Washington to appeal for troops, but if their pleas had some political impact, they had no legal standing.

Following a review of the evidence, Vance and his team agreed unanimously that there was no need at that time for federal troops in Detroit. Mayor Cavanagh thought otherwise, but not Governor Romney. The incident rate on Monday had been only about one-third of that on Sunday; moreover, there were three times as many guardsmen in the city as there had been the day before, and there was no clear evidence that any additional force would be necessary. The number of guardsmen in Detroit on Monday afternoon was in doubt, but figures obtained by Vance indicated to his satisfaction that there were between 2,000 and 3,000 additional on hand, not counting members of the Michigan Air National Guard, with a strength of 2,137, all of whom had yet to be deployed.

Not everyone agreed that the riot was ending, and unfortunately events justified the pessimists. By 2100 Monday the incident rate was again rising, with arson and looting increasing under cover of darkness. Although Vance did not consider the development an “absolute indicator” of more trouble, Throckmorton, with the approval of his superiors, moved three battalions of paratroopers from Selfridge to the state fairgrounds, which lay adjacent to a key thoroughfare bisecting the city, Woodward Avenue. As the incident rate continued to climb, following consultations with Romney and Cavanagh, Vance and Throckmorton concluded that state and local forces would be unable to control the riot without federal assistance. Satisfied that Michigan officials had committed all available police and guardsmen, Vance, with all the members of his team concurring, recommended that President Johnson deploy federal troops.⁵⁰

The President Acts

Johnson had followed the situation closely from the White House, conferring with such key advisers as General Johnson, Secretary Resor, Attorney General Clark, and J. Edgar Hoover, while keeping in touch with Vance by direct telephone. After receiving Vance’s recommendation, the president issued a proclamation, as the law required, ordering the “rioters to disperse,” and an executive order authorizing the use of federal troops and federalizing the Michigan National Guard. Still reluctant to use troops, however, he spoke to Vance about making a last-minute appeal for order before the troops arrived. Vance held a news conference about 2325 Monday, but simply announced the steps that were being taken, which had no effect upon the rioting.⁵¹

About midnight, after authorizing the use of troops, President Johnson addressed the nation by television to explain why federal troops were being deployed in Detroit.

⁵⁰ First, second, and third quotes from Vance Report, p. 10. Fourth quote from *Ibid.*, p. 17, and see also pp. 9, 11, 16, 116. *Capability Hearings*, pp. 6313–14; “An American Tragedy, 1967—Detroit,” *Newsweek* 70 (7 August 1967): 20; Fine, *Violence in the Model City*, pp. 211–12, 213; Locke, *The Detroit Riot of 1967*, pp. 36–38.

⁵¹ White House Chronology, pp. 4–5; Vance Report, p. 18; Fine, *Violence in the Model City*, p. 214; Proclamation 3795, *Law and Order in the State of Michigan*, and EO 11364, *Providing for the Restoration of Law and Order in the State of Michigan*, 24 July 1967, in 32 F.R. 10905 and 10907, respectively, and 3 C.F.R. 137 and 673, respectively (1966–70 comp.); Dominic J. Campisi, “Honored in the Breach: Presidential Authority To Execute Laws with Military Force,” *Yale Law Journal* 83 (November 1973): 147.



MICHIGAN NATIONAL GUARD PATROLLING DURING THE RIOT



While Romney was pleased about the troops, Johnson's address angered him and Mayor Cavanagh because the president made no attempt to cast the efforts of state and local authorities in a sympathetic light. Instead, referring to the governor at least a dozen times and to the mayor two or three, he underlined that there had been a failure to maintain order. He now authorized the move into Detroit, he said, only "with the greatest regret—and only because of . . . clear, unmistakable, and undisputed evidence that Governor Romney of Michigan and the local officials in Detroit have been unable to bring the situation under control." Romney felt that those remarks were not only unfriendly but unfair. Johnson, he later alleged, had in fact dragged his feet deliberately, playing politics against a Republican governor by throwing every legalistic obstacle he could into the path of intervention, before finally providing assistance.

Johnson's reluctance to authorize troops for Detroit was in keeping with the history of the presidential role in civil disturbances. However, politics undoubtedly played a role in this case as Romney was being considered as the possible Republican candidate for president. Although administration spokesmen told reporters that Johnson's emphasis on Romney's inability to quell the riot was merely an attempt to lay a legal foundation for federal action and was not influenced by Romney's candidacy, one of them, Harry McPherson, readily admitted later that his own doubts "were as deep as those of the reporters I tried to persuade." Joe Califano thought the address "read like a partisan attack." On the other hand, Army Chief of Staff General Johnson felt that the president had simply held Romney's feet to the fire until the governor clearly indicated that he needed help in ending the violence. Nevertheless, while the president was relieved that he did not have to deploy troops in the earlier instances of Watts and Newark, and for a time even remained personally aloof during the Watts riot, he permitted his subordinates to provide logistical assistance to the California National Guard and ready federal troops for possible employment in Watts; and he readily offered assistance to New Jersey's Democratic Governor Hughes during the Newark riot. This is all in considerable contrast to the deliberately legalistic handling of Governor Romney's prolonged and vacillating effort to secure federal help in Detroit.⁵²

The president's executive order, citing Title 10, *U.S. Code*, Section 331, authorized the secretary of defense to use the active armed forces and to call "any or all" of the Michigan Army and Air National Guards into "the active military service . . . for an indefinite period." In turn, Secretary McNamara delegated the authority to call the Guard and to direct such armed forces as it might be necessary to use to Secretary of the Army Resor. Resor then designated General Johnson commander of all forces involved

⁵² First quote from *Public Papers of the Presidents of the United States: Lyndon B. Johnson, 1967*, 2 bks. (Washington, D.C.: Government Printing Office, 1968), 2:716, and see also pp. 715, 717. Transcript of Romney Noon Press Conference, 31 Jul 67, in *Capability Hearings*, pp. 6317–18; Telecon, author with Gen Johnson, 7 Dec 82; "An American Tragedy, 1967—Detroit," p. 20, and the following articles in the *Washington Post*: "Romney Says LBJ Played Riot Politics," 1 Aug 67; Andrew J. Glass, "Clark Denies LBJ Played Politics in Detroit Riot," 2 Aug 67; and Rowland Evans and Robert Novak, "Detroit and Politics: President Suspected Romney Requested Federal Troops for Political Reasons," 30 Jul 67. Third quote from Califano, *The Triumph and Tragedy of Lyndon Johnson*, p. 217, and see also pp. 218, 313. Fine, *Violence in the Model City*, pp. 215–17 (both Califano and Fine describe Associate Justice Abe Fortas' role in drafting the address). Second quote from McPherson, *A Political Education*, p. 360. Interv, Thomas H. Baker with Harry McPherson, n.d., tape 7, in Oral History Collection (OHC), Johnson Library.

in the operation; and Johnson telephoned the Task Force Detroit headquarters at 2300 to inform it of the chain of command and to issue instructions.⁵³

President Johnson was concerned about using the National Guard in a racial disturbance because it was almost all white in its composition, and, recalling the recent criticism of its operations in Newark, he realized that with its federalization he would be responsible for its conduct. Nevertheless, he agreed to federalize it because guardsmen were already on the scene. Officials quickly determined that it would be best to include in the call all the Army and Air National Guard units that might be deployed in the Detroit area. In the end, the only Michigan National Guard elements excluded from the order were the Headquarters and Headquarters Detachment of the Army Guard, the Headquarters of the Air Guard, and 1st Battalion (Nike-Hercules), the 177th Artillery, an Army air defense unit.⁵⁴

General Throckmorton assumed command of Task Force Detroit immediately after President Johnson signed the executive order. His mission was "to restore and/or maintain law and order" in the Detroit area. In cooperating with and assisting local law enforcement officers, he was to take instructions from Vance but report to the Army chief of staff. General Turner, provost marshal general, was to be the personal liaison officer of the chief of staff in Detroit and was to assist and advise Throckmorton. Turner was to have a team of specialized staff officers representing public information, signal, legal, logistical, and other functions, to assist him. The signal officer was specifically charged with establishing communications facilities between Throckmorton's headquarters and the Army Operations Center at the Pentagon.

Vance's position as presidential representative in Detroit caused the Army to change Turner's original title from personal representative of the chief of staff to personal liaison officer of the chief and to withdraw Turner's authorization to issue orders in the name of the chief of staff. Essentially based upon arrangements of a decade earlier, Throckmorton's letter of instruction also had to be adapted to take into account Vance's presence and Turner's role. Throckmorton thought Turner, as a major general, was superfluous as a liaison officer, because Throckmorton and the chief of staff could always speak to each other directly if necessary, and on 27 July Col. George R. Creal, Jr., replaced Turner.

As was customary, Throckmorton's letter of instruction stressed that he was to use minimum force, but the restriction was not to jeopardize the successful completion of the mission. Accordingly, he was to be prepared for a worsening situation that might well demand the use of weapons in an escalating order: unloaded rifles with bayonets fixed and sheathed; unloaded rifles with bare bayonets fixed; CS (riot control gas); and finally loaded rifles with bare bayonets fixed. Authority to order the use

⁵³ EO 11364, *Providing for the Restoration of Law and Order in the State of Michigan*, 24 July 1967, 32 F.R. 10907, and 3 C.F.R. 673 (1966–70 comp.); DA Task Group Final Rpt, CSM 67–316, pp. D-14-1 and D-15-1, for the following two implementing Memos: McNamara for Secretaries of the Army, Navy, and Air Force, 24 Jul 67, sub: Implementation of Executive Order, and Resor for CofSA [24 Jul 67], same sub. See also TF Detroit AAR, p. A-2; Msg, DA 825237 (Johnson) to CG, TF Detroit (for Throckmorton), 26 Jul 67, Historian's files, CMH.

⁵⁴ Califano, *The Triumph and Tragedy of Lyndon Johnson*, p. 217; TF Detroit AAR, p. A-2; Msg, DA 825237 (Johnson) to CG, TF Detroit (for Throckmorton), 26 Jul 67.

of CS rested at the beginning with Throckmorton alone and was not to be delegated, but this was changed to permit discretionary delegation to company level.⁵⁵

Shortly after Johnson signed the executive order, Throckmorton notified General Simmons by phone that the 46th Infantry Division had been federalized and that it had become part of Task Force Detroit. Throckmorton then visited Simmons and the commander of Task Force 82, General Seitz. He asked the two to trade areas of operation, with Simmons withdrawing his troops from the zone east of Woodward Avenue to concentrate them west of Woodward, while Seitz's unit took charge of the 46th's old area of responsibility. Seitz and Simmons were to work out the details of the changeover, which they agreed would take place Tuesday, 25 July, at 0400. (*Map 3*) Recalling the matter a decade later, Throckmorton explained that he had originally chosen his line of demarcation simply because the president asked him in the course of a telephone conversation how he proposed to arrange his forces. Looking over a map, he spotted Woodward Avenue, a four-lane road running north and south through the center of the city, and made his decision. "So I said, 'Well, Mr. President, I'll put a dividing line on such and such a road.' . . . And that was it, and that's the way it happened, just like that, and fortunately, I mean, it was just blind luck. It turned out that dividing line worked . . . very well." Throckmorton knew, however, that the eastern side of the city, to which he assigned the regulars, was closer to Selfridge Air Force Base, where his troops were unloading, than was the western side, which as it happened was convenient to Simmons' armory, the Detroit Artillery Armory. However, despite charges that the regulars took the quietest part of the city, the task force after action report noted that it appeared at the time that the eastern part of the city was really more active than the western section.⁵⁶

Governor Romney finally received the help he sought when regular forces began arriving in the city around 0730 Tuesday, 25 July, more than fifteen hours after they had begun landing at Selfridge Air Force Base, about twenty-two hours after Romney's first efforts to secure help, and, as Sidney Fine put it, "after the riot's worst day had come to a close." Throckmorton and Colonel Bolling, who came with his paratroopers to Southeastern High School early Tuesday morning, found the city "saturated with fear. The guardsmen were afraid, the residents were afraid, and the police were afraid."

In light of what had occurred in Detroit over the night of 24–25 July, the mood was hardly surprising. As the Kerner Commission later put it, "numerous persons, the majority of them Negroes," had been "injured by gunshots of undetermined origin." The firing

⁵⁵ Msg, DA 824879 to Comdr, Selfridge AFB (for Throckmorton), 242215Z Jul 67, sub: Letter of Instruction GARDEN PLOT 1–67; Msg, DA 824899 (CofSA signed Johnson) to Comdr, Selfridge AFB, 250704Z Jul 67, sub: LOI GARDEN PLOT 3–67. For changes, see Msgs, DA 824900 to Comdr, Selfridge AFB, 250704Z Jul 67, sub: Task Force Detroit; DA 824914 to Comdr, Selfridge AFB, 250755Z Jul 67, sub: Change to Letter of Instruction GARDEN PLOT 1–67, correcting Vance's designation; and DA 825280 to CG, TF Detroit, 262052Z Jul 67, sub: Change to LOI GARDEN PLOT 1–67; and DA Task Group Final Rpt, CSM 67–316, pp. F-3 to F-4. All in Historian's files, CMH. The LOI and most of the other messages cited are reproduced in the TF Detroit AAR, ans. K–L. Throckmorton's recollections of the riot are in Transcript of Conversations, Col Paul Fischer and Lt Col David H. Harris with General John L. Throckmorton, first interv, 14 Mar 78, pp. 34–35, Senior Officer Debriefing Program, MHI. Hereafter cited as Conversation with Throckmorton.

⁵⁶ *Capability Hearings*, p. 5876; Kleber Chronology, p. 11; TF Detroit AAR, pp. 6–7, L-4 (Task Force Detroit OPORD 1–67, 250400 Jul 67). Quote from Conversation with Throckmorton, 14 Mar 78, pp. 35–36. The official explanation for placement of the regulars is in TF Detroit AAR, p. 7. Vance Report, p. 20. For useful maps, see Locke, *The Detroit Riot of 1967*, pp. 10–11.



MAP 3

was the work of snipers, often answered by blind salvos from police and guardsmen. Early on the morning of the twenty-fifth, the Army reported to the White House that up to that time “21 persons had been killed and over 1,000 wounded or injured” and that “property damage was estimated in excess of \$150 million,” a figure that later had to be revised significantly downward.⁵⁷

Determined to restore the city to a condition approaching normalcy, Vance proposed on Tuesday morning that he, Romney, and Cavanagh issue a joint statement encouraging industries, shops, and offices to reopen. A series of discussions ensued between Vance and his team, state and local officials, and community leaders on possible solutions to problems springing from the riots, particularly where the provision of medical aid, food, and shelter to the city’s inhabitants were concerned. All had to be dealt with if Detroit was to return to the usual course of business. Throckmorton and his staff supported those discussions, as they saw their major task to be the reduction of fear and the restoration of day-to-day life in the city.⁵⁸

Vance’s desire to spotlight the return to order was in accord with the situation he faced in Detroit. For the riot never developed into a classic confrontation between soldiers and a mob. Rather, it was an endless series of incidents that varied in seriousness and occurred over a wide area. The military forces involved were large. As of 0900, 29 July, the total strength of Task Force Detroit in the riot zone stood at a peak of 15,339. Of this total, which included reserves, support, and other troops, at maximum deployment regular troops in the city totaled 3,589 on 26 and 27 July, and federalized guardsmen 7,269 on 29 July. As elsewhere, the composition of the federal force was about 20 percent black.

Upon arrival the federal troops initially worked the streets, coordinating refuse removal, tracing persons who had disappeared in the confusion, and carrying out routine military functions such as the establishment of mobile patrols, guard posts, and roadblocks, complementing some 194 four-man jeep patrols crewed by guardsmen on the West Side. For both forces, static guard duty also occupied a number of troops at such vital installations as petroleum storage areas, power plants, and water-pumping stations, some or all of which were outside the disturbance area. As regulars and guardsmen established rapport with the citizenry in their operational areas, some people responded with words of encouragement and gifts of food.

By the early evening of 27 July, Task Force 82 had a total of 383 officers and enlisted men manning 27 posts, and the 46th Division had 961 manning 90 posts. Meanwhile, 860 airmen of the Michigan Air National Guard, some of whom were air police, served at a variety of stations, including a prisoner confinement area on Belle Isle. Generally, the airmen worked with the Detroit police, providing hospital facilities and aerial support. The regulars and guardsmen also provided quick-reaction forces, with each battalion-size force in Task Force 82 and in the 46th Division maintaining a platoon-size unit with transportation on fifteen-minute alert. Arrangements were also

⁵⁷ First quote from Fine, *Violence in the Model City*, p. 217. White House Chronology, pp. 5–6; Vance Report, p. 96; TF Detroit AAR, p. A-3; Kleber Chronology, p. 11; Transcript of Romney Noon Press Conference, 31 Jul 67, in *Capability Hearings*, p. 6314. Second, third, and fourth quotes from *Kerner Report*, p. 56. Fifth and sixth quotes from DA Sitrep 1, DA 824901, 250600 Jul 67, Operation GARDEN PLOT I.

⁵⁸ Vance Report, p. 21; DA Sitrep 1, DA 824901, 250600 Jul 67, Operation GARDEN PLOT I.



MEMBERS OF THE 101ST AIRBORNE DIVISION ON PATROL

made for quick-reaction airmobile operations that could move an infantry company to the scene of a disturbance on short notice. At the time, about forty UH-D helicopters and other aircraft stood ready to support operations of that sort and to provide other aerial support functions. Airmobile operations, however, did not have to be launched.⁵⁹

On the first day of the federal intervention, Tuesday, 25 July, incidents of all kinds declined by about 50 percent from the previous day, and although they rose considerably in the evening, the peak reached about 2300 hours was still lower than the one on Monday. Throughout the period of federal intervention, Vance and Throckmorton made visits to troops in the city, both in daylight and after dark. In that way they learned firsthand what their forces

⁵⁹ TF Detroit AAR, pp. 8, 13–14, A-4, A-5, B-5, B-7, B-9, E-3, ans. F, I; *Kerner Report*, p. 56; Telecon (interv), author with Maj Gen Alexander R. Bolling (USA, Ret.), 30 Apr 79; "Items of General Interest," *Army and Air Force Command Posts*, 26 Jul 67, p. 10 (abstract in RG 319, NARA); DA Sitrep 1, DA 824901, 250600 Jul 67, Operation GARDEN PLOT I. For maps acquired and used by Task Force Detroit, including police precinct maps and a number of American Automobile Association maps showing troop dispositions, see Maps and Overlays (1967), Historian's files, CMH.

were facing. The two never saw looting or fires being set; they heard shots, but none was fired in their immediate vicinity.

On Wednesday night, Cavanagh, Romney, and Vance decided to reassure the city's leadership that the riot was coming under control and that all concerned had to begin considering how recovery would occur. To that end, they proposed a meeting for the following afternoon that would be attended by several hundred community leaders. On Thursday morning, with the situation still improving, Vance and Throckmorton agreed that a fitting initial step toward the restoration of full responsibility to Michigan officials would be an order instructing the task force to reduce the visibility of weapons and, hence, the chance that the troops might use them unwisely. On Friday morning, 28 July, the situation continued to improve, which enabled federal officials, after consultation with Romney and Cavanagh, to replace federal troops in the First, Seventh, and Thirteenth Police Precincts with guardsmen of the 46th Division as a first step toward withdrawal. The Fifth Precinct, the farthest east of those assigned to Regular Army forces, remained the responsibility of the 3d Brigade, 82d Airborne Division, until Sunday morning, 30 July, when that brigade finally departed, leaving responsibility for city security in the hands of the 46th.

As early as Wednesday, 26 July, Throckmorton received instructions to plan for the release of the Michigan National Guard, and most of the Air National Guard was defederalized on Sunday, 30 July. The remaining air guardsmen and all of the still federalized units of the 46th Division were released from federal control at noon on Wednesday, 2 August, as the XVIII Airborne Corps headquarters prepared to leave and Task Force Detroit was about to be disestablished. Guard forces, however, remained in Detroit as state troops under control of the director of state police until Sunday, 6 August, when Governor Romney revoked his declaration of a state of emergency.

Early Monday morning, 31 July, the active duty troops began moving from the fairgrounds to Selfridge Air Force Base for redeployment to their home stations, a process that continued gradually until Wednesday, 2 August. Disestablishment of Task Force Detroit took place at 1800, coinciding with the departure of the headquarters of the XVIII Airborne Corps. At that time, until they could redeploy in due course, task force support units still remaining in Detroit came under the control of the Fifth Army.⁶⁰

As Task Force Detroit wound down, on Saturday morning, 29 July, Vance returned to Washington to report to President Johnson and to attend the first meeting of the Kerner Commission, whose establishment Johnson had announced in an address to the nation two days earlier. When Vance returned to Detroit that same night, he and members of his staff met and talked with various representatives of the Detroit community in an effort to gain insight into the causes of the riot. The meetings "did not lead me to any simple conclusions," he said later, but they "convinced me anew of the tangled economic, sociological, and psychological origins of the riots and of the enormity of the related tasks to be performed." On Wednesday morning, 2 August, Vance and Throckmorton held a final press conference

⁶⁰ TF Detroit AAR, pp. 8, 11–13; Vance Report, pp. 21–24. The wind-down and withdrawal of the regular forces, together with the defederalization of the Michigan Army and Air National Guards can be followed in the DA situation reports, dated in July and August 1967, of which there were eighteen altogether. See particularly numbers 8–9 and 12–18 (DA 825731, 825736, 825760, 825761, 825905, 825907, 826114, 826118, 826299). On defederalization particularly, see the following messages: DA 825237, 825091, 825749, 825982, 825983. Latter two in Historian's files, CMH.

to announce the restoration of order in Detroit and the return of all civil responsibilities to state authorities at noon. Vance departed for Washington that evening.⁶¹

Official figures put the dead in Detroit at 43, of which 33 were black and 10 white. Police officers were responsible “for 20 and, very likely, 21 of the deaths,” the National Guard for 7 and “very likely” 9, and the Regular Army for 1.⁶² The other deaths were due to various causes. Although some persons contended that many civilian deaths went unreported, Col. Frederick Davids, director of the Michigan State Police, insisted that the figure of 43 was accurate. Whatever the case, researchers Van Gordon Sauter and Burleigh Hines would later observe that a thorough examination of all 43 deaths would show that many were the products of incompetence, bad judgment, and even blatant hatred. In all, over 600 were injured. Regular troops, for their part, sustained three injuries and the Michigan National Guard fifteen. One guardsman was shot in the back and killed. Estimates of property damage ranged from \$40 to \$45 million, and there was “an untold and incalculable loss in wages and tax revenues to the city.” Arrests numbered more than 7,200 persons, of whom 703 were juveniles. Of the total arrests 6,258 occurred between 23 and 31 July; 4,881 of those arrested went to prosecution. Most of the arrests were for looting, but there were 206 for felonious assault, 34 for arson, 28 for inciting to riot, and 26 for sniping. Most of the sniping cases never went to trial because the arrestees were never seen actually holding firearms. Less tangible but no less significant was the loss of confidence that many citizens of Detroit experienced both in their city and in one another. As the future would show, buildings could be restored, but injuries to the city’s spirit were less easily repaired.⁶³

The Use of Weapons by the National Guard

During the riot, liaison between Michigan state troopers and the Detroit police appears to have been good, even though the two forces had separate headquarters and incompatible communications and sometimes duplicated one another’s efforts. Relations between the National Guard and the police, however, were somewhat strained. Unlike the regular force, the Guard had established its brigade and battalion sectors to coincide with the boundaries of police precincts but had not stationed a liaison officer at police headquarters. A spokesman for Task Force Detroit described the Army’s cooperation with the police as “splendid,” but Deputy Commissioner of Police John Nichols thought that the liaison between the two had been “very, very poor,” and claimed he had spent a great deal of time “trying to teach their generals what the hell to do.” The worst problems by far, however, arose in relations between the Guard and the Army because

⁶¹ *Public Papers of the Presidents: Johnson, 1967*, 2:721–26; EO 11365, *Establishing a National Advisory Committee on Civil Disorders*, 29 July 1968, 3 C.F.R. 310 (1966–70 comp.); *Kerner Report*, pp. 295–98. Quote from Vance Report, pp. 26–27. Price, *Civil Rights, Volume 2, 1967–68*, p. 34; Fine, *Violence in the Model City*, pp. 315–16.

⁶² *Kerner Report*, pp. 60–61.

⁶³ Quote from Locke, *The Detroit Riot of 1967*, p. 51. Vance Report, pp. 23, 34–41, 112–25; *Kerner Report*, pp. 60–61, 66, 197–99, 202, 305–12; Sauter and Hines, *Nightmare in Detroit*, p. 219; *Riots, Civil and Criminal Disorders*, pt. 5, p. 302; John Hersey, *The Algiers Motel Incident* (New York: Bantam Books, 1968), pp. 287–88; Garry Wills, *The Second Civil War: Arming for Armageddon* (New York: New American Library, 1968), pp. 55–57; Fine, *Violence in the Model City*, pp. 244–70 (on arrests), 297–98 (on costs), 313–14 (on disaster relief); Dansby, “Operation Sundown,” pp. 6 (on death of a guardsman), 40.

neither could reconcile its views on the rules of engagement with those of the other, particularly where the employment of firearms was concerned.⁶⁴

Guns, indeed, played a prominent role in the riot. Much of the fear that pervaded Detroit on the morning of 25 July derived from random gunfire blamed on “snipers.” The shooting had begun Sunday evening and had claimed its first victim, a young white woman, at midnight. There were nine deaths during the daylight hours on Monday, with sporadic gunfire continuing that evening and throughout Tuesday. From Tuesday night on, the shooting occurred mainly in the western portion of the city patrolled by Simmons’ federalized Guard, where it continued until the riot ended.

The record makes it clear that the guardsmen reacted to the sniping, or rumors of sniping, with little or no weapons discipline. With live rounds chambered, safeties on, and guns at the ready, the troops entered the riot-torn city in possession of only broad guidelines from state authorities on how and when they could use their weapons. Inevitably, they began to fire freely, adding to the danger and pervasive fear already present in the city. Reminiscent of the operations of the New Jersey National Guard at Newark the week before, their casual use of deadly force was clearly at variance with Army policy. When Throckmorton toured Detroit with Vance before the Guard’s federalization, he saw nothing that justified having soldiers on the streets with weapons loaded. As a result, when he took formal command of those units on Monday evening, 24 July, the first order he issued to General Simmons, a verbal order, was to have the troops “unload their weapons and put the ammunition in their pockets.” From then on, the men were to load and fire their weapons only on command of an officer. They were also to stop shooting looters because “it is better for a man to get away with a few dollars worth of goods than it is to get shot.” Simmons questioned those orders and continued to favor a policy of shooting looters. Many of his guardsmen agreed. The Adjutant General of Michigan, Maj. Gen. Clarence C. Schnipke, later put the force’s entire hierarchy on record with the blunt statement that “we disagreed with the policy entirely.”⁶⁵

The guardsmen were not alone. Throckmorton later had to explain his order to a very critical congressional committee, one of whose members, Congressman Porter Hardy, Jr., of Virginia, thought “this whole thing . . . preposterous. . . . I just can’t understand a situation . . . requiring federalized service personnel to put themselves in front of firing snipers, and not permit them to defend themselves.” The professional soldier’s viewpoint was different. Throckmorton pointed out that in Detroit he had been “confronted with a group of trigger-happy, nervous soldiers in the National Guard. I had no intention of having any of those soldiers shoot innocent people, or small children. And I considered the best way to handle the situation, which to my mind was not red hot at all—was to have them not load their rifles.”

Dealing with a sniper, Throckmorton explained, first required locating him and then “routing him out in a methodical manner,” not blindly firing in the direction where he was believed to be. The effort to flush out snipers was best carried out under

⁶⁴ Fine, *Violence in the Model City*, p. 234.

⁶⁵ First quote from *Kerner Report*, p. 53, and see also p. 54. *Capability Hearings*, p. 5805 for fourth quote, p. 5876 for second quote (from Simmons’ order as set down in a National Guard log), p. 6066 for third quote, and see also p. 5877.

an officer's supervision, the general continued, because all untested troops tended to be "trigger-happy." He contrasted the disciplined conduct of the regular airborne troops at Detroit with that of the guardsmen, pointing out that 35 to 40 percent of the regulars, including "most of the noncommissioned officers," were veterans of the war in Vietnam.⁶⁶

Despite issuance of the order at the beginning of the federal intervention and General Simmons' assertion that he did what he could to enforce it, it appears to have been widely ignored, perhaps because it did not reach all the troops. Given the gravity of the matter, General Throckmorton's efforts to bring discipline to the Guard's use of weapons became his most important command and operational problem in Detroit. Some examples of the Guard's *modus operandi* both before and after issuance of Throckmorton's order illustrate the problem that Throckmorton faced.

On Sunday, at about midnight of the first day of the riot, three young white men took a shotgun to the roof of their apartment building in order, they said, to protect it from fire. Receiving a report of "snipers on the roof," police and guardsmen arrived at the building at 0245 and stationed themselves at the front and rear. Meanwhile, the manager of the building went to the roof and told the young men to come down. As the group descended the rear fire escape, a guardsman, thinking he heard shots from the front, fired and killed a 23-year-old man.

In another case, Ronald Powell, who lived three blocks from Southeastern High School, asked four friends with whom he had spent the evening to take him home. About midnight the men climbed into a station wagon for the short drive. Even if some may have been drinking, none were intoxicated. Stopping for a National Guard roadblock, they received instructions to go by a more circuitous route. Along the way they saw a jeep at the curb and, thinking it was another roadblock, slowed down. As they did a shot rang out, striking a guardsman in the ankle. Other guardsmen nearby, thinking the shot had come from the station wagon, fired at the car and hit it at least seventeen times. Four of the vehicle's occupants were injured, and one was killed.

On Tuesday evening, 25 July, another telling incident occurred near the site of a recent confrontation between police and a drunken gunman. In that case, a machine gunner on a National Guard tank was startled by several shots and asked where they had originated. When his assistant pointed toward a flash in the window of an apartment house that had figured in earlier reports of sniping, the machine gunner opened fire. The heavy .50-caliber slugs tore through the apartment, nearly severing the arm of a 21-year-old woman and killing her four-year-old niece. Later, a National Guard sergeant was cleared of blame for the shooting on grounds, prosecutors noted, that he had "acted in good faith and without malice."

A newspaper reporter who spent a night traveling around in a National Guard jeep, probably before federalization, also observed the firing of machine guns. Streetlights were shot out, he said, and buildings placed under siege on the sketchiest reports of sniping. "Troopers would fire," he added, "and immediately from the distance there would

⁶⁶ *Capability Hearings*, p. 5877 for second, third, and fourth quotes, p. 5883 for first quote, and see also p. 5878. George Lardner, Jr., "Riot General Testifies: Guard Described as 'Trigger Happy,'" *Washington Post*, 23 Aug 67. In a conversation with the author on 27 August 1979, Throckmorton wished he had described the guardsmen as lacking in discipline in the use of their weapons, rather than as trigger-happy.

be answering fire, sometimes consisting of tracer bullets.” In one instance, a report came in on the jeep radio that an Army bus had been pinned down by snipers. Arriving at the scene, guardsmen and police began asking one another where the fire was coming from. A guardsman pointed to a building, provoking a rush for cover. At that point a soldier accidentally fired his weapon and, assuming that a sniper was responsible, someone opened fire on the building. A nearby tank joined in, spraying .50-caliber tracer bullets. In the end, guardsmen rushed the building but found it empty. They concluded that a sniper had fired one shot and then had run, but when the reporter interviewed passengers from the bus who were still crouching around the vehicle in terror, he learned only that someone had heard a shot and that no one could say whether it had hit the bus. That vague report, he concluded, was what had provoked all the action that had followed.

On Wednesday, 26 July, Throckmorton and Vance themselves witnessed a breach of weapons discipline. They found a street that ran through the area where the riot had started blocked off at each end and all of the entering streets similarly blocked. Guardsmen were firing over the roofs of passing cars to compel them to stop. Not only was this in violation of Throckmorton’s order and an irresponsible use of weapons, but there was also, as the general observed, no reason why the street should have been closed. Throckmorton stopped the shooting and saw to the immediate reopening of the streets.

One of the most extreme examples of the Guard’s misuse of weapons involved a young coin dealer who, on Wednesday, sought to lock out troublesome tenants from an expensive house he owned on L Street, an integrated middle-class neighborhood. While the dealer and two companions were in the house, guardsmen surrounded the place and, thinking there were snipers inside, turned their rifles and gunfire from a tank onto the building. The onslaught that followed was so intense that it did an estimated \$10,000 worth of damage, almost cutting two stone pillars in half in the process. The police then arrested the dealer and his companions as snipers. All charges were later dropped, but not until after the police had inflicted a severe beating on the coin dealer and had cracked the skull of his 17-year-old brother, who had accompanied him.⁶⁷

It was also on 26 July, in the early hours, that the strange and violent Algiers Motel incident occurred. What precisely happened is unclear because of efforts by the police officers involved to cover up their role and because of frightened and otherwise poor witnesses. At the beginning it was a case in which police, guardsmen, and regulars responded to reports of sniping in the area. What is clear is that what Sidney Fine calls “A Night of Horror and Murder” saw three young blacks shot to death and other blacks and whites beaten and terrorized by law enforcement officers. The police who were charged with the crimes were never convicted.⁶⁸

On Thursday, 27 July, Chief of Staff of the Army General Johnson sent the deputy chief of the Office of Reserve Components, Maj. Gen. Charles P. Stone, to Detroit to serve as Throckmorton’s deputy commander and “to evaluate and assess the capabilities and operations of the 46th Infantry Division.” Over the days that followed, Stone spent from 15 to 22 hours a day observing the troops of Task Force Detroit, particularly those of the

⁶⁷ Kerner Report, p. 53 for first quote, p. 54 for third quote, and see also pp. 55–59. Second quote from “Guard Cleared in Shooting . . .,” *Washington Post*, 30 Sep 67. *Capability Hearings*, p. 5889.

⁶⁸ Hersey, *The Algiers Motel Incident*; Fine, *Violence in the Model City*, pp. 271–90; Locke, *The Detroit Riot of 1967*, pp. 45–46, 147–50; Sauter and Hines, *Nightmare in Detroit*, pp. 161–69.

46th Division, as they went about their duties. On the basis of this experience, he wrote his report and testified before a special House subcommittee on the capabilities of the Guard to cope with civil disturbances.⁶⁹ He found that 90 percent of the approximately 500 guardsmen with whom he talked at their posts had loaded weapons as late as Thursday and Friday, 27 and 28 July. "On the corner of 12th Street," he said, by way of example, "there was a machinegun loaded as late as Thursday. And I told the guardsmen that they weren't supposed to have that weapon loaded and to unload it."⁷⁰

Throckmorton and Stone both discussed the problem with Simmons, who on 28 July finally issued a written order entitled "Special Instructions" for distribution to every member of the 46th Division. That directive stipulated that ammunition was not to be displayed nor weapons loaded and fired without specific instructions from an officer. Instead, soldiers who received fire were to take cover and to await the arrival of an officer who would evaluate the situation and inaugurate an appropriate response. The instruction was slow in reaching all the way down the chain of command because, as Stone noted later in congressional testimony, the men in some Guard units were widely scattered among a multitude of posts. When finally distributed, however, the order took effect quickly. Throckmorton would later declare that during the last three days of July the guardsmen observed "practically perfect fire discipline."⁷¹

According to a Wayne State University study of the Guard's 2d Battalion, 182d Artillery, which saw street duty in Detroit, the Guard's command and control left much to be desired. Of the 295 guardsmen who responded to a questionnaire, 38 percent had found their orders "poor and confusing." Few specific orders had filtered down to individual guardsmen. Of the orders the men had received, "49% . . . were to use minimal force." In general, the guardsmen's "statements about orders were extremely vague and certainly not of the traditional memorized crisp military variety."⁷²

The prevalence of sniping during the Detroit riot, Throckmorton later testified, was hardly as widespread as some reports seemed to indicate. He and Vance had observed that a single shot fired by a guardsman to put out a street light gave rise to "three, four, or five reports of snipers that went back to headquarters on the basis of that one incident." Others described similar incidents. According to one young guardsman, about 75 of his comrades had fired at residential buildings in response to the accidental discharge of a fellow guardsman's rifle. Eighty-nine percent of the 295 guardsmen who filled out the questionnaire, claimed to have seen shooting, and 46 percent had fired a weapon during the riot.

General Stone asserted flatly that he did not believe organized sniping had occurred in Detroit. What he did believe, he said, was that there were "individuals armed with rifles, sometimes under the influence of liquor, firing often without purpose. Had there in fact been organized sniping, a considerable number of military and law enforcement officers would have

⁶⁹ Quote from Memo, Stone for CofSA, 4 Aug 67, sub: Report of the Deputy Commander, Task Force Detroit—Operations and Observations (hereafter cited as Stone's Report), in *Capability Hearings*, p. 5966, and see also p. 5973; and also in *Bayonets in the Streets: The Use of Troops in Civil Disturbances*, ed. Robin D. Higham (Lawrence: University Press of Kansas, 1969), pp. 189–201.

⁷⁰ Quote from *Capability Hearings*, p. 5892, and see also pp. 5896–97.

⁷¹ Throckmorton's quote from *Capability Hearings*, p. 5916, and see also p. 6068 for quoted words (text of the "Special Instructions" issued, according to Simmons, at "1 hour after midnight on the 28th" of July).

⁷² Quotes from Paul Lowinger and Frida Huige, *The National Guard in the 1967 Detroit Uprising* (Detroit: Department of Psychiatry of Wayne State University School of Medicine and the Lafayette Clinic, 1968), p. 9, and see also p. 8.

been killed.” The only instances when organized sniping of some sort might have occurred, Stone said, were those in which fire and police stations had come under attack by fire for short periods of time. The Kerner Commission was of the same mind. Hundreds of reports of sniper fire—“most of them false”—had poured into police headquarters, its report noted, but the Army had logged only ten. A team of *Detroit Free Press* reporters that investigated the issue also agreed. The argument could be made that snipers were responsible for the deaths of only three of the riot’s victims, its members asserted, but in two of those cases the conclusion seemed doubtful. Sidney Fine, in his monumental study of the riot, concludes that “the number of sniping incidents . . . was grossly exaggerated even though there was more sniper fire in Detroit than in all the other 1960s riots combined.”⁷³

Official ammunition figures supported the view that a great difference existed between the Regular Army’s fire discipline and that of National Guard units. As of 1800 on 28 July, a total of 155,576 rounds had been fired by the 46th Infantry Division, and only 202 by the regulars—a remarkable disparity, even when it is noted that federal forces intervened only on the twenty-fifth. By 1600 on Sunday, 30 July, the total expenditure had increased to 156,391 rounds for the guardsmen of the 46th Division and to 206 for the regulars. Learning of the Army’s figures for total rounds fired in Detroit, General Throckmorton later questioned the accuracy of those for the Guard. Yet even if some error in accounting occurred or if the men themselves lost ammunition or somehow failed to turn it in, it is clear that the Guard force lacked fire discipline. One Regular Army battalion, for example, operating in what was regarded as the most active “hot spot” of the eastern sector, managed to carry out its entire mission without firing a shot.⁷⁴

The last riot death is the only fatality attributed to the regulars. It occurred on the night of 29 July when, according to the official version, a joint Army-police patrol went to a house in the eastern sector of Detroit where looted goods were said to be hidden. When a man came downstairs with what appeared to be a pistol in his hand, the police drove him back upstairs with shotgun fire. At that point Randolph Smith, a paratrooper, ran behind the house where he saw three women and four men fleeing, one man with what appeared to be a pistol but what the landlady later said was a radio. When Smith shouted at the group to halt, the man who appeared to be a threat stopped and turned. Smith fired twice, just as another member of the group, a nineteen-year-old boy, Ernest Roquemore, ran in front of his line of fire. Roquemore was killed, while the man who seemed to be armed escaped. In the end, after personally investigating the incident, General Throckmorton concluded that in view of the circumstances Smith’s actions had been justified. Refusing to accept the official version, however, Roquemore’s father claimed that the police had shot his son in the back and sought to cover up what had

⁷³ *Capability Hearings*, pp. 5885–86 for first quote and pp. 5967–68 (Stone’s Report) for second quote. Lowinger and Huige, *The National Guard in the 1967 Detroit Uprising*, pp. 8, 12–13. Third quote from *Kerner Report*, p. 56. Hersey, *The Algiers Motel Incident*, pp. 287, 290. Fourth quote from Fine, *Violence in the Model City*, p. 300.

⁷⁴ DA Sitreps, all in July 1967, as follows: no. 5, DA 825347, 270600, p. 5; no. 8, DA 825731, 281800, p. 5; no. 9, DA 825736, 290600, p. 5; no. 12, DA 826760, 301800, p. 4. See also [82d Abn Div], *Control of Civil Disorders: Guidelines for Small-Unit Commanders and Troops* (hereafter cited as *Guidelines for 82d Abn Div*), p. 12, as appended to Operations Report Lessons Learned 5–67: Civil Disorders—TF Detroit, 28 Sep 67. All in Historian’s files, CMH. TF Detroit AAR, pp. A-6, D-3, G-1 to G-5; Telecon, author with Throckmorton, 27 Aug 79; *Riots, Civil and Criminal Disorders*, pt. 5, p. 1302; Jordan, “Civil Disturbance,” p. 37n37.

happened with the official version of the shooting. He was perhaps misled by the fact that the police shot three other persons at the scene.⁷⁵

There was so much concern about the guardsmen at one point that Throckmorton and Vance considered removing them from the streets but decided against doing so on grounds that such a drastic action would be destructive to their morale and would impair their usefulness elsewhere. When the *Detroit News* charged that guardsmen had murdered two black youths, the Army ordered an undercover surveillance of the 46th Division. Conducted between 29 and 31 July by the 113th Military Intelligence Group with assistance of an intelligence detachment from Fort Bragg, the purpose of this surveillance was to ascertain whether or not the guardsmen were being brutal and irresponsible in their actions. The results were mixed. Persons queried on the streets by agents in mufti voiced low opinions of the guardsmen, while military observers professed that the guardsmen “appeared to be performing their assigned mission in a professional military manner.”⁷⁶

Plainly, Detroit’s black citizens had no love for either the police or the guardsmen, making similar complaints of racial bias on the part of both. In the case of the guardsmen, however, there were certain mitigating factors. Training in civil disturbance duty had been minimal, and they had been thrown into the most riotous part of the city with little guidance or adequate intelligence. In a press conference on 26 July, General Throckmorton admitted that if the regular forces had been committed on the west side they probably would have had similar difficulties. Understandably, however, the consensus view of Detroiters was that the federal paratroopers were more professional and better disciplined than the guardsmen. They were racially integrated and much more experienced, as General Throckmorton was at pains to point out. When the paratroopers had first arrived on the Detroit streets, they received a warm welcome, and when they had to leave, as Deputy Assistant Secretary of Defense Henkin of Vance’s team put it, “the people didn’t want to let us go. We had to leave very carefully. They wanted us to stay forever.”⁷⁷

As for the guardsmen, however, there is more to be said, for as Vance, Throckmorton, and Stone monitored their operations, they improved, learning from experience, however brief. By the end of the riot they were performing, according to General Throckmorton, in an “entirely” satisfactory manner. In any case as Sidney Fine concludes, “it was the Guardsmen and the police, in the final analysis, who subdued the rioters, not the paratroopers.”⁷⁸

Detroit in Retrospect

One of the worst civil disturbances in American history, the Detroit riot of 1967 marked the first operational use of regular troops at the request of a governor since a race riot in the same city in 1943. It was hardly a welcome development for a national adminis-

⁷⁵ “Paratrooper Kills Fleeing Negro; Detroit Toll at 41,” *Washington Post*, 30 Jul 67; *Kerner Report*, p. 56; Sauter and Hines, *Nightmare in Detroit*, pp. 211–18; Fine, *Violence in the Model City*, p. 230.

⁷⁶ Fine, *Violence in the Model City*, p. 224. Quote from 1st Ind, 113th MI Gp, 31 Jul 67, to DF, G–2 to CofS [XVIII Abn Corps, TF Detroit], 31 Jul 67, sub: Counterintelligence Investigation, with tabs A and B, in Historian’s files, CMH.

⁷⁷ Fine, *Violence in the Model City*, p. 235; *Capability Hearings*, pp. 5968–69 (part of Stone’s Report), 6277, 6287, 6289, 6290. Quote from Adam Yarmolinsky, *The Military Establishment: Its Impact on American Society*, Twentieth Century Fund Study (New York: Harper & Row, 1971), p. 171, citing Interv, Jack Rosenthal with Daniel Henkin, 9 Sep 68.

⁷⁸ First quote from *Capability Hearings*, p. 5910, and see also p. 5890. Second quote from Fine, *Violence in the Model City*, p. 235.

tration with an ambitious domestic program in progress and beset by other crises both at home and abroad. Governor Romney's appeal for help troubled President Johnson, who authorized the use of federal troops only with much reluctance, as had his predecessors, although not altogether for the same reasons. Attorney General Ramsey Clark thought the Pentagon was too ready to use federal troops in civil disturbances. He also noted much later that Romney's success in obtaining federal troops appeared to have made it easier for other governors to follow his example. Over the next year alone three governors would make similar requests.⁷⁹

Ramsey Clark's view notwithstanding, the Army's leaders were not eager to take on civil disturbance missions. Prior to the Newark and Detroit riots, they had been cautiously optimistic regarding the service's ability to avoid such distasteful tasks. But that hope faded when the two riots occurred back to back, and the dimensions of each became apparent. To Vance and others, those symptoms suggested that more disorders were in the offing, and that prospect raised disturbing questions not only about the capabilities of the Guard and police forces around the country, but also about the preparedness of Regular Army units to meet the threat.

Army leaders, though, were largely satisfied with the doctrine they had developed and with the discipline the regulars had displayed under fire in Detroit. On the other hand, although they defended the National Guard in their public utterances, they had become increasingly concerned about its capabilities. They saw a danger that the Guard's record in expending ammunition and causing civilian deaths in Newark and Detroit, not to mention its largely white racial composition, might increase political pressures to reinstitute the practice envisioned by the Dick act of first resorting to the Army, not the Guard, in coping with civil disturbances. That would put an end both to the Guard's role as a buffer for the Army when violence or the threat of it flared in the civilian sector and to the Regular Army's proper status as the force of last resort.

For many reasons, the nation needed to take a hard look at both the tragedies just past and the possibility of disorders still to come. Even while the rioting continued, the Army, the other military services, and the agencies of the federal government at all levels, including the White House, were beginning to devote time, effort, and means of unprecedented scale to prepare for any development that occurred.⁸⁰ Those efforts were wise, if not prescient, for although no one knew it at the time, the Army was soon to become heavily engaged in multiple disturbances.

⁷⁹ Ramsey Clark, *Crime in America: Observations on Its Nature, Causes, Prevention, and Control* (New York: Simon and Schuster, 1970), p. 276.

⁸⁰ Gardner, "Civil Disturbance Mission," pp. 64–86; *Kerner Report*, p. 66; Moenk, USCONARC Participation in the Suppression of Civil Disturbances, April 1968, p. 14; James S. Campbell, Joseph R. Sahid, and David P. Stang, *Law and Order Reconsidered: Report of Task Force on Law and Law Enforcement to the National Commission on the Causes and Prevention of Violence* (Washington, D.C.: Government Printing Office, 1969), p. 319.

CHAPTER 8

Reflections on Violence

In a civil disturbance, the individuals he [the soldier] deals with are fellow American citizens entitled to the protection of the U.S. Constitution, even though they may be acting without regard for the Constitutional guarantees of others.

—82d Airborne Division, Control of Civil Disorders [1967].

In the wake of the riots that marked the summer of 1967, civil and military officials concluded that similar outbreaks would occur again, probably in clusters as they had earlier, and possibly in several areas at once. Authorities felt that reexamining military readiness to cope with future disorders was necessary and, given the criticism of the National Guard's performance during the past summer, reviewing the Guard's capabilities was especially important. The Army, which earlier had shown remarkable indifference to the readiness of the National Guard for civil disturbance duty, now gave the matter considerable attention out of the conviction that the Regular Army should be the last, not the first, resort in case of a civil disturbance.

Throckmorton, Vance, and other military and civilian leaders took a new look at the regulars as well, even though those forces had received good marks for planning and operational effectiveness in Detroit.¹ Disturbed by the violence of the riots, the president and others also felt compelled to give thought to the nature of the society that had produced the disorders and to the social ills that appeared to lie at their root. In the end, in hopes of developing ways and means to control another round of rioting, should one occur, civil and military authorities recommended improvements in everything from the laws that governed the use of troops to the weapons and equipment employed.

Society and Law

On 27 July 1967, while federal troops were still in Detroit, President Johnson announced to the nation that he would appoint a National Advisory Commission on Civil Disorders. Its task would be not only to investigate the causes of the recent disturbances but also to recommend measures for containing or controlling future disorders. Suspecting conspiracies, he wanted the commission to have access to the FBI's findings so that it could evaluate the

¹ James R. Gardner, "The Civil Disturbance Mission of the Department of the Army, 1963–1973: An Analysis of Perceptions, Policies and Programs" (Ph.D. diss., Princeton University, 1977. Ann Arbor, Mich.: University Microfilms, 1980), pp. 70–73, 80–81, 86.



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roles of individuals and organizations in promoting disorder. Even so, he also understood that law enforcement backed by the might of arms held no long-term solutions to the problem and that any attempt to promote harmony among people required an assault, as he observed, “upon the conditions that breed despair and violence.” Two days later he named an eleven-member, biracial and bipartisan group under the chairmanship of Governor Otto Kerner of Illinois. Vice-chaired by Mayor John V. Lindsay of New York City and predominantly liberal in composition, it included members of Congress of both parties, two prominent blacks (Senator Edward W. Brooke of Massachusetts and Roy Wilkins, executive director of the NAACP), a woman, and representatives of labor, business, and the police.

Completing its work in less than a year, the Kerner Commission reported in the spring of 1968 that “our Nation is moving toward two societies, one black, one white—separate and unequal.” Its principal recommendation called for the creation of a wide-ranging national program of social reform in employment, education, welfare, and housing. Devoting much less time to the control of disorder, the commission regarded the forces that the Army had allocated to support the National Guard as adequate but asserted that it was nonetheless “imperative that Army plans be fully coordinated with those of state and local governments.” In examining the Regular Army’s role, the commission “relied heavily” upon a comprehensive study made for the Army.²

² First quote from *Public Papers of the Presidents: Johnson, 1967*, 2:722, and see also pp. 721, 723–26. *Report of the National Advisory Commission on Civil Disorders* (Washington, D.C.: Government Printing Office, 1968) (hereafter cited as *Kerner Report*), with second quote on p. 1, and third and fourth quotes on p. 280, and see also pp. 297–98. The Kerner Commission also published three studies on racial attitudes, for which see *Supplemental Studies for the National Advisory Commission on Civil Disorders* (Washington, D.C.: Government Printing Office, 1968). On 10 August 1968, President Johnson appointed an advisory panel on insurance in the riot areas, chaired by New Jersey Governor Richard J. Hughes, which published *Meeting Our Insurance Crisis . . .* (Washington, D.C.: Government Printing Office, 1968). Its findings are reprinted in the *Kerner Report*, pp. 305–12, as is the report of the commission’s own Advisory Panel on Private Enterprise, pp. 313–17.

The *Kerner Report* was penetrating in its appraisals. However, it was still open to criticism on practical grounds and managed, to some degree, to offend nearly everyone who had an interest in its conclusions. The Bureau of the Budget estimated, on the one hand, that the commission's proposals for reform, if adopted, would not only overlap programs already either on the books or under consideration but also add a full \$30 billion to a national budget already burdened by the Vietnam War. John Lindsay, on the other hand, noted that the commission had been unwilling to offend President Johnson by underscoring the Vietnam War as a destabilizing influence upon American society and "a contributing factor to the riot process." Johnson himself appears meanwhile to have objected to the report's emphasis on white racism as a cause of urban violence, while black commentators were just as quick to underscore the commission's predominantly white composition. In that light, many concluded that if the group's report was about black people, it had been composed by white writers for a white audience with only a nod toward the racism endemic to American society.³

Those objections notwithstanding, elements of the commission's analysis paralleled or even anticipated administration thinking. The commission, like Attorney General Ramsey Clark, looked toward a clarification of the legal procedures for securing the commitment of federal troops in civil disorders, and it praised a letter that Clark had sent state governors at President Johnson's request in August 1967 explaining the legal requirements in clear and simple language. The commission agreed that there should be no change in the existing rigorous conditions for granting federal military assistance, but it recommended that the law under which Governor Romney obtained aid in the Detroit riot, Title 10, Section 331, *U.S. Code*, be amended by substituting the constitutional term *domestic violence* for *insurrection*. This alteration was to make clear that the president could honor a request for military assistance only when the requesting state was unable to control the existing violence with its own forces, including the National Guard and when the state's legislature could not be assembled or when, in an emergency, the state could not act in time. Other proposed changes would have updated the language of the law by substituting *National Guard* for the word *militia* and corrected the much ignored provision that only the Guard of "other states," not the state requesting help, could be called into federal service.⁴

The Army's Role Reconsidered

Cyrus Vance took a particular interest in the questions raised by the riots, both as special assistant to the secretary of defense and as a lawyer concerned with the administration of justice. Without criticizing Detroit officials, he noted a need for the prompt arraignment of suspects, for provision of counsel for the thousands who had been arrested, and for prompt and fair trials. But Vance was also interested in how best to regain control in a riot-torn city. He emphasized the importance of obtaining accurate information and urged the Army to develop better ways than the monitoring of police reports to gauge the volume of riot-

³ Quote from Andrew Kopkind, "White on Black: The Riot Commission and the Rhetoric of Reform," in *The Politics of Riot Commissions*, ed. Platt, p. 389, and see also pp. 341–88, 390–91. Johnson, *The Vantage Point*, pp. 172–73; Califano, *The Triumph and Tragedy of Lyndon Johnson*, pp. 214–20, 260–62.

⁴ *Kerner Report*, pp. 287–88, 292–93; Cyrus R. Vance, Final Report of Cyrus R. Vance, Special Assistant to the Secretary of Defense Concerning the Detroit Riots, July 23 Through August 2, 1967 (released 12 Sep 67), p. 61, copy at MHI (hereafter cited as Vance Report).

connected activity. He also wanted the continental armies to reconnoiter the major cities where riots might occur so that they could prepare folders containing data on bivouac sites, possible headquarters locations, the local police, and other topics that might prove useful to federal troops if committed.

Vance's experience in Detroit convinced him that the federal team concept was a good one and that it would be useful in similar cases in the future. Accordingly, he listed the "key personnel" who should form the teams sent into any big-city riot. A special representative of the secretary of defense or the president would have charge of federal activities. Reporting to him would be a senior representative of the Department of Justice, a military commander with necessary staff support, a senior public affairs officer, a representative of the Bureau of the Budget to handle requests for economic and social assistance, a military assistant to the special representative, and at least one person familiar with the city.⁵

As might be expected, weaponry was an important topic for many commentators and analysts. Surprisingly, the riot control agents CS and CN had never been used in Detroit. The 46th Infantry Division had a chemical capability, but its experience and training had been primarily with dispensers useful only against large groups, not the small, shifting bands of provocateurs that had characterized the disorders in Detroit. The division had needed M1 rifles equipped with grenade launchers to deal with those groups, but few had been available.

The control of chemical agents was another sticking point. Throckmorton's letter of instruction had not allowed him to delegate to subordinates responsibility for approving the employment of tear gas. As a result, the only request to use gas grenades against a sniper took so long to process that the agents were no longer needed when the authorization finally arrived. In response to a request to change the policy, the chief of staff had authorized the delegation of responsibility to the level of company commander. But even though Throckmorton informed his task force commanders of the change, officers at the scene of the rioting made no use of the authority. Later, congressional hearings revealed that the reason for the original tight controls on tear gas was a recent controversy over its use in Vietnam.⁶

The results, in Cyrus Vance's opinion, were unfortunate. Admitting that "the effect . . . must remain speculative," he thought it likely that the use of tear gas early at Detroit, on Sunday or even Monday, might have forestalled the circumstances under which sniping had begun by dispersing rioters and looters. Vance agreed that authority to use tear gas ought to be delegated to the level of the company commander and that "an urgent need" existed to equip the individual soldier with a practical means for launching a gas grenade. While warning against the indiscriminate use of riot control agents in congested areas, the Kerner Commission also favored the use of CS when

⁵ Vance Report, p. 58, and see also pp. 50, 51, 59, 60, 63–65.

⁶ U.S. Congress, House, Committee on Armed Services, *Hearings Before Special Subcommittee To Inquire into the Capability of the National Guard To Cope with Civil Disturbances*, 90th Cong., 1st sess., 1967 (hereafter cited as *Capability Hearings*), p. 5884; AAR, Task Force Detroit (HQ, Task Force Detroit, Third Army, Fort McPherson, Ga., 16 Aug 67), 24 Jul 67–2 Aug 67, pp. 9–10, D4, L18. This after action report and other unpublished documents cited in Historian's files, CMH. For the objections raised over the Army's adoption of tear gas after World Wars I and II and in Vietnam, see Laurie and Cole, *Role of Federal Military Forces*, pp. 43–44, 173, 202–04.

it was the only alternative to potentially lethal force. In this the commission seemed to agree with the Detroit police, who had avoided the use of gas in part because the riot area was heavily populated.⁷

From the Detroit experience Vance concluded that reforms were needed in the handling of weapons. Orders on their use had to be “simple, direct and not subject to interpretation.” Those dealing with the rules of engagement and handling of civilians ought to be written down, and he suggested printing them on a pocket-size card so that each soldier could have his own copy. Regarding the four phases in the use of weapons, as laid down in Throckmorton’s instructions, Vance proposed adding one more category: “unloaded” rifles with ammunition on the person of the individual soldier who would load and fire his weapons “only upon the authority . . . [of] a commissioned officer.” This had been essentially Throckmorton’s early order to the Guard. Vance thought such a provision would offer “considerable flexibility” if officers were permitted to delegate the authority to load and fire to senior noncommissioned officers.⁸



CYRUS R. VANCE

The question of how and when to use weapons continued to divide the regulars from the Guard. In contrast to the restrained federal approach to the use of weapons, the Guard’s prescription for the future was boldly assertive: “Police and National Guard units should be authorized to shoot looters and fire bombers immediately after the outbreak of lawlessness” and “this should be widely publicized by radio and TV.”⁹

There was, somewhat surprisingly, support within the Regular Army for equipping forces in civil disturbances with automatic weapons and armor. Throckmorton, for one, remarked in his preliminary list of lessons learned that although the active forces in Detroit “had no tanks, armored personnel carriers or machine guns,” those items should be available in future operations. His task force report elaborated on the theme, asserting that “time and again” the 46th Infantry Division proved “that these weapons had both a protective and psychological influence on a riot situation.” Because of that, one tank platoon and one company of armored personnel carriers should be assigned to every task force having two brigades. General Stone, deputy chief of the Office of Reserve Components, also favored

⁷ Quotes from Vance Report, p. 57. *Kerner Report*, p. 278; U.S. Congress, Senate, *Riots, Civil and Criminal Disorders*, Hearings Before the Permanent Subcommittee on Investigations of the Committee on Government Operations, 90th Cong., 2d sess., and 91st Cong., 1st and 2d sess., 1967–70 (25 pts. and 2 interim Rpts), pt. 6, p. 1455.

⁸ Vance Report, pp. 54, 56, and see also pp. 55, 57.

⁹ TF Detroit AAR, p. D8.

the use of armored personnel carriers. Both Throckmorton's report and the 82d Airborne Division also recommended changing plans to allow deployment of M60 machine guns and other crew-served weapons. Even with "rigid restrictions" as to when machine guns might be loaded, the weapons would have "a psychological effect on the populace."¹⁰

The Kerner Commission, observing that the federal government had armed and outfitted the Guard for war, asserted that the experiences of the summer had revealed the unsuitability of much of that equipment for use in controlling civil disorders. It thus recommended, among other things, that the federal government sponsor the development of nonlethal weapons for use by the Army, National Guard, and the nation's police forces. It also saw value in some heavy equipment and approved the use of armored personnel carriers for dealing with snipers, but it thought that armored trucks such as those used by commercial banks might make good substitutes because they would have the advantage of being less conspicuous than military vehicles. The commission was adamantly opposed, however, to the use of tanks, declaring them "clearly inappropriate" in civil disturbances "because of their potential for mass destruction," and it also opposed the use of automatic weapons, especially by the National Guard. "Controlling a civil disorder is not warfare," it observed. "The fundamental objective of National Guard forces in a civil disorder is to control the rioters, not . . . destroy them or . . . innocent bystanders." In the commission's view the premise entailed the exclusion of certain weapons, particularly machine guns, which it considered to be instruments of mass destruction like the tank. It urged that their use be denied to the Guard in civil disorders except under extraordinary circumstances, and then only if there were no disproportionate danger to the innocent. The commission added that "other mass destruction weapons of modern warfare—flame throwers, recoilless rifles, and artillery—have no conceivable place in riot-control operations in densely populated American cities."

Seeking to eliminate as much as possible the coercive military appearance of the troops, the commission suggested that the Army replace the helmet liner the troops normally wore with soft hats. In the commission's opinion the short-range carbine should replace the M1 rifle, which could kill or maim people blocks from the target. With the Army preferring the rifle as its basic weapon, the commission recommended research that might develop ammunition that would serve as a nonlethal deterrent, perhaps something similar to the wooden peg used by the British in Hong Kong. The members also had a lively discussion on the use of bayonets. Advocates favored their presence in civil disturbances for their tactical psychological impact and usefulness in self-defense, while opponents pointed out their potential for killing or maiming as well as their generally negative connotations of brute force. Quoting sociologist Morris Janowitz as to the uselessness of the bayonet as an instrument of riot control, the commission urged the Army and the National Guard Bureau to reexamine their policy on fixed bayonets and at the very least place nonlethal chemical agents ahead of bayonets on their list of force priorities.¹¹

With the Kerner Commission's recommendations concerning research and development of nonlethal weapons in mind, it is of passing interest to note the work

¹⁰ First quote from Msg, CGUSCONARC to DA (Attn: AOC), DAIN 314096, 051725Z Aug 67, sub: Riot Control Training. Remaining quotes from TF Detroit AAR, pp. 16, 21. Memo, Stone for CofSA, 4 Aug 67, sub: Report of the Deputy Commander, Task Force Detroit—Operations and Observations (hereafter cited as Stone's Report), in *Capability Hearings*, p. 5968.

¹¹ *Kerner Report*, pp. 271–72, 277–79.

done at the U.S. Army Limited War Laboratory at Aberdeen Proving Ground, Maryland, where work had been undertaken on "Counterinsurgency Mob Control Equipment" as early as 1965. It was not until 1967, however, that the laboratory came forth with even some tentative proposals. Among them were ideas about devices and chemicals that would produce noise, wind, or foam, and others that would cause pounding headaches. Researchers also suggested the development of slippery substances to make streets difficult for rioters to use without falling, the design of electric prods to force crowds to disperse, the production of elastic nets to ensnare mob leaders, and the acquisition of guns for use against particularly intractable rioters that could fire nonlethal hypodermic projectiles loaded with stupefying drugs.

Army leaders, however, appeared to attach little urgency to this work, even after the Kerner Commission made its recommendations. In fact, the laboratory issued its final report only in 1971 and even then did no more than urge the adoption of some of the same devices that it had suggested earlier. The fact is that while finding value in some of the commission's recommendations, the Army concluded that its existing equipment was generally adequate. Thus it chose to retain the rifle, bayonet, and helmet liner for use in riot control. And regarding nonlethal ammunition, the Army's position was simply that there should be no firing at all except in the direst of circumstances. Riot control agents clearly were its new weapons of choice.¹²

Command and Control

An important area of concern respecting the Detroit riot involved the difficulties Throckmorton had in enforcing his initial order to the Guard on the use of weapons. He had, in short, a problem in command and control with lessons applicable to similar situations. Task Force Detroit's headquarters appears to have been inadequate to the demands it faced. Prior to the riot, the XVIII Airborne Corps had lacked a plan for organizing, assembling, and deploying a headquarters element quickly. There had been no advance preparation for the selection of personnel to accompany the task force commander, and additional personnel and equipment, including signal communications gear, had had to be acquired after the deployment had begun to sustain around-the-clock operations. Even space was at a premium. Four rooms of two hundred square feet each would have been required to accommodate the headquarters properly, far more than the single small room, later supplemented by two leased office trailers, that Throckmorton's staff originally occupied.¹³

Basic to Throckmorton's general problem of command and control was the federal system in which he had to operate. Existing procedures gave him no authority over the city and state police—a subject of much comment afterward that led General Stone to declare flatly that

there must be complete integration of the operations of the military, both National Guard and Regular Army, with the local and state police. The commander of the Task Force must have under his control

¹² Quote from Robert L. Woodbury, *Research and Development Potentialities for Mob and Riot Control*, Technical Note 67-02 (Aberdeen Proving Ground, Md.: U.S. Army Limited War Laboratory, April 1967), as reproduced in DA Task Group Final Rpt, Chief of Staff Memorandum (CSM) 67-316, Army Preparedness in Civil Disturbance Matters [1968], p. J-4-3-3, and see also pp. J-4-3-1 to J-4-3-11. Final Rpt, Rev., Richard W. Wilsnack et al., Comprehensive Law & Order Assistance Research and Development (CLOARAD) Program, Technical Rpt 71-04 (Aberdeen Proving Ground, Md.: U.S. Army Land Warfare Laboratory, 1971). Both in Historian's files, CMH. Gardner, "Civil Disturbance Mission," pp. 103-04.

¹³ TF Detroit AAR, pp. 17-19, 25-26.

all military and law enforcement personnel and possible fire fighting personnel. Military and police headquarters must be co-located [*sic*], each having communications to their respective headquarters and personnel. All elements down to and including patrols must contain both military and police members. The police members should carry out the arrest function.¹⁴

Cyrus Vance believed that “ideally, there should be a single commander for all law enforcement personnel” involved in suppressing a riot but that having one would raise “grave legal questions” without a state of martial law, which would itself pose problems by bringing court functions to a halt and turning soldiers into arresting officers. As a result, Vance preferred a close coordination of command between military and civilian officials; the establishment of compatible communications between local and state police; and, if possible, the appointment of a single police official to head both local forces. He considered it impractical for military units to use the same radio frequencies as police forces and preferred to bridge the gap between the two by attaching local policemen to military units as liaison officers.¹⁵

In a report issued following its hearing on the Guard’s capability, Louisiana Congressman F. Edward Hebert’s subcommittee of the House Armed Services Committee put forward still another solution to the problem of command and control. Because the use of federal forces was a possibility in a disturbance—even if employed as a last resort—the subcommittee reasoned that federal, state, and local officials should all be involved in contingency planning to resolve ahead of time the problem of command and control, particularly respecting the relationship between the federal commander and the local police. Recognizing the importance of signal communications to effective control, the subcommittee’s report was highly critical of the Army’s seeming lack of urgency about providing the Guard with proper radio equipment, even quoting a pertinent comment on the matter from General Stone’s report on Detroit.¹⁶

Problems of control, not to mention of state-federal relations, were often complicated by the outbreak of concurrent riots. During the confrontation in Detroit, for example, disorders had also broken out in other Michigan cities such as Flint, Grand Rapids, and Pontiac. When, as a result, President Johnson federalized the Michigan National Guard to quell the disturbance in Detroit, the Guard’s 107th Signal Battalion was already in Flint on state riot duty. At Governor Romney’s request, General Throckmorton allowed it to remain there until Monday, 25 July, when it moved to Detroit under control of the 46th Division. Romney also requested 250 guardsmen for possible duty in Flint, Grand Rapids, or elsewhere, as well as federal concurrence in the redeployment of some 250 state police. Vance agreed to release the policemen and arranged to defederalize the 1st Battalion, 126th Infantry, which had departed for standby duty in Lansing.

The president’s representative had practical reasons for the decisions he made. For if he had sent federalized guardsmen to other parts of the state, he would not only have complicated command problems, he would also have had to deal with legal

¹⁴ Stone’s Report, in *Capability Hearings*, p. 5967.

¹⁵ Vance Report, pp. 54–55.

¹⁶ U.S. Congress, House, Committee on Armed Services, *Report of Special Subcommittee To Inquire into the Capability of the National Guard To Cope with Civil Disturbances*, 90th Cong., 1st sess., 18 December 1967, pp. 5659–60, 5662–65, hereafter cited as *Capability Report*; Stone’s Report, in *Capability Hearings*, p. 5969.

questions about the geographical limits on his responsibilities, and whether, under the terms of the president's proclamation, he could employ troops outside of Detroit. Some commentators recommended that in the future, a task force commander should receive an area of responsibility that explicitly included smaller municipalities in the immediate metropolitan areas of targeted cities.¹⁷

Governor Romney viewed the situation from a more local perspective in testifying before the Kerner Commission. "The federalization of the National Guard," he said, "deprived us of flexibility to control disturbances in other sections of the state." He had tried hard to secure federal assistance, but

by taking such a step, a Governor has in effect sacrificed his authority over a substantial segment of his law enforcement personnel to that of the military. We found during the first 24 hours that once the federal authorities had assumed command, the distance between offices on the same floor was often as far as Lansing is from Washington. I am suggesting that an emergency plan be devised which will insure maximum cooperation and communications in such circumstances.

Romney suggested in passing that states might negotiate an interstate compact that could provide for mutual assistance in the event of a serious emergency, for which midwestern governors had recently issued a call. The Hebert subcommittee agreed, urging that such compacts be considered. Earlier Congress had approved at least two such compacts, and there appeared to be one in existence at that time between New York, New Jersey, and Pennsylvania. Those agreements, however, applied only to disorders occasioned by "insurrectionists, saboteurs, enemies or enemy forces, or persons seeking or appearing to seek the overthrow of the Government," and might not have been applicable to domestic violence. Authority also existed for organizing state defense forces to supplement the Guard or to take its place in the event of federalization.

Not everyone believed that interstate compacts were beneficial. The Adjutant General of the Maryland National Guard, Maj. Gen. George M. Gelston, for example, opposed such arrangements for a number of reasons but particularly because they might make more frequent use of the Guard and the recruitment of troops correspondingly more difficult. The Kerner Commission also opposed interstate agreements, believing that such compacts would make it too easy for the states to use troops against citizens in the absence of the sort of extreme emergency that had traditionally preceded the introduction of federal troops.¹⁸

¹⁷ DA Sitrep 1, 250600 Jul 67, p. 3; DA Sitrep 2, 251800 Jul 67, p. 3; Msgs, DA to CG, TF Detroit, DA 825097, 25 Jul 67, and DGB, Depts of the Army and Air Force to Gov George Romney, DA 825096, 25 Jul 67; TF Detroit AAR, pp. 15, D2; MFR, 26 Jul 67, sub: Telcon Between David E. McGiffert, Under Secretary of the Army, and Albert B. Fitt, General Counsel of the Army (1020 EDT); Vance Report, pp. 21–22, 97; [Brooks E. Kleber], Chronology, Detroit Civil Disturbance, 23 Jul–2 Aug 67 [USCONARC, 1967], p. 14 (hereafter cited as Kleber Chronology).

¹⁸ First and second quotes from Remarks Prepared for Delivery by George Romney [of Michigan], National Advisory Commission on Civil Disorders, Washington, D.C., 12 Sep 67 (hereafter cited as Romney's Report to Kerner Commission), pp. 9–10, and see also p. 6, in box 319, George Romney Papers, Bentley Historical Library, University of Michigan, Ann Arbor, Mich. Third quote from *Capability Report*, p. 5650. *Capability Hearings*, pp. 5822–28, 6096–97; *Kerner Report*, pp. 285–86.

Intelligence

Observers viewed the Army's intelligence-gathering efforts during the Detroit disturbances in various, often contradictory ways. While one source claimed that Pentagon officials found the quality of information "poor" that they received from the 113th Military Intelligence Group, another asserted that information received by the Office of the Assistant Chief of Staff for Intelligence through the Intelligence Command and the FBI "was timely, frequent and adequate" to satisfy the Army Operations Center; to provide material for daily information briefs for the chief of staff; and to respond to special requests from the secretary of the Army, the Office of the Secretary of Defense, the Defense Intelligence Agency, and various departmental staff agencies. General Throckmorton thought that the 113th's emergency operations center did good work in supporting the task force, and his G-2 reported that "the 113th . . . responded readily and professionally to all requirements."¹⁹

Despite those endorsements, a lack of hard guidelines defining the kinds of intelligence necessary made accurate reporting difficult and sparked a number of criticisms. So did feeder reports from subordinate units that were often incomplete, erroneous, or even nonexistent. Meanwhile, the collection, processing, and dissemination of intelligence placed heavy burdens upon limited task force personnel. Particularly costly in terms of man-hours was a requirement for an updated intelligence summary every six hours. Given the nature of the situation and the number of persons available to do the work, a review every twelve hours would have been satisfactory until the situation stabilized, and a single report daily thereafter.²⁰

Those who received and used the information had other complaints. Reports of incidents sometimes failed to discriminate between genuine civil disorders and the sort of everyday incidents that occur in all large cities. The problems were made worse by lack of coordination between the Intelligence Command and XVIII Airborne Corps. The corps' intelligence section had deployed with General Throckmorton only because there were extra seats on his airplane. Its officers knew little about what was happening in Detroit and had to rely for information throughout much of the operation upon newspaper accounts and radio and television broadcasts that often featured sensations or exaggerated minor incidents. Eventually, the general staff obtained proper situation reports from the personnel of the 111th Military Intelligence Group at Fort Bragg, but, despite the presence at task force headquarters of a liaison officer from the 113th Military Intelligence Group, the problem was never satisfactorily resolved.²¹

A revealing special problem that can be viewed as an intelligence failure involved a lack of detailed standard maps of Detroit during the riot. The Army, the National Guard, and city and state police agencies all used different maps. Army units employed

¹⁹ First quote from Christopher H. Pyle, "Military Surveillance of Civilian Politics, 1967–1970" (Ph.D. diss., Columbia University, 1974. Ann Arbor, Mich.: University Microfilms, 1980), pp. 41–42. Third and second quotes from DA Task Group Final Rpt, CSM 67–316, pp. M-2-1 and M-2-2, respectively. Paul J. Scheips and Karl E. Cocke, *Army Operational and Intelligence Activities in Civil Disturbances Since 1957*, OCMH Study 73, rev. ed. (Washington, D.C.: Office of the Chief of Military History, April 1971), pp. 74–75, CMH.

²⁰ TF Detroit AAR, p. 25.

²¹ DA Task Group Final Rpt, CSM 67–316, pp. M-4, M-5, M-2-1; Pyle, "Military Surveillance of Civilian Politics," p. 42.

city maps distributed by various oil companies. The city police used at least two maps that differed from each other in scale and coverage. Command posts outside the area had a third set of maps that varied considerably from those in use in Detroit itself. Since the Army would presumably lack time to distribute standard maps in the course of future operations, a decision was made in the aftermath of the Detroit riot to assemble packets for the fifteen major cities most likely to experience disturbances. The Continental Army Command became responsible for the selection of maps. In early September 1967, as a result, intelligence, engineer, and mapping representatives agreed that American Automobile Association road maps and up-to-date commercial maps would be the only ones used. The maps and accompanying data were to be processed and printed by the Army Map Service.

Based on the Detroit experience, the Army's task group on civil disturbance preparedness recommended that the intelligence staff for a task force should be increased from eleven to twenty-one persons, including three counterintelligence special agents, or to twenty-five if aerial photography or aerial surveillance became necessary.²² The consensus seemed to be that a larger, better integrated staff would prepare fewer but more accurate reports whose content would be based less upon the news media and more upon accurate information obtained from firsthand observation of the community under threat.



BRIG. GEN. CHARLES P. STONE
(*Photograph taken in 1962.*)

National Guard Standards

Both Vance and Stone commented on the failure of National Guard units to meet Regular Army standards for appearance, bearing, and military discipline. Vance, Stone, and Throckmorton nonetheless asserted that the Guard had "improved markedly" in all areas once it gained experience and confidence and had been exposed to high standards of performance. Stone himself took pains to comment favorably on the morale of the guardsmen, noting that the men had never caused any disciplinary problems. Although he had personally seen policemen handle people roughly and use undue force, he said, guardsmen had not been involved. He suspected, as a result, that the Guard had been accused of brutality only because of its close cooperation with the police. Stone conceded that the regulars might have looked upon the guardsmen at first as inferior soldiers, but he appears to have underestimated the extent to which the guardsmen resented the denigration they received, not only from those troops but also from

²² TF Detroit AAR, p. 17; DA Task Group Final Rpt, CSM 67-316, pp. M-1-9-1, M-2-1, M-5, M-6-1, M-6-2.

the federal establishment and the press—a resentment, according to Vance, that “lingered in the minds of junior officers and many enlisted men” long after the riots had ended.²³

Overall, the Guard’s officers received far more criticism than the rank and file. Vance judged that “command and control down into the ranks were poor,” which was another way of making Stone’s point that through the afternoon of 28 July staff coordination had been poor and staff follow-up almost nonexistent. Guard commanders, Stone said, “spent most of the time in their command post as did their staffs and with few exceptions rarely circulated in their areas of responsibility.” When they finally got out and observed “the deficiencies that existed, many of them serious, improvement was noted in a short time.” Indeed, Stone thought that the improved command and control achieved under federalization was “one of the major accomplishments of Task Force DETROIT.” Both the troops and their officers had gone through a learning process, and all had improved quickly.²⁴

That being the case, Vance nevertheless noted that though the vast majority of Guard officers were “competent and dedicated men,” some were “substandard” and had to “be weeded out.” The task would not be easy, he acknowledged, and would “require the best efforts and skill of both the Department of Defense and . . . State authorities.” In testimony before the Hebert subcommittee, Vance added that the Army was ultimately to blame for the Guard’s condition. He therefore recommended a review by federal and state officials of the qualifications and performance of all Army and Air National Guard officers to ensure that they were fully qualified to discharge their responsibilities—a proposal endorsed by the Kerner Commission.²⁵

On 31 August 1967, as a result of the criticisms of the Guard, the chief of staff set up a board under the deputy commanding general of the U.S. Army Test and Evaluation Command, Brig. Gen. James F. Hollingsworth, to look into the leadership of both the National Guard and the Army Reserve. Inclusion of the Reserves was a political concession to avoid the appearance of focusing on the Guard. In the course of the study that followed, the Hollingsworth Board acknowledged that “the great majority [of National Guard officers] . . . are highly competent and dedicated professionals” but found that some who ought to have been relieved had in fact been retained because of favorable efficiency reports. It recommended that promotion standards and methods of identifying and eliminating unfit officers had to be revised and sharpened along with state programs of instruction for Army National Guard officer candidates.²⁶

Beyond the problems of the officer corps lay those of the enlisted personnel, particularly of their need for training, of which many guardsmen were aware. A survey of one unit that had operated in Detroit during the riot revealed that “only 11% [of the

²³ First quote from Vance Report, p. 51. Second quote from Paul Lowinger and Frida Huige, *The National Guard in the 1967 Detroit Uprising* (Detroit Department of Psychiatry of Wayne State University School of Medicine and the Lafayette Clinic, 1968), p. 5, and see also p. 4.

²⁴ First quote from Vance Report, p. 51. Second, third, and fourth quotes from Stone’s Report, in *Capability Hearings*, p. 5970, and see also pp. 5971–72.

²⁵ Quotes from Vance Report, p. 51. Vance’s Testimony, in *Capability Hearings*, pp. 6122–32; *Kerner Report*, p. 318.

²⁶ Quote from Dept of the Army, Hollingsworth Report: Review of ARNG Federal Recognition Standards and Procedures and Promotion Procedures for Reserve Component Officers, 2 vols., NGB Control Number 5214 (29 Dec 67), 1:II-9-3, and see also 1:S-2 to S-3, copy at MHI. There also appears to have been a companion report on the Air National Guard by a board called the Low Board, named for its president, Maj. Gen. Curtis P. Low, but the author was unable to locate a copy.

guardsmen] . . . felt well trained for a riot while 31% felt they had no training at all.” According to the after action report of the 46th Division, the Guard’s basic training guidance contained no specific authorization for riot control training. The division had been trained only in mob control, which was quite a different matter from the dispersed outbreaks of violence that had typified Detroit. For its part, the Michigan Air National Guard reported that it lacked sufficient training to operate as a ground unit with the Army, as it had in Detroit.

Vance and Stone believed that improved and expanded riot control training was essential for the National Guard, both Army and Air. Stone and Throckmorton, in particular, believed that more stress had to be laid upon the apprehension and handling of rioters, looters, and arsonists; on the handling of bystanders and nonrioters in disturbance zones; and on methods to seal off a troubled area and then slowly to reduce it in size by systematically searching out offenders and weapons until it was cleared.²⁷

What Was Right with the Army

Criticisms of Guard training were raised against a background of general satisfaction with the training of the regular forces, for which prime credit went to the Continental Army Command, whose regulations since 1964 had required all regular combat, support, and combat service support units with missions that entailed civil disturbance responsibilities to conduct training in riot control. Refresher training was also required to maintain proficiency. The Kerner Commission commended the Army “for the advanced status of its training,” while urging certain improvements, including advanced command and staff training for officers and selected noncommissioned officers in units assigned to civil disturbance duty.²⁸

Improvement continued in a system that already appeared to function well. One of the more significant developments that occurred shortly after the riot was publication by the 82d Airborne Division of a set of training guidelines to supplement the existing field manual and civil disturbance regulations. Emphasizing the need for restraint, the rules underlined the Army’s injunction to use minimum force by quoting an observation attributed to Thucydides that “of all manifestations of power, restraint impresses men most.” Restoring order in an American city, the guidelines declared, “is not combat in built-up areas.” Troops on patrol were not to load a magazine or chamber a round without specific instructions from their patrol leader. A troop commander avoided “the *actual use* of the bayonet” and never allowed a soldier to fire unless he had been fired upon and unless the source of the attack had been pinpointed. Automatic fire was never to be used, but, when a sniper’s location had been ascertained, “*single, aimed shots*” might be fired as necessary. The paratrooper helped his country by restoring order and by providing an atmosphere in which the rule of law

²⁷ Quote from Lowinger and Huige, *The National Guard in the 1967 Detroit Uprising*, p. 8. TF Detroit AAR, pp. 21, D1, D3, D8, F17; Vance Report, pp. 51–52; Stone’s Report, in *Capability Hearings*, pp. 5685–86; Msg, CGUSCONARC to DA (Attn: AOC), DAIN 314096, 111930Z Aug 67.

²⁸ Quote from *Kerner Report*, p. 280. *Riots, Civil and Criminal Disorders*, pt. 5, p. 1302; DA Task Group Final Rpt, CSM 67–316, p. H-6-1. The training regulation referred to was USCONARC Reg 350–1.

could prevail. The successful accomplishment of that mission with a minimum of force had to be recognized as one of great honor and benefit to the nation.²⁹

Army leaders felt that the reforms they undertook in the wake of Detroit were aimed simply at rounding out principles already established. Stone believed that “no new principles, doctrine or radically different techniques for handling civil disorders are required as a result of our experiences in Detroit,” but he favored a different emphasis on training, better use of weapons, more imaginative employment of well-known techniques, better leadership, and improved command and control. General Throckmorton recommended a substantial list of subjects for future riot training—the detection and apprehension of snipers, the use of chemical weapons, the control of ammunition, and the operation of a message center. Soldiers, he believed, must learn how to support local firemen and policemen, to patrol either mounted or on foot, to maintain fire discipline, to search and handle suspects, to use psychological warfare units, and to use infantry in combination with armor or armored personnel carriers. He also recommended revision of the 1964 Field Manual 19–15 to cover procedures for dealing with sniping, looting, and arson.³⁰ A subsequent Army study found the existing manual too general and short on practical training guidance for small unit leaders. Acting swiftly, in early 1968 the Army published a comprehensive new guide, Training Circular 19–3, for use until the field manual could be revised. Not long afterward, it issued a revised version of FM 19–15 that stressed practical considerations such as training guidance for small unit leaders over doctrinal generalities.³¹

Rebuilding the Guard

Improvements in National Guard training began almost immediately. On 27 July 1967, the Department of Defense instructed the Army to initiate a new training program for appropriate units of the Guard as quickly as possible. On 9 August General Ralph E. Haines, Jr., acting chief of staff, made a new interim training program mandatory for all Army National Guard units whose operational missions included civil disturbance duty. Maj. Gen. Winston P. Wilson, Chief, National Guard Bureau, transmitted Haines’ requirement to the various state adjutants general.

The new training program, published as an interim or temporary Army subject schedule with sixteen lesson plans, was to take precedence over other training until the end of September 1967. Ten plans provided for thirty-two hours of unit training. They embraced such topics as an introduction to civil disturbances; military leadership, responsibilities, and discipline; formations of various kinds; riot control agents and munitions; special considerations and recent lessons learned, including measures for dealing with sniping, looting, and the protection of fire

²⁹ Quotes from 82d Abn Div, *Control of Civil Disorders: Guidelines for Small-Unit Commanders and Troops* [1967] (bound with *Operations Report, Lessons Learned, Report 5–67; Civil Disorders, TF DETROIT*, 28 Sep 67), with first quote as rendered on p. iv, second quote on p. 6, fourth quote on p. 13, and third quote on p. 15, and see also p. 23. Compare the 82d’s reference to combat in cities with Stone’s surprising observation in his report, in *Capability Hearings*, p. 5685, that in Detroit “what was required more than riot control training was training in combat in cities.” Msg, CGUSCONARC to DA (Attn: AOC), DAIN 314096, 111930Z Aug 67.

³⁰ Quote from Stone’s Report, in *Capability Hearings*, p. 5967, see also following pages. TF Detroit AAR, pp. 19–21; Msg, CGUSCONARC to DA (Attn: AOC), DAIN 314096, 111930Z Aug 67.

³¹ DA Task Group Final Rpt, CSM 67–316, pp. H-1 and passim; Gardner, “Civil Disturbance Mission,” pp. 89–90; Army Subject Schedule 19–6, Control of Civil Disturbances, 21 Feb 68; DA FM 19–15, *Civil Disturbances and Disasters*, 25 Mar 68.

fighters; and unit field training. Six more lesson plans covered sixteen hours of command and staff training. The classes concentrated upon command responsibilities, legal aspects of riot control operations, the fundamentals of riot control operations with particular emphasis upon the graduated application of force, recent lessons learned, planning, and a practical command post exercise. In addition, National Guard officers were required to prepare or update their civil disturbance contingency plans to reflect the lessons of Detroit and other recent disturbances. An Army study later recommended that National Guard members take refresher courses after completing the mandatory interim training. As a precaution, although it recommended against the use of the U.S. Army Reserve in civil disturbances, the group also looked toward possible training of the same sort at a later date for units of that force.³²

Although the interim program seemed a step forward to many, it received serious criticism from some state adjutants general, midwestern governors, and the members of the Hebert subcommittee, all of whom considered it little more than a recycling of old approaches. The Kerner Commission, for one, recommended that the state adjutants general develop contingency plans with the help of their full-time staffs, rather than allow Guard personnel to carry on the task during their brief training periods. In actual practice, nonetheless, it appears that some of the planning had always been done at the state level, for each state headquarters contained a section that concentrated on civil defense but that also usually participated in preparations for civil disturbances. Whatever the case, the role of the states increased following Army liaison visits with state adjutants general that began in late August 1967. In the end, each state either reviewed its existing civil disturbance plan or published a new one.³³

Besides leadership and training, the use at Detroit of Guard units at half-strength or less in both personnel and equipment also raised concern, particularly on the part of Vance and the Hebert subcommittee. However, each saw the problem differently, the committee members fearing that the Guard might be reduced in strength. The forces in question were low-priority units of the 46th Infantry Division no longer funded by the federal government because a reorganization of the Guard, then in progress, had omitted them from the troop structure. To remedy the problem, Vance urged that the Army accelerate the reorganization so that all elements of the 46th would be equipped and manned at 90 percent strength.

Michigan, of course, was not the only state affected by the reorganization, which involved splitting some support-type battalions between different states. This led the Kerner Commission to recommend that the Department of Defense consider allocating units between states so as to ensure their individual needs for unified command and control in riot operations would be fully taken into account.³⁴

³² Haines' and Wilson's testimony before the Hebert subcommittee and their letters of 9 August 1967, enclosing an undated copy of Stone's report (with Haines letter), the interim subject schedule, and lesson plans, in *Capability Hearings*, pp. 5682–5750, 5753–55, 5765; DA Task Group Final Rpt, CSM 67–316, passim.

³³ *Kerner Report*, pp. 276–77, 280; *Capability Report*, pp. 5654–57, 5673; Gardner, "Civil Disturbance Mission," pp. 88–89.

³⁴ Vance Report, pp. 52–53; *Capability Hearings*, pp. 5869, 5872, 5906–08, 5921–25, 6095; *Kerner Report*, p. 276; *Annual Report, Chief, National Guard Bureau, Fiscal Year 1968*, p. 34. On reorganization of the Army National Guard of Maryland and Michigan, effective 21 January and 1 February 1968, respectively, see NGB, Reorganization Authority 6–68 (NG–AROT–1002–01–Maryland), 17 Jan 68, and 9–68 (NG–AROT–1002–01–Michigan), 19 Jan 68, sub: (in both cases) Reorganization of the Army National Guard, in Force Structure and Unit History Branch, CMH.

Cyrus Vance, among his other concerns, took a strong position on the need to enroll more blacks in the Guard. Since most of the Detroit rioters were blacks, he was concerned that the lack of “representative numbers of Negro personnel” in the ranks not only of the city and state police but also in the Guard had inhibited communication with the population of the riot area.

Indeed, the epithet “nigger” had rolled off the tongues of guardsmen during the riots as readily as it had issued from the mouths of Detroit’s police officers, who were not known for their tolerance of blacks despite the participation of many of them in intense courses on race relations during 1965 and 1966. Although there was no way to determine whether the substantial number of blacks among the regular troops in Detroit had contributed to the greater success of that force in maintaining law and order during the riot, Vance encountered a strong conviction among the city’s blacks that a greater degree of integration in the police force and in the National Guard would be of major importance in averting problems during future disorders. General Stone agreed. “We must launch a major campaign to attract qualified Negro youth into the National Guard,” he declared, “for units that have a reasonable number of Negroes assigned to them are more acceptable to the Negro community and can probably be more effective in dealing with other Negroes who are rioting.”³⁵

The situation was complicated by the fact that few blacks applied for membership in the Guard while young whites kept waiting lists so full that active recruiting for the Guard had been at a virtual standstill for at least three years. On 30 June 1967, as a result, only 127 blacks were enrolled in the Michigan Army National Guard with an assigned strength of 9,989 members, and blacks serving in the Michigan Air National Guard amounted to only 0.9 percent of that force. Nationwide, as of 31 December 1966, only 4,638 members of the 404,996-person Army National Guard were black, 1.15 percent of the total, even though every state had enrolled blacks except New Hampshire and North Dakota.³⁶

On 31 August 1967, the chief of staff of the Army established a board under Brig. Gen. Robert Williams, the assistant judge advocate general, to look into why so few blacks had joined the Army National Guard and the Army Reserve. Reporting on 16 October 1967, the board noted many reasons: apathy among blacks; failure to meet entrance standards; the distances that sometimes separated Guard armories, Army Reserve facilities, and unit locations from black population centers; and a marked decline in all recruiting as Reserve and Guard ranks filled with white volunteers evading increased Vietnam draft calls. Most military commanders and state adjutants general denied that racial discrimination was involved, but black leaders cited the problem as an important reason why their race was underrepresented on the Guard and in the Reserve.³⁷

³⁵ First quote from Vance Report, p. 52. Locke, *The Detroit Riot of 1967*, p. 146. Second quote from Fine, *Violence in the Model City*, p. 246, and see also pp. 11, 236–45. Vance’s Testimony, in *Capability Hearings*, pp. 6106–18. Third quote from Stone’s Report, in *Capability Hearings*, p. 5973.

³⁶ Ltr, Otto Kerner and John V. Lindsay to the President, 10 Aug 67, in *Kerner Report*, p. 318; Lowinger and Huige, *The National Guard in the 1967 Detroit Uprising*, pp. 3, 6, 18–19; David W. Jordan, “Civil Disturbance: A Case Study of Task Force Detroit, 1967,” in *Perspectives in Defense Management* (Washington, D.C.: Industrial College of the Armed Forces, August 1968), pp. 36 (where “total authorized strength of 9,857” should read “assigned strength of 9,989,” according to the Force Structure and Unit History Branch, CMH), 87.

³⁷ Report of the Board Appointed by Chief of Staff Memorandum 67–347 [on] Participation of Negroes in the Reserve Components of the Army, Report and Annexes, 2 vols. (16 Oct 67), and supplementing it, Report of the Board Appointed by Chief of Staff Memorandum 67–413, vol. 3 (1 Dec 67), NGB Control Number 52–12. Both in CS 000.5, RG 319, NARA.

After studying its findings, the Williams Board recommended a national rather than a state-by-state goal because some states had few blacks. The goal it suggested for the program was 11 percent countrywide, about the ratio of blacks to whites in the active Army at that time. The figure was to include blacks presently in the Guard and would be achieved in 3 percent annual increments until recruiters reached 11 percent in 1970. The program would require an active public affairs effort to convince young blacks that they would be welcome and would enjoy equal opportunity if they decided to enroll. The board cited the Civil Rights Act of 1964 as justification for the program—for aggressive affirmative action seemed a necessity if the Army was going to eliminate the effects of prior segregation in the Guard and the Reserve.³⁸

Following the board's guidelines, both the Army and the Air National Guards proposed plans to increase black participation, but the underrepresentation of blacks in both forces continued to be a problem. By 1970, when the Guard was supposed to have been 11 percent black, the National Guard Bureau could report only that "Negro participation . . . has remained at the same level for the past four years in spite of special programs." There matters stood through the following year, but in 1972 black participation began to rise. By 1978, 2.8 percent of the officers and 18.4 percent of the enlisted personnel in the Army National Guard (16.9 percent of the entire force) were black. The figures for the Air National Guard came to 1.5 percent and 6.9 percent, respectively, or 6.3 percent black participation for the entire Air National Guard.³⁹ The end of the Vietnam era, with its racial tensions and heavy white volunteering, saw the beginnings of a fully integrated National Guard.

Recommendations from the Hill

As those efforts began, both houses of Congress weighed in with their own views of the lessons to be learned from the riots. On the Senate side, the Permanent Subcommittee on Investigations of the Senate Committee on Government Operations, chaired by Senator John L. McClellan of Arkansas, held extensive hearings from November 1967 to August 1970 on the Detroit riot and other contemporary disturbances. Although the McClellan subcommittee never released a final report and made no formal recommendations, the testimony that it took over the next three years from individuals such as General Throckmorton, Governor Romney, Mayor Cavanagh, National Guard officers, and Detroit police officials would become an irreplaceable record of the riots providing a unique body of information to future researchers.⁴⁰

On the House side, the Hebert subcommittee issued a final report that underscored the generally adequate ability of the Guard to cope with civil disturbances and blamed that force's principal limitations on the Army. In the subcommittee's view, the service was not doing enough to secure communications equipment for the Guard and had denied it other categories of equipment necessary in civil disturbances—M1 rifles, bayonets with scab-

³⁸ Report of the Board Appointed by Chief of Staff Memorandum 67-347, 1:70.

³⁹ Quote from *Annual Report, Chief, National Guard Bureau, Fiscal Year 1970*, p. 18. Ibid., *Fiscal Year 1971*, p. 71; *Fiscal Year 1972*, p. 13; and *Fiscal Year 1978*, pp. 90-91.

⁴⁰ *Riots, Civil and Criminal Disorders*, pts. 5-7, on the Detroit riot. The McClellan subcommittee published two interim reports, but neither of them dealt with ghetto rioting.

bards, sniper rifles, bullhorns, searchlights, and concertina wire—on grounds that items of the sort had never been authorized in official tables of equipment. The subcommittee reported that the Army had agreed to provide the materials in question. In doing so, however, the subcommittee stressed that the federal government should bear the cost of riot control equipment rather than the states because the availability of the gear at the beginning of a riot would increase the efficiency of Guard units and reduce the need for federal intervention. In the same way, while the subcommittee welcomed accelerated training of the Guard, it judged the recently announced program inadequate for coping with arsonists, looters, and snipers and urged state and metropolitan areas to develop contingency plans to make prompt and effective use of the Guard in case of need.

The subcommittee's recommendations for the Army itself were few but cogent. The service should establish a permanent board of officers, drawn from both the regulars and the Guard, to supervise the development and testing of civil disturbance control measures and to conduct periodic review and revision of training directives. It should likewise direct all state adjutants general to prepare and exercise contingency plans that provided for the effective coordination of the Guard with state, county, and local forces and should ensure that all equipment necessary was authorized and available to units likely to be assigned to civil disturbance duty. Finally, the Army should fill promptly numerous existing vacancies for regular advisers to Guard units.⁴¹

The Army's Own Conclusions

On 4 August 1967, following the disestablishment of Task Force Detroit, the Army chief of staff established the Task Group on Army Preparedness in Civil Disturbance Matters. Chaired by Brig. Gen. John J. Hennessey from the Office of the Deputy Chief of Staff for Military Operations, the work of this task group was conducted largely by field grade officers and was probably the most comprehensive study of the Army's civil disturbance mission ever conducted. Hennessey's original mission was broad, encompassing both the Regular Army and the reserves. He and his officers were to examine the Army's role in civil disturbances to formulate conclusions on planning, legal arrangements, logistical training, doctrine, personnel, intelligence, and command and control, with each of these areas to be broken down into detailed subtopics. The chief of staff approved an impressive study outline on 16 August 1967 and then instructed the Hennessey group not only to recommend "changes in existing Army policy and procedures, as appropriate," but also to "serve as a committee to assure the adequacy and consistency of . . . [Department of the Army] responses to all immediate requirements regarding inquiries as to Army involvement in suppression of civil disorders."⁴²

From the beginning, the group concentrated upon action, not just study. By the time it completed what came to be known as the Hennessey Report, the service had already adopted a number of its recommendations and more were awaiting approval by higher authorities. Indeed, so well argued were its recommendations that within a week of receiving them the chief of staff ordered their complete implementation. The group went out

⁴¹ *Capability Report*, pp. 5672, 5673, 5674.

⁴² CSM 67–316, 4 Aug 67, sub: Army Preparedness in Civil Disturbance Matters, especially p. A-2 for quotes, in DA Task Group Final Rpt, CSM 67–316, tab A.

of existence in January 1968 but reappeared immediately as the Army Civil Disturbance Committee with Hennessey again as chairman. Its task was not only to monitor and supervise the actions taken on the basis of its recommendations, but also to serve as the Army's planning group in case either a civil disturbance or the threat of one occurred.⁴³

In all, the Hennessey group made more than sixty recommendations. Endorsing the Army's policy of keeping the reserves out of civil disturbances if at all possible, it suggested nonetheless that selected individuals or units from the reserves might contribute profitably to special tasks and urged legislation to that end. Whenever possible, as in Detroit, the task force commander and staff in a civil disturbance should be drawn from the same headquarters, and federal, state, and local command posts should be collocated to facilitate communication and coordination. In the same way, agreements should be forged quickly between the various jurisdictions involved in a disturbance to ensure the maintenance of some degree of military control over civil forces in the field. The task group concluded that, except in unusual circumstances, National Guard units should refrain from using annual active duty periods for riot control training in order to sustain their readiness for other missions. It added, however, that the Army should expedite arrangements for a special training course for active Army, National Guard, and local law enforcement personnel. This last proposal resulted in the establishment of a senior officer orientation course on civil disturbance policies and practices whose first class would convene in February 1968.

The group turned down a proposal to pre-position forces in certain cities in anticipation of civil disturbances since no one could predict where disorders might occur. Even so, the task group recommended the assignment of a military police battalion to Fort Meade, Maryland, as an additional force available for civil disturbance duty in nearby Washington, D.C., as well as elsewhere on the East Coast. The group found that materiel requirements in civil disturbances were generally satisfied by standard items of equipment. To meet two obvious needs, however, it proposed the development of sniper-location devices and improved radios.

A number of the committee's most important recommendations had to do with planning. The group urged, for example, that the Army devise an approach for dealing with the problems that would occur if several major civil disturbances arose simultaneously. In the same way, to further the planning process and to continue the preparation of city packets, it recommended that the service carry on with liaison visits to state and local governments. Meanwhile, the CINCSRIKE and Army Strike Command (ARSTRIKE) Operation Plans 563 (GARDEN PLOT)—the former providing for the movement of forces, the latter laying down broad operational guidance—were to be updated to reflect recent experiences with the application of force and revised to reflect logistical experiences. In a development of fundamental importance, the group also insisted that the Army approve a newly completed Army Civil Disturbance Plan, making the plan an integral part of its report.

The chief of staff approved outright virtually all of the group's conclusions and recommendations. Although he agreed that a task force's commander and staff should come from the same headquarters, he attempted to maintain maximum flexibility by specifying that the matter had to be considered on a case-by-case basis. In the same way, he approved the

⁴³ DA Task Group Final Rpt, CSM 67-316, pp. I-ii.

committee's recommendation dealing with the Guard's annual, active duty training but specified that the issue would have to be considered case by case and that the Guard's priority should continue to rest upon its combat and mobilization missions.⁴⁴

The Army's Civil Disturbance Plan

The Department of the Army Civil Disturbance Plan developed by the Hennessey task group was based on the possibility of simultaneous, large-scale urban upheavals that would require multiple federal troop interventions.⁴⁵ Although a natural outgrowth of earlier planning during 1963–1965, it was much more comprehensive and detailed. Its creators nicknamed the new plan GARDEN PLOT, a designation that had been in use since the Strike Command had chosen it a year earlier as a new code name for STEEP HILL. Adopted on 3 February 1968, the plan covered the active Army, National Guard forces in federal status, and the Guard's training and planning for commitment during a civil disturbance in either a state or a federal role. In short, it was to provide the basic guidance for civil disturbance planning at all levels.

The plan restated many of the lessons learned in past disorders. The basic assumptions were that civil disturbances might occur anywhere in the continental United States; that disturbances serious enough to require federal intervention could occur simultaneously in several geographic areas containing as many as fifteen major cities from coast to coast; and that the president would federalize National Guard forces in the areas involved, placing them in each case under the operational control of an Army task force commander. Under GARDEN PLOT, this commander was to be responsive to the instructions of a presidential representative and was to inform the Army chief of staff promptly of the instructions given and actions undertaken to carry them out. In summarizing the new planning arrangements for Secretary of Defense McNamara, Under Secretary of the Army David E. McGiffert explained that the presidential representative would exercise considerable influence over operations, although if he were appointed from civil life (as Cyrus Vance had been in Detroit) his role could be only advisory.

Upon the commitment of federal forces, the plan specified that the Army chief of staff would become the executive agent for the Joint Chiefs of Staff, that the Department of Justice would give advice and support, and that the Defense Supply Agency would provide materiel on the wholesale level. The Navy and Air Force would coordinate their civil disturbance planning with the Department of the Army, provide assistance to whatever degree their primary missions allowed, and make their installations available for civil disturbance operations. The Navy would also coordinate with the commander of the Continental Army Command on the preparation and employment of naval and Marine forces stationed near the objective area. The Air Force would meanwhile provide the Strike Command with airlift for moving its troops to and from those areas and, when needed, with aeromedical evacuation services. At the state level, the adjutants general were to prepare and coordinate local civil disturbance plans with Army area headquarters.

⁴⁴ For the task group's own summary of its work and for a list of all its conclusions and recommendations and their acceptance or nonacceptance by the chief of staff, see *ibid.*, tabs B, C.

⁴⁵ This section is based primarily upon the Department of the Army Civil Disturbance Plan, 3 Feb 68, as found in DA Task Group Final Rpt, CSM 67–316. Incl 7 to tab I, but it also draws upon Gardner, "Civil Disturbance Mission," pp. 97–99; Jean R. Moenk, USCONARC Participation in the Suppression of Civil Disturbances, April 1968 (Fort Monroe, Va.: Historical Branch, USCONARC, 1968), pp. 16–29, copy at CMH.

The plan made the Strike Command responsible for organizing and maintaining Army forces of up to division strength for possible assignment to the chief of staff during civil disturbances. A division was defined, for purposes of the plan, as two or more brigades with control and support elements. The Strike Command was also to move the forces to and from the objective areas, where the Army chief of staff would assume command. The Army element of the Strike Command and the Continental Army Command were responsible for training forces in riot control tactics, designating task force commanders, and providing task force headquarters. There were five task force headquarters in addition to the one provided by the Military District of Washington for use in the Washington, D.C., metropolitan area. Washington being a special case, the headquarters provided by MDW would be superseded in case of need by an XVIII Airborne Corps headquarters commanded by a lieutenant general. The five other designated headquarters, with the commanding general of the force that provided a given headquarters becoming its initial commander were as follows: III Corps, with priority of employment in the Fourth, Fifth, and Sixth Army areas; XVIII Airborne Corps, with priority in the First and Third Army areas and, under special arrangements, in the Washington, D.C., metropolitan area; and for use whenever circumstances might require, the 2d Armored Division; 5th Infantry Division; and 82d Airborne Division.

As in earlier planning, each continental army was to be ready to provide seven brigades of from 1,800 to 2,400 soldiers each, and every brigade was to have a company-size ready element with a strength of 150 to 200 prepared to move in six hours. Battalions, with a strength of from 600 to 800 troops each, were to be ready in twelve hours and brigades in twenty-four. Follow-on forces would move as required by the Army chief of staff. GARDEN PLOT spelled out the composition of brigade task force headquarters: Army aviation support, which was to have a helilift capacity for one company-size ready element for each continental army, and combat support and combat service support forces. The plan specified that "additional active armed forces stationed in the vicinity of objective areas may be employed as directed by the CofSA [Army chief of staff]."⁴⁶

In terms of numbers, GARDEN PLOT expected a minimum of 4,000 and a maximum of 25,000 troops to be employed in any single disturbance. With these troops, in addition to regular troops, the police and National Guard forces would be available in an objective area. Later, as planning continued, eight brigades and six provisional brigades were specified, not counting two more brigade-size forces in the Military District of Washington. Planners continued to add brigades or their equivalents until by April 1968 they had earmarked a total of eighteen for civil disturbance duty.

GARDEN PLOT required planning for the more than 120 target cities placed in four priority groups. The task force headquarters, which have been listed above, were to develop operational plans for the fifteen Priority I cities by 31 March 1968. These cities were Baltimore (Maryland), Chicago (Illinois), Cincinnati (Ohio), Cleveland (Ohio), Detroit, the District of Columbia, Kansas City (Missouri), Los Angeles (California), New Orleans, New York, Oakland, Philadelphia, Phoenix (Arizona), St. Louis (Missouri), and San Francisco (California).⁴⁷ Similarly, the continental armies were to develop concept-type operation plans for the remaining cities

⁴⁶ DA Civil Disturbance Plan, p. P-A-4, in DA Task Group Final Rpt, CSM 67-316, Incl 7 to tab I.

⁴⁷ See Army Maj. Cassius M. Dowell's listing of cities containing supposedly dangerous radicals who in the case of war or depression might foment urban insurrections, which he published in 1925, in the same year as the White Plans. See also Laurie and Cole, *Role of Federal Military Forces*, p. 252.

in Priority Groups II, III, and IV. The armies also were to develop support plans for all of the target cities. The Continental Army Command, which was responsible for the planning, accepted the existing XVIII Airborne Corps Operation Plan 563–1 (DRAGON WING) for Task Force Washington. The CINCSTRIKE Operation Plan 563, providing for the movement of forces, and the CINCSTRIKE and ARSTRIKE Operation Plans 563, providing broad operational guidance, were to be updated. Special liaison teams were to review state-level civil disturbance plans mandated by the Army following the Detroit riot and developed by the various National Guard headquarters across the country.

In addition, GARDEN PLOT provided, among other documents, a sample letter of instruction similar in content to previous directives of the sort. It could be used as a guide for planning and training and might also become the basis for the special letter of instruction that would have to be prepared for each disturbance that occurred. All active Army and National Guard troops were to be informed of the orders, and each soldier on civil disturbance duty was to receive a personal copy.

These instructions specified that the troops and their commanders were to apply only the minimum necessary force to prevent looting, apprehend offenders, and accomplish whatever other missions they received. Above all, they were “to avoid appearing as an invading, alien force.”⁴⁸ Gas and other riot control agents could be used at the discretion of the task force commander, who could delegate his authority to other commissioned officers, and, to counter sniper fire, these agents were to be the means of choice rather than small arms. The plan underscored the point by listing a broad array of suggested riot control chemicals and gases, launchers, dispensers, compressors, and masks.

Commanders might call for rifle fire when no other practical alternative remained, but expert marksmen were to be the ones to carry out the order, and they were to shoot to wound rather than to kill. In general, except in self-defense when lives were at stake, military personnel were never to load or fire their weapons without the personal authorization of an officer. Although the March 1968 edition of the field manual had authorized shotguns and .30-caliber machine guns, the latter for their “psychological effect,” the new plan’s logistical section listed a wide assortment of weapons and armaments but mentioned neither.⁴⁹

Overall, the troops were to conduct themselves in a manner that would bring credit to the Army. As far as circumstances permitted, they were to be courteous to civilians and were never intentionally to mistreat them or to damage their property unnecessarily. To that end, civilian officials were to make arrests whenever possible, and the news media were to have freedom of movement as long as their presence at the scene did nothing to impede the accomplishment of the military mission.

The commanding generals of the Continental Army Command and the Army Strike Command were to be responsible for providing enough communications personnel and equipment to meet command and control, administrative, and logistical needs during a given disturbance. Specially leased commercial and dedicated telephone lines would provide the primary links between the chief of staff of the Army, his personal liaison officer, and the Army task force commander, with radio as an alternative means of communica-

⁴⁸ DA Civil Disturbance Plan, p. P-C-7-1, in DA Task Group Final Rpt, CSM 67–316, Incl 7 to tab I.

⁴⁹ Compare *ibid.*, an. D, with FM 19–15, *Civil Disturbances and Disasters*, 25 Mar 68, pp. 7–8.

tion. In response to a recommendation of the Office of the Assistant Chief of Staff for Communications-Electronics, the plan provided for the pre-positioning of signal gear at selected locations around the country.

The plan also covered many routine subjects—strength accountability, casualty notification, personnel status reporting, troop replacements, the processing of evacuees, medical support, detention, and legal matters such as court-martial jurisdiction and the handling of claims. Public information during civil disturbances received particular attention. During the Detroit riot, Cyrus Vance had urged senior officials to hold regular news conferences to prevent the press from inflaming the situation by publishing sensational reports. In line with that advice and to keep military personnel informed both of what was happening and of their relationships with and responsibilities toward municipal authorities, the new plan specified that task force public affairs offices staffed by information personnel were to advise task force commanders, issue news releases, conduct press briefings, answer press queries, and serve in general as authoritative spokesmen during military operations.

In accordance with Cyrus Vance's suggestion after the Detroit riot, the CONARC was to prepare an information packet for the priority cities. Each packet would have maps with standard symbols; charts containing geographic, demographic, and governmental information; a recent five-year history of civil disturbances; and information on the status of policies governing special police riot control units and riot control equipment and training. Also to be included were the names, addresses, and the telephone numbers of federal, state, and municipal agencies and officials; the names of commercial firms, foreign agencies, clergymen, civil leaders, social workers, and labor leaders known for their work in group relations. Lists giving the locations of slums and possible trouble spots in each area were to be prepared and held separately along with unclassified intelligence summaries covering known "agitation groups" and their leaders. Finally, the packets would include an inventory of key facilities listing and describing airfields, troop assembly areas, potential helicopter landing zones, transportation terminals, key government buildings, arms and explosives factories where present, commercial fuel storage facilities exclusive of automobile service stations, and storage areas for arms and munitions. The finished packets were to be distributed to the Army Operations Center, the commands involved, and the adjutant generals of each of the states and the District of Columbia. By 4 April 1968, sixty-four packets were completed and thirty-two more were nearing completion.⁵⁰

Intelligence Planning and Collection

Earlier, when the Kerner Commission had recommended the assembly of background material on governors, mayors, chiefs of police, and civic leaders, the Army had held back, warning that such compilations would be politically explosive and unconstitutional.⁵¹ By the spring of 1968, however, few doubts remained. Past concerns about military intelligence activities directed at civilians had yielded to the atmosphere of crisis that had begun to pervade the United States as the 1960s drew to a close. Thus, when the Army task

⁵⁰ DA Civil Disturbance Plan, p. I-2-6, in DA Task Group Final Rpt, CSM 67-316, Incl 7 to tab I.

⁵¹ Msg, Johnson to McGiffert, 19 Jan 68, CS 000.5, tab A, Incl 2, COS General Correspondence files, RG 319, NARA.

group submitted its report in December 1967, it made a number of recommendations for improving intelligence about civil disturbances. An important result was an intelligence annex to GARDEN PLOT, which included guidance for preparing a plan for the Intelligence Command. That annex was particularly concerned with what it called dissident elements, those who were dissatisfied with the nation's policies on civil rights and the Vietnam War.

The existence of such elements, the annex warned, might provide a "preconditioned base" for violent attacks upon the social order that "could lead in time to a situation of true insurgency." Although no one organization seemed to control civil rights disturbances, the document warned that "meaningful degrees of subversive influence and organized control are distinct future possibilities." As for civil rights leaders, while most were acknowledged to be moderate and the majority of blacks to abhor violence, "a sufficient number . . . seem susceptible to the violent rallying cries of the militants to make [them] . . . dangerous to society." In an effort to support this judgment, the annex charged that the Progressive Labor Party had capitalized upon an incident in 1964 to spur blacks to violence in New York City, while another Marxist-Leninist group, the Revolutionary Action Movement, had conspired "to commit murder and . . . vandalism." The Student Nonviolent Coordinating Committee and particularly its chairman, H. Rap Brown, had worked to aggravate and prolong disorder. While no foreign direction of the antiwar and antidraft movements could be substantiated, activities of the sort supported "the stated objectives of foreign elements . . . detrimental" to the nation. A number of antiwar and antidraft leaders had "traveled to foreign countries, including Cuba, East Europe and North Vietnam to meet with Communist leaders," and therefore might be "either heavily influenced or . . . dominated by their foreign contacts." In turn, they might influence their supposedly naive followers.⁵²

It is clear from those remarks that the task group's recommendations and the intelligence annex to the new GARDEN PLOT were both influenced by the idea that subversive individuals and groups, very likely with foreign connections, were the principal causes of domestic disorders. Subscribers to that theory rejected the view that many disturbances were rooted in social and economic conflicts and occurred when unplanned incidents ignited pent-up antagonisms. They tended to assert instead, as members of the House Un-American Activities Committee did in a preliminary report issued on 2 August 1967, the day federal troops withdrew from Detroit, that no riots could have occurred over the previous several years without the connivance of "Communists or other subversive elements."⁵³

Many law enforcement and Army intelligence officials subscribed to the thesis, including Maj. Gen. William P. Yarborough, the assistant chief of staff for intelligence. According to the recollections of Milton B. Hyman of the Army's Office of the General Counsel, Yarborough and his associates "captured" the intelligence section of the report "and wrote it to suit themselves." A flamboyant figure known as Big Y because of the way he initialed his memorandums, the general believed that the Detroit riot was the result of a conspiracy. In assigning his analysts to work up a finding on the subject, he observed

⁵² DA Civil Disturbance Plan, an. B, especially pp. P-B-1, P-B-2 to P-B-3, for quotes, in DA Task Group Final Rpt, CSM 67-316, Incl 7 to tab I.

⁵³ Quote from Scheips and Cocke, Army Operational and Intelligence Activities in Civil Disturbances Since 1957, p. 76, citing the House Un-American Activities Committee (HUAC) report. *Kerner Report*, p. 89.

that once investigators had uncovered the backgrounds of persons involved in the riot they would find that those individuals “were tied in with each other [and] . . . trained in Havana or Peking or some damned place.” Having spent much of his career overseas, and evidently not understanding affairs at home, he found it difficult to believe that the outpouring of antiwar, antimilitary sentiment expressed during the march on the Pentagon in the fall of 1967 “could have occurred without skillful, behind-the-scenes leadership by Communists, financed and directed from abroad.”⁵⁴

There were, as might be expected, critics of this conspiratorial view of the riots held by Yarborough and others. The Kerner Commission completely disagreed with it, and senatorial critics, examining the intelligence annex to GARDEN PLOT a few years later, were unsparing in their criticism, viewing it as “an extraordinary document which reveals how thoroughly the Army misconceived the civil disorders of the later 1960s and its own role in them.” They complained that the annex emphasized “unnamed dissident groups” and made unsupported assertions and that its “lack of differentiation between lawful expressions of dissent and foreign controlled . . . activities characterizes the entire program.”⁵⁵

Given the circumstances, it is perhaps not surprising that belief in foreign involvement was also found at a much higher level than that of the assistant chief of staff for intelligence and the Army, for President Johnson himself harbored a fear of conspiracy, and his concern worked its way downward in the executive branch. At a high-level White House meeting with cabinet-level officials on 10 January 1968, for example, Attorney General Ramsey Clark explained that his agency had formed a small intelligence unit that would concentrate largely on black nationalist and similar domestic groups. Asserting that “every resource” was needed in this intelligence effort, he wanted the Department of Defense to screen the incoming information. General Harold K. Johnson later remarked that the meeting “was but one of several . . . at the White House where the Army was urged to take a greater role in civil disturbance [intelligence] collection effort.” Army General Counsel Robert Jordan made the same point, observing that proposals such as Clark’s gave “a high-level stamp of approval and recognition” to the Army’s collection of intelligence on civilians.⁵⁶

During 1967 and 1968, President Johnson and other high-level officials in his administration sponsored within the CIA, the FBI, and military intelligence organizations such

⁵⁴ First quote from MFR, Milton B. Hyman, Office of the General Counsel (OGC), DA, 23 Jan 71, sub: Army Civil Disturbance Intelligence Activities, in U.S. Congress, Senate, *Military Surveillance*, Hearings Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary on S. 2318, 93d Cong., 2d sess., 9, 10 April 1974 (hereafter cited as U.S. Congress, Senate, *Military Surveillance*), p. 302. Second quote from Pyle, “Military Surveillance of Civilian Politics,” p. 47. Third quote from Statement of Christopher H. Pyle, in U.S. Congress, Senate, *Federal Data Banks, Computers and the Bill of Rights*, Hearings Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, 92d Cong., 1st sess., 23, 24, and 25 February and 2, 3, 4, 9, 10, 11, 15, and 17 March 1971, pt. 1, p. 191.

⁵⁵ Quotes from U.S. Congress, Senate, *Military Surveillance of Civilian Politics*, A Report of the Subcommittee on Constitutional Rights, Committee on the Judiciary, 93d Cong., 1st sess., 1973, pp. 34–36. *Kerner Report*, p. 89.

⁵⁶ First quote from Memo, Robert Jordan, Actg Gen Counsel, DA, for Under Secy of the Army, 10 Jan 68, sub: Civil Disturbances Planning Meeting in Mr. Califano’s Office, CS 000.5 (14 thru 16), in Background Papers for the Role of Federal Forces in Civil Disturbances, 1945–1971, RG 319, NARA. Second quote from “Improper Surveillance of Private Citizens by the Military,” in U.S. Congress, Senate, *Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans*, Final Report of the Select Committee To Study Governmental Operations with Respect to Intelligence Activities, 94th Cong., 2d sess., 1976, S.R. 94–755, bk. 3, p. 797. Third quote from Memo, Jordan for Secy of the Army and Under Secy of the Army, n.d., in U.S. Congress, Senate, *Military Surveillance*, p. 289.

as the National Security Agency an array of extraordinary, clandestine, highly questionable, and, in some cases, plainly illegal inquiries designed to prove that their fears were justified. Involving wiretaps, physical surveillance, covert monitoring and opening of mail, examination of tax data, unauthorized entry, and the copying of much of the cable traffic transmitted abroad by American citizens and corporations, those efforts amassed data on hundreds of thousands of unoffending Americans of all political persuasions into thousands of computerized lists and files. This was done by means of collection programs, or projects with such strange-sounding names as CHAOS, HTLINGUAL, RESISTANCE, MERRIMAC, SHAMROCK, and MINARET. Since Johnson's successor, President Richard M. Nixon, also suspected conspiracies, some of those investigations continued for years beyond any putative usefulness they might have had. Repeated findings, particularly by the Central Intelligence Agency, that no significant foreign meddling in domestic disorders had occurred were time and again greeted with disbelief and appear to have led mainly to renewed demands for further inquiry.⁵⁷

This major exception notwithstanding, the efforts of the Army's leaders to derive useful lessons from the disorders of the time led mainly to rational conclusions sensitive to both civil liberties and the problems that troops would encounter during future disturbances on the streets of America's great cities. This was fortunate, for as early as the fall of 1967 following the Detroit riot, the conflict over national policy in Vietnam would come to a head, while both the civil rights movement and the backlash against it were about to enter a new, more violent phase.

⁵⁷ "CIA Intelligence Collection about Americans: CHAOS and the Office of Security," in *Supplementary Detailed Staff Reports on Intelligence Activities* . . . , bk. 3, pp. 681, 721–23; "Domestic CIA and FBI Mail Opening Programs," in *ibid.*, bk. 3, pp. 559–677; "National Security Agency Surveillance Affecting Americans," in *ibid.*, bk. 3, pp. 735ff. *Report to the President by the Commission on CIA Activities Within the United States* (New York: Manor Books, 1975), pp. 101–15, 130–59; Memo, Van Tussell for Under Secy of the Army, 5 Dec 67, sub: Intelligence Assessment, 1967 Civil Disturbances, OSA 370.6 (FW 5–4–67), RG 319, NARA; Frank J. Donner, *The Age of Surveillance: The Aims and Methods of America's Political Intelligence System* (New York: Alfred A. Knopf, 1980), pp. 259–61, 270–78; Richard E. Morgan, *Domestic Intelligence: Monitoring Dissent in America* (Austin: University of Texas Press, 1980), pp. 68–69, 72; Pyle, "Military Surveillance of Civilian Politics," pp. 47–52; Athan Theoharis, *Spying on Americans: Political Surveillance from Hoover to the Huston Plan* (Philadelphia: Temple University Press, 1978), pp. 120, 121–22.

CHAPTER 9

The March on the Pentagon

The premise of our Constitution is that we are a strong nation and a sturdy people—strong enough and sturdy enough to permit this demonstration in these times.

—Deputy Attorney General Warren Christopher, 1967.

The riots in Newark and Detroit raised concern during the summer of 1967 that similar problems might occur in Washington, D.C. The nation's capital was a natural target for the civil rights movement, but that was only part of it. A vigorous antiwar movement had developed across the United States in response to the Vietnam War, and its leaders were planning to hold a major demonstration in Washington during the fall. The possibility that racial and antiwar disturbances might occur at the same time seemed all too real.

Misgivings deepened when trouble erupted in Cambridge, a town on Maryland's eastern shore, following an inflammatory speech on 24 July in which the radical chairman of the Student Nonviolent Coordinating Committee, H. Rap Brown, assailed President Lyndon Baines Johnson for sending "honky, cracker federal troops . . . to kill black people." Shortly thereafter, Brown called for "more shooting and looting" at a rally in Washington, D.C., if the city failed to pass muster on the issue of race. Violence, he declared, was not only necessary but also "as American as cherry pie."¹

The approaching antiwar demonstration also demanded attention, but the conceptions behind it were much more familiar to Americans than the violence Brown's fervid rhetoric advocated. The United States had known dissent in all its wars, and up until the end of World War II, when the Cold War had begun, its people had practiced a generalized antimilitarism that considered opposition to large standing armies the norm.² The movement drew strength from a loose coalition of internationalists and radical pacifists that had begun to work for disarmament and a negotiated end to international tensions during the 1950s. Centered on the fear of nuclear war and nuclear fallout, that effort had led to the organization of

¹ Quotes from Price, *Civil Rights, Volume 2, 1967–68*, p. 40, and see also pp. 38–39. See also "Brown Tells Negroes To 'Shoot, Loot,'" *Washington Post*, 28 Jul 67; The Anti-Vietnam War Demonstration at Washington, D.C., 21–22 October 1967: After Action Report, 1st version (DA, ODCSOPS, 7 Nov 67), pp. 1–2, in Historian's files, CMH. Hereafter cited as Anti-Vietnam War Demonstration AAR, 1st version. The narrative content in this and other early drafts of the after action report, which is not contained in the officially approved report, makes it more useful in some respects than the final product.

² Samuel Eliot Morison, Frederick Merk, and Frank Freidel, *Dissent in Three American Wars* (Cambridge, Mass.: Harvard University Press, 1970); Robert W. Coakley, Paul J. Scheips, and Emma J. Portuondo, *Antiwar and Antimilitary Activities in the United States, 1846–1954*, OCMH Study (Washington, D.C.: Office of the Chief of Military History, 1970), CMH.



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such groups as the National Committee for a Sane Nuclear Policy in 1957 and Women Strike for Peace in 1961. In that light, it was understandable, as the undeclared war in Vietnam lengthened, that many within those circles would come to view the conflict as illegal, immoral, and not in the national interest.³

Although organized opposition to the war developed separately from the civil rights movement, the two endeavors were still related. The effort to achieve equal rights had taken momentum at its outset from the exertions of black pacifists such as Bayard Rustin, and even Brown's biracial Student Nonviolent Coordinating Committee, as its name signified, had an element of pacifism in its beginnings. Indeed, the civil rights and antiwar movements were much intertwined through leaders, organizations, and a philosophy shaped by religious and secular pacifism. The leaders of the civil rights movement and the organizations they directed, however, were slow to commit formally to the antiwar cause because they feared the loss of government support if they formally endorsed opposition to U.S. foreign policy. This was true of Martin Luther King, Jr., despite his having received the Nobel Peace Prize in 1964 because of his pursuit of nonviolence in the conflict over civil rights.

Much of the antiwar movement's energy derived from its appeal to whites, especially white students on American campuses. In some cases, their involvement in the effort even

³ Paul J. Scheips, "On the Study of War and Peace: Some Remarks in Memory of Quincy Wright, 1890–1970," *Maryland Historian* 2 (Fall 1971): 109–10, 115; Charles DeBenedetti and Charles Chatfield, *An American Ordeal: The Antiwar Movement of the Vietnam Era*, Syracuse Studies on Peace and Conflict Resolution (Syracuse, N.Y.: Syracuse University Press, 1990), pp. 403–04; Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977), pp. 97–101, 188–96, 299–303, 309–15.

predated the American intervention in Vietnam. On 16 and 17 February 1962, for example, over 4,000 college students had assembled in Washington under the sponsorship of several pacifist organizations to protest atmospheric nuclear testing and to urge a policy of conciliation upon the government. In that year—the same one that saw racial rioting at the University of Mississippi and the Cuban missile crisis—delegates meeting in Port Huron, Michigan, transformed the student branch of the League for Industrial Democracy, which Norman Thomas and James Farmer had helped to organize in 1960, into the far more active (and, after 1965, wholly independent) Students for a Democratic Society (SDS). With issuance in 1962 of “The Port Huron Statement,” largely drafted by Thomas E. Hayden, a recent graduate of the University of Michigan and briefly an SNCC worker in the South, the SDS launched what it called a “great experiment in democratic idealism” seeking fundamental reform, justice at home, and peace abroad, through “participatory democracy.”

Given its broad aims, the SDS was not a peace organization as such but a major component of the New Left and for a time a participant in both the antiwar and civil rights movements. The Port Huron Statement animated some of the most prominent activists in both efforts and inspired many of the idealists involved in the protests that were to shake America several years later. Although the SDS continued to grow, claiming some 100,000 members by 1968, it collapsed in 1969, thanks to a radical takeover that left a rump led by a violent faction calling itself the Weathermen. But in the mid-1960s, that unhappy outcome lay in the future.⁴

With President Johnson’s decision to escalate the Vietnam War in February 1965, antiwar dissent, particularly among students, gained momentum. Teach-ins—protest lectures on the war modeled on the so-called sit-ins adopted by civil rights activists to integrate lunchrooms and other segregated businesses—became a widely publicized feature of campus antiwar dissent. The first was held at the University of Michigan in Ann Arbor in May 1965, with 3,000 students and faculty participating. By the end of the school year teach-ins had occurred in over 120 schools, including one at the University of California at Berkeley that brought out some 30,000 persons. At the time, polls suggested that most students, like most adults, supported the war by a wide margin. But in April 1965 some 20,000 mostly young persons demonstrated peacefully in the nation’s capital, signaling that the peace movement had taken on a new dimension.

Meanwhile, opposition to the draft increased. Some draft resisters emigrated to Canada while others burned their draft cards, provoking legislation in 1965 that made the act a crime. Two persons burned themselves to death to protest the war, one, 32-year-old Norman R. Morrison, in front of the Pentagon. Although few cared to follow those examples, antiwar protests became frequent for a time and so “largely spontaneous” as DeBenedetti and Chatfield write, as to be “reminiscent of the early civil rights movement.”

During the so-called International Days of Protest on 15 and 16 October 1965, from 70,000 to 100,000 persons, according to some estimates, demonstrated against the war in dozens of cities, not only in the United States but also elsewhere in the world. The idea for those simultaneous demonstrations came from the student-dominated Berkeley Vietnam Day Committee, in which activist Jerry Rubin played a major role. The planning, however, was

⁴ For the founding, personalities, and history of the SDS, see Thomas E. Hayden, *Reunion: A Memoir* (New York: Random House, 1988), and James Miller, “*Democracy Is in the Streets*”: *From Port Huron to the Siege of Chicago* (New York: Simon and Schuster, 1987), pp. 13–18, 123–25, and passim.

the responsibility of the National Coordinating Committee to End the War in Vietnam (NCC) headquartered near the campus of the University of Wisconsin at Madison.

Having attempted to stop troop trains in California in August, the VDC sponsored a teach-in on 15 October followed by a march of thousands of students to the Oakland Army Terminal, an important staging point for troops embarking for Vietnam. The demonstrators were turned back by 400 Oakland police in riot helmets. The next day, a smaller VDC march encountered not only police from both Oakland and Berkeley but also members of the Hell's Angels motorcycle gang who swung to the attack shouting "America for the Americans."⁵

Clearly, tempers were growing short. Despite the venerable record of American antiwar protests, the new organizations, their innovative methods, and the fact that a domestic upheaval over civil rights was already in progress set the antiwar protests of the 1960s off from their antecedents, making them disagreeable and frightening to many Americans. Yet for all of that, the demonstrations themselves continued by and large to be peaceful. On 27 November 1965, the National Committee for a Sane Nuclear Policy sponsored a march on Washington to urge a cease-fire in Vietnam, a halt to U.S. bombing, and negotiations. Among the more than 30,000 participants were members of the NCC and SDS. Beyond a few extremists who shouted, "Hey, hey, LBJ, how many kids did you kill today?" (perhaps the first time this slogan was heard), the march was altogether peaceful and polite.

The protests continued into 1966, which also saw a split between moderates and radicals in the civil rights movement over black power. That rift had implications for the antiwar movement as well, but despite the growing influence of radicals, public support for the cause continued to grow. When a second series of demonstrations labeled International Days of Protest occurred during the latter part of March, they drew many more participants than the first and involved more than eighty cities across the United States and around the world.⁶

The Military and the Protesters

No antiwar demonstration had yet resulted in the use of federal troops, and only one had involved state forces—a protest by SDS members in November 1966 at Van Nuys, California, against the shipment of military cargo to Vietnam from an Air National Guard base there. About thirty demonstrators had arrived at the base, wearing black armbands and bearing signs declaring, "Would Napalm Convert You to Democracy?" and "Stop the War Machine." They were greeted by forty-six air guardsmen. When the demonstrators blocked the main gate, the guardsmen carried some of them to a waiting police van while the others dispersed.⁷

⁵ Press reports of these events are summarized in *Facts on File Yearbook*, 1965, 25:369–70, 401–02. Discrepancies in the various figures given for such demonstrations are always a problem.

⁶ Except as otherwise documented, the above brief account of the antiwar movement is based on the following two excellent complementary histories: DeBenedetti and Chatfield, *An American Ordeal*, pp. 1–196, 199, and Fred Halstead, *Out Now!: A Participant's Account of the American Movement Against the Vietnam War* (New York: Monad Press, 1978), pp. 1–286, 341–56, 367. For a useful analysis of the antiwar protest during the Vietnam War, rather than a historical account, see Jerome H. Skolnick et al., *The Politics of Protest: Violent Aspects of Protest and Confrontation* (Washington, D.C.: Government Printing Office, 1969), pp. 21–61.

⁷ *Facts on File Yearbook*, 1966, 26:220–21, 301–02; Paul J. Scheips, *Use of Troops in Civil Disturbances Since World War II*, Supplement I (1966), OCMH Study 107, rev. ed. (Washington, D.C.: U.S. Army Center of Military History, 1973), pp. 134–36, 138, CMH.

Individual members of the military sometimes joined protests. Lt. Henry Howe of Fort Bliss, for example, participated in a peace demonstration at El Paso, Texas, in November 1965, displaying a sign that urged "End Johnson's Facist [*sic*] Aggression." At least two cases of military opposition to the war on grounds of conscience occurred during 1966. In one, three soldiers at Fort Hood in June 1966 refused orders for Vietnam on grounds that the war was both immoral and illegal. In the other, Capt. Howard Levy, an Army doctor at Fort Jackson, South Carolina, refused to train Special Forces soldiers for service in Vietnam. That case received heavy publicity in the news media. During the Detroit riot in 1967, apparently inspired by the Black Power movement, two black marines at Camp Pendleton, California, asked why blacks should have to fight in a white man's war. Following court-martial, Howe, Levy, and the others all went to prison.⁸

As the tempo of antiwar activity quickened, national coalitions came into being to sponsor major demonstrations during the spring of 1967 in New York City and San Francisco. The black and antiwar protest movements drew closer when Martin Luther King, Jr., decided to take an active role in both. Convinced that he had to oppose the war as a practical and moral necessity, he became a cochairman of an organization called Clergy and Laity Concerned About Vietnam and began to speak out, first in Los Angeles during February, then in Chicago during March and in New York City in early April. His Chicago address followed a march of 5,000 downtown, which he led along with Benjamin Spock. It was the first time he had marched against the war. In New York, King's address was restrained in tone. It ended with a plea for the United States to stop the bombing of North Vietnam.⁹

By that time, internal divisions were beginning to appear between moderates who objected to the war but supported the nation's social and economic system and radicals who used the excitement to push their own agendas for social change. Even so—and despite the accompaniment of sometimes intemperate language—the marches remained peaceful. In San Francisco on 15 April 1967, for example, demonstrators marched down Market Street to Kezar Stadium in the rain to protest the war with speeches and music. Anticipating trouble that did not develop, the National Guard coordinated a plan with the police department to use troops if necessary. The Guard supplied liaison officers and radio communication to the police along with three helicopters manned by officers and enlisted men of the 49th Aviation Battalion to maintain aerial surveillance of the parade route. In May the Vermont National Guard assembled fifty guardsmen at a local armory in case trouble developed during another student antiwar protest, but again military force proved unnecessary.¹⁰

The Johnson administration viewed the antiwar movement with increasing concern, arguing that it encouraged Communist forces in Vietnam. General William C. Westmoreland, the U.S. commander there, repeated that charge during a speech to the Associated Press Managing Editors association in late April, angering those who opposed the war, including Senators J. William Fulbright of Arkansas and George S. McGovern of

⁸ David Cortright, *Soldiers in Revolt: The American Military Today* (Garden City, N.Y.: Anchor Press/Doubleday, 1975), pp. xiii–xiv, 52. The organized antiwar movement gave particular attention to the case of the Fort Hood soldiers. On this topic, see Halstead, *Out Now!* pp. 167–86, 234, 299–302.

⁹ Garrow, *Bearing the Cross*, pp. 438, 542–57.

¹⁰ Paul J. Scheips and M. Warner Stark, *Use of Troops in Civil Disturbances Since World War II*, Supplement II (1967), OCMH Study 75(II) (Washington, D.C.: Office of the Chief of Military History, January 1974), pp. 13–14, 23, 193–94, CMH; *Facts on File Yearbook*, 1967, 27:121–22.

South Dakota, who believed that the administration was attempting to equate dissent with treason. Undeterred, some 600 members of an antiwar organization known as the Student Mobilization Committee assembled in Chicago during May to call for a march on Washington during October. Taking up the idea, a conference of a more representative but closely associated group, the Spring Mobilization Committee, led to changing the group's name to the National Mobilization Committee to End the War in Vietnam (the Mobe) and to an agreement to sponsor a mass protest in the nation's capital on 21 October.¹¹

Meanwhile, draft resisters in the San Francisco Bay area, including students from Berkeley, SDS members (including some radicals), and pacifists, formed the Stop-the-Draft Week Committee to organize protests at the Oakland Armed Forces Examination and Entrance Station. In response, state and local authorities pooled their information and prepared to use guardsmen if that became necessary. The California National Guard's plans called for the assignment of liaison personnel to the Oakland police department's emergency operations center and for the use of the Alameda Naval Station, the Oakland Army Terminal, and the Exposition Building as staging areas. The induction center also prepared a counterdemonstration plan. It looked toward the use not only of General Services Administration guards, U.S. marshals, and the Oakland police department but also of active duty troops from the Sixth Army.

The protests began on 16 October with approximately 1,100 demonstrators congregating at the Oakland induction center, where the police took some 120 into custody. On the following day nonviolence gave way to mob action when from 3,000 to 4,000 demonstrators clashed with the police in an attempt to close the induction center by blocking its entrances. Nearly 300 persons were arrested. Two policemen suffered injuries along with thirty-five protesters. Two days of relative quiet followed, but then, on 20 October, from 6,000 or more (perhaps as many as 10,000) demonstrators squared off against 2,000 Bay Area policemen. The violence spread from the center into a twenty-block area in Oakland. In anticipation of trouble, the Guard had that morning ordered twenty-one key personnel of the 49th Infantry Brigade, the 159th Infantry, and the 184th Infantry to active duty at their armories and had alerted several companies. As matters turned out, the local police, with help from the police of nearby cities, under a mutual agreement, were able to contain the violence with the aid of only California state police.¹²

As the protest in the Bay Area continued, antiwar demonstrations broke out in many cities across the country, including Chicago, Boston, Philadelphia, Cincinnati, Ithaca, and New York City. At the University of Wisconsin, Madison, students protesting the institution's war-related contracts and on-campus recruiting by the Dow Chemical Corporation embarked on a serious confrontation with police that left sixty persons

¹¹ William M. Hammond, *Public Affairs: The Military and the Media, 1962–1968*, United States Army in Vietnam (Washington, D.C.: U.S. Army Center of Military History, 1988), pp. 287–90; Halstead, *Out Now!* pp. 298–99, 302–08.

¹² For intelligence summaries dealing with the plans of the peace groups, the Oakland plans, and the operational planning of the California National Guard, see its AAR, Oakland "Stop the Draft Week" 15–23 October 1967 (Sacramento, Calif., 8 Nov 67), Historian's files, CMH. Events in Oakland are summarized in Scheips and Stark, *Use of Troops in Civil Disturbances Since World War II*, Supplement II (1967), 1974 update, pp. 153–60, 199, and in *Facts on File Yearbook*, 1967, 27:442.

injured. Counterdemonstrations supported U.S. fighting men in Vietnam, underscoring increasingly sharp divisions within the American public.

Despite all the activity, the October march on Washington received the most national attention. Organizing what had become a two-day demonstration slated for 21 and 22 October, the Mobe billed it as the greatest antiwar protest in history and chose a 28 August press conference at the Overseas Press Club in New York to call upon all citizens opposed to the war to come to Washington to block the entrances of the Pentagon. The group's chairman, David Dellinger, added that no government building would be immune. Among those at the press conference were Lincoln Lynch of the Congress of Racial Equality; H. Rap Brown of SNCC; Amy Swerdlow of Women Strike for Peace; Dick Gregory, the black entertainer; and Jerry Rubin, by then not only the chairman of the Berkeley Vietnam Day Committee, but also the militant project director for the march on the Pentagon. The SDS, in line with its growing contempt for liberalism in politics, gave only lukewarm support.

If the Mobe was broadly representative of the protest movement, however, that very fact made its membership a mixed lot. The march's coordinators had thus somehow to unite, as David Dellinger put it, "Ghandi and Guerrilla"—protesters who sought merely to register their opposition to the war with radicals who aimed at asserting the so-called power of the people by transforming expressions of free speech into acts of disruption that mirrored their slogan, "From Protest to Resistance."¹³

For the nation's leaders and the Army, the march on the Pentagon and the movement it symbolized represented challenges different from both the civil rights upheavals of the past and the urban rioting they had just experienced. Aware that some of the protesters considered the military the enemy, they had not only to weigh carefully whether peaceful protest or violent reaction would prevail, but also to consider the possibility that the racial disturbance H. Rap Brown had advocated might at last occur in Washington, D.C. Brown had, after all, been part of the group that announced the march at the Overseas Press Club.

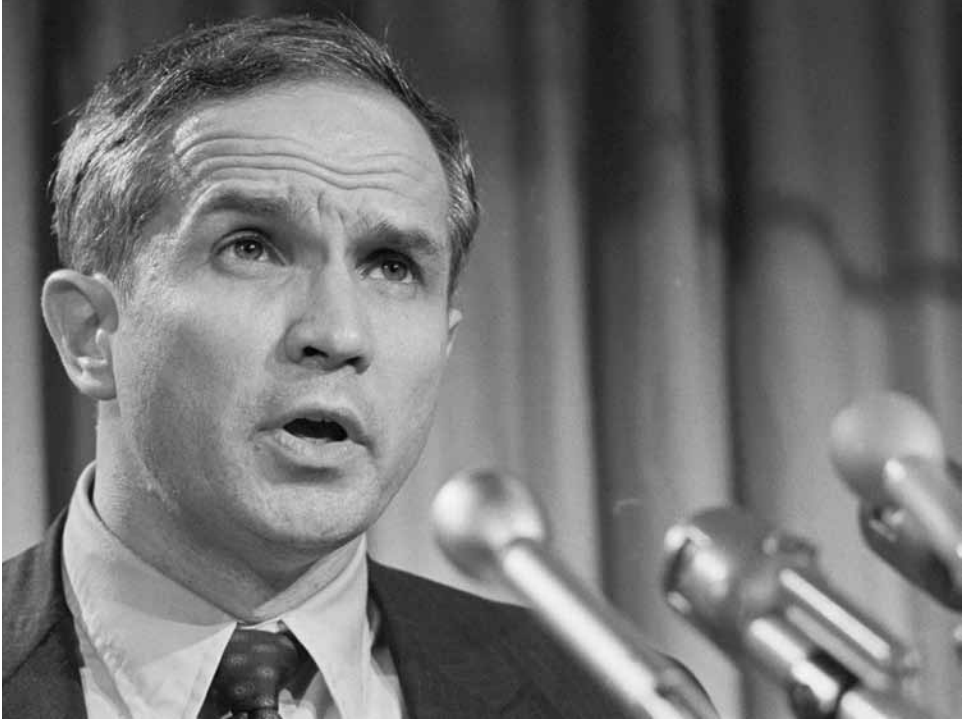
Plans and Preparations

With a major demonstration certain and possibly a racial disturbance at the same time, the nation's leaders made plans. Although the General Services Administration was responsible for security at the Pentagon, troops would have to come from the Army. Accordingly, what may have been the first official meeting on the protest took place in the Office of the Deputy Chief of Staff for Military Operations on 5 September. On the following day, the director of operations, Brig. Gen. Harris W. Hollis, asked military intelligence to intensify its efforts to ascertain the plans of the Mobe. On 7 September Hollis initiated discussions with the Military District of Washington, which would play a central role in whatever transpired.¹⁴

The preparations that followed proceeded apace throughout September, down to the actual date of the demonstration. With Attorney General Ramsey Clark responsible for coordinating the entire effort largely through Deputy Attorney General Warren Christopher,

¹³ *Facts on File Yearbook*, 1967, 27:441–43.

¹⁴ Anti-Vietnam War Demonstration AAR, 1st version, pp. 7, 11; Memo, Brig Gen Harris W. Hollis for Secy of the Army (thru CofSA), 12 Sep 67, sub: Anti-Vietnam Demonstrations Planned for 21 October 1967, in Anti-Vietnam War Demonstration at the Pentagon, 21 & 22 October 1967, Chronological file, 4 vols., covering 12 Sep to 27 Oct 67, vol. 1, Historian's files, CMH.



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the Department of Justice took a major part in the planning. Other concerned agencies such as the Department of Defense, the Departments of the Navy and of the Air Force, the General Services Administration, and the government of the District of Columbia also participated, as did both the state of Virginia and Arlington County, Virginia, since they had jurisdiction over the roads that approached the Pentagon. Under Secretary of the Army David E. McGiffert chaired the planning task force, with Acting General Counsel of the Army Robert E. Jordan III, serving as staff director. General Hollis was the principal member from the Army Staff.¹⁵

Four key areas concerned the group: the legal situation, the points the government would seek to win during negotiations over a permit to authorize the demonstration, the arrangements government agencies would make to cope with any concurrent racial disturbance, and the steps the Army and the local police would take to protect the Pentagon itself. The legal questions were complex. The government might seek to deny the demonstrators access to the Pentagon grounds, but that would be difficult to defend under the Constitution

¹⁵ Memo, Secy of Defense Robert S. McNamara for Secy of the Army, 26 Sep 67, sub: Demonstrations Planned at Pentagon for 21–22 October 1967; Memo, McGiffert for CofSA, 22 Sep 67, sub: Anti-Vietnam Demonstrations Planned at Pentagon for 21–22 October 1967 (w/typed endorsement stating that the Army chief of staff had approved Hollis as the principal Army Staff representative). Copies are in Pentagon Demonstration (PD) files, Office of the General Counsel (OGC), DA (among documents made available to CMH by Bland West, then deputy general counsel, DA), and in Chronological file, vol. 1, Historian's files, CMH.

if the protest did nothing to disrupt work within the building. In any case, the Department of Justice opposed blanket court orders banning demonstrations on federal property and favored granting a permit for the demonstration because anything else would probably provoke the very disturbances the government wanted to avoid.¹⁶

Another possibility may have been discussed at a cabinet meeting on 12 September. The government might seek an injunction restraining any but a peaceful and orderly demonstration. Although government lawyers disagreed on whether the courts would consider the step appropriate in advance of trouble, precedents for an order of the sort did exist. In the *Debs* case at the time of the Pullman strike, an injunction had been granted to protect federal property and functions. In addition, the government had obtained an injunction in Alabama in 1961 to protect the civil rights of freedom riders from interference by the Ku Klux Klan. As a practical matter, that course of action would also provide a legal basis for the use of troops. The problem was, how could government lawyers phrase the request without seeming to seek restraint of the constitutionally guaranteed right to petition, not to mention the rights of free speech and assembly?

Concurrent with an injunction, three additional courses of action were possible. The government could initiate legislation to amend Title 18, *U.S. Code*, Section 1382, which made it a criminal act to enter, or reenter after removal, any military or Coast Guard reservation or other Defense Department facility. The amendment would apply the law to the Pentagon explicitly and to all other defense buildings under responsibility of the General Services Administration, including properties leased for defense purposes. Another possible course of action would have the General Services Administration amend its own regulations to limit the size of gatherings on the Pentagon grounds. Such a step, however, might provoke adverse publicity and kindle protests against official harassment.¹⁷

A third course—the use of either active Army forces or the District of Columbia National Guard if civilian agencies proved unable to control the estimated 100,000 demonstrators who might appear—was also an option. Federal troops could protect the Pentagon and its functions or suppress rioting under Title 10, *U.S. Code*, Section 332, the much-used law that empowered the president to employ armed forces against “unlawful obstructions, combinations, or assemblages” that rendered impractical enforcement of law through the ordinary course of judicial proceedings. If the government invoked Section 332, however, the proclamation required under Section 334 would be difficult to frame under circumstances in which violence was prospective rather than actual.

President Kennedy, in somewhat similar circumstances, had not issued a proclamation prior to the march on Washington in 1963, whereas President Johnson had done so before the Selma-Montgomery march in 1965. One lawyer pointed out that the president could federalize the National Guard under Title 10, *U.S. Code*, Sections 3500 and 8500, without a

¹⁶ Memo, Asst Gen Counsel Bland West, DA, for Under Secy of the Army, 10 Oct 67, sub: Legal Positions of Justice Department Related to the Proposed 21–22 October Demonstration, in PD files, OGC, DA, and in Chronological file, vol. 2, Historian's files, CMH.

¹⁷ Memos, Hollis for Secy of the Army (thru CofSA), 12 Sep 67, sub: Anti-Vietnam Demonstrations Planned for 21 October 1967; Leonard Niederlehner, Actg Gen Counsel, DOD, for Asst Secy of Defense (ASD) (Admin), 19 Sep 67, sub: Legal Aspects of Countervailing Activities to the October Demonstrations; and Frank A. Bartimo, Asst Gen Counsel (Manpower), DOD, for ASD (Admin), 14 Sep 67, sub: Injunction Against Anticipated Peace Demonstration. All in PD files, OGC, DA, and in Chronological file, vol. 1, Historian's files, CMH.

proclamation in the case of a rebellion, or the threat of one, or in the event that he could not execute federal laws with the regular forces. In that case, however, the government might be embarrassed by having to describe the circumstances in question as a rebellion or by having to issue a specific finding that the regular forces were unable to handle the situation.¹⁸

Nonstatutory grounds also existed for the use of federal troops to protect the Pentagon. The Army regulation that provided that the federal government had the right to use troops to protect federal property might be interpreted to include a right to prevent interference with federal functions. In addition, a 1946 opinion of the judge advocate general stated that the government could use reasonable force to overcome interference with its functions.¹⁹ Both approaches rested upon an implied power or sovereign right of the federal government not derived from any express provision of the Constitution or any federal statute. Such a power seems to have been taken for granted, if not asserted, during the suppression of the draft riots in New York in 1863 and during preparations for the civil rights march on Washington in 1963. In addition, the sovereign power of the government to handle threats to its property had been affirmed by a number of opinions of the judge advocate general and by decisions of the U.S. Supreme Court in *Luther v. Borden* (1849), *In re Neagle* (1890), and *In re Debs* (1895). Finally, the Constitution clothed the president with such ample powers as commander in chief that some experts believed he had no need to look further for authority to defend the Pentagon. The acting general counsel of the Department of Defense, Leonard Niederlehner, asserted that the president could use active forces to protect federal property simply “by virtue of his authority as Commander-in-Chief,” and that “the Constitutional authority of the President should be relied upon” in the case in question.²⁰

In the end, despite some questions about the applicability of the Posse Comitatus Act, framed in opposition to the way troops were used during Reconstruction in the South, the administration decided as a matter of policy to rely upon the president’s nonstatutory authority, including particularly a claimed inherent power. Whether employed under the president’s statutory or nonstatutory powers, however, the troops were to remain under military command and subject to presidential direction in order to comply with provisions of the Posse Comitatus Act that forbid placing the Army under civilian law officers.²¹

¹⁸ Memo, Dept of Justice, 16 Oct 67, Use of Federal Troops to Protect Government Property and Functions at the Pentagon Against Anti-War Demonstrators, as transmitted by Memo, Jordan, Asst Gen Counsel, DA, for JAG, 18 Oct 67, sub: Department of Justice Memoranda Relating to the October 21 Demonstration, in Background Papers for the Role of Federal Forces in Civil Disturbances, 1945–1971 (hereafter cited as Background Papers), RG 319, NARA; Memo, Bartimo for ASD (Admin), 14 Sep 67, sub: Injunction Against Anticipated Peace Demonstration, in Chronological file, vol. 1.

¹⁹ See AR 500–50, *Emergency Employment of Army and Other Resources: Civil Disturbances*, 19 Jul 61, par. 11a, and chg 1, 3 Mar 66, to AR 500–50, 25 Feb 64. The JAG opinion referred to was SPJGA 1946/1478. AR 500–50, *Emergency Employment of Army Resources: Civil Disturbances*, 11 Jun 69, which superseded the 1964 edition of this regulation, changed the relevant wording, now in par. 10, to make it read: “The right of the United States to protect Federal property or functions by intervention with Federal Armed Forces is an accepted principle of our Government.”

²⁰ Memo, Niederlehner for ASD (Admin), 19 Sep 67, sub: Legal Aspects of Countervailing Activities to the October Demonstrations, in Chronological file, vol. 1.

²¹ For a later attack on the claim of such an inherent power, arguing that the Posse Comitatus Act was framed in opposition to President Ulysses S. Grant’s claim of an inherent power during Reconstruction, see David E. Engdahl, “The New Civil Disturbance Regulations: The Threat of Military Intervention,” *Indiana Law Journal* 49 (Summer 1974): 597–609.

Planners also considered the legal bases for using the National Guard. There were four main questions to consider: whether the District of Columbia National Guard could be employed in its militia status to enforce the law; whether it could be employed in its federal status for the same purpose; whether guardsmen in militia status could be appointed as special policemen to assist local police forces in controlling demonstrators; and whether guardsmen in federal status could serve as special policemen. In the case of a riot in the District of Columbia or the threat of one, the president as commander in chief of the District's militia could order out all or part of the Guard under Section 39–603 of the *D.C. Code*, if requested to do so by the city's officials or the local federal marshal. There would, however, be no warrant for the use of that authority if the demonstration promised to be peaceful and orderly. Moreover, even if the president ordered up the Guard in this way, the troops would not have federal status and could not be used outside the District—and the Pentagon was in Virginia.²² On the whole, therefore, it seemed better to place the guardsmen on federal status at the outset. The president had the power to do so under Title 10, *U.S. Code*, Section 332, by interpreting the words “the militia of any State” to include the National Guard of the District of Columbia. Since a proclamation would be necessary if the Guard were federalized, however, the lawyers believed that “last-resort measures” of the sort should be avoided unless actual violence occurred.²³

The lawyers' response to the third question cited Attorney General Caleb Cushing's 1854 opinion that a sheriff's power under the common law enabled him to summon a *posse comitatus* drawn from a country's able-bodied males over fifteen years of age to assist him in putting down riots or in carrying out the law in other ways. As Cushing had read the law, the citizens eligible for the posse included organized bodies of the military. This power had been codified by Section 4–133 of the *D.C. Code*, which authorized the district commissioners, in case of a riot or other emergency, to appoint “special privates . . . from among the citizens” who would have “all powers and privileges and perform all the duties of the privates of the standing police force of the District.”²⁴

Thus it appeared that guardsmen, in their militia status, were eligible as citizens for appointment as policemen under Section 4–133 and that thus empowered they would have the ability to make arrests as any policeman might. If any doubt existed, a recent precedent for the appointment of District guardsmen as special policemen could be found in the March on Washington for Jobs and Freedom on 28 August 1963. If the Guard were federalized, however, it was also clear that the Posse Comitatus Act would prohibit any

²² It was possible, as Jordan had pointed out in July, that under AR 500–50, 25 Feb 64, par. 8c, there was no legal bar to placing the District Guard in its militia role, if called out by the president as the District's militia commander, in a situation in which active regular forces had intervened by order of the president, under operational control of the commander of the active forces. In that situation, Jordan said, the Guard would be “more like the Metropolitan Police and Fire Department, than a National Guard unit called into the Federal service.” Memo, Jordan for Under Secy of the Army, 27 Jul 67, sub: Military Aid to the Civil Powers Within the District of Columbia, in Background Papers, RG 319, NARA.

²³ Except as otherwise indicated, this and the following two paragraphs are based on Memo, Dept of Justice, 16 Oct 67, Use of D.C. National Guardsmen to Aid in Policing Anti-War Demonstrations in the District of Columbia and at the Pentagon, as transmitted by Memo, Jordan for JAG, 18 Oct 67, sub: Department of Justice Memoranda Relating to the October 21 Demonstration, in Background Papers, RG 319, NARA.

²⁴ Cushing actually referred to a marshal's power to summon a posse. For a discussion of the Cushing Doctrine, see Coakley, *Role of Federal Military Forces*, pp. 132–44, 344.

attempt to subject its members to the orders of local police commanders rather than to those of their own military superiors.²⁵

The Permit

While legal alternatives were still under discussion, a series of negotiations took place between government officials and the National Mobilization Committee in an effort to arrive at a formal agreement, or permit, under which the demonstration would proceed on 21 and 22 October. Beginning with an informal meeting on 15 September, chaired by a representative of the Park Police, the talks continued after Jerry Rubin applied for a permit on 19 September. They involved the general counsel of the General Services Administration, Harry R. Van Cleve, and representatives of the Mobe, for whom David Dellinger was the principal negotiator.²⁶

The Mobe wanted the marchers to assemble at the Washington Monument and the Lincoln Memorial, march across the Potomac, and demonstrate at the Pentagon. Department of Defense and Army officials, including McGiffert and Assistant Secretary of Defense for Administration Solis Horwitz, found no fault with the first two parts of the program and favored an attempt to locate the protest in the Pentagon's North Parking area, where they believed crowd control would be easy. General Harold K. Johnson, the Army chief of staff, made several recommendations that enlarged on these tentative conclusions and provided the main guidelines for the negotiations that followed. For its part, the Mobe, at Rubin's insistence, wanted to rally on the Pentagon Mall.²⁷

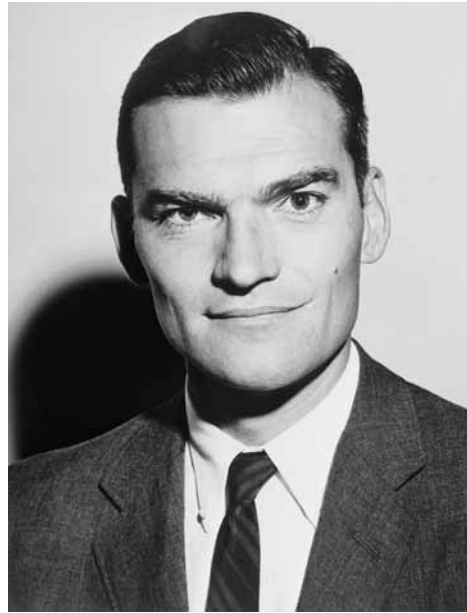
The widely different aims of the two parties complicated the negotiation. The officials wanted strict control, on the one hand, and pursued the talks in part because they wanted to know more about the committee's plans. The Mobe, on the other hand, wanted the government to allow it to engage in acts of civil disobedience, which, as Van Cleve pointed out, "inextricably mixed violation of law with the rally itself." There was at least one bit of humor amid all the serious-minded preliminaries to the demonstration at the Pentagon, the promise of Abbie Hoffman, one of the Mobe's great put-on artists, "to levitate the Pentagon 300 feet in the air so that the evil spirits would spill out." Not willing to go quite so far, the Mobe wanted to picket the Pentagon, preferably by encircling it and confronting Pentagon employees at various entrances to the building. Its negotiators claimed that any effort to deny them the right to take such actions would arouse the Washington ghetto, demonstrate that the government was willing to use police to repress its citizens, produce a great outpouring of support on behalf of the peace movement, cause the removal of the current administration and the institution of a fascist government, and lead to the discrediting and probable destruction of the moderate committee members by their more violent fellows.

²⁵ In his review of the draft manuscript of this volume, Robert W. Coakley remarked, "I am of the opinion that the Cushing doctrine was exactly what the Posse Comitatus Act was aimed at. . . . The D.C. Code seems to be the only place where the Cushing Doctrine was ever codified." Memo, Coakley, 19 Jan 93, sub: Comments on Draft of Vol. III, p. 37, Historian's files, CMH.

²⁶ Ltr, Jerry Rubin to David Phillips, GSA Regional Admin, 19 Sep 67, Chronological file, vol. 1, Historian's files, CMH.

²⁷ Memos, Solis Horwitz, Asst Secy of Defense (Admin), for Secy of Defense, 23 Sep 67, sub: 21 October Demonstration, and Gen Harold K. Johnson, CofSA, for Under Secy of the Army, 26 Sep 67, sub: Anti-Vietnam Demonstration, 21-22 October 1967. Both in Chronological file, vol. 1, Historian's files, CMH. The Pentagon Mall was a grassy area (and as of 2001 was the remote delivery facility) bounded by the Pentagon, Washington Boulevard, and Jefferson Davis Highway (this portion later known as Route 110). The North Parking area was across Jefferson Davis Highway.

These extravagant (and doubtless deliberately exaggerated) claims failed to move the officials, who had considerable leverage because the Mobe truly intended to stage a demonstration rather than a revolution and therefore needed a permit. After nearly breaking off negotiations on 6 October, the Mobe renewed its earlier request. At an 11 October meeting, the group proposed a simplified schedule involving a morning assembly at the Lincoln Memorial, an afternoon march to the Pentagon, a rally on Pentagon grounds, and, as the last event of the day, "peaceful picketing and civil disobedience." While Van Cleve believed that maintaining a vigil, picketing, and sit-ins might be regarded as lawful behavior if kept within agreed-upon limits, he sought to distinguish acceptable from unacceptable behavior. For example, an attempt to block one or more doors to the Pentagon would be an illegal act and would bring the sort of arrests that some demonstrators seemed to insist upon as the price of their participation in the march.



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On the other side, Dellinger gave assurances that the demonstrators would not break down doors or otherwise damage property. With that, the negotiators began to approach agreement on a basic script that would allow the protesters to vent their feelings and advertise their cause without seriously impeding the work of government. The Mobe's representatives, however, were concerned about the use of force by arresting officers. Assurances that only the minimum necessary force would be used did not satisfy them. The discussion also ranged over the need for sanitary facilities at both the Lincoln Memorial and the Pentagon, which the government thought the demonstrators should provide.²⁸

Although the negotiating parties never reached complete agreement, they did at last hammer out an accommodation acceptable to both sides. The General Services Administration issued a permit on 19 October, in the form of a letter for signature by representatives of both the National Mobilization Committee as the "Permitee" and of the agencies having jurisdiction. By the terms of the agreement, the demonstrators were to assemble adjacent to the Lincoln Memorial, march

²⁸ The negotiations for a permit can be traced in the following: MFR, D. O. Cooke, Dir, Org and Mgt Planning, OASD (Admin), 30 Sep 67, sub: GSA Meeting with the 21 October Demonstration Leaders, in Chronological file, vol. 1; Memo, Jordan for Under Secy of the Army, 2 Oct 67, sub: Information for Meeting Concerning October 21–22 Demonstrations, with attachmts, in Background Papers, RG 319, NARA. First quote from MFR 4, Harry R. Van Cleve, Gen Counsel for GSA, 6 Oct 67, in Chronological file, vol. 1. Third quote from MFR 5, Van Cleve, 11 Oct 67, in Chronological file, vol. 2. All in Historian's files, CMH. Memo, West, Asst Gen Counsel, DA, for Under Secy of the Army, 16 Oct 67, sub: Draft Permit for the 21 October Demonstration, in Background Papers, RG 319, NARA. See also Halstead, *Out Now!* pp. 331–34, on the last-minute difficulties. For Abbie Hoffman's quote on levitating the Pentagon, see Christopher H. Pyle, "Military Surveillance of Civilian Politics, 1967–1970" (Ph.D. diss., Columbia University, 1974. Ann Arbor, Mich.: University Microfilms, 1980), p. 56, and see also pp. 52–55, 57ff.

over the Memorial Bridge, and proceed by the most direct route to the North Parking area at the Pentagon. There they could have a speaker's stand and sound towers. They were also to have access to an area at the Mall entrance for post-rally activities. Everything was to proceed according to a stated schedule, beginning with pre-rally entertainment at 1000 on Saturday, 21 October. Upon completion of the rally, those participants uninvolved in post-rally activities (i.e., those who did not wish to be arrested) were to disperse by buses, which were to use the 14th Street Bridge and Boundary Channel Drive.

The demonstrators were to have access to the post-rally area in the North Parking lot until 1900 on Saturday and from noon until 1900 on Sunday, 22 October. The Mobe was to provide toilet facilities, food and water, first-aid stations, ambulances, lost-and-found stations, any necessary temporary structures, and public address systems with power supplies. Participants were not to carry weapons, explosives, or incendiaries, and the poles used to support signs and banners were not to be heavy enough to double as weapons. The permit further stipulated that there was to be no destruction, displacement, damage, or defacement of property and that nothing was to be thrown into the Potomac River. It explicitly refused to authorize any activity "in violation of applicable laws or regulations" or "entry into any public building or . . . grounds . . . closed to the public." Violators would be subject "to immediate arrest, detention, and prosecution." Except for installation of sound equipment, allowed to occur earlier than the stated time for the beginning of the protest, the permit would become effective at 0001, Saturday, 21 October, and expire at midnight, Sunday, 22 October.²⁹

Robert Jordan, the experienced staff director of the McGiffert task force, appears to have believed that disorders associated with the activities of the weekend would be on a low level and would be confined to the demonstration. Since the only threat was to federal property and agency functions, and the legal situation differed markedly from that existing in riots and other civil disturbances, Jordan thought that the president could and should remain aloof from the matter and let the Pentagon bear both the burden and the onus of dealing with the demonstration.³⁰

Military Contingency Planning

Whatever the agreements, clearly violence might grow out of the demonstration itself or occur simultaneously in the city nearby. Army leaders thus needed to prepare for a wide variety of contingencies. Some planning for the problems of civil disorder in the nation's capital had occurred at the time of the march on Washington in 1963, with additional work in 1964. The results of those efforts were issued on 14 April 1966 as the MDW Operation Plan 563–I (CABIN GUARD). As directed by Secretary McNamara, Under Secretary of the

²⁹ Ltr, National Park Service, Gen Services Admin (Region 3), Metropolitan Police Dept (D.C.), Arlington County, to National Mobilization Committee, 19 Oct 67, copy in The Anti-Vietnam War Demonstration at Washington, D.C., 21–22 October 1967: After Action Report, final version (hereafter cited as Anti-Vietnam War Demonstration AAR, final version), app. 3, in Historian's files, CMH. David Dellinger signed this letter/permit for the National Mobilization Committee, and Monte E. Fitch, David Phillips, John S. Hughes, and Bert Johnson for the federal agencies, respectively.

³⁰ Issues Raised by the Proposed 21–22 October 1967 Anti-Vietnam War Demonstration at the Pentagon, attachmnt to Memo, Jordan for Under Secy of the Army, 2 Oct 67, sub: Information for Meeting Concerning 21–22 October Demonstration, PD files, OGC, DA.

Army McGiffert oversaw a task force that updated these plans during the summer of 1967, officially replacing CABIN GUARD with CABINET MAKER on 15 October. Meanwhile, a new plan for Task Force Washington appeared on 10 October called DRAGON WING.³¹

Among the results of the military planning for a possible disturbance in Washington were some major policy decisions looking toward a “maximum application of manpower and minimum application of force.” The planners wanted an early alert and assembly of National Guard and active duty forces in the District of Columbia. Although the measure might provoke trouble, it would save from four to six hours if a troop call-up became necessary. Given the probability that a major riot in the nation’s capital would have particularly serious national and international implications, the planners also believed that National Guard and Regular Army forces should be committed at approximately the same time rather than sequentially.

Should a disturbance spill across the District’s boundaries, the federal government might have to request action from Maryland and Virginia—the reverse of usual procedures. Approached on the subject, the governors of the two states agreed to be responsive with their forces. As a practical matter, however, the planners wanted the National Guard in the District federalized upon mobilization but not the Guards in the neighboring states unless active forces were committed across state boundaries following proper requests from the governors for federal assistance. Finally, the planners laid down as the last of their basic policies that “clear command and control relationships” should be established. The senior military commander would have operational control over the District’s police force, whose chief, in turn, would exercise control over the Park Police. The governors of both Maryland and Virginia agreed that any of their forces earmarked for riot duty in the Washington area would come under federal operational control.

Approximately 1,600 Metropolitan and Park Police were available for riot duty in the Washington area along with from 1,200 to 1,400 state, county, and municipal police from Washington’s Maryland and Virginia suburbs. Although Virginia officials believed that their police could probably handle a disturbance, Maryland’s leaders seemed more likely to commit the National Guard early if trouble occurred. The District of Columbia would have about 1,700 of its own National Guard troops available for riot duty, and Virginia and Maryland would have available nearby about 1,400 and 1,500, respectively. The first echelon of Regular Army and Marine forces, designated Task Force Inside, totaled about 5,000. The second, designated Task Force 101, included up to 15,000 troops. All the forces together would form Task Force Washington.

During the planning, troops of the 101st Airborne Division were expected to supply the main body of regular forces (hence the designation Task Force 101). The commanding general, First Army, Fort Meade, Maryland, Lt. Gen. Jonathan O. Seaman, was to become the commander of Task Force Washington, in part because of his proximity to Washington and in part because General Throckmorton was still involved at Detroit. The planners also recommended the appointment of a special representative to advise the secretary of defense and the president, as Cyrus R. Vance had done in Detroit. McGiffert recommended the

³¹ DA Task Group Final Rpt, CSM 67–316, Army Preparedness in Civil Disturbance Matters [1968], pp. I-3 to I-4 and I-4-Iff. (Ltr, DA to CINC, USSTRICOM, and CGUSCONARC, 23 Mar 64, sub: Planning Directive for Civil Disturbance in Washington, D.C.), in Historian’s files, CMH.

preselection of Vance, if available, with Warren Christopher, civil rights attorney John Doar, Burke Marshall, or himself as alternates.

As usual, the rules of engagement required the use of “minimum force, consistent with mission accomplishment.” The troops were to do whatever was possible “to avoid appearing as an invading, alien force rather than a force . . . to restore order with minimum loss of life and property and due respect for the great number of citizens whose involvement is purely accidental.” Options for the use of weapons would begin with unloaded rifles with bayonets fixed and sheathed and would escalate in sequence to: unloaded rifles with bare bayonets fixed, riot control agent CS, loaded rifles with unchambered rounds but with bare bayonets fixed, and loaded rifles with chambered rounds and bare bayonets fixed. All forces were to conform to rules in force for the District police at the time regarding the use of live ammunition. Accordingly, they were to fire only in self-defense, to save others from death or serious injury, or “to stop a fleeing felon and effect an arrest when all other means have been exhausted.”

The Army began to install emergency signal communications equipment in Washington at the end of July. The situation left something to be desired, planners reported, because the police, the National Guard, and the regulars each had their own communications net and used different radio frequencies. Integration of the nets could take place only at the command post, or in some cases at the precinct level. Correction of the situation was not technically feasible, but problems could be alleviated by assigning police cars to military units.

Intelligence received special attention. The planners noted that officials in Washington enjoyed “substantial intelligence coverage by several agencies” with excellent interchange of information, but they were skeptical of efforts to predict the future course of events. Riots in other cities had started over minor incidents, such as an arrest, they noted, “and not from activities forecast by intelligence efforts or the rumor mill.” In that light, it was unclear “whether a high level or an absence of rumors is more suggestive of community mood.” Although intelligence coverage should continue, the planners concluded that “we cannot with confidence rely on it as a riot-risk thermometer.”³²

An important part of the summer’s civil disturbance planning was, of course, the completion of Task Force Washington’s Operation Plan 563–1 (DRAGON WING). In its final form this plan provided for a force of approximately 26,000 troops composed of Task Forces Inside, Goblet Glass, 82, and 5. Task Force Inside would be composed of active troop elements in the Washington area, 5,000 strong, under the commanding general of the Military District of Washington.³³ Task Force Goblet Glass would consist of the federalized National Guard of the District of Columbia and would be assigned to Inside for operational purposes. Task Force 82

³² The above summary of the summer 1967 planning is drawn from Memo, McGiffert for Task Force, 2 Aug 67, sub: Civil Disturbance Planning for the Washington Metropolitan Area, with quotes from Summary of Civil Disturbance Planning and Policies for the Washington Metropolitan Area, in Blue Tab 5, vol. 1 (1962–67), Director of Military Support (DOMS), Reference Chronology, Background Papers, RG 319, NARA. See also Anti-Vietnam War Demonstration AAR, 1st version, pp. 1–2. Other subjects dealing with the planning included fire protection of vital installations; curfews; store closure; gasoline sales; arrest, arraignment, and confinement; and policy respecting public and congressional relations.

³³ Task Force Inside consisted of the 1st Battalion from the 3d Infantry at Fort Myer; the 1st Squadron, 6th Armored Cavalry, at Fort Meade; and the 91st Engineer Battalion (Reinforced) from the Engineer School at Fort Belvoir. Msg, DA 825755 to CINCSRIKE, CGUSCONARC/CINCARSTRIKE, 29 Jul 67, sub: GARDEN PLOT, Historian’s files, CMH.

(which replaced the previously planned Task Force 101) would be a force of over 10,000 troops from elements of the First and Third U.S. Armies under the commanding general of the 82d Airborne Division. Finally, Task Force 5, a force of about the same strength as Task Force 82, would come from the 5th Infantry Division, under its own commanding general. When brought together for commitment, these forces would constitute Task Force Washington. If a disturbance spilled over the District's boundaries into Maryland or Virginia, the National Guards of those states, organized as Task Forces Tango and Valley respectively, would if federalized also come under Task Force Washington.³⁴ When freed of the Detroit responsibility, Throckmorton replaced Seaman as the designated commander of Task Force Washington during the demonstration.

In an effort to obtain more accurate information on the size of the demonstration, the government turned to its intelligence apparatus. Discounting the extreme advance claims of the Mobe, they accepted 100,000 as the maximum number to be expected. A detailed plan for intelligence collection had been prepared by the 116th Military Intelligence Group in Washington and had been included in the MDW Operation Plan CABINET MAKER. As late as 10 October, however, Assistant Attorney General J. Walter Yeagley, who seemed to believe the Mobe was dominated by Communists, complained that more pertinent questions had been raised than answered. "There were no reservations at local hotels traceable to the demonstrators, no major participation by Black Power elements in the demonstration, little money on the line for transportation, and insufficient money for advertisements in major newspapers."³⁵

A few days later General Johnson, the Army chief of staff, instructed military intelligence personnel to join contingents of demonstrators and to travel with them by bus and train to Washington "to develop timely information on aims, movement, tactics and leadership of participating organizations and groups." They were also to find out everything they could about "means of shipment, location and intended use of arms, arson and demolition equipment, harassment and propaganda material, etc."³⁶ In accordance with these orders, forty-five undercover agents of the 108th, 109th, 111th, and 113th Military Intelligence Groups went to work in cities across the country that had been designated as gathering points for demonstrators on their way to Washington. According to one privy to the intelligence planning and operations, "the Army had the marchers' moves planned for weeks."³⁷ Agents who maintained their cover were well received by the demonstrators, and sometimes played important roles among them. One, for example, served as the leader of a busload of demonstrators. The Army concluded on the eve of the demonstration that "should all leads

³⁴ Task Force Washington (TFW) OPLAN 563-1 (DRAGON WING), 10 Oct 67, pp. 1-2, in Historian's files, CMH.

³⁵ Paul J. Scheips and Karl E. Cocke, *Army Operational and Intelligence Activities in Civil Disturbances Since 1957*, OCMH Study 73, rev. ed. (Washington, D.C.: Office of the Chief of Military History, April 1971), p. 86, CMH; MFR, 28 Sep 67, sub: Meeting of Army Task Force 21, Chronological file, vol. 1, Historian's files, CMH. Quote from MFR, McGiffert, 10 Oct 67, sub: October 21 Demonstration: Meeting with the Attorney General-October 9, 1967, in Chronological file, vol. 2, Historian's files, CMH. The MFR also paraphrases Yeagley, who also claimed, with reference to the Mobe, as paraphrased by McGiffert that "41 out of 87 'administrative committees' were [composed of] present or former members of the Communist Party or Communist front groups."

³⁶ For instructions to military intelligence personnel to join contingents of demonstrators for the trip to Washington, see Priority Msg, Commanding General, U.S. Army Intelligence Command (CGUSAINTC), to Asst Chief of Staff for Intelligence (ACSI), DA, DAIN 397514, 151458Z Oct 67, sub: 21 October March on Washington, Chronological file, vol. 2, Historian's files, CMH. See also Pyle, "Military Surveillance of Civilian Politics," pp. 56-60.

³⁷ Allen Woode, "How the Pentagon Stopped Worrying and Learned to Love Peace Marchers," *Ramparts* 6 (February 1968): 47-48.

develop to maximum potential, it is conceivable that approximately 31,000 persons could attend.”³⁸ McGiffert himself deduced from intelligence estimates that there would be no more than 30,000 demonstrators—for practical purposes, quite an accurate forecast.³⁹

Extensive covert intelligence activities accompanied the march on the Pentagon, including electronic monitoring of civilian radio transmissions by the Army Security Agency. This support was the result of a high-level decision communicated to the ASA on 14 October 1967 in which the Department of the Army—despite a ban on the domestic use of the ASA in effect since 1963—directed the agency not only to monitor civilian radio communications on behalf of Task Force Washington but also to be prepared to jam radio transmissions and to engage in “deceptive transmitting” if that became necessary. Accordingly, over the weekend of the march, ASA units monitored citizens, police, taxi, and amateur radio bands from thirty-six different listening posts, twenty-three of which were at the Pentagon, nine at ASA’s Virginia headquarters, and four at a fixed-station facility near Warrenton, Virginia. Although able to do so, the ASA did not jam any communications or engage in deceptive transmitting. This was, the agency reported, the first time it had ever provided the Army with domestic support.⁴⁰

International as well as national communications traffic was monitored. In an unprecedented action on 20 October, General Yarborough, the assistant chief of staff for intelligence, sought and obtained National Security Agency support of the Army’s civil disturbance mission. Yarborough did not mention the targeting of American citizens, but he sought evidence of possible foreign involvement in the planning and control of antiwar and other domestic disturbances in the United States. Subsequently, a number of agencies, including the FBI, CIA, Secret Service, Defense Intelligence Agency, and the military services, submitted watch lists of names to the NSA that included hundreds of U.S. citizens suspected of trying to subvert the government by means of civil disturbances and who, by that very fact, were thought to be the natural allies of the nation’s foreign enemies. Those watch lists “came to include the names of individuals, groups, and organizations involved in domestic antiwar and civil rights activities in an attempt to discover if there was ‘foreign influence’ on them.”⁴¹ The White House requested that the CIA look into the international connections of the peace movement, even though domestic matters were not within the

³⁸ DA Sitrep 1, DA 837333, 210600 Oct 67, Chronological file, vol. 4, Historian’s files, CMH.

³⁹ For a detailed breakdown of intelligence findings regarding the number of demonstrators expected and for related materials, see Transportation–Anti-Vietnam War Demonstration, Wash., D.C., October 20–22, 1967 (as of 0700, 20 Oct), in Chronological file, vol. 3; Spot Rpt, ACSI to AOC, n.d., in Synopsis and Cable Book for AOC Team Chief, 21–22 Oct 67 (1–100), no. 65. Both in Historian’s files, CMH. U.S. Congress, House, *Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriations for 1969*, Hearings Before a Subcommittee of the Committee on Appropriations, 90th Cong., 2d sess., 1968, pt. 1, pp. 136–37; Pyle, “Military Surveillance of Civilian Politics,” pp. 62–68. For examples of intelligence messages sent to Washington, DAIN 401965 and 402525, 18 Oct 67, of which there are copies in Chronological file, vol. 3, Historian’s files, CMH; Stuart Auerback, “Pentagon Admits Infiltrating the March,” *Washington Post*, 18 Nov 67.

⁴⁰ “Improper Surveillance of Private Citizens by the Military,” in U.S. Congress, Senate, *Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans*, Final Report of the Select Committee To Study Governmental Operations with Respect to Intelligence Activities, 94th Cong., 2d sess., 1976, S.R. 94–755, bk. 3, pp. 808–09. The decision could not be placed other than “at a high level” by the Army inspector general who investigated it in 1972. *Ibid.*, p. 808n148. For the 1963 ban, see chapter 6.

⁴¹ Quote from “National Security Agency Surveillance Affecting Americans,” in U.S. Congress, Senate, *Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans*, bk. 3, p. 739, and see also pp. 746–47.

agency's purview. On 15 November 1967, CIA Director Richard Helms submitted the requested study, "International Connections of the U.S. Peace Movement," to President Johnson. The CIA concluded that "on the basis of what we now know, we see no significant evidence that would prove Communist control or direction of the U.S. peace movement or its leaders."⁴²

Image and Reality

In sharp contrast to the military's preparations and the government's dark suspicions of foreign involvement, political realities counseled moderation. Secretary McGiffert and other officials responsible for planning recognized their obligation to protect government property and functions should that become necessary, but they were also aware of their duty under the Constitution to protect the people's right to dissent and of peaceable assembly. Adopting an evenhanded approach, the McGiffert task force thus prepared to deal with any emergency that developed but proposed a plan oriented more toward controlling a demonstration than putting down a civil disturbance. McGiffert himself voiced the belief that one of the objectives was "to show the world that in troubled times this nation is strong enough and confident enough to permit expressions of criticism which few other governments would dare tolerate."⁴³ Of course, preparations for a demonstration also provided the legal basis for the use of troops and obviated the need for any kind of presidential proclamation.

To these ends, the task force rejected a proposal of Maj. Gen. Charles S. O'Malley, Jr., the commander of the Military District of Washington and of Task Force Inside, to ring the Pentagon and its ancillary buildings with triple concertina wire or, alternatively, a six-foot fence. The planners did approve the erection of a chain-link fence around the Pentagon sewage plant, but in other respects they favored light barriers, such as ropes. For his own part, McGiffert thought it would be better public relations to have civilian law enforcement officers stationed outside the Pentagon with a reserve of military personnel inside, but when no one could find the necessary 600 additional civilian officers he put the idea aside.⁴⁴

The desire to present the image of a government welcoming and containing dissent, rather than a government under siege by its own people implied a substantial role for the police. U.S. Park Police were thus to control the march from the Lincoln Memorial to the Pentagon and, in conjunction with Virginia State Police and Arlington County Police, to establish traffic control points and prevent access to the Pentagon by all automobiles except those of Pentagon employees allowed to park in the building's South Parking area. In all, 340 policemen would be involved. Meanwhile, at the Pentagon, security forces would be stationed both inside and outside the building but would be instructed to be both firm and courteous and not to react to provocation.

⁴² See Charles DeBenedetti, "A CIA Analysis of the Anti-Vietnam War Movement: October 1967," *Peace and Change* 9 (Spring 1983): 31–41, for parts of this study.

⁴³ MFR, 28 Sep 67, sub: Meeting of Army Task Force 21, Chronological file, vol. 1; Check List for Meeting on Demonstrations [20 Oct 67], Chronological file, vol. 3; Objectives (quote within) as attachmt to Memo, McGiffert for Secy of Defense, 21 Oct 67, sub: Preparations for Demonstration, in Chronological file, vol. 4. All in Historian's files, CMH.

⁴⁴ Memos, in Chronological file, vol. 2, as follows: McGiffert for Christopher, 9 Oct 67; and vol. 1, as follows: Maj Gen Charles S. O'Malley for Brig Gen H. W. Hollis, 21 Sep 67, sub: Anti-Vietnam Demonstrations Planned at Pentagon for 21–22 October 1967; and Hollis for DCSOPS, 2 Oct 67, same sub, with accompanying Memo, O'Malley for Hollis, 2 Oct 67, same sub. Anti-Vietnam War Demonstration AAR, 1st version, pp. 18–39; MFR, 28 Sep 67, sub: Meeting of Army Task Force 21, Chronological file, vol. 1.



GENERAL WILLIAM C. WESTMORELAND (*left*) AND GENERAL O'MALLEY

The security on the inside of the Pentagon would be provided by about 35 General Services Administration guards per shift, augmented by 214 armed services personnel provided by military activities based in the Pentagon. These guards would both maintain fixed stations and patrol. In addition, three battalions of regular troops wearing Army green uniforms and carrying M14 rifles and bayonets would be stationed in the Pentagon to serve as reaction forces if needed. Outside, a dozen or so General Services Administration guards, 250 federal deputy marshals, and four military police companies, 600 or more strong, would be in place when the demonstrators arrived. The military police would also wear dress green uniforms with MP armbands, but they would be armed only with unloaded pistols, ammunition clips on their belts, and riot batons. Marshals armed with billy clubs and the military police would endeavor to control the crowd, but the marshals, representing the civil power, would make any necessary arrests with minimal military involvement. Should the crowd become too unruly, supplementary reaction forces totaling five battalions would be available in the Washington area. In addition, 1,470 members of the Metropolitan Police would be available for duty in Washington, plus an unstated number of the Park Police and Secret Service agents.

As plans stood on 12 October, with the exception of the 121st Tactical Fighter Squadron of the Air National Guard, all members of the District of Columbia National Guard would be available as deputies. Most of the guardsmen would serve on the streets in crowd and

traffic control with the police, but a 202-man force would accompany a riot-trained police reaction force, dressed similarly in field uniforms and steel helmets and carrying gas masks and weapons. Another 90 would guard several important government buildings in Washington.

The possibility that the Guard might have to drop this militia and police role to adopt the federalized mission assigned to Task Forces Goblet Glass and Washington if a major disturbance required activation of those forces became an important concern for the D.C. National Guard's commander, Brig. Gen. Charles L. Southward. Since a shift in status and missions might take twelve hours, he thought it would be prudent to plan to assign non-Guard units to Goblet Glass duties initially. The police were aware of the problem and made their plans accordingly.⁴⁵

At the last minute the president approved a recommendation to move a brigade task force of the 82d Airborne Division to Andrews Air Force Base, just outside of Washington, as an additional augmentation force for use if it became necessary to activate Task Force Washington. The decision was apparently a victory for General Hollis over Attorney General Clark and for military prudence over political preoccupation with image. When McGiffert had first proposed pre-positioning the brigade, Clark had opposed the idea and had decided that task force augmentation forces should be kept on alert at their home stations. But Hollis had successfully urged that the question be reopened. "I can appreciate the image implications associated with The Attorney General's decision," he said, "but from a military standpoint I regard it imprudent and, indeed, dangerous not to preposition this brigade."⁴⁶

The overall civilian direction of the Pentagon forces was to be shared by Deputy Attorney General Christopher, representing the attorney general, and Under Secretary of the Army McGiffert, representing the secretary of defense. Decisions on arrests and related matters would be handled by Christopher, and those on security and personnel control functions by McGiffert in consultation with Christopher, General Johnson, and General O'Malley, the commander of Task Force Inside and initially of Task Force Washington. Col. James E. Bannon, who was to have operational control of the guards inside the Pentagon, would report to O'Malley. General Throckmorton, who would command the augmentation force and then Task Force Washington should it be activated, was ordered to Washington prior to the demonstration. A detachment from the headquarters of XVIII Airborne Corps also came to provide personnel for the main command post of Throckmorton's augmentation force. General Johnson had overall military command.

General Throckmorton's command post was to be situated in the gymnasium at Fort Myer's North Post. In addition, Throckmorton also would position a small staff element at the Washington police command post at the Metropolitan Police Station and to have space

⁴⁵ Memos, Brig Gen Charles L. Southward to OGC, DA (Attn: Jordan), 12 and 13 Oct 67, sub: Protest March 21 October 1967; HQ, District of Columbia National Guard (DCNG), Circular 350-57 (Air Circular 9), 7 Oct 67 (eff. until 23 Oct 67); DCNG OPORD 2 (Joint), 150900 Oct 67. All in Chronological file, vol. 2, Historian's files, CMH. Anti-Vietnam War Demonstration AAR, final version, p. 3.

⁴⁶ Msg, DA 837110 to CofSAF, 192224Z Oct 67, sub: Anti-Vietnam Demonstration 21-22 Oct 67. Quote from Memo, Hollis for DCSOPS, 18 Oct 67, sub: Prepositioning of One Brigade of the 82d Airborne Division at Andrews AFB by 0600 Hours, 21 October, in Connection with Anti-Vietnam War Demonstration, with Incl (MFR, Hollis, 18 Oct 67, same sub). All in Chronological file, vol. 3, Historian's files, CMH. See also Anti-Vietnam War Demonstration AAR, 1st version, p. 47.

set aside for his representatives at the Army Operations Center, the principal command post for the operation.⁴⁷ In that way, he would be available as an adviser during the demonstration and would also be on tap if a disturbance broke out. O'Malley's main command post would be in his regular headquarters at Temporary Building B, a building in Southwest Washington adjacent to Fort McNair. He would also have an advance command post in the Pentagon. Other important command posts would be in Bannon's Pentagon office and in the attorney general's office. Chief U.S. Marshal James J. P. McShane or his representative would remain at or near O'Malley's advance command post.

Signal communications between the Army Operations Center and the various command posts and all special signal equipment were the responsibility of the assistant chief of staff for communications-electronics. O'Malley could augment the basic communications by using tactical equipment organic to Task Force Inside units, provided that he coordinated with departmental communications officials to avoid electronic interference with other operating equipment. Communications would consist of leased wire, both voice and teletype; leased radio; and U.S. government radio. Closed-circuit television would allow those in charge in the Pentagon to monitor what was going on outside. Provision was also made for special photographic coverage, an exterior public address system with loudspeakers on the roof of the Pentagon, and radio-equipped automobiles for the use of officials. The Army leased FM radio equipment to provide a radio net for the U.S. marshals, with one control station in the Army Operations Center and one in the Department of Justice. Liaison officers with radio communications were to serve with the police, and police liaison officers with the military, to ensure direct communication between the two forces. The Military District of Washington Signal Support Detachment was a part of Task Force Inside, while elements of the 35th Signal Group and the 50th Signal Battalion were responsible for the signal communications of the Task Force Washington Augmentation Forces. The communications equipment and facilities were all in place by 20 October.⁴⁸

The Department of Justice worked out procedures for the apprehension, processing, and transportation of those who chose to violate the law to the District of Columbia's prison at Lorton, Virginia, seventeen miles south of the Pentagon. No arrests were planned for minor offenses such as stepping across a restraining line, and every effort was to be made to avoid mass arrests. For certain offenses, however, arrest would be mandatory: assault on a soldier or a marshal, flag burning, property destruction, and the use of weapons. Disorderly conduct and assault were expected to be the most common offenses. Arrests would be made by U.S. marshals "with minimum military involvement," and detainees were to be removed quickly to keep their arrests from inciting further disobedience. Personnel, equipment, and facilities would be capable of processing as many as 5,000 arrestees.

⁴⁷ Msg, DA 836912 to CINCSRIKE; CG, Third Army; and Others, 18 Oct 67, sub: Anti-Vietnam Demonstration 21–22 Oct 67, Chronological file, vol. 3. This both orders a detachment of the XVIII Airborne Corps to Washington on 19 October and designates Throckmorton as commander of Task Force Washington Augmentation Forces (TFW AUGF).

⁴⁸ For signal communications, see DA Msg, 191523Z Oct 67, sub: DA OPLAN 21–22 October 1967 Anti-Vietnam War Demonstration, pp. 12, 14–15, in Chronological file, vol. 3, Historian's files, CMH; Anti-Vietnam War Demonstration AAR, 1st version, pp. 40–41; Msg, DA 837331 to CG, TFW AUGF, and CG, Initial Task Force Washington (ITFW)/Task Force Inside (TFI), 211608Z Oct 67, sub: Letter of Instruction—TFW, 67–1, in Anti-Vietnam War Demonstration AAR, final version, app. 13, an. A.

Although the permit authorizing the demonstration had specified that the National Mobilization Committee would have to make its own arrangements for sanitary facilities, medical aid, drinking water, public address systems, power supply, and speaking platforms, the government was prepared to provide a measure of such support if necessary. Accordingly, the General Services Administration was ready to place a van of chemical toilets in the North Parking area and to open a number of water hydrants there. The Military District of Washington would operate a first-aid station and provide ambulance service. Other preparations included arrangements for providing fire protection, for dealing with attempted self-immolation, for supplying special lighting on the outside of the Pentagon, for housing the press, and for feeding the U.S. marshals and providing them cots and gas masks. As one of the final preparations, Army engineers covered over an old railroad right-of-way near the Pentagon to prevent its ballast from being used as missiles. The Department of Defense issued special instructions to Pentagon employees, some of whom normally had to work on the weekend.

The planners decided to allow demonstrators to remain on Pentagon property Saturday night, if some of them elected to do so, as long as they confined themselves to authorized assembly areas. Saturday's traffic control plan would remain in effect on Sunday, if necessary. If demonstrators remained at the Pentagon after midnight Sunday, when their permit expired, steps would be taken to return traffic and parking to their normal state and to ensure that the Pentagon would be open for business as usual on Monday. Since clearing the grounds might result in mass arrests, the action would not be undertaken without proper authorization.

In all, Army planning for the Pentagon demonstration in September and October had been meticulous and detailed with, it seemed, no possible contingency escaping official notice. As one participant put it, with a touch of sarcasm, "we had plans to counteract everything."⁴⁹ While some officials seemed fearful during the planning process, and while ambivalence was certainly no stranger to the work, McGiffert and his associates gave the process a democratic and constitutional perspective. They hoped that the demonstrators would share their view of peaceful protest, but they had major forces in reserve in case their wishes proved mistaken. On 20 October McGiffert set forth his views on the forthcoming march in a communication to Johnson, the chief of staff, in which he observed that "We have the very delicate and difficult job of both upholding constitutional rights of free assembly and expression and protecting government operations and property." While "faced with a lot of unexpected situations," he said, "we must avoid either overreacting or underreacting."⁵⁰

Also on the twentieth, Warren Christopher presented the government's view of its responsibilities in a backgrounder for the press. "The right of peaceful assembly," he told reporters,

⁴⁹ The materials, some of which had been cited previously, through which the planning can be traced, are too numerous to cite in detail. They are to be found in the Chronological file, vols. 1–4, and among the other materials gathered on the Pentagon demonstration in the Historian's files, CMH. Where not otherwise documented, the planning summary that follows is based on attachments transmitted by Memo, McGiffert for Secy of Defense, 21 Oct 67, sub: Preparations for Demonstration, with first quote from Arrest Procedures, in Chronological file, vol. 4. DA Msg, 191523Z Oct 67, sub: DA OPLAN 21–22 October 1967 Anti-Vietnam Demonstration, in Chronological file, vol. 3; Anti-Vietnam War Demonstration AAR, 1st and final versions. Second quote from Woode, "How the Pentagon Stopped Worrying," p. 47.

⁵⁰ Quotes from Memo, McGiffert for CofSA, 20 Oct 67, no sub, as forwarded by Memo, Johnson for All Members of Task Force Inside, 21 Oct 67, in Anti-Vietnam War Demonstration AAR, final version, app. 11.

and the right of expression are central to our country's freedom. Because we deeply believe in these rights, the government has issued a permit for a march and a rally here in Washington this weekend. The conditions of this permit are designed to assure the safety and security of our Nation's Capital. These are reasonable conditions and we intend to enforce them. . . . This is a free country but it is also a law abiding country. We will do whatever is necessary to maintain law and order. The premise of our Constitution is that we are a strong nation and a sturdy people—strong enough and sturdy enough to permit this demonstration in these times.⁵¹

On the same day, General Johnson opened an orientation conference for military commanders, in which he quoted both McGiffert and Christopher. He believed, he said, that the administration looked upon the demonstration as “fundamentally a public relations problem” and that Secretary McNamara wanted “operations as usual” at the Pentagon. The military had to “act as civilized people” in responding to the protest, using “minimum force . . . with the maximum recognition of individual rights.” All concerned, he emphasized, had to “abandon any resentment, which is natural that we might have, and focus on what we have to do.”⁵² Such was official Washington's state of mind as it awaited what the next day might bring.

The March on the Pentagon

Saturday, 21 October, dawned cool and dry. The temperature climbed to 68 degrees Fahrenheit as the hours passed, with a breeze “rippling the trees and shrubbery” around the Pentagon. It was a good day for a demonstration, and beginning in the early morning hours, people from all over the nation, most of college age but with older folk among them—diverse representatives of the antiwar movement—poured into Washington.⁵³

The military and other control forces stood ready, as planned. Some had come from as far away as the Presidio of San Francisco and Forts Hood, Bragg, Benning, and Dix. (*See Map 1.*) The troops deployed at the Pentagon were the 1st Squadron, 6th Armored Cavalry; the 91st Engineer Battalion (Reinforced); the 503d Military Police Battalion, which had been at Oxford, Mississippi; the 30th Military Police Battalion (Provisional), which included elements of the 30th, 518th, and 519th Military Police Battalions; and miscellaneous other units.⁵⁴ All were regulars from the active Army. Troops assigned as reaction forces at the Pentagon were inside the building by 0600 on Saturday, 21 October, and other forces were deployed as scheduled. By 1300, approximately 600 military police and 236 federal deputy marshals were deployed

⁵¹ Consolidated quote from text in Anti-Vietnam War Demonstration AAR, final version, app. 11. For newspaper coverage of Christopher's remarks, see George C. Wilson, “Pentagon Mobilizes for March,” *Washington Post*, 21 Oct 67.

⁵² The transcript from the taped or shorthand proceedings of this conference (Orientation of Military Commanders by the Chief of Staff, Army, 1645 hours, 20 October 1967), of which several pages are missing, runs to 46 pages, especially pp. 2–3 for quotes, in Chronological file, vol. 3, Historian's files, CMH. It is summarized briefly in Anti-Vietnam War Demonstration AAR, final version, pp. 47–48.

⁵³ Quote from George C. Wilson, “Chronology of Pentagon's Biggest Strangest Siege,” *Washington Post*, 23 Oct 67. DA Sitreps 1, DA 837333, 210600 Oct 67; 2, DA 837334, 211200 Oct 67; and 3, DA 837337, 211800 Oct 67. All in Synopsis and Cable Book for AOC Team Chief, 21–22 Oct 67 (101–224), nos. 101, 102, 124, respectively.

⁵⁴ Anti-Vietnam War Demonstration AAR, 1st version, pp. 45–50, apps. 6, 17.

around the periphery of the Pentagon. Other troops were stationed in and around Washington, including some in the Commerce Department building, should they be needed. Total available civilian and military strength present at the Pentagon or on call in the Washington area amounted to over 12,000.⁵⁵

The Department of the Army dispatched letters of instructions to Generals O'Malley and Throckmorton that did not deviate from earlier, oral instructions except in minor ways and followed previous planning in all essentials (although O'Malley later complained that he did not receive his letter in a timely fashion). The guidance issued to military personnel took the form of special orders printed on small folded cards that soldiers were to carry "at all times while on this mission." They emphasized soldierly conduct, support for civilian authorities, courteous treatment of civilians, and freedom of movement for properly identified reporters. Weapons were not to be loaded or fired except when authorized by an officer in person, when authorized in advance by an officer, or when required to save a soldier's life.⁵⁶

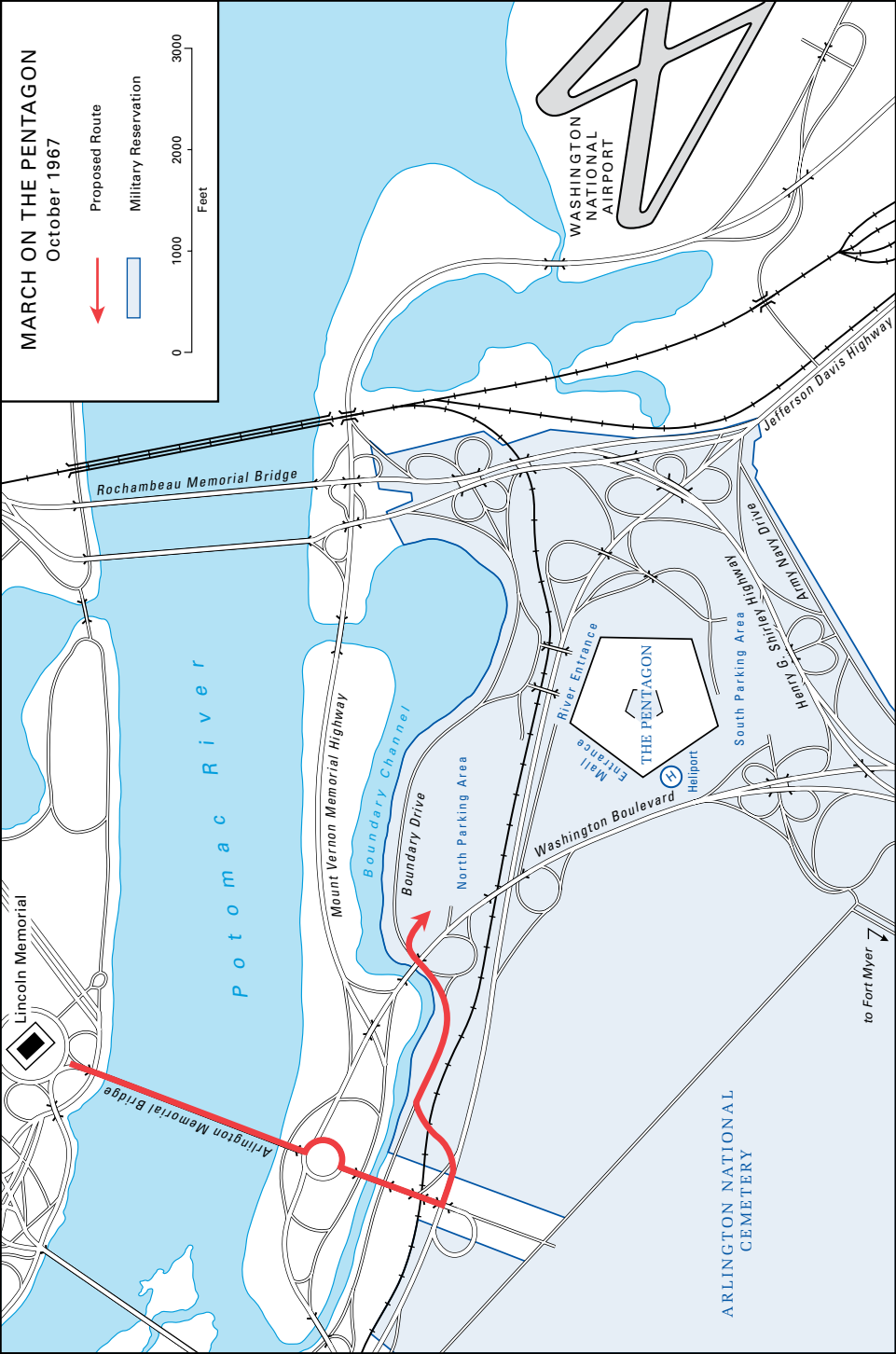
By 1100 on the day of the demonstration a large, diverse crowd in a holiday mood had gathered at the Lincoln Memorial. A program followed a half-hour later, featuring folk songs and speeches denouncing the nation's involvement in the Vietnam War. Reports came into the Army of individuals carrying water pistols, billy clubs, gas masks, and walkie-talkie radios; of a guerrilla unit (one report termed it a "Gorilla Force") that would try to march by way of the 14th Street Bridge rather than along the agreed upon route across the Memorial Bridge; and of a man allegedly "in charge of dying [*sic*] the River red." Although a few arrests occurred, the assembly was generally peaceable.⁵⁷ (*Map 4*)

Estimates of the crowd's size were contradictory and impossible to reconcile. The MDW headquarters put the number of persons at the Lincoln Memorial at 30,000 to 35,000, while the District of Columbia police estimated 20,000 to 22,000—although it may have been as large as 75,000. On the basis of counts made by two different intelligence agencies, the military district believed that approximately 33,000, "including a considerable number of sightseers," crossed the Memorial Bridge on their way to the Pentagon, while the Department of the Army put the number at 20,000. The nature of the crowd was easier to assess: the demonstrators were mostly young, white, and middle class. Among the blacks, some 200 to 350 did not join the marchers when

⁵⁵ Ibid., pp. 45–47, 49, 50; Ibid., final version, apps. 8, 13; HQ, MDW, AAR, Operation CABINET MAKER, 21–22 October 1967 (the report of Task Force Inside), pp. 9–13; Preparations, 20/21 Oct 67. All in Historian's files, CMH. Calhoun, *The Lawmen*, pp. 5, 179. Diagrams showing troop dispositions at the Pentagon can be found in the after action reports cited. There are some minor discrepancies between the DA and Task Force Inside reports.

⁵⁶ Quote from Special Orders for Military Personnel, in Anti-Vietnam War Demonstration AAR, final version, app. 9, and see also app. 13. HQ, MDW, AAR, Operation CABINET MAKER, 21–22 October 1967, p. 23; Msg, DA 837331 (ODCSOPS) to CG, TFW AUGF, and CG, ITFW/TFI, 211608Z Oct 67, sub: Letter of Instruction—TFW, 67–1, in Anti-Vietnam War Demonstration AAR, final version, app. 13, and an. A. An example of the card itself is in Chronological file, vol. 3, Historian's files, CMH.

⁵⁷ Bruce Jackson, "The Battle of the Pentagon," in *Who We Are: An Atlantic Chronicle of the United States and Vietnam*, ed. Robert Manning and Michael Janeway (Boston: Little, Brown and Co. [1969]), pp. 122–23; Norman Mailer, "The Steps of the Pentagon," *Harper's* 236 (March 1968): 84–90, a particularly good source; Anti-Vietnam War Demonstration AAR, 1st version, pp. 49–50. The following are in Chronological file, vol. 4, Historian's files, CMH: First quote from Office of the Assistant Chief of Staff for Intelligence (OACSI) Element, Army Operations Center (AOC), Spot Rpt (from MDW), 211125 Oct 67. Second quote from MDW, Emergency Operations Center (EOC), Daily Staff Jnl, 211040 Oct 67. HQ, TFI [Jnl], Pentagon, 211423 Oct 67.



MAP 4



THE MARCH ON THE PENTAGON BEGINNING AT THE LINCOLN MEMORIAL. *Benjamin Spock is in the foreground, fourth from the right.*

they left the Lincoln Memorial but instead moved to a rally of their own that ended uneventfully later in the day.⁵⁸

Leaving behind a group of the merely curious at the Lincoln Memorial but obstructed by crowding photographers and others, including some hippies who wanted to be in front, the march started slowly about 1345. Included in its front ranks was a line of prominent persons with linked arms, among them the poet Robert Lowell and the writer Norman Mailer. A giant banner supported by ten poles proclaimed, "Support Our GIs/Bring Them Home Now!" Despite the unsuccessful efforts of some right-wing extremists to interfere, the procession to the Pentagon was largely uneventful. The first marchers arrived by 1530 and the last by late afternoon. According to O'Malley's report, from 18,000 to 20,000 demonstrators "actually marched on and congregated at the Pentagon." That number did not include those who remained in and around the North Parking lot and those who "scattered about the area as onlookers." Other

⁵⁸ Quote from HQ, MDW, AAR, Operation CABINET MAKER, 21–22 October 1967, an. B. Anti-Vietnam War Demonstration AAR, final version, p. 4; Jnl entries, Bard to McGiffert, 211325 Oct 67, and McGiffert to McNamara, 211552 Oct 67, Office of the Under Secretary of the Army (OUSA) Jnl, in Chronological file, vol. 4, Historian's files, CMH; DeBenedetti and Chatfield, *An American Ordeal*, p. 197; Halstead, *Out Now!* p. 334; William Chapman, "GIs Repel Pentagon Charge; 50,000 Rally Against War," *Washington Post*, 22 Oct 67; "Nationalists Shun March, Negroes Rally in Ghetto," *Washington Post*, 22 Oct 67; DA Sitrep 4, DA 837338, 212400 Oct 67, in Synopsis and Cable Book for AOC Team Chief, 21–22 Oct 67 (101–224), no. 143, Historian's files, CMH.

estimates apparently sought to include all who were in the vicinity and, as before, ran from 22,000 to 35,000.⁵⁹

Shortly after 1430 on Saturday, with the march well under way, the Army took steps to deploy forty helicopters from Davison Army Airfield to Andrews Air Force Base for use in moving the 1st Brigade, 82d Airborne Division (Task Force Washington Augmentation Forces), if it should have to be committed. By 1500, Pentagon authorities had placed thirteen chemical launchers of the E8 type on the roof of the Pentagon, positioning them to cover the River, Mall, and heliport sides of the building. To one observer the “tear gas machines” looked like flamethrowers.⁶⁰

Upon reaching the North Parking area, the majority of the demonstrators congregated around a speaker’s platform to hear more speeches. A minority, however, tore through the fence along Jefferson Davis Highway, crossed the road, and moved onto a triangular grassy area to the front of the Pentagon’s Mall entrance. By 1530 more than a thousand had gathered, and some were tangling with two dozen members of the American Nazi Party who had appeared carrying a sign calling for the gassing of the Viet Cong and the bombing of Hanoi. The advocates of peace proved better bare-knuckle fighters than the pseudo–storm troopers, who were soon driven from the scene.

The first confrontation with the soldiers came about 1600, when some 200 demonstrators armed with “ax handles and carrying gas masks” breached a fence separating the North Parking area from the Jefferson Davis Highway and made for the River entrance. Marshals made arrests, but as the crowd grew in that area it moved toward the Mall entrance where upwards of a thousand threatened and then broke the rope barrier. In response, the authorities deployed a reserve company of the 503d Military Police Battalion to that location. To restrain the shoving throng, marshals arrested those demonstrators who failed to fall back quickly. From that point on, Task Force Inside’s final report later noted, “the situation became extremely fluid.”

Military police reinforcing the Mall entrance appeared briefly with rifles and bayonets fixed and sheathed. Since authority had never been given for the bayonets, General Johnson ordered them removed. By 1700, the temper of the demonstrators around the entrance seemed to approach hysteria. Individuals surged against the troops, shouting curses, throwing bottles and rocks, and slashing with picket signs bearing antiwar messages. An aggressive element of the crowd attempted to go around the roadblock at the Washington Boulevard entrance to the Mall in an apparent effort to reach the Pentagon’s heliport. That effort failed, but angry demonstrators at the Mall entrance nearly broke through the restraining line there. In response, commanders reinforced the troops both at the Mall and at the roadblock. It was at this juncture that

⁵⁹ Quotes from HQ, MDW, AAR, Operation CABINET MAKER, 21–22 October 1967, an. B. DA Sitreps 3–4, DA 837337 and DA 837338, 211800 and 212400 Oct 67; Halstead, *Out Now!* pp. 335–36; Mailer, “The Steps of the Pentagon,” pp. 90–95; David Hoffman, “Camera Counts 35,000 Crowd,” *Washington Post*, 29 Oct 67.

⁶⁰ Presumably the E8 launcher was the E8 Chemical Dispenser that fired 64 cartridges from 16 tubes, each cartridge dispensing chemicals in a rectangular area 30 by 150 meters. Msg, Augmentation Team to Hennessey, AOC Jnl, 202315Q Oct 67, in Synopsis and Cable Book for AOC Team Chief, 21–22 Oct 67 (1–100), no. 66, citing U.S. Army Chemical Center and School Pamphlet 14–26. The reference to “tear gas machines” that look like flamethrowers is from Woode, “How the Pentagon Stopped Worrying,” p. 48.



THE MARCH AT THE PENTAGON

the well-known writer, Norman Mailer, was arrested and kept at Occoquan, Virginia, overnight for what he claimed was a simple, nonviolent, and solitary trespass upon an off-limits area.⁶¹

About that time, a thousand or so demonstrators swept around the northeast corner of the Mall parking lot and advanced on the River entrance, prompting the movement shortly after 1730 of a provisional battalion from Fort Myer to the Pentagon. In an explosion of violence, other demonstrators overran a platoon of military police located to the right of the Mall steps. Some of the soldiers were knocked to the ground. It was at this time that Attorney General Clark released the decision-making authority for using troops to General Johnson. But by then the assault on the Pentagon had reached its peak, with approximately 2,000 people breaking through the restraining line and charging toward a door to the left of the main Mall entrance. Only twenty or thirty pressed their way into the vestibule, and they were immediately and roughly pushed back to the bottom of the entrance stairway by troops inside the building. After the assault failed, about 2,000 demonstrators sat down on the Mall parking lot while

⁶¹ First quote from Anti-Vietnam War Demonstration AAR, 1st version, p. 55, and see also p. 57. Compare this with Mailer, "The Steps of the Pentagon," pp. 102ff. Second quote from HQ, MDW, AAR, Operation CABINET MAKER, 21–22 October 1967, p. 15. See also [possible Telecon], Califano to McGiffert, 211651 Oct 67, OUSA Jnl, in Chronological file, vol. 4; and the following articles in the *Washington Post*: Leonard Downie, Jr., and David A. Jewell, "Only Mailer Gets Jail . . . Others Are Fined in Mass Trials," 23 Oct 67; Carroll Kilpatrick, "Johnson Skips Governors? Will Stay Here During Protest Rally," 21 Oct 67; and John Maffre, "Busy Saturday, President Works Throughout Protest," 22 Oct 67.

others continued to shove against the restraining lines and still others headed toward the River entrance. David Dellinger was arrested at that time, apparently for sitting on the roadway at the Mall entrance.

As the afternoon waned, the turbulence caused commanders to urge stronger action. Whatever violence occurred, however, was the work of a minority. Task Force Inside would later report that “there were probably fewer than 500 violent demonstrators,” although they “were backed by from 2,000 to 2,500 ardent sympathizers.” Overall, from 85 to 90 percent of the crowd appeared to remain peaceful throughout the demonstration.⁶²

Published accounts of the day’s activities contained a number of credible reports about military policemen and marshals who clubbed some demonstrators, and of soldiers who used their boots and rifle butts. Other claims appearing in the press, however, were much more dubious. A writer in the *Washington Post*, for example, asserted that reporters saw military policemen throw at least three tear gas grenades, which military officials categorically denied.⁶³ Although Task Force Inside conceded that the troops had accidentally detonated four CS grenades, it added that “none of these detonations occurred in the vicinity of the demonstrators.” Apparently, demonstrators approaching the River entrance around 1700 exploded two or three tear gas grenades themselves, prompting the troops in the vicinity to don gas masks. Seeing the masks on a television monitor, General Johnson ordered them removed. But when the demonstrators, also about 1700, overran the platoon of military police near the Mall steps, approximately ten more grenades “were accidentally detonated or lost.” During that incident, according to a second report, “thirteen . . . CS grenades were seized by the demonstrators who proceeded to employ them against the troops.” From the official record, although ample stocks of tear gas and the means for dispensing them were on hand, use of the agent was never authorized at the Pentagon, even late Saturday afternoon and early evening when the violence reached its peak.⁶⁴

Several key military commanders were uncomfortable with the policy of restraint. General Johnson, the chief of staff, told Christopher at 1744 that “we ought to get some

⁶² The events described in this and the immediately preceding paragraphs are based on the following: Anti-Vietnam War Demonstration AAR, 1st version, pp. 53ff. Ibid., final version, pp. 4–5 and app. 13. Quotes from HQ, MDW, AAR, Operation CABINET MAKER, 21–22 October 1967, an. B, and see also pp. 11, 14ff. Jnl entries, McGiffert to Johnson, 211702 Oct 67, and Holis to Bard, 211710 Oct 67, OUSA Jnl, in Chronological file, vol. 4; HQ, TFI [Jnl], Pentagon, entry 211706 Oct 67, in Chronological file, vol. 4; DA Sitrep 3, DA 837337, 211800 Oct 67; Chapman, “GIs Repel Pentagon Charge,” which mentions Dellinger’s arrest, and see also the same author’s “Arrests End War Protest: Total Jailed on Weekend Is Near 600,” *Washington Post*, 23 Oct 67; Jackson, “The Battle of the Pentagon,” in *Who We Are*, ed. Manning and Janeway, pp. 123, 128.

⁶³ Chapman, “GIs Repel Pentagon Charge.”

⁶⁴ First and third quotes from HQ, MDW, AAR, Operation CABINET MAKER, 21–22 October 1967, pp. 15 and 23, respectively, and see also pp. 16, 22. Second quote from Anti-Vietnam War Demonstration AAR, final version, p. 13–2. HQ, TFI [Jnl], Pentagon, entries, 211745 and 211810 Oct 67, in Chronological file, vol. 4. For the supply of tear gas and other supplies and equipment available in the objective area, see DA Sitrep 3, DA 837337, 211800 Oct 67, which lists, in part, 10,314 hand chemical grenades containing the riot control agent CS and 67 crew-served weapons (65 M60 machine guns and 2 .50-caliber machine guns). Although the Army still had the riot control agent MACE “under intense evaluation” at its Edgewood Arsenal, it ordered MDW to procure “100 each MARK IV, Chemical Riot Control (MACE) Dispensers” so as to have them available by 20 October 1967. See also Msg, DA 835574 to CG, MDW, 92107Z Oct 67, sub: MDW Oplan CABINET MAKER, Synopsis and Cable Book for AOC Team Chief, 21–22 Oct 67 (1–100), no. 4, and the following in Chronological file, vol. 3: DF, DCSOPS (Hollis) to ACSFOR, 18 Oct 67, sub: Operation CABINET MAKER, with comment 2, ACSFOR (Col Daniel J. Gaston to Brig Gen James A. Hebbeler) to DCSOPS, 20 Oct 67.

cold steel and start using . . . gas. Gas is more desirable than unsheathing bayonet[s].” Christopher’s response seems to have been “OK,” but there appears to have been no real approval because about twenty-five minutes later O’Malley recommended the use of “unsheathed bayonets or gas on [the] Mall.”⁶⁵ While O’Malley’s recommendation was being logged in, the provost marshal general, Maj. Gen. Carl C. Turner, advised Attorney General Clark that the demonstrators were “highly angry, emotional, brave and daring.” They had gassed the troops in some instances, he said, and broken through and overrun them in others. They had to be pushed back and, as he saw it, that was going to take “some cold steel and possibly gas.”⁶⁶

About 1845, an hour after he first had urged escalation in the use of force, General Johnson returned to the subject, advising that the troops should use “cold steel [and] gas” both at the Pentagon and at Washington Boulevard. This was necessary, he said, to move the crowd back. Shortly after 1900, however, McGiffert told Califano that no gas had been used and O’Malley made the same point to Hollis.⁶⁷ General Johnson may have made his second recommendation directly to Secretary of Defense McNamara, who was at the Army Operations Center at about that time and who preferred to let “hunger, cold [and] fatigue take their toll.”⁶⁸

By then, many protesters had been in violation of the demonstration permit for hours. The crowd was thinning, however, with some people having left the North Parking area as early as a few minutes past 1800. Enough of the most determined and militant remained, however, that between 2030 and 2145 from 1,600 to 3,000 were still congregated around the Pentagon, many sitting on the Mall plaza. By 2145 that evening McNamara, who earlier had postponed a decision on revoking the demonstrators’ permit, again decided not to act. With the crowd quieting down and steadily diminishing in size, he wanted to do nothing that might rekindle the fire of the demonstrators.⁶⁹

By midevening Saturday, some of the troops guarding the Pentagon—three companies between the Mall and the river alone—were in need of relief. At 2100 General Johnson ordered three companies of the 1st Battalion, 3d Infantry, from Fort Myer to relieve the 503d Military Police Battalion at the Mall, leaving 400 troops as a White House security force at Fort Myer. Shortly after midnight Clark approved moving a company-strength White House guard from the Commerce Department building. Meanwhile, about 2100 the Metropolitan Police requested release of the

⁶⁵ Jnl entries, Johnson to Christopher, 211744 Oct 67, and O’Malley to Hollis, 211808 Oct 67, OUSA Jnl, in Chronological file, vol. 4. There is also a pencil-and-ink Memo, Hollis for CofSA, 211807 Oct 67, AOC Jnl, Chronological file, vol. 4, stating that O’Malley “recommends use of bayonets and gas to move crowd back at Mall” and that “I told him you had already considered escalation of force and was [*sic*] trying to get clearance.” This memo, which also refers to other matters, bears the inked notation at the bottom of the page, “No action on this.”

⁶⁶ Jnl entry, Turner to Bard, 211809 Oct 67, OUSA Jnl, in Chronological file, vol. 4.

⁶⁷ At 211845 Oct [67], Hollis logged in (in pencil and ink) Johnson’s second recommendation to Christopher on using bayonets and gas, as follows: “Chief recommends cold steel & gas at Mall & Wash Blvd.” AOC Jnl, Chronological file, vol. 4. See, additionally [possible Telecon], Califano to McGiffert, 211910 Oct 67, and Jnl entry, O’Malley to Hollis, 211915 Oct 67, OUSA Jnl, in Chronological file, vol. 4.

⁶⁸ Jnl entry, McNamara to Johnson, 211847 Oct 67, OUSA Jnl, Chronological file, vol. 4.

⁶⁹ Jnl entries, Lotz to Hollis, 211803 Oct 67; McNamara to Johnson, 211847 Oct 67; at 211845 Oct 67, McNamara’s arrival at the AOC; and McNamara to McGiffert, 211925 and 212143 Oct 67, OUSA Jnl, Chronological file, vol. 4.

National Guard on duty with them in the city. Although some relaxation and even a few withdrawals marked the situation in Washington as Saturday evening wore on, the officials in charge at the Pentagon remained cautious and alert, constantly reassessing conditions and doubtless hoping that the ordeal would soon end.⁷⁰

Between 400 and 500 demonstrators bedded down on the Mall for the night. According to official reports, some of them had a “lot of fight left.” Meanwhile, authorities decided to move the press trailers parked on the Mall, including one that had been taken over forcibly by demonstrators during the afternoon’s violence and was still occupied by them in preference to the cold pavement, with the temperature expected to drop to an uncomfortable 40 degrees Fahrenheit by daybreak. McGiffert and his colleagues also decided to close off the right side of the Mall “as quietly and quickly as possible.” From then on, demonstrators would be able to leave the area if they wished but not enter it.

The marshals began to clear the trailers and in the process to arrest those who resisted. In the end, they apprehended so many—175 in the hour after midnight and 434 in all—that General Johnson asked O’Malley about them. What had happened, according to the provost marshal general, was that demonstrators had begun throwing bottles from the trailers and kicking the soldiers as the troops tried to close off the right side of the Mall. The renewed violence had led to the arrests. Christopher and Clark were concerned that some of the apprehensions might have been uncalled for and for a time considered releasing anyone who might have been arrested on questionable grounds.⁷¹ Their concern was well placed, for later criticisms of the way authorities had handled the official response to the protest often centered on the use of excessive force during the chilly, post-midnight hours following the demonstration when the marshals made so many arrests.⁷²

No doubt fatigue shortened many tempers. The marshals and soldiers had received much verbal and physical abuse by that time, and in the view of many had responded with admirable restraint. Senator Robert C. Byrd of West Virginia thought both the troops and the marshals displayed “admirable firmness” and restraint, and Congressman Roman C. Pucinski of Illinois expressed a similar view of the troops. Both Pucinski and the journalist James Reston mentioned that the demonstrators spit on soldiers, while Reston also reported that some goaded the troops at the Pentagon “with the most vicious slander.” Allen Woode, a soldier turned author, told about a girl who propositioned several soldiers “in barracks language” in an attempt to persuade them to put down their rifles and who

⁷⁰ [possible Telecon], Califano to McGiffert, 211910 Oct 67; Jnl entries, McGiffert to Johnson, 211945 Oct 67; Throckmorton to Johnson, 211945 Oct 67; and Clark to Johnson, 220010 Oct 67. All in OUSA Jnl, Chronological file, vol. 4. Anti-Vietnam War Demonstration AAR, final version, app. 13; HQ, MDW, AAR, Operation CABINET MAKER, 21–22 October 1967, p. 17.

⁷¹ DA Sitrep 4, DA 837338, 212400 Oct 67, and entries, including single-party entries, in OUSA Jnl, Chronological file, vol. 4, as follows: McShane, 212010 Oct 67; Pollack to McGiffert, 212157 Oct 67; Throckmorton, 212220 Oct 67; Hannah, 212240, 212330 Oct 67; McGiffert to Califano, 220010 Oct 67, contains first quote; McGiffert and Clark to Johnson, 220030 Oct 67, contains second quote; U.S. Marshal to AOC, 220040 Oct 67; TV Operator, 220040 Oct 67; Christopher to Clark, 220055, 220115 Oct 67; Christopher to Johnson, 220105, 220120 Oct 67.

⁷² The arrest figures in the OUSA Journal for the early morning hours of 22 October are confusing, apparently because they are not given as totals. The figure of 434 by 1245 Sunday seems to be correct (Jnl entries, Califano to McGiffert, 220840 Oct 67, and Belcher [for Henkin] to Frykland, 221300 Oct 67, both in OUSA Jnl, Chronological file, vol. 4).

then left calling them “all machines, fascists and fairies.” Such tactics continued into the night, for O’Malley’s final report observed that “the troops were subjected to taunts, abuse and personal degradations” during the hours of darkness. Early Sunday morning McGiffert suggested to Califano that the president should “praise” the soldiers for their forbearance.⁷³

Inevitably, however, there were criticisms. Benjamin Spock, in a televised interview on “Face the Nation,” declared that “the . . . marshals were much more violent, and in a few cases the troops were a lot more violent than the young people.” The journalist William Chapman reported that during the early Sunday morning hours the troops at the Mall were rough on demonstrators who were sitting quietly, using boots and rifle butts against them when they refused to disperse and arresting about twenty of them. General Throckmorton, while observing that “the newspapers praised the Army for their show of restraint,” at the same time observed that a matter to be resolved was “the degree to which the GI may use his rifle butt and/or billy club against . . . demonstrators.”⁷⁴

As the night waned, orders came down at 0440 Sunday to reduce the force on the Mall steps by half. Most of the remaining demonstrators left at 0630, and two hours later the authorities concluded they could substitute roving patrols for the outposts at the heliport and the South Parking areas, and reduce the Mall force to a squad-strength patrol. But then demonstrators began to return, leading to the restoration of the Mall line. By 1100, demonstrators were attempting to push through the line and arrests were beginning to increase. With a growing crowd in the area, the rope barrier went back up. If the protesters hoped for a repetition of Saturday, they were disappointed. At 1540 McGiffert informed Califano that there had been no arrests for three hours. With Sunday quiet at last, officials began to concentrate on plans for withdrawing the troops and for clearing the Pentagon when the demonstrators’ permit expired.

At 2330 officials with bullhorns announced that the permit would expire at midnight, that those who wished to go would be provided with bus rides to the Memorial Bridge, and that those who remained would be arrested. When the time arrived, clearance of the area went forward on schedule and was completed in half an hour. Over 200 were arrested, apparently without violence.⁷⁵ The great demonstration was over.

⁷³ First quote from Incls from *Congressional Record*, 23 October 1967, with Memo, Penney, Ch, Legis Liaison, for Under Secy of the Army, 24 Oct 67, sub: *Congressional Record* Items on Pentagon Demonstration. Second quote from James Reston, “Washington a Sad and Brooding City in Wake of Antiwar Demonstration,” *New York Times*, 23 Oct 67. Third and fourth quotes from Woode, “How the Pentagon Stopped Worrying,” p. 50. Fifth quote from HQ, MDW, AAR, Operation CABINET MAKER, 21–22 October 1967, p. 17. Sixth quote from Jnl entry, McGiffert to Califano, 220010 Oct 67, OUSA Jnl, in Chronological file, vol. 4. See also Calhoun, *The Lawman*, pp. 279–80.

⁷⁴ Spock quote from Chapman, “Arrests End War Protest,” as well as reporting on the roughness of the troops. Throckmorton quotes included with Roop’s Briefing for General Throckmorton, 221110 Oct [67], in Chronological file, vol. 4. See also Chapman, “GIs Repel Pentagon Charge.”

⁷⁵ OUSA Jnl entries, Chronological file, vol. 4, as follows: Lemley to CG, TFI, 220440 Oct 67; Johnson to O’Malley, 220822 Oct 67; McNamara to McGiffert, 220937 Oct 67; McGiffert to Clark, 220953 Oct 67; TV report, 221050 Oct 67; Johnson to Wilson, 221214 Oct 67; Califano to McGiffert, 221540 Oct 67; Johnson to Clark, 221720 Oct 67; McGiffert to McNamara, 221830 Oct 67; McGiffert, Christopher, and Johnson to Clark, 221840 Oct 67; Clark to Christopher, 221920 Oct 67; Christopher to Clark, 222145 Oct 67; and final entry, 222400 Oct 67. See also HQ, MDW, AAR, Operation CABINET MAKER, 21–22 October 1967, p. 18; Anti-Vietnam War Demonstration AAR, final version, app. 13; Wilson, “Chronology of Pentagon’s Biggest Strongest Siege”; Woode, “How the Pentagon Stopped Worrying,” pp. 49–50.

Aftermath

McGiffert recommended redeployment of the 82d Airborne Division brigade from Andrews Air Force Base and the marines from Anacostia Naval Station at 1830 Sunday, and Clark passed word about an hour later that the White House approved. General Throckmorton remained in the Washington area until Monday morning. Withdrawal of the troops from the Pentagon also moved apace, with all departing by 1700 except a military police company stationed in the building's garage. On Monday evening that unit—Company B [Reinforced], 519th Military Police Battalion—moved in stages, first to the South Post at Fort Myer and then, later in the evening, to Fort Belvoir, where it remained until 25 October, when it returned to its home station at Fort Dix.⁷⁶

According to the marshals, the total number of arrests during the course of the demonstration came to 667. Casualties had been relatively few, and there were no fatalities, as seen in *Table 1*.⁷⁷

The demonstrators, as might be imagined, left fields of debris around the Pentagon, and officials set about making repairs and cleaning up even before the demonstration was over. Graffiti had to be removed from the building's outside walls, sometimes by sand-blasting. Five windows had been broken. In all, cleanup details from the General Services Administration removed tons of rubbish that included everything from beer cans to discarded pants. Cleanup costs totaled about \$12,000. The total cost of the operation for all government agencies was estimated at over \$1 million, including \$641,000 for the Department of Defense and \$190,000 for the Department of Justice.⁷⁸

When it was all over President Johnson praised everyone involved in containing the affair, both military and civilian alike. "Their mission was trying and difficult," he said. "They performed it with restraint, firmness, and professional skill. Their actions stand in sharp contrast to the irresponsible acts of violence and lawlessness by many of the demonstrators. They return to their regular posts of duty with respect and appreciation of their President and their Nation." Other high officials issued similar statements. However, amid the Army's general official satisfaction with its conduct of the operation, there was dissatisfaction with Army intelligence for what

⁷⁶ Jnl entries, Throckmorton to Johnson, 221407 Oct 67; McGiffert to Nimitz (of the White House), 221412 Oct 67; McGiffert to McNamara, 221830 Oct 67; McGiffert, Christopher, and Johnson to Clark, 221840 Oct 67; Clark to Christopher, 221920 Oct 67. All in OUSA Jnl, Chronological file, vol. 4. See also Final entry, HQ, TFW, Jnl, 231050 Oct 67, in HQ, MDW, AAR, Operation CABINET MAKER, 21–22 October 1967, p. 19, and see also pp. 21–22, 23; Anti-Vietnam War Demonstration AAR, final version, p. 5, and the approved redeployment plan and schedule, app 14.

⁷⁷ Anti-Vietnam War Demonstration AAR, final version, p. 5. Not included in *Table 1* totals are "six civilians, ten marshals, and twenty-seven military personnel . . . treated or evacuated for ailments not directly attributed to" the demonstration. *Ibid.*, 1st version, p. 72.

⁷⁸ OUSA Jnl entries, Chronological file, vol. 4, as follows: Bannon to AOC, 212209 Oct 67; Ware to Bard, 212215 Oct 67; Johnson to Hannah, 220200 Oct 67; McGiffert to Clark, 220626 Oct 67; Johnson to Bannon, 220802 Oct 67 (stating that "no soldiers will be used to pick up trash"); Johnson to Christopher, 221025 Oct 67; Johnson (for rcd), 221212 Oct 67; McGiffert, Christopher, and Johnson to Clark, 221840 Oct 67. See also Anti-Vietnam War Demonstration AAR, final version, p. 5; Phil Casey and William Shumann, "Pentagon Cleans Up as 100 Await Trial," *Washington Post*, 24 Oct 67; Charles W. Corddry, "Demonstration Cost 1 Million," *Baltimore Sun*, 26 Oct 67.

TABLE 1—MARCH ON THE PENTAGON CASUALTIES

<i>Category</i>	<i>Injured</i>	<i>Treated</i>	<i>Hospitalized</i>
Civilians	21	7	14
Marshals	15	12	3
Military	9	9	0
Totals	45	28	17

Source: The Anti-Vietnam War Demonstration at Washington, D.C., 21–22 October 1967: After Action Report, final version, p. 5, in Historian's files, CMH.

was perceived as its underestimation of “how many demonstrators would show up, how long they would stay, and how much violence they would attempt.” As a result, General Yarborough reportedly caught “unshirted hell” from high civilian officials, apparently including President Johnson.⁷⁹

In contrast, the demonstrators came under much open opprobrium, with “most columnists, critics, and politicians” blasting them on grounds of “vulgarity, violence, and sanctioning Communist participation.” The television commentator David Brinkley, for one, described the march as “a coarse, vulgar episode by people who seemed more interested in exhibitionistic displays than any redress of grievances.” However, it should be noted that the violence was attributable to a minority of the demonstrators and that the racial disturbances that officials feared and for which they made contingency plans never materialized.⁸⁰

The march on the Pentagon had its bizarre moments, best characterized, perhaps, by a small group of mystics that tried to levitate the Pentagon through the power of prayer. For many who took part, it seemed, at first, little more than a huge picnic with political overtones. For others, however, it was an opportunity to show the government in the worst possible light by inciting the troops surrounding the Pentagon to violence. At the very least, the march would highlight opposition to the war and encourage others to join openly in the protest. Whether they succeeded or not will always remain a matter of interpretation. Indeed, the influence of this and other such events on the shape of the public consensus regarding the war will always remain obscure. The extraordinary publicity that accompanied the march may have served to crystallize antiwar sentiment in the country at large and to sharpen the internal divisions that seemed increasingly to afflict the nation. Then again, it may have had just the opposite effect, prompting a public that might otherwise have questioned a war sown thick with contradictions to rally around the government for just a little longer. Whatever the case, the lack of concurrent rioting within Washington's ghetto suggests that despite the sympathies that seemed to exist between the leaders of the civil rights and antiwar

⁷⁹ President Johnson quotes from HQ, MDW, AAR, Operation CABINET MAKER, 21–22 October 1967, an. I-1-1. Lyndon B. Johnson, “Demonstrations on Vietnam,” *Weekly Compilation of Presidential Documents* 3 (Monday, 30 October 1967), 1968. Quotes relating to Army intelligence from Pyle, “Military Surveillance of Civilian Politics,” pp. 68–69.

⁸⁰ Quotes from DeBeneditti and Chatfield, *An American Ordeal*, p. 198.

movements, little actual connection as yet existed between the two in the eyes of the rank and file. The one remained disadvantaged and black, the other middle class and white.

Despite the president's suspicion of foreign involvement, the government's philosophical support for peaceful protest or its restraint in the use of force would be hard to fault. No doubt sound politics underlay those policies, but the end result still constitutes a remarkable case study in the handling of domestic dissent. Like those who had gathered four years earlier to demand civil rights, the great mass of the demonstration at the Pentagon was composed of law-abiding people on a moral mission. Whatever the acts of the violent minority, that majority and the respect it received from the Army gave the march the character of a constitutionally protected gathering rather than that of a civil disorder. The military responded to the lawlessness that did occur defensively, without resorting to gas and cold steel, on grounds that the good of the nation required the government, even when protecting public property, to do no more damage than necessary to the people's rights of assembly and petition.

CHAPTER 10

The Washington Riot of 1968

The Secretary of Defense is authorized and directed to take all appropriate steps . . . to restore law and order, and to see that the property, personnel and functions of the Federal Government, of embassies, of foreign governments, and of international organizations in the Washington metropolitan area are protected against violence or other interference.

—EO 11403, President Lyndon Baines Johnson, 5 April 1968.

The manner in which the Army performs under these circumstances must be above reproach.

—Lt. Gen. Harry J. Lemley, Jr.

The opening months of 1968 saw no letup either in resistance to the Vietnam War or in the unrest that had been developing on college campuses since the days of the Free Speech Movement at Berkeley in 1964. But it was not around the war or on the nation's campuses that civil strife coalesced as the year lengthened. It occurred instead on the streets of America's cities, and issues of race were at its core.

A deadly confrontation on 8 February in Orangeburg, South Carolina, pitting state and local police against students from all-black South Carolina State College, was among the first of the year's important civil disorders. In the end, indiscriminate, undisciplined firing by state highway patrolmen left three college students dead and twenty-seven injured, all from wounds inflicted from the side or rear. The Army sent a military observer and paid special attention to after action reports filed by the South Carolina National Guard, which had units under state control on the scene, but the episode otherwise left little mark on history. Although the Justice Department tried, the state police involved in the firing were never held to account. Meanwhile, despite the obvious lessons it contained, the incident received little play in the press and had almost no bearing on attempts to prevent tragedies of the same sort from occurring in the future.¹

Planning for trouble, however, did go forward in U.S. government circles, with Washington, D.C., receiving particularly heavy attention. Martin Luther King, Jr., was the

¹ Pat Watters and Weldon Rougeau, *Events at Orangeburg*, Special Report (Atlanta, Ga.: Southern Regional Council, 1968); Jack Bass and Jack Nelson, *The Orangeburg Massacre* (New York: World Publishing Co., 1970), 2d ed., and rev. and enl. (Macon, Ga.: Mercer University Press, 1984). National Guard operations are set forth in Ltr, Maj Gen Frank D. Pinckney, OTAG, Mil Dept of S.C., to Ch, NGB, 11 Mar 68, sub: After Action Report—Civil Disturbance Operation, p. 4, enclosing Ltr, Col R. L. McCrady, OTAG, Mil Dept of S.C., to TAG, S.C., 26 Feb 68, sub: AAR Relative to Orangeburg Civil Disturbance, copies in National Guard After Action Report—1968 file (hereafter cited as NG AAR), Historian's files, U.S. Army Center Military History (CMH), Washington, D.C.

reason. Officials knew that the distinguished Nobel laureate was experiencing difficult times. Not only had the rise of the militant Black Power movement jeopardized his position as leader of the drive for civil rights, but he had also allowed himself to be diverted from his emphasis on racial justice by his new venture into antiwar activism. When he had carried the Southern Christian Leadership Conference along with him into that crusade, indeed, the organization had lost some of its financial support. He needed a successful new endeavor that would strengthen his role in the black community while underscoring his commitment to nonviolence and was contemplating another march on the capital city in the spring to achieve those ends.²

King envisioned the march as the opening move of a Poor People's Campaign designed to pressure the administration and Congress into adopting a proposed \$200 billion anti-poverty program. He envisioned a caravan of 3,000 poor people from all sections of the country, assembling in Mississippi and converging on Washington to seek redress from the government. A "massive civil disobedience campaign," it would include a column of mule-drawn wagons. The marchers would camp in a shantytown to be built along the reflecting pool near the Lincoln Memorial so that official Washington could see and smell what poverty really was.³

Preoccupied with his plans for the march, which was scheduled to begin 22 April 1968, King viewed as almost incidental a commitment he had made to lead a demonstration in Memphis on 28 March in support of that city's sanitation workers who were mostly black. The result was a fiasco. The demonstration turned violent through no fault of his own, humiliating him and giving his critics new ammunition. Black Congressman Adam Clayton Powell, Jr., of New York sarcastically called him "Martin Loser King," and Roy Wilkins, head of the National Association for the Advancement of Colored People, advised him to call off the Washington demonstration on grounds that he could no longer lead peaceful protests. Although greatly depressed by the course of events, King returned to Memphis to lead a second march slated for Monday, 8 April.⁴

The Government Prepares

Meanwhile, concerned about the Poor People's Campaign and what the coming summer months might bring to Washington, federal officials began to map out ways to cope with any eventuality that occurred. On 27 February a meeting was held at the Department of Justice to inform the attorney general about planning for demonstrations in the nation's capital. By 27 March the Army had produced a finished operation plan for what it called the Washington Spring Project, its name for the Poor People's Campaign. One week later, Deputy Secretary

² Bishop, *The Days of Martin Luther King, Jr.*, pp. 3–19, 28–37, 468–70, 473–75, 482–92; Garrow, *Bearing the Cross*, pp. 575–624; Muse, *The American Negro Revolution*, pp. 230–31, 276–77; Price, *Civil Rights, Volume 2, 1967–68*, pp. 216–19, 317–18; Counterintelligence Item, 12 Jan 68, sub: Intelligence—Civil Disturbances—1968, Incl with Memo, William P. Yarborough, ACSI, for Under Secy of the Army, 12 Jan 68, sub: Intelligence—Civil Disturbances (Civil Disturbances—Spring 68 370.6—12-13-67, pt I, Army OSA), in Background Papers for the Role of Federal Forces in Civil Disturbances, 1945–1971 (hereafter cited as Background Papers), Records of the Army Staff, RG 319, NARA.

³ Bishop, *The Days of Martin Luther King, Jr.*, p. 474.

⁴ Powell quote from Ibid., pp. 12–13, and see also pp. 3–11, 13–19, 28–37. For background on this period and King's depression caused by the criticism he was receiving from others in the civil rights movement, see Garrow, *Bearing the Cross*, pp. 600–623.

of Defense Paul H. Nitze filled a gap in existing directives by designating the secretary of the Army as the executive agent for the Department of Defense in all matters regarding the employment of federal military resources during domestic disturbances. By so doing, he provided a legal basis for the provision in the Army's departmental plan that described the chief of staff of the Army as the executive agent of the Joint Chiefs of Staff for civil disturbances. On the basis of Nitze's memorandum, Secretary of the Army Resor later that month confirmed Under Secretary of the Army McGiffert in the role he had been playing in civil disturbances management. The under secretary was to have "full responsibility for all matters relating to civil disturbances with plenary authority to act" on Resor's behalf and to direct any action that the secretary was empowered to take. In that capacity, McGiffert had authority to act as an executive agent in Resor's stead.⁵

Basic principles remained unchanged. The government would refrain from interfering with a peaceful and lawful demonstration, except to lay down rules designating what portions of public property might be used. Should trouble arise, officials would place initial reliance on local and federal law enforcement personnel. The National Guard would serve in its militia role under the authority of the local government unless federal forces were committed, in which case it would be federalized. The planners anticipated a maximum of 50,000 demonstrators in Washington and expected concurrent demonstrations to occur in other cities. They assumed that the march would begin on 22 April. Prior to that time, the Army would position forces to monitor preparations for the protest. It would also make ready to assist the District of Columbia police and to secure Defense Department installations, including the Pentagon. In doing all that, however, it was to maintain the lowest profile possible.⁶

If a disturbance occurred that local forces were unable to control, Task Force Inside would intervene with about 8,000 troops. The Military District of Washington was responsible for Task Force Inside contingency planning, and the task force itself would again be commanded by the district's commanding general, General O'Malley. The updated planning specified the troop units that would compose Task Force Inside, allocated the necessary transportation, assigned initial staging grounds, fixed operational responsibilities, selected the primary command post, and equipped that facility with the necessary communications. Should the troops of Task Force Inside prove unable to cope with a disturbance, they were to be augmented by approximately 20,000 troops and to come under Task Force Washington and its commander, General Throckmorton. The plan for this task force (DRAGON WING, 563-1) was a responsibility of the XVIII Airborne Corps.⁷

The civil disturbance planning of the District of Columbia National Guard was a continuous process, coordinated closely with that of the Army. Practice alerts and assemblies

⁵ MFR, Lt Col Dalton O. Carpenter, Jr., Civil Disturbance Br, AOC, 28 Feb 68, sub: Martin Luther King Demonstrations, CS, 000.5 (14 thru 16); Memo, David E. McGiffert, Under Secy of the Army, for Vice Chief of Staff, Army (VCofSA), 18 Dec 67, DOMS Ref Chron, vol. 1, Blue tab 13, Background Papers; Memo, Dep Secy of Defense, 5 Apr 68, sub: Employment of Military Resources During Domestic Civil Disturbances. Quote from Memo, Resor, Secy of the Army, for CofSA, 22 Apr 68, sub: Assignment of Responsibilities for Civil Disturbance Matters, DOMS Ref Chron, vol. 2, Orange tab 23, Background Papers. All in RG 319, NARA.

⁶ Summary Sheet, Richard T. Knowles for Lt Gen Harry J. Lemley, Jr., DCSOPS, to CofSA, 29 Mar 68, sub: DA OPLAN Washington Spring Project (WSP), with Johnson's handwritten approval of the attached plan, 1 Apr 68, CS, 000.5 (14 thru 16), Background Papers, RG 319, NARA.

⁷ Status of Department of the Army Civil Disturbance Planning, p. 16, attached to Memo, McGiffert for Secy of Defense, [1] Apr 68, sub: Status of Army Civil Disturbance Planning, DOMS Ref Chron, vol. 2, Yellow tab 23, Background Papers, RG 319, NARA.

had not been conducted during the months of tension following the events of mid-1967, in fear of precipitating another incident. The Guard, however, had engaged in substantial training exercises, some at Fort Meade. Although it had lost a riot-equipped and -trained 500-man force of airmen, it gave twelve hours of special training to a new group of 130 airmen who would carry out the federal mission of securing the Guard's Camp Simms, D.C., facility, which might attract rioters because of its stores of ammunition and rations. In addition, the Guard engaged in several signal communications exercises to test its own command net and the communications of Task Force Inside. By and large, the planning missions assigned to Task Force Goblet Glass, as the D.C. Guard would be designated following federalization, continued to center upon the protection of firemen and the provision of static security for important installations.⁸

In January 1968, as military and other Washington authorities worried about the forthcoming Poor People's Campaign, Under Secretary of the Army McGiffert received the first of the biweekly intelligence summaries he had requested. The process of surveillance then slowly expanded. In late February General Yarborough's office requested that the Intelligence Command provide information on a continuous basis about the activities of the Southern Christian Leadership Conference and King's poor people's project. Intelligence officials viewed the Poor People's Campaign with concern, seeing in it an embryonic opportunity for the civil rights and antiwar movements to intermingle objectives, plans, and actions. If that occurred, it could lead to steadily worsening conditions conducive to the development of subversion and conspiracy.⁹ Not only might the two movements combine in an effort to stop the Vietnam War, they might also seek to use funds committed to the military to finance the domestic programs that they preferred. With these circumstances in view, the Intelligence Command readied Operation Plan 100–68, which spelled out the intelligence and counterintelligence support it would give to appropriate commanders prior to and during civil disturbances.¹⁰

Under a Department of the Army order issued in 1963, the Army Security Agency was prohibited from becoming involved in domestic surveillance activities. The agency had engaged in the electronic monitoring of civilian communications during the march on the Pentagon in 1967, but only under a specific authorization of questionable legality. With the possibility of more disorders in prospect, on 30 March 1968, the Army rescinded the ban, thus giving ASA departmental approval to provide support for Army forces in any civil disturbance if the chief of staff approved. Because public knowledge that the agency might monitor domestic communications "could be detrimental to the US intelligence effort and could cause adverse publicity," certain restrictions were imposed: ASA personnel had to operate "*under the guise of other Army units*"; their cover had to be plausible;

⁸ AAR, D.C. National Guard, Task Force Goblet Glass, 5–16 April 1968, 19 Apr 68 (hereafter cited as DCNG AAR), p. 2, in NG AAR 68 file, Historian's files, CMH.

⁹ Counterintelligence Research Project, Civil Disturbances, CONUS–1968, 1 Apr 68, p. 15, DOMS Ref Chron, vol. 2, Yellow tab 6, Background Papers, RG 319, NARA.

¹⁰ Counterintelligence Item, 12 Jan 68, sub: Intelligence—Civil Disturbances—1968, Incl with Memo, Yarborough for Under Secy of the Army, 12 Jan 68, sub: Intelligence—Civil Disturbances (the first of McGiffert's biweekly intelligence summaries); Ltr, OACSI to U.S. Army Intelligence Command (USAINTC), 21 Feb 68, as summarized in Document Description, DOMS Ref Chron, vol. 2, Yellow tab 4, Background Papers, RG 319, NARA; AAR, HQ, DA, Civil Disturbances Following the Assassination of Dr. Martin Luther King, 4–17 April 1968 (hereafter cited as D.C. Riot of 1968 AAR), 13 Aug 68, p. C-4, Historian's files, CMH.

their personnel could provide liaison with civil authorities; only communications that had an influence on the operations might be monitored; and all associated information had to be "classified SECRET LIMITED DISTRIBUTION."¹¹

By the first days of April 1968, particularly because of the new Department of the Army Civil Disturbance Plan (GARDEN PLOT), planning on the part of military and other authorities, both federal and state, to respond to domestic disorders was more comprehensive, detailed, and sophisticated than ever before in the nation's history. Military planners assumed that they would have time to complete their preparations before the scheduled beginning of the poor people's march later in the month, but they were about to be reminded in a most shocking and tragic manner that human events are never totally predictable.

The Assassination of Martin Luther King, Jr.

Having promised friends that he would return for a second march on behalf of the sanitation workers, King arrived in Memphis early to attend personally to last-minute preparations. At 1801 on Thursday, 4 April, while standing on a balcony outside his room at the Lorraine Motel, he was killed by a sniper firing a high-powered rifle from a rooming house nearby. Whatever his political difficulties within the civil rights movement, King had become a powerful voice for moderation revered by millions of all races. His death shocked the nation and rocked the world. He had become an international figure, the *London Times* remarked, "a kind of modern Moses."¹² The Associated Press reported from Saigon that American troops in Vietnam were stunned by the news, and at home public officials and other prominent persons all expressed sorrow. Even the former segregationist governor of Alabama, George Wallace, spoke out, terming the assassination "a senseless, regrettable, and tragic act."¹³ Only the official Communist newspaper of the Soviet Union, *Pravda*, seemed out of tune, declaring in an editorial that "Dr. King's death proves that freedom in America 'means to kill.'"¹⁴

President Johnson proclaimed the day one of national mourning and sent Attorney General Ramsey Clark and other Department of Justice officials to Memphis. The Federal Bureau of Investigation and the Memphis police conducted one of the most intensive man-hunts on record. In early June, British authorities arrested James Earl Ray, a white man, and Memphis authorities charged him with murder. Pleading guilty as the assassin, Ray was sentenced to life in prison.¹⁵

On Thursday evening, 4 April, concerned that widespread trouble would follow King's death, the Army went through the Continental Army Command to alert two battalions at Fort Bragg for possible movement to Memphis or Nashville. It also asked all of the continental

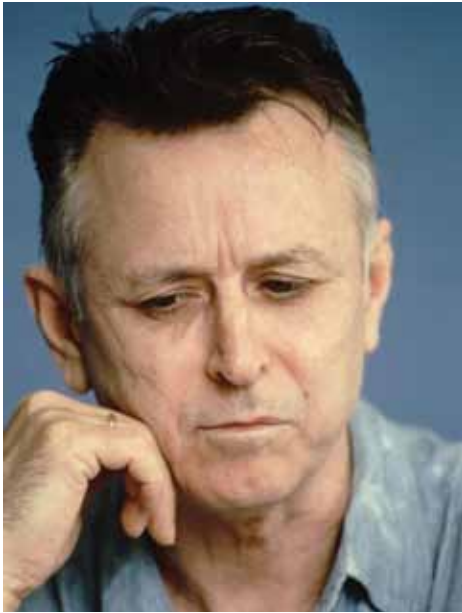
¹¹ Msg, DA 836371 (ACSI) to CGUSCONARC, Commanding General, U.S. Army Security Agency (CGUSASA), and CGUSAINTC (Secret Limited Distribution), sub: Use of USASA Resources in Civil Disturbances, 30 Mar 68, as reproduced in U.S. Congress, Senate, *Military Surveillance*, Hearings Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary on S. 2318, 93d Cong., 2d sess., 9, 10 April 1974, pp. 323-24.

¹² "A Kind of Modern Moses," *Washington Post*, 5 Apr 68.

¹³ George Wallace quote from Warren Unna, "'Reject Blood Violence,' President Asks," *Washington Post*, 5 Apr 68.

¹⁴ "America's Racial Violence Stirs Wide Concern Abroad," *Washington Post*, 7 Apr 68.

¹⁵ Bishop, *The Days of Martin Luther King, Jr.*, pp. 61-84. As of 1999, the King family, believing that Ray was not the killer, have continued to press for new investigations of the murder.



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armies to report on the residual strength they could each assemble, excluding units already organized and designated for service under GARDEN PLOT.

Shortly after midnight, the Army directed the Continental Army Command to designate two brigades for possible use in each of ten cities identified as potential trouble spots, mostly Priority I and Priority II cities as described in GARDEN PLOT. Before noon on 5 April, all GARDEN PLOT brigades had been alerted. Instructions also went out to the continental armies to update their residual strength reports against the possibility that troops might have to be deployed to all fifteen Priority I cities. Late that day the command canceled all passes for military personnel in the continental United States.

These moves were timely. As racial despair and anger spread across the nation, disturbances great and small broke out in at least 125 cities in 28 states. The Army

prepared to use troops if necessary in a number of cities, including Atlanta, Baltimore, Chicago, Cleveland, Detroit, Kansas City (Missouri), Memphis, Nashville, New York City, Oakland (California), Pittsburgh (Pennsylvania), and Washington. In the end, however, it committed federal troops along with federalized guardsmen only in Washington, Chicago, and Baltimore. The National Guard served in those three cities, and in fifty or more additional ones guardsmen were alerted, assembled, or committed as state troops, or key personnel went on emergency duty. According to official summations, the number of National Guard troops on both state and federal active duty during the crisis went well over 50,000.¹⁶

Violence began almost immediately in Memphis, with incidents of vandalism, looting, arson, fire bombing, and sniping. It spread rapidly through the southern and southwestern sections of the city and resulted in commitment by Tennessee Governor Buford Ellington of elements of the National Guard under Tennessee's Operation Plan RAMROD. Before order was restored, 1 death had occurred along with 46 injuries, 385 arrests, 628 fire calls, and 105 false alarms. Augmentation on 7 April of the guards-

¹⁶ D.C. Riot of 1968 AAR, 13 Aug 68, table 6, p. 19, and ans. A (entry 061853) and B; Jean R. Moenk, USCONARC Participation in the Suppression of Civil Disturbances, April 1968 (Fort Monroe, Va.: Historical Branch, USCONARC, 1968), pp. 30–43, 65, 67–73; AAR [Historical Branch, HQ], USCONARC, Civil Disturbance Operations, April 1968, pp. 1–9 (hereafter cited as USCONARC AAR). On the role of the National Guard in the disturbances of 4–17 April 1968, see individual state reports in the National Guard After Action Reports for 1968. All in Historian's files, CMH. The daily journal logs for Task Force Washington as well as Task Force Detroit and Task Force Baltimore are in entry 145, Background Papers, RG 319, NARA.



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men already in Memphis brought their strength to 5,098 in preparation for a renewed demonstration by the sanitation workers the next day, which Ralph D. Abernathy and King's widow, Coretta Scott King, were to lead. The march had been promoted not only as a demonstration on behalf of the striking workers but also as a memorial tribute to Martin Luther King by a number of individuals, including the man who had organized the 1963 march on Washington, Bayard Rustin of the A. Philip Randolph Institute. At their urging, the Memphis city administration withdrew its objections to the event, allowing the march to proceed on 8 April. In the end, despite the violence of the day before, thousands marched silently and peacefully, as if reaffirming the nonviolence that King had preached. Not long afterward, the city settled the strike, with the help of Under Secretary of Labor James Reynolds, who had been sent to Memphis by President Johnson.¹⁷

For four days the outcome at Memphis had nonetheless been unpredictable, and the Army prepared accordingly. Although Governor Ellington did not request federal assistance, Maj. Gen. Kelsie L. Reaves was designated as commanding general, Task Force Memphis. The Army's Deputy Chief of Staff for Military Operations, Lt. Gen. Harry J. Lemley, Jr., declared in a letter of instruction that

¹⁷ Price, *Civil Rights, Volume 2, 1967–68*, pp. 226–46; Ltr, Col James D. Parks, for TAG, Mil Dept of Tenn., to Ch, NGB, 9 May 68, sub: AAR—Tennessee ARNG 28 March–14 April 1968, copy in Historian's files, CMH. This after action report also covers commitment of elements of the Tennessee National Guard to Nashville, Tennessee, where considerable violence also spread following King's assassination.

I cannot over-emphasize the sensitive nature of your mission. The tense national feelings concerning this situation, the political ramifications, all lend [*sic*] to a possible explosive atmosphere. The manner in which the Army performs under these circumstances must be above reproach. Nation wide press, television and radio coverage is inevitable; however, let it reflect an Army of which our citizens can be justifiably proud.¹⁸

At that time, the Army dispatched Col. James M. Lee to Memphis as personal representative of the chief of staff of the Army. A liaison team of departmental representatives accompanied him. On 7 April, the eve of the sanitation workers' march, Stephen J. Pollack of the Department of Justice recommended federalization of the Tennessee National Guard, but General Reaves, who had set up his command post at the Memphis Naval Air Station, spoke against the step. Pollack's recommendation, which was in line with the governor's policy, pointed the way to the low-profile stance actually adopted by the Army.

To reduce federal visibility, a communications team of fifty-eight men destined for Memphis held at Little Rock, and Colonel Lee set up only a simple communications and operations center in the federal building in Memphis. Even so, federal-state relations were so sensitive that when an Air Force tactical air control team landed at the Memphis airport, the Guard commander, Maj. Gen. Thomas Graham Wells, Jr., complained about it to Lee. The event seemed clear evidence to him that federal authorities were intervening in a situation that was under the control of state and local authorities. Duty officers later ascertained from the Army Operations Center that the team had been dispatched in error. For the rest, federal and state officials appear to have been in basic agreement on most issues. On 9 April, with the threat in Memphis all but gone, Reaves, Lee, and the departmental representatives departed for home, leaving the city to its own managers.¹⁹

If Memphis was quiet, however, the same could not be said for the rest of the country. For a time, rioting in Pittsburgh seemed so serious that federal authorities took steps similar to those taken in Memphis. They designated Maj. Gen. Charles A. Corcoran as commander, Task Force Pittsburgh, earmarked troops for him, and drafted a letter of instruction. Ultimately, Pennsylvania handled the disturbance on its own.²⁰

Washington, D.C.

In the capital, President Johnson considered the death of Martin Luther King and its aftermath in Memphis so important that he postponed a planned trip to Hawaii for a conference on the Vietnam War. On Friday, 5 April, he met instead with black leaders and key members of Congress and attended a memorial service for King at the National Cathedral. Later he addressed the nation on television, proclaimed Sunday, 7 April, a day of national mourning, and announced the convening on Monday of a

¹⁸ Quote from LOI, Lemley to Reaves [6 Apr 68], in D.C. Riot of 1968, p. F-5-B-3, par. 5. LOI, Maj Gen Thomas Graham Wells, Jr., 8 Apr 68, Memphis, Tenn. (7–9 Apr 68), Incl 2, to AAR, Public Liaison Office of the Chief of Staff (PLOCofS), DOMS, Background Papers, RG 319, NARA.

¹⁹ Col James M. Lee, PLOCofS, Memphis, Tenn. (7–9 Apr 68), with 7 Incls, in AAR, PLOCofS, DOMS, Background Papers, RG 319, NARA.

²⁰ D.C. Riot of 1968 AAR, 13 Aug 68, pp. F-4-1 to F-4-4.

joint session of Congress to hear his proposals for new civil rights legislation and for putting an end to the racial divisiveness that was rending the nation.²¹

Washington, D.C., had experienced three major civil disturbances in the preceding fifty years—in 1919, 1932, and 1967—but only the first had been racial. The city had acquired a black majority in 1957, and by 1968 blacks accounted for 67 percent of its estimated total population of 854,000, the highest proportion of any major city in the nation. In many respects Washington could have been considered the capital of black America as well as of the nation as a whole. Black youngsters made up 92 percent of its public school enrollment, and black employees accounted for 25 percent of the city's federal work force.²²

Fears of possible racial disorders had played a part in the many special contingency plans for Washington that officials had drawn up both before and after the 1967 march on the Pentagon, but a number of positive developments had helped to keep the city quiet. Partial home rule had brought the District of Columbia a new black commissioner (mayor, in common parlance), black majorities on its new nine-man city council and its school board, and a black corporation counsel. Optimists were heard to argue that racial progress and the black voting majority had made the city riot-proof, at least against the kind of upheavals wracking other metropolitan centers.

Yet sources of friction abounded. Many black citizens regarded the 3,100-man police department inherited by Mayor Walter E. Washington a racist institution. In response, the mayor appointed the former police chief of Syracuse, New York, Patrick Murphy, to fill a new post as director of public safety, placing Murphy over Washington's Chief of Police John B. Layton and the leaders of the city's fire and civil defense departments.

Steps of that sort were important, but they failed to remedy deeper ills. Thousands of blacks in the federal work force occupied the lowest civil service grades and, given the city's prices, earned only a marginal living. Even those with adequate incomes found credit hard to obtain, and inadequate public transportation in some areas made it difficult for others to reach jobs. There were perhaps 25,000 persons unemployed, a disproportionate number of whom were black. Although the city was legally integrated, substantial segregation in housing continued to exist. Rat-infested slums, a multitude of barely habitable, dilapidated buildings crowded with residents, stood just out of sight of the Capitol.

The social consequences of poverty and ghetto living were all too evident. Washington had the highest rate of gonorrhea in the nation and the sixth highest for tuberculosis. Mississippi was the only state that exceeded it in infant mortalities. Washington ranked seventh among the nation's cities in the number of active narcotics addicts, and its already serious crime rate was rising. These were aspects of life in Washington at the

²¹ On President Johnson's meeting with black and other leaders on 5 April, see the transcript of Interv. Thomas H. Baker with Harry McPherson, n.d., tape 7, pp. 12–13, Oral History Collection, and material on the meeting in the President's Appointments file (Diary Backup), White House files. Both in Lyndon B. Johnson Library, Austin, Tex.

²² Unless otherwise indicated this section is based upon Ben W. Gilbert et al., *Ten Blocks from the White House: Anatomy of the Washington Riots of 1968* (New York: Frederick A. Praeger, 1968), pp. 1–9, 13–14, 30–34, 44–87; District of Columbia, *Report on Civil Disturbances in Washington, D.C., April 1968* (Washington, D.C., 1968) (hereafter cited as *Mayor's Report*), Police tab, pp. 1–4; and HQ, DA, AAR, Task Force Washington, 4–16 April 1968, 30 Jul 68 (hereafter cited as TFW AAR), pp. 3–4, copy in Historian's files, CMH.

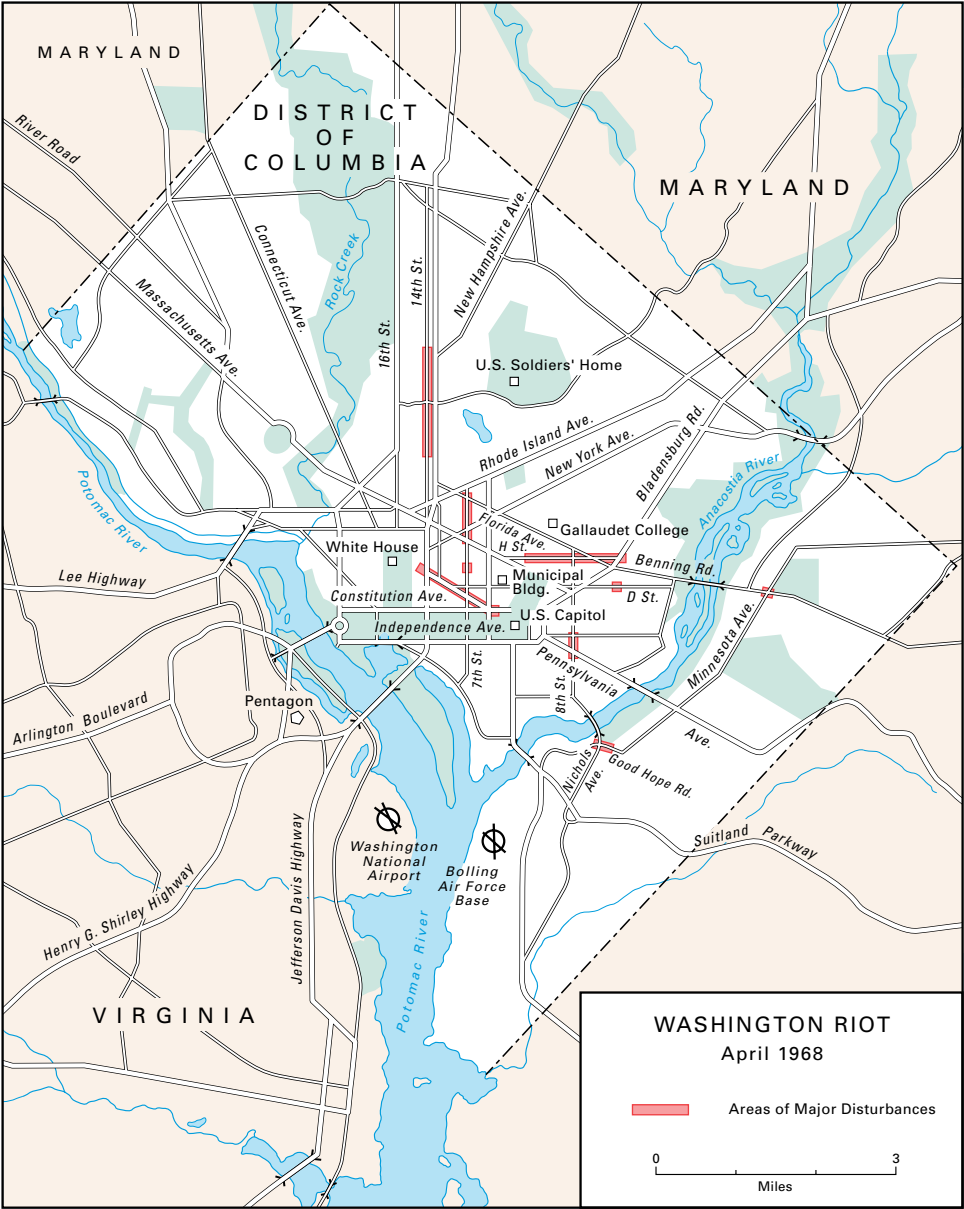


PATRICK MURPHY

time of King's assassination that tourists seldom saw—the sad, worrisome, problematical side of a city acknowledged in other respects as one of the most beautiful capitals in the world.

On the early evening of Thursday, 4 April 1968, the mood of a homeward-bound crowd in the vicinity of 14th and U Streets, N.W., was one of dismay and shock over King's murder. Urging neighborhood stores to close out of respect, the crowd was joined by Stokely Carmichael, whose Student Nonviolent Coordinating Committee offices were nearby, and began moving up 14th Street. It is said that Carmichael, seeing a young man with a gun, wrestled it from him and shouted at him to go home. Whatever the case, the activist then disappeared.

No one was in a position to control what followed. About 2130, the mood of the crowd changed from mourning to violence. Someone broke out a Safeway grocery store window and looting began, spreading northward up 14th Street to Chapin Street and beyond. (*Map 5*) By midnight, similar acts of violence were occurring along the length of the street, from about V Street to Monroe. The police, who had previously kept out of the area to avoid provoking disorders, attempted to seal off the scene but to little effect. By 0030 Friday, rioters had started full-scale fires on opposite corners at the intersection of 14th and Fairmont Streets. When firemen responded, they were greeted with verbal abuse and some missiles. The police responded with tear gas.



MAP 5

What had begun as mourning had now passed into a full-scale riot. The first six hours left more than 200 stores with broken windows and 150 looted, seven fires had been set, and some 150 adults and 50 juveniles had been arrested. Thirty persons had been injured, including five policemen and one fireman. One person was dead, though whether as a result of the riot or not remains unclear. Most of the property damage was on 14th Street, but minor outbreaks of violence had occurred elsewhere, causing damage to the Hecht Company's principal downtown department store at 7th and F Streets, N.W., and to Kaufman's, an upscale men's store at 1005 Pennsylvania Avenue, N.W., less than ten blocks from the White House and about the same distance from the Capitol.

By 0400 on 5 April the police had reestablished reasonably complete control, but the situation remained volatile. City authorities placed the police department on a two-shift rotation and canceled all leave. Conditions remained relatively calm until about noon. During the morning, Carmichael reappeared and began playing an ambiguous role. First, he held a press conference marked by Black Power rhetoric that seemed violent and threatening to whites, against whom, he said, there would be retaliation for King's death. Then, at a Howard University rally later that morning, he seemed to urge restraint. After that, he disappeared again, to be seen only once more, and then only briefly. The FBI later reported that the bureau had been unable to find any links between Carmichael and the rioting. King's death and a milieu of festering grievances, not a conspiracy, had precipitated the violence.

About noon it became evident that, despite official efforts to keep the city's 150,000 pupils off the streets, the schools could not be kept open. As in other cities, including Boston, Massachusetts; Buffalo, New York; Chicago; Detroit; and San Francisco, many students left school and joined adults in window-breaking, looting, and arson. When rioters burned the G. C. Murphy variety store on 14th Street, two teenaged boys burned to death, the second and third victims of the rioting.

By 1230 the volume of incidents had begun to increase and to spread so alarmingly that it appeared the disorder could never be contained by even a fully mobilized police force. Looting and arson resumed along 14th Street. The sidewalks were full from U Street north to Park Road with crowds of 100 or more persons at each corner in the five blocks from Clifton Street to Park Road. But then other trouble spots developed. Shortly after 1300, burning and looting had begun along 7th Street, N.W., spreading south from Florida Avenue to New York Avenue where, at Mount Vernon Place, the police set up a barricade. By midafternoon fires were roaring along H Street, N.E., from 4th to 15th Streets, and by 1700 the rioting had spread to Anacostia, both in the area of Minnesota Avenue and Benning Road, N.E., and in that of Nichols Avenue (later to be renamed Martin Luther King, Jr., Avenue) and Good Hope Road, S.E. Fifty stores were looted in Anacostia and a dozen set ablaze. There was also looting and burning along 8th Street, S.E., from Independence Avenue southward across Pennsylvania Avenue.

Altogether, rioters set more than 500 fires, with about 200 burning at the peak of the disorders. Many were fueled by gasoline. Smoke obscured whole sections of the city, and rioters frequently obstructed firemen as they struggled to perform their duties. Under a plan that had been worked out, firemen from sixty companies in Maryland and Virginia aided their Washington colleagues, and volunteer firemen came from as far away as Lebanon, Pennsylvania. Roving bands of rioters, some in cars, made hit-and-run dashes



LOOTERS DURING THE WASHINGTON RIOT

into the downtown shopping area, smashing the windows of Lewis and Thomas Saltz's clothing store only a few blocks from the White House.

The city became increasingly chaotic. Stores closed and the government was unable to keep its employees from leaving the area. Great traffic jams developed, blocking some streets for hours. Caught in the jams were officials trying to evaluate the situation and early arriving troops. Calls by office workers swamped the telephone system and hampered efforts to assemble the National Guard.

More deaths occurred. It was police department policy to refrain from shooting looters unless they threatened the lives of policemen and others, and Murphy later declared that a policeman was supposed to use his gun only when he was "prepared—and justified—to shoot to kill."²³ Even so, some police fired over the heads of looters, and in the prevailing tension and violence errors occurred. A sixteen-year-old boy was fatally wounded by a policeman in a shooting that a coroner's jury later ruled accidental.

Another police officer fired at a man backing out of a broken liquor store window holding a shiny object the officer believed to be a gun. He then fired twice more as the looter ran, killing him with a bullet in the back. The shiny object turned out to be a piece of glass. Attempts to control the disorder by nonlethal means were unsuccessful; police resorted to tear gas but, according to the *Washington Post*, "lacking sufficient manpower and experience with gas as a crowd-control device, succeeded only in moving rioters from one place to another."²⁴ By Friday afternoon, seven people were dead, and the situation had become critical.

The Request for Troops

Preparations for the use of troops began shortly after 1930 on Thursday, 4 April, when the Army Operations Center received notice that King had been shot. The center queried the Strike Command about the availability of aircraft, and that evening the Army alerted the 1st Battalion, 3d Infantry, at Fort Myer for possible employment in Washington. At 2050, the Army ordered augmentation of its operations center, and at 2300 the Chief of Staff, General Johnson, instructed the commander of Task Force Inside, General O'Malley, to activate the Military District of Washington's emergency operations center. Throughout the night and into the early morning hours of Friday, the Army alerted additional troops already earmarked in existing plans for Task Forces Inside and Washington.²⁵

Although neither military intelligence analysts nor the rest of the government had advance warning of the attack on King, the Army and its intelligence apparatus were better prepared for domestic strife than had been the case the year before. The Intelligence Command's teletype network was in place and a number of large cities had new emergency intelligence operations centers "crammed with radios and telephones" intended to enable military intelligence agents to serve "as the eyes and ears of the Army Operations Center at the Pentagon." In Washington, the 116th Military Intelligence Group was probably the best prepared of all the intelligence groups that saw riot duty in April 1968. In preparing for the Poor People's Campaign, the 116th had already conducted an exercise modeled on

²³ Gilbert, *Ten Blocks from the White House*, p. 84.

²⁴ *Ibid.*, p. 75.

²⁵ USCONARC EOC Jnls, 4 and 5 Apr 68, in USCONARC files, Fort Monroe, Va.; USCONARC AAR, p. 2.

the previous year's march on the Pentagon to test the readiness of its radios, operations center, and personnel.²⁶

When news of King's assassination arrived on Thursday evening, the Intelligence Command went on a nationwide alert and activated twenty-nine emergency operations centers across the nation. In Washington the 116th Military Intelligence Group called in its more than one hundred twenty agents, organizing them into three eight-hour shifts. In Baltimore and Chicago large-scale augmentation of intelligence resources also occurred. Meanwhile, intelligence personnel at the Army Operations Center in the Pentagon, augmented by teams from the Office of the Assistant Chief of Staff for Intelligence, called for status reports and began to prepare detailed intelligence summaries and briefings for Defense Department officials.²⁷

In Washington, three-man teams in unmarked cars reconnoitered the city to report on violence. While agents monitored police stations to report on persons arrested for rioting, others at the 116th's headquarters manned "hot lines" to police precincts, the Army Operations Center, and elsewhere. Most of the teams cruised on the fringes of the rioting, interviewed policemen and firemen and reported their findings to the operations center. Some black agents mingled with the crowds, but white agents faced some danger in cruising the areas populated by blacks. When one car was stoned, junior officers objected to going out unarmed again and were issued revolvers and ammunition, even though few of them had any experience with these weapons.²⁸

The Army also tapped the government's electronic information capabilities. On Friday, 5 April, in accord with recent authorizations, General Johnson approved the monitoring of civilian radio transmissions by the Army Security Agency in hopes of discovering whether the riot had some sort of central direction. Agency units were to report to the Army Operations Center until federal forces were formally committed. Citizen, police, taxi, military, and purely amateur radio bands were involved. Acting on their own, representatives of the assistant chief of staff for intelligence later called the Federal Communications Commission, proposing that the commission should either monitor civilian broadcasts for information useful to the Army or give the Army formal authorization to do so. The agency took the matter up with the attorney general's office but for the moment did nothing.²⁹

Despite all the activity, at no time during the period leading to the decision to commit federal troops did any of the principals apparently seek the views of military

²⁶ Quotes from Christopher H. Pyle, "Military Surveillance of Civilian Politics, 1967-1970" (Ph.D. diss., Columbia University, 1974. Ann Arbor, Mich.: University Microfilms, 1980), p. 97, and see also p. 96. See also James R. Gardner, "The Civil Disturbance Mission of the Department of the Army, 1963-1973: An Analysis of Perceptions, Policies and Programs" (Ph.D. diss., Princeton University, 1977. Ann Arbor, Mich.: University Microfilms, 1980), pp. 155-70.

²⁷ Paul J. Scheips and Karl E. Cocke, *Army Operational and Intelligence Activities in Civil Disturbances Since 1957*, OCMH Study 73, rev. ed. (Washington, D.C.: Office of the Chief of Military History, April 1971), pp. 110-11, CMH.

²⁸ Pyle, "Military Surveillance of Civilian Politics," pp. 97-100.

²⁹ A few weeks after the riot, the Army Security Agency informed the National Security Agency of its support for the operations—the first time "that NSA had ever been officially apprised of the domestic activities of ASA." "Improper Surveillance of Private Citizens by the Military," in U.S. Congress, Senate, *Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans*, Final Report of the Select Committee To Study Governmental Operations with Respect to Intelligence Activities, 94th Cong., 2d sess., 1976, S.R. 94-755, bk. 3, pp. 809-10; Pyle, "Military Surveillance of Civilian Politics," pp. 99, 181-82.

intelligence on the need for armed intervention. Instead, officials moved toward the decision to intervene by the familiar path of consultation with one another, probably because, as Robert Jordan observed on another occasion, the situation in a major riot is “so fluid that one simply could not rely on information that was even thirty minutes old” as “processed intelligence” was bound to be.³⁰

Shortly after 0300 on 5 April, key leaders met in the Army Operations Center to discuss the situation. Included were General Ralph E. Haines, Jr., the vice chief of staff; Patrick Murphy, the D.C. director of public safety; Robert E. Jordan III, the Army’s general counsel; and Maj. Gen. Charles L. Southward, commanding general, District of Columbia National Guard. Murphy, though confident that the rioting was currently under control, worried that the police might be unable to handle future developments. If the Guard were to be used, Southward wanted to know by noon to have time to assemble his troops.³¹

Further discussions at both the White House and the Army Operations Center involved other players, including Deputy Attorney General Warren Christopher, Under Secretary McGiffert, Secretary of the Army Stanley Resor, General Haines, Chief of Police Layton, and others. Out of the talks came a decision shortly after noon to assemble in drill status two battalions of military police, a light maintenance company, and a headquarters detachment of the District of Columbia National Guard at 1600. Still another meeting in the Army Operations Center led to the assembly of all Guard units for weekend training as a precautionary measure, a means of having the Guard on hand should the president decide to employ it either as a state militia or as a federal force.³²

The seemingly choreographed comings and goings of federal and state officials contrasted strangely with the escalating violence in the streets. According to Harry McPherson of the White House staff, the slowness of the process exasperated President Johnson. The chief obstacle appeared to be the inability of District of Columbia officials to make a decision. As McPherson put it, for about three hours, the mayor, Murphy, and Layton were unwilling to say simultaneously that troops were needed, “and it went on like this until the president was climbing the wall.”³³

Meanwhile, about 1500 on Friday, 5 April, Deputy Attorney General Christopher, General Haines, and Murphy set off to tour the troubled city in Police Chief Layton’s radio-equipped car. In their report, telephoned directly to the Pentagon and the president, they recommended federalization of the D.C. National Guard and intervention by federal forces.

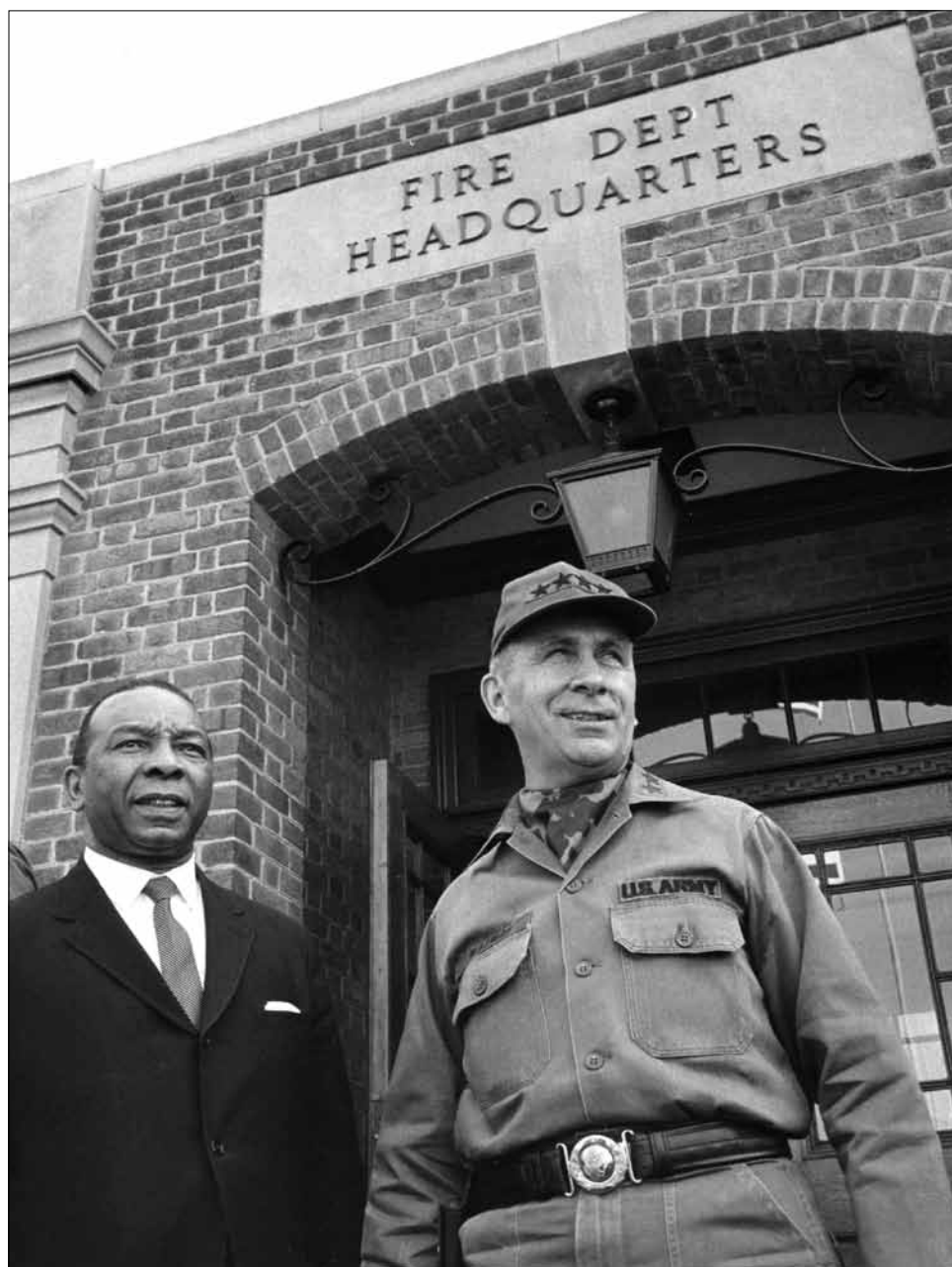
General Johnson appears to have added his voice to theirs. At some point between the Detroit riot and the spring of 1968, he recalled years later, Joseph A. Califano of the White House staff had advised him that, in the case of another riot, President Johnson wanted him to submit his own recommendations on the commitment of troops. As the general put it, he disliked having to do that because it put him in the decision-making “chain” that was

³⁰ Ltr, Jordan to author, 15 Dec 82, Historian’s files, CMH.

³¹ D.C. Riot of 1968 AAR, 13 Aug 68, an. A, app. 1 (Chronology of Events); TFW AAR, sec. 1, p. 3, and app. D (Chronology of Events).

³² DCNG AAR, p. 1.

³³ Interv, Baker with McPherson, n.d., tape 7, p. 25.



MAYOR WASHINGTON AND GENERAL HAINES

essentially a civilian political responsibility. Even so, he did his duty and, apparently following Haines' report on Friday afternoon, likewise endorsed the use of federal forces in Washington.³⁴

At 1600 on 5 April Mayor Washington, supported by Murphy and Layton, at last formally asked for federal troops "to supplement the local police force and the National Guard."³⁵ The mayor also declared a state of emergency within the District of Columbia, imposed a curfew from 1730 until 0630, prohibited the sale of liquor and firearms, and forbade the sale of gasoline in any manner except directly into the fuel tank of a vehicle. Two minutes later, President Johnson, his mind already made up, issued a proclamation that commanded the rioters "to disperse and retire peaceably." Immediately on the heels of this proclamation, at 1603, he issued an executive order authorizing the use of troops "to restore law and order, and to see that the property, personnel and functions of the Federal Government, of embassies of foreign governments, and of international organizations, in the Washington metropolitan area are protected against violence or other interference."³⁶

As authority for his order, Johnson cited both the familiar Title 10, Sections 331–34, *U.S. Code*, and his power as "Commander-in-Chief of the Militia of the District of Columbia." As usual, he authorized the secretary of defense, for whom the secretary of the Army would act as executive agent, to use such federal armed forces as might be necessary and to call into federal service members of the District of Columbia National Guard. In an attempt to avoid the bloodshed that had occurred in Watts, Newark, and Detroit, he then asked Joseph Califano to inform the senior officials involved that the troops committed were to use minimum force. "If humanly possible," he said, "I don't want anybody killed."³⁷

Troop Deployment and Operations

As in the Detroit riot, Cyrus Vance played a key role. Mayor Washington claimed that he requested Vance's participation because he wanted an experienced adviser at his side, but it is also possible that President Johnson offered Vance's assistance when the mayor was at the White House. In any case, reached at his law office in New York, Vance flew to Washington promptly. At various times during the crisis he was referred to as a "federally paid consultant"; as the "President's special representative"; as Mayor Washington's "personal advisor"; and, probably most accurately, as the "Presidential representative" to whose instructions General Haines

³⁴ Telecon, author with Gen Harold K. Johnson, 7 Dec 82, CMH files. Although the author attempted to interview Califano many times, he was never able to make connections. Califano does not mention the episode in his memoir, but there is no reason to doubt Johnson's recollection.

³⁵ For the formal request for troops and the source of the quote, see Memo, Washington, Murphy, and Layton for the President, 5 Apr 68, President's Appointments file (Diary Backup), White House files, Johnson Library. Pyle, "Military Surveillance of Civilian Politics," pp. 101, 102.

³⁶ Proclamation 3840, *Law and Order in the Washington Metropolitan Area by the President of the United States of America*, and EO 11403, *Providing for the Restoration of Law and Order in the Washington Metropolitan Area*, both 5 April 1968, 33 F.R. 5495 and 5501, respectively, and 3 C.F.R. 331 and 719, respectively (1966–70 comp.); "Proclamation and Executive Order on D.C. Disorder," *New York Times*, 6 Apr 68.

³⁷ Califano, *The Triumph and Tragedy of Lyndon Johnson*, p. 278.

should be responsive.³⁸ Whatever his title, he became the central figure in managing the restoration of order.

According to Deputy Mayor Thomas W. Fletcher, decisions during the riot were made around a table in Police Chief Layton's office. Vance, always keeping with him the "book"—the report he had prepared after the Detroit riot—provided guidance to Haines and other city officials. Yet he was not overbearing. Although involved in every major decision, Vance's *modus operandi* was to ask questions and make suggestions, not to issue orders. As a result, he got along well with the mayor and the principal police officials, and when his work was over he graciously expressed his "great appreciation" for "the privilege of serving under your magnificent mayor during these difficult times."³⁹ But Vance influenced events in Washington not only because of his tact, experience, and prestige, but also because his views essentially coincided with those of the Army's, most importantly in the emphasis he placed upon restraint and the use of tear gas over firearms.

Because of the rapid escalation of the disorders, Army officials decided to activate a staff for Task Force Washington that was drawn directly from departmental headquarters rather than comply with the provisions of the DRAGON WING contingency plan and await the arrival of Headquarters, XVIII Airborne Corps, which would have to deploy from Fort Bragg. The logic of the situation also led General Johnson to designate his deputy, General Haines, as task force commander. Haines, in turn, instructed Brig. Gen. Harris W. Hollis, who would shortly become the task force's first chief of staff, to establish a command center in the Municipal Building at 300 Indiana Avenue, N.W.

Occupying a large conference room close to the chief of police and his principal assistants, Hollis organized a staff from two Army civil disturbance liaison teams. Included were logistical, information, legal, provost marshal, intelligence, and signal officers. Direct telephone lines connected the command center with the Pentagon and later with the White House. The location simplified liaison with the police and gave the task force immediate access to police intelligence, reducing its need for the information provided by the 116th Military Intelligence Group. Although later augmented, the staff never numbered more than twenty-nine. While Task Force Washington would later report that the organization ran smoothly, it suffered from the normal problems that afflict any ad hoc arrangement, especially during periods of peak activity.⁴⁰

The letter of instruction General Haines received from the secretary of the Army ordered him "to restore and maintain law and order" in the Washington metropolitan area.

³⁸ First quote from Gilbert, *Ten Blocks from the White House*, pp. 92–93. Second quote from *Ibid.*, pp. 118–19. Third quote from Willard Clopton, Jr., "6000 Troops Move into the District . . .," *Washington Post*, 6 Apr 68 (quoting Daniel Henkin, a spokesman for the Department of Defense). Fourth quote from LOI, Gen Harold K. Johnson, CofSA, to Gen Ralph E. Haines, Jr., VCofS, DA 858668, 60139Z Apr 68 (5 Apr 68, 2039 local time), par. J, p. F-1-H-3, in an. F, in D.C. Riot of 1968 AAR, 13 Aug 68, Historian's files, CMH.

³⁹ *Mayor's Report*, Statements [of] Mayor and Mr. Vance.

⁴⁰ USCONARC AAR, p. 17, entry 051608; D.C. Riot of 1968 AAR, 13 Aug 68, an. A, entry 051405; TFW AAR, pp. 6–7, app. D, entries 051545 and 051702; Memo, Califano for the President, 5:20 PM, 5 Apr 68, President's Appointments file (Diary Backup), White House files, Johnson Library; Memo, Brig Gen Warren K. Benedict, Actg Dir of International and Civil Affairs, ODCSOPS, for Dir of Opns, ODCSOPS, 16 Apr 68, sub: Comments on Task Force Washington, RG 319, NARA; Moenk, USCONARC Participation in the Suppression of Civil Disturbances, April 1968, pp. 50–53; Pyle, "Military Surveillance of Civilian Politics," p. 102.

Although almost identical to the model provided in the departmental plan GARDEN PLOT, it nonetheless tailored standard procedure to local conditions and contained minor refinements that reflected the most recent planning for civil disturbances and some of the lessons the Army had learned from the riots in Newark and Detroit. The letter thus omitted any reference to a personal liaison officer of the chief of staff as provided in GARDEN PLOT since that individual was not needed under the circumstances. In the same way, whereas at Detroit General Throckmorton had been told to operate in the Detroit, Michigan, “area,” Haines’ instructions applied to the much more specific Washington “metropolitan area.” Haines was likewise to use “minimum force, consistent with mission accomplishment,” but his instructions also contained a provision, as Throckmorton’s instructions at Detroit had not, that commanders and their personnel were to “avoid appearing as an invading, alien force rather than [as] a force whose purpose is to restore order with a minimum loss of life and property and [with] due respect for the great number of citizens whose involvement is purely accidental.”⁴¹

Looting and sniping, which had not been mentioned in Throckmorton’s instructions of the preceding year, received special treatment in Haines’ letter. The paragraphs restated existing Army policy, but the language dealing with the application of force was particularly strong: “There is no satisfactory predetermination as to when firearms should be employed to stop looting beyond continued emphasis on the absolute necessity of using minimum force and avoiding the use of firearms except as a last resort and under the rules established.” The rules of engagement laid down in Haines’ instructions were, in brief, that only an officer could authorize the loading and firing of weapons except “when required to save . . . lives,” that riot control agents should be used before live ammunition, and that any necessary shots would be “aimed to wound rather than to kill.”⁴² From the outset, Haines was empowered to delegate his authority to use riot control agents, a change based on the Detroit experience that Vance believed was very important.

The instructions Haines received on the escalation of force were extremely detailed. They involved the arms soldiers carried and how they were to be displayed and used. The first and least threatening provided for rifles to be carried unloaded, either at sling or at port, with bayonets sheathed and hanging from soldiers’ belts. A second, marginally more intimidating, provided for rifles to be at port, unloaded but with sheathed bayonets affixed. Four final options were each progressively more menacing. In the first, rifles at port would have their bayonets affixed without scabbards. In the second, rifles at port would be unloaded but their magazines would be at the ready in the troops’ ammunition pouches. In the third, magazines would be inserted into their weapons but rounds would remain unchambered. In the last, most drastic case, rifles would be ready to fire with rounds chambered.⁴³

The instructions for both Detroit and Washington were alike in that both commanders were responsible directly to the chief of staff and were to be responsive to Cyrus Vance,

⁴¹ For Haines’ 1968 and Throckmorton’s 1967 instructions and the quotations therefrom, see LOI, Johnson to Haines, DA 858668, 60139Z Apr 68 (5 Apr 68, 2039 local time), pp. F-1-H-1, F-1-H-2, and Msg, DA 824879 to RUCIFIA/Comdr, Selfridge AFB, Mich., 24 Jul 67, sub: Letter of Instruction GARDEN PLOT 1–67, in RG 319, NARA.

⁴² LOI, Johnson to Haines, DA 858668, 60139Z Apr 68 (5 Apr 68, 2039 local time), pp. F-1-H-2, F-1-H-3.

⁴³ *Ibid.*

the presidential representative. Both letters of instruction also agreed on the guidance they gave on military cooperation with the civil authorities; on searches involving individuals, fixed property, and automobiles; and on the necessity for the troops to refrain from taking orders from state and local authorities.

Immediately after issuing his executive order, President Johnson approved the movement of troops to sites in and around Washington. He twice cautioned General Johnson, however, to keep the process "low key." Johnson understood the president to mean that only 500 men of the 3d Infantry were to be committed, with additional forces entering the District of Columbia only if they arrived quietly and in limited numbers.⁴⁴

Events nonetheless soon overruled these early limitations. As early as 1605, Task Force Washington reported an appraisal of the situation by Chief Layton that clearly pointed to several critical areas in the city. They included 14th Street, N.W., from Belmont to Monroe Streets (Police Precincts 13 and 10); 7th Street, N.W., from L Street to Florida Avenue (Precincts 2 and 10); H Street, N.E., from 1st to 15th Streets (principally Precinct 9); and the White House and Capitol sectors. Layton recommended that the commitment of federal troops to H Street, N.E., take first priority to protect as yet undamaged areas. The White House and Capitol areas would come second to shield the main domiciles of the government.⁴⁵

General Johnson responded by ordering all Task Force Inside units to their assembly areas and directed the four companies of the 1st Battalion, 3d Infantry, at Fort Myer to take up station in Washington. One was to deploy at the White House, one at the Capitol, and two along the H Street corridor. Before the two companies moved to H Street, however, General O'Malley countermanded the order, apparently because the Secret Service did not want units of the 3d Infantry that had been earmarked for the White House employed on other duty. Even so, the two received street assignments, as did the one on duty around the Capitol, after being relieved of its tasks in that area.⁴⁶

General Haines ordered elements of the 6th Armored Cavalry to deploy from that unit's assembly area at the U.S. Soldiers' Home to assume the mission of the 1st Battalion, 3d Infantry, in the H Street zone. The other units to arrive at that time were the 91st Engineer Battalion, which moved from Fort Belvoir to an assembly area in East Potomac Park; two companies of the Marine schools' demonstration troops, which moved from Quantico Marine Base, Virginia, to their area at the Washington Naval Station; and a Marine composite company from the Marine Barracks, D.C. (*See Map 1.*)

Although the marines would later join Task Force 82, all of those units initially became part of Task Force Inside. So did the D.C. National Guard, which was federalized

⁴⁴ Quote from TFW AAR, pp. 9, 38, entries 051604, 051650. [Telecon transcript], Haines to Gen Johnson, 051710R Apr 68, Historian's files, CMH.

⁴⁵ TFW AAR, pp. 39 (entry 051702), 77–78; D.C. Riot of 1968 AAR, 13 Aug 68, an. A, entries 051604, 051650; HQ, Military District of Washington AAR: Washington Civil Disturbance Control Operations, 4–16 April 1968, 25 Apr 68 (hereafter cited as MDW AAR), pp. 7–9, RG 319, NARA; DCNG AAR, p. 4; Moenk, USCONARC Participation in the Suppression of Civil Disturbances, April 1968, table 5, p. 51; TFW AOC Synopsis Book 1–100, no. 1 (051615). All in Historian's files, CMH. The 171st Military Police Battalion, D.C. National Guard, also later became a part of Task Force 82, passing under its operational control on 8 April.

⁴⁶ TFW AAR, pp. 9, 38 (entries 051604, 051650), 39 (entry 051702), 77–78; [Telecon transcript], Haines to Gen Johnson, 051710R Apr 68; D.C. Riot of 1968 AAR, an. A, entries 051604, 051650; MDW AAR, pp. 7–9; Moenk, USCONARC Participation in the Suppression of Civil Disturbances, April 1968, table 5, p. 51; TFW AOC Synopsis Book 1–100, no. 1 (051615).



A TROOPER STANDS GUARD WHILE ANOTHER PATROLS A DEMOLISHED BUILDING.

at 1700 on 5 April. A delay in the official notification, however, combined with conflicting public announcements, rush-hour traffic jams, and an overloaded telephone system, slowed the assembly of the force. As a result, only 40 percent of the Guard's members were on hand when federalization occurred. The strength of the force would increase steadily in the days that followed, reaching 97 percent or 1,854 guardsmen by 15 April.⁴⁷

The military response took another step ahead on Friday evening, when Cyrus Vance agreed to the deployment of the 82d Airborne Division. The first of twenty-one aircraft carrying the 1st Brigade of the 82d touched down at Andrews Air Force Base at 1001 Saturday, 6 April. Following the 1st Brigade, the 503d Military Police Battalion arrived from Fort Bragg. The unit had been involved in civil disturbance control operations since the trouble at Oxford. The 2d Brigade of the 82d arrived last. That evening, the commander of the 82d Airborne Division, Maj. Gen. Richard J. Seitz, activated Task Force 82, another of Task Force Washington's main components. On Sunday afternoon the XVIII Airborne Corps Artillery Brigade (Provisional) began to reach the capital area. The unit went into reserve at Andrews Air Force Base, where it stood ready to deploy to Washington's Maryland suburbs if problems occurred in those areas. On Sunday night, the 1st Brigade shifted to Baltimore, where rioting had also broken out.⁴⁸

⁴⁷ Msg, Secy of the Army, to CG, DCNG, DA 858687, 51700 Apr 68, RG 319, NARA; DCNG AAR, p. 3, in NG AAR 68 file, Historian's files, CMH.

⁴⁸ Moenk, USCONARC Participation in the Suppression of Civil Disturbances, April 1968, pp. 49–50; TFW AOC Synopsis Book 1–100, no. 40 (062020).

Through the night and into Monday, 8 April, units continued to flow into the Washington area, their movement taking priority over the shipment of supplies to Vietnam and requiring the use of all available Air Force transports. The 197th Infantry Brigade arrived from Fort Benning and the 2d Brigade, 5th Infantry Division, from Fort Carson. They would stand by at Bolling Air Force Base either as a reserve force for Task Force Washington (as subordinate Task Force 2/5) or for deployment to other trouble spots. Monday also saw the arrival of the III Corps Artillery Brigade (Provisional), 1,966 strong, at Andrews Air Force Base, where it joined the 16th Armor Group task force as part of the Army's total reserve strength of 22,303. In its move from Fort Sill, Oklahoma, the artillery unit required some sixty-nine aircraft sorties, a measure of the air transportation requirements imposed by the operation. The rest of the units slated for possible duty in the Baltimore-Washington area remained at or near their home stations.⁴⁹

The total number of troops actually committed to the streets in Washington was 13,466—11,618 from the active Army and 1,848 from the National Guard. Troop strength in the Washington area reached its peak on Wednesday, 10 April, when 15,530 troops were present in and about the capital. Thereafter the strength fell to 5,601 troops on 13 April, where it remained until the beginning of the final withdrawal a few days later.⁵⁰

The troops were usually assigned by police precinct. During the first night it was necessary to divide battalion-size units among several precincts because the military force was still small. Later, the 503d Military Police Battalion provided mobile patrols to control looters and to obtain intelligence. Assigning three military policemen and a civilian to each vehicle, the battalion sent two companies into Precincts 1, 2, 10, 12, and 13. Elements of the D.C. National Guard provided security for D.C. firemen, the D.C. Jail, Lorton Reformatory, and other selected critical facilities. Most operations took place within the District of Columbia, but some units had missions in areas of Maryland and Virginia contiguous to the District, which they were to carry out if violence spilled across the city's borders. In addition to performing guard duty, troops detained looters, protected firemen, cleared streets, and isolated trouble spots.⁵¹

One of the first units deployed into Washington was the 2d Squadron of the 6th Armored Cavalry, commanded by Lt. Col. Clyde H. Patterson. Stationed at Fort Meade, the unit had been ordered at five minutes after midnight on 5 April to ready one squadron for deployment to Washington. At 1500 that day, the squadron received orders to move

⁴⁹ Paul J. Scheips and John Albright, *Use of Troops in Civil Disturbances, 1963–1968*, an. 6 to L.B. Johnson Administrative History, Oct 68, pp. 99–100, Johnson Library, copy at CMH; TFW AAR, pp. 77–79; D.C. Riot of 1968 AAR, 13 Aug 68, p. E-4-1, a list of active forces in reserve as of 101800 April 1968.

⁵⁰ Msg, CG, MDW, to CGUSCONARC, 8 Apr 68 (CONARC Rpt/MDW Sitrep 4, 072010Z Apr 68), p. 8, Historian's files, CMH. The figures cited here are soft. In a response to Virginia Senator Harry F. Byrd, Jr., Brig. Gen. John J. Hennessey, Acting Director of Operations, ODCSOPS, put the maximum number of active troops of all services deployed in the Washington riots at 11,385 and of the National Guard at 1,919, including 241 of the Air National Guard. See Msg, Hennessey to Dir of Statistical Svcs, Comptroller, Office of the Asst Secy of Defense (OASD), thru Secy of the General Staff (SGS), 19 Apr 69, sub: Troops Used in Riots After the Reverend Martin Luther King's Death, with Incl, CMH.

⁵¹ TFW AAR, p. 10 and app. G, with maps showing troop dispositions; MDW AAR, pp. 3, 13 (entry 1200, showing deployment of troops of Task Force Inside at noon, 6 April), 14 (entry 2100, describing the mobile forces of the 503d Military Police Battalion), and Incl 5 (a map showing the precincts in which Task Force Inside operated). This little map is clearer than the ones in the TFW After Action Report mentioned above. A large and more useful map (an official Washington, D.C., highway map of 1967 showing police precincts) is among the Task Force Washington materials in the Historian's files, CMH.

to its assembly area at the Soldiers' Home, and thirty minutes later Troop E moved out, followed at short intervals by the other troops of the squadron. From the Soldiers' Home, between 1700 and 1730 that afternoon, the first three troops deployed into Precincts 9, 10, and 13. Following the 2d Squadron at two-hour intervals, the regiment's 3d and then 1st Squadrons left Fort Meade. By 2100 that day, the entire 6th Armored Cavalry was deployed on the streets of Washington.⁵²

With a mission that included civil disturbance responsibilities, the 6th Armored Cavalry had undergone training since the summer of 1967. Its 1st Squadron was among the troops employed during the march on the Pentagon. Intensive training had followed that fall during three months at Camp Drum, New York. The troops devoted about one day a week during that period to riot control, a program that had helped to develop the unit's officers and noncommissioned officers down to the squad level into highly effective leaders. Training continued at Fort Meade during January 1968, under the shadow cast by the planned Poor People's Campaign. The 2d Squadron had been specially structured for its unique mission by the formation of four identical troops in addition to the squadron headquarters. Each troop was built around a 111-man rifle company equipped with special gear that included nightsticks, canvas bags for CS grenades, and riot control dispensers. The 2d Squadron was about 15 percent black. Many of its members, including the troop commanders and many noncommissioned officers, were Vietnam veterans.

During that period, the unit developed close working relationships with Washington police officials. Its officers made special reconnaissance visits to police precincts to update their maps by highlighting major transportation routes, key buildings, and unique features of the landscape. They also made tentative selections of assembly areas and command posts. As April and the expected poor people's march approached, their soldiers even packed alert bags of personal gear. In the end, the cavalry troopers took to the streets of Washington with a good understanding of what they were expected to do.

A City in Turmoil

The 2d Squadron moved out in a mile-long column that remained fairly well closed up until the lead unit, Troop E, reached the Washington city line. It was the Friday afternoon rush hour and a riot was in progress. The column thus slowed almost to a standstill during the last three to four miles to its destination. When the troops reached the U.S. Soldiers' Home, they deployed without delay to target areas in the precincts. Their orders were to fix sheathed bayonets and to use CS if an officer on the scene decided that it was necessary. They had received repeated instructions from their officers on the use of their weapons, the situations they would face, and their legal obligations as members of an armed intervention into a civil disturbance. They had ammunition, but it was to be used only under specific orders or in self-defense.

⁵² Unless otherwise indicated, the following section is based upon Clyde H. Patterson, Jr., "To Insure Domestic Tranquility," *Armor* 77 (July–August 1968): 44–48; AAR, Patterson, 17 Apr 68, copy in TFW AAR, app. J, Incl 2; Interv, Paul J. Scheips and John Albright with Clyde H. Patterson, Jr., Army War College, 17 May 71; and AARs, Capt Daniel E. Speilman, Troop E, 2d Squadron, and Capt Timothy Donovan, Jr., Troop F, 2d Squadron. For operations of the 6th Armored Cavalry in the hot spots of Precincts 10 and 13, see the AARs, Lt Col Keith Meyer, CO, 1st Squadron; Lt Col Ernest F. Jacobs, CO, 3d Squadron; and Capt John H. Johnston, Jr., Troop G, 2d Squadron. These AARs are in MDW AAR, Incls 6–11. All in Historian's files, CMH.



A BUILDING BURNS IN THE BACKGROUND AS ARMY TROOPS PATROL 7TH STREET.

When Troop E, under Capt. Daniel E. Speilman, first arrived in Precinct 9 at 1700, it found large uncontrolled fires burning along H Street, N.E., between 6th and 15th Streets, where Florida Avenue, Maryland Avenue, Benning Road, and Bladensburg Road all come together. Acrid smoke and gases from the fires filled the air for two or three blocks on either side of H Street, which was itself, along with its cross streets and alleys, filling with debris from the conflagration. Scattered everywhere was looted merchandise from what once had been a busy commercial district serving mainly black customers. Fire-fighting equipment was parked at all angles with hoses running everywhere.

Chaos reigned throughout the area, particularly around the intersections at its eastern end. Perhaps 5,000 persons were on the streets, some carrying clubs. Groups composed mainly of teenagers and young adults were looting and setting fire to stores. Some threw debris at the troops, and verbal taunting was common. Liquor stores had been broken into, and there was widespread drunkenness, even among ten and eleven year olds. Rioters interfered with firemen, throwing rubble at them and attempting to block the movement of fire-fighting equipment. The looters seemed to be in a frenzy, their destruction and stealing indiscriminate; simply to take something seemed more important than what was taken.

The police had lost control of Precinct 9 hours before the troops arrived. Exhausted and badly outnumbered, they clustered in small groups, mainly at intersections, where they sought to prevent persons from crossing or moving along H Street, and around the fire equipment, where they sought to protect the firemen. When the soldiers arrived, they requested arrest teams. The police responded by assigning ten officers to each troop

of the 2d Squadron. From then on, policemen and soldiers traveled together in military vehicles. Where no police were present, the troops could not make arrests, but a practical working arrangement developed in which neither group claimed to be in charge. In effect, the troops would apprehend and detain rioters until the police teams could arrive, make arrests, and take the accused away. The troops had no radios that netted with the police communications, but the police used walkie-talkies to call in police vehicles to pick up the detainees. In all, the troops apprehended some 600 rioters on the night of 5–6 April.

As Captain Speilman led his troopers with their yellow cavalry scarves along Florida Avenue toward his target area, he saw clouds of smoke over H Street. At 13th and H he dropped off a squad to deal with over a hundred persons who were looting stores. No police were at hand and the looters were hostile. One attempted to strike Speilman with a two-by-four. Using CS, the soldiers quickly brought the situation under control and moved on. A large fire was burning at 14th and H. Speilman consulted with the police, ordered a platoon to seal off the eastern end of H Street, and used CS to break up a group of rioters. That done, one platoon detained looters while the others moved west on H toward 8th Street. Speilman dropped off six to eight troopers at each intersection to move rioters along.

Troop E can hardly be said to have restored order by taking those steps, but it did contribute to that end by throwing the rioters off stride. When, at 1830, orders committed Troop F to Precinct 9, its commander, Capt. Timothy Donovan, Jr., coordinated his movements with Speilman by radio as he approached the precinct. Together, the two troops extended their efforts along H Street, from 7th to 15th Streets and beyond. Donovan attempted, at first, to clear his section of rioters by conducting a traditional, wedge-shaped sweep, but he quickly realized that the tactic would never work because H Street was extremely wide, and the rioters were in relatively small groups. After that, Troop F modeled its approach upon that of E, which employed platoons and squads to do the main work.

When Patterson's Troop G and his Howitzer Battery became available for use in Precinct 9, the 2d Squadron was able to extend its control along H Street from 3d to 7th Streets, and along intersecting Bladensburg Road, which had yet to sustain much damage but which included warehouses and a large Sears, Roebuck and Company store. A platoon under 2d Lt. Allen W. Estey also secured a three-block complex of produce and wholesale meat warehouses, about which the police were especially concerned because of its importance in supplying food for the District of Columbia. Looters were dispersed with CS. Some merchants whose premises were still intact asked the soldiers to "treat" their shops with the agent because its lingering effects seemed to discourage potential trespassers.

Thanks to troops of the 2d Squadron, by 2000 on Friday the authorities had regained the initiative in Precinct 9, and by the early hours of the next morning, though still lighted by fires, the streets of the area were empty of all but police, firemen, and soldiers. At that point, it became possible for Patterson to allow a phased rest for his troops on the campus of Gallaudet College at 7th Street and Florida Avenue, N.E. The coming of daylight on Saturday, 6 April, saw the return of large crowds. Fires continued to burn, and rioters set a large new fire at 15th and D Streets, N.E., but quick responses with CS effectively countered the trouble.

By midafternoon on Saturday the disturbances in Precinct 9 seemed largely over. The night that followed was quiet. At 2100 the 2d Squadron learned that it would be replaced

on Sunday, 7 April, by a battalion of the 2d Brigade, 82d Airborne Division. Upon its relief at 0700 the following day the unit went into reserve in Precinct 6, having spent thirty-eight hours on duty in Precinct 9. The squadron commander, Patterson, was impressed with the quality of leadership exhibited by his junior and noncommissioned officers, the responsiveness of the troops, and the value of their training. The chaotic situation intensified by "massive drunkenness," which had left his force no acceptable alternative to CS, but he believed that the liberal use of the agent had been effective. Although uncertain about whether two shots might have been fired on Saturday morning, Patterson was proud, as well, that to the best of his knowledge, none of his troops—indeed, none in all of the 6th Armored Cavalry—had fired their weapons while restoring order.

Like General Stone, the deputy commander at Detroit, General Haines spent a great deal of time on the street with the troops. Patterson reported that over a 32-hour period, he saw Haines three or four times. The general was well informed on the situation and concerned himself chiefly with troop discipline, appearance, and the use of weapons, insisting that there be no excessive use of force.

After the riot was over, Colonel Patterson made some useful suggestions for the future. He urged the procurement of new categories of equipment: hand radios that could net with the police radios; lightweight, electrically powered megaphones; and high-powered flashlights. Noting that the curfew in Washington had been ineffectual during the peak of the violence, he also advised that the authorities impose a well-enforced curfew with clear and simple rules and minimal exceptions. He was certain that if troops were properly trained, led, and equipped they could be effective without using live ammunition, even when they were vastly outnumbered.

There were some variations, as might be expected, in troop operations from one part of the city to another, but those of the 2d Squadron, 6th Armored Cavalry, during the peak of the rioting in Precinct 9 illustrated the nature of the problems the troops and the police had to address and the military methods and procedures that were most commonly applied in restoring order. Further detailed accounts would be repetitious. But the experiences of the 1st Battalion, 3d Infantry, and of the Marine Corps forces are worth brief notices, because of the responsibility those units held for protecting the White House and the Capitol.

Most of the infantry companies faced minor and unremarkable problems. Company B, 1st Battalion, 3d Infantry, for example, deployed early to 7th Street, N.W., in Precinct 2, where, among other actions, it chased looters out of Al's Liquor Store at 7th and Q Streets. It did not become involved in anything like the chaotic conditions faced by the troops in Precinct 9. However, other units operated in all the glare of publicity that customarily surrounds the nation's government. When Company C arrived at the White House in the late afternoon of 5 April it found itself engulfed in a mob of photographers and spectators, not rioters. In fact, there was no need for troops at either the White House or the Capitol and, in the case of the White House, Company C, after a brief stay, moved to the nearby Commerce Department on 14th Street, where it remained for three days without commitment.

Meanwhile, late on the afternoon of 5 April, Company D deployed by platoons around the U.S. Capitol building. Along with the Capitol police, it provided protection in depth on the outlying grounds and secured the roofs of surrounding buildings. Until the men were relieved by a company of marines that evening, the operation took place without incident.

Meanwhile, Company C deployed from the Capitol to Pennsylvania Avenue between 6th and 15th Streets. In squads, accompanied by police, it then moved to K Street, turning southbound traffic to the north and generally controlling the movement of pedestrians and vehicles. Company E also received a street assignment in Precinct 2, where it made a show of force on 14th Street from Thomas Circle to S Street. East of 14th Street it encountered burning buildings and looters and posted squads at various places to prevent further looting and protect firemen battling the flames. The company apparently met little violence from rioters and used tear gas on only one occasion.⁵³

The three Marine companies were assigned late on Friday to Precinct 5. That evening a Marine company was sent to replace Company D, 1st Battalion, 3d Infantry, at the Capitol. The troops carried loaded magazines in their pouches and were under orders to fire their weapons only on command. The marines' bayonets were fixed and sheathed, and each man also carried two CS grenades to be used on order of the overall commander, Lt. Col. Arthur R. Mooney. Mooney authorized his company commander at the Capitol to return small arms fire if the police did so, but only on approval of the task force commander or if the lives of troops were in jeopardy. Differences between police and Defense Department rules of engagement—the police carried loaded side arms but were prohibited from firing at looters, while the military could load and fire only on order except in self-defense—would later lead to demands for a clearer understanding of exactly when and how weapons were to be used. The issue was moot, however, in the case of Mooney's men, who were never fired upon and so never had to use their weapons. Mooney's marines seem to have worked out a unique relationship with the police in the use of tear gas. On some occasions at least, they provided grenades for the police to throw, and then, donning gas masks, they entered the contaminated area and brought out rioters for the police to arrest.⁵⁴

In sum, the units stationed around the White House and Capitol had little to do. There were no true revolutionaries on the streets of Washington, and no stores to loot in the White House compound or on Capitol grounds. Hence the forces sent into these areas played only a limited role in controlling the disorder.

Logistical Support

Although logistical support for troop operations had been decentralized, the broad scope and serious nature of the rioting during April 1968 caused Army headquarters to pay close attention to the supply of field clothing, tentage, fire-fighting equipment, protective masks, riot control agents, ammunition, and armored vests. All were items of particular importance to civil disturbance operations.⁵⁵ As the disorders grew and with them the possibility of further heavy commitments of troops, Army headquarters as early as 6 April assumed control of 5,000 protective masks at Fort Lee, Virginia, and 5,000 armored vests

⁵³ Quotes from Brief AAR of Companies B through E, 1st Battalion, 3d Infantry, in MDW AAR, as Incls 12–15. For the 1st Battalion, 3d Infantry, at the White House and the Capitol, see also Gilbert, *Ten Blocks from the White House*, pp. 88–89.

⁵⁴ Interv, Lt Col Byron N. Schriever, ODCSOPS, Historian, TFW, with Lt Col A. R. Mooney, USMC, 11 Apr 68 (transcribed summary), RG 319, NARA.

⁵⁵ Unless otherwise indicated, this section is based upon D.C. Riot of 1968 AAR, 13 Aug 68, p. 7 and an. J, where the total nationwide logistical effort is summarized; MDW AAR, p. 3 (on preplanning of communications); TFW AAR, p. 7; and ODCSLOG AAR, TFW, 16 Apr 68, RG 319, NARA.



ARMY SOLDIERS TAKE UP POSITIONS IN THE AREA WHILE FIREMEN FIGHT A FIRE.

at sites selected by the Continental Army Command. Involved in both national and local problems, the Office of the Deputy Chief of Staff for Logistics issued instructions that CS grenades, protective masks, and armored vests were not to be issued to other than federal forces moving to or already operating at the site of a civil disturbance without prior departmental approval.

The provision of transportation for troops on the move and of billeting for them once they arrived at their destinations proved to be complicated. To shelter those serving in Washington, the Baltimore District of the Corps of Engineers arranged for the use of public school facilities where the troops bedded down in gymnasiums, locker rooms, and sometimes cafeterias. Seeking permission for his troops to use the Gallaudet College gymnasium, Patterson had to wake up the school's president.

Signal communications support for Task Force Washington consisted of telephone and radio facilities that had been installed in advance at its headquarters. Prior planning also provided direct telephone lines to the White House, the Department of Justice, the headquarters of Task Force Inside in the Military District of Washington, the Army Operations Center at the Pentagon, and the command post of the District of Columbia National Guard at the armory. There were, as well, special telephone lines to the command posts of subordinate units. Rented civilian cars equipped with radios installed by the Strategic Communications Command were available to all task force headquarters, and each task force had its own tactical radio system.

Phasedown and Withdrawal

By the morning of Saturday, 6 April, rioting had ended and isolated looting and arson were the Army's main concerns. Soldiers in jeeps accompanied by police in squad cars patrolled problem areas, and joint patrols proved effective in controlling random acts of looting and arson. The weekend, however, saw the arrival of an unexpected complication when thousands of sightseers' automobiles poured into the city. In response, some of the troops had to set aside their civil disturbance duties to direct traffic.

On Sunday, the Army's main effort mostly involved the maintenance of order. In addition, the troops helped crews clear debris from the city's main traffic arteries and assisted sanitation, food store, and public utility employees in restoring essential services to devastated areas. One platoon assisted Department of Justice officials in manning guard posts at the Occoquan Workhouse in Virginia, which served as a detention center for rioters. The authorities allowed Palm Sunday parades planned long in advance of the disturbances, but they kept them under close observation.⁵⁶

On Sunday afternoon Cyrus Vance and General Haines conferred with Mayor Washington and other city officials to plan for a partial restoration of normal life on Monday. They decided that schools would open at their regular time that day but close at 1230; that federal employees would begin leaving work at 1400; and that businesses would open as usual but close by 1600. A curfew would go into effect at 1800. To ensure that all went well, Haines ordered reinforcement downtown of both static and moving guards.⁵⁷

Throughout Monday, 8 April, the city remained tense but calm. On the following day, Tuesday, when King's funeral took place in Atlanta, calm still prevailed in Washington. There were no fires attributed to civil disorders that day, and practically no looting occurred. The troops removed the sheathed bayonets from their rifles.

The quiet continued into Wednesday, when Vance returned to New York and officials began to consider moving some troops back to their home stations. A few units of uncommitted troops began to redeploy on Thursday, another good day, and on Friday, 12 April, Mayor Washington wrote President Johnson to request that an orderly withdrawal begin. General Haines, Mayor Washington, Police Chief Layton, and Director of Public Safety Murphy had devised a plan for phasing down troop strength in the city. With the president's approval later that day, they promptly put it into effect.⁵⁸

Also on 12 April Haines relinquished command of Task Force Washington to Lt. Gen. Arthur S. Collins, Jr. The 6th Armored Cavalry departed for Fort Meade the following day, leaving troop strength in the city at 5,601, where it would remain until Tuesday of the following week, when the situation was to be reassessed. The roving patrols that could be seen throughout the city were the only remaining evidence of an active military presence.

⁵⁶ For information on day-to-day troop operations and events for the entire period during which troops were present in the city, see the appropriate chronologies in the MDW and TFW AARs together with the excellent day-by-day account of the entire period of the riot in Gilbert, *Ten Blocks from the White House*, pp. 13–119, including numerous excellent photographs that bring the riot to life.

⁵⁷ *Mayor's Report*, Proclamations tab.

⁵⁸ Team Chief, TFW AOC Synopsis Book 201–300, no. 257, in Historian's files, CMH, for a copy of Mayor Washington's letter to the president requesting "an orderly withdrawal of Federal Troops and restoration of the District of Columbia National Guard to its normal status." A copy of the memo of agreement of 12 April 1968 concerning the troop withdrawal is in *Mayor's Report*, no. 246.

At 1800 on Sunday the Metropolitan Fire Department released its military guards. Discussion concerning the final withdrawal of troops from the city took place on Monday, 15 April, at which time the 2d Brigade, 82d Airborne Division, went into an assembly area at Bolling Air Force Base. On Tuesday morning, General Collins, Mayor Washington, Layton, and Murphy signed a final agreement ending military intervention in Washington. Task Force Washington headquarters closed at 1615 that day; Task Force Inside shut down its operation at 1800 the same day; and the federal government released the D.C. National Guard from federal service at midnight.⁵⁹

Although the military presence in the city was gone, the 503d Military Police Battalion remained on alert at Fort Belvoir, ready to return if needed. On 17 April one company deployed to Fort Myer in response to a potentially dangerous situation in Precinct 13 following a narcotics arrest. City authorities restored order quickly, however, and neither the military police company nor the alerted companies of the 1st Battalion, 3d Infantry, at Myer had to enter the city. The Army canceled the alert status of these units on 18 April.⁶⁰

According to figures supplied by the Washington Metropolitan Police Department, 7,444 adults were arrested during the period between 4 and 15 April—1,214 for charges unconnected with the riot and 3,789 for curfew violations. Of the total number, 502 were women. In all 1,654 persons were held for riot-connected offenses in precincts and other detention facilities until they could appear before a judge. Of this number, 936 were charged with looting. Of those arrested, an overwhelming number were black. Since the normal system of arrest, confinement, preparation of charges, assignment of counsel, and appearance before a judge was not geared to cope with so large a number, many persons appear to have been confined for more than two days before their initial court appearance.

According to Army figures, 12 people died in the riot, including 2 as the result of gunfire, and 1,201 more suffered injuries. None died at the hands of soldiers. Of the twelve deaths, it is possible that three were not riot connected. Of the injured, the Army's figures show that 54 were policemen, 21 firemen, 16 military, and the rest civilians. The troops fired only fourteen shots (twelve M16 rifle and two .45-caliber pistol rounds), but used 5,248 CS grenades, which proved highly effective without being lethal. There were no confirmed snipers in Washington proper, although on 8 April a sniper wounded a policeman in suburban Prince Georges County, Maryland. Perhaps 20,000 persons rioted during the early days of the disturbance.⁶¹

By one estimate, the total cost of the military effort in restoring order came to \$2.25 million, with damages to real property amounting to more than \$13 million. *Washington Post* writers put the total cost of the riot, including troop deployment outlays, municipal government expenditures, property damages, and indirect business losses at over \$27 million. Of that amount, they claimed conservatively, estimated damages to over 900 business places amounted to \$24 million. Food, clothing, and liquor stores had been especially hard hit.

⁵⁹ TFW AAR, pp. 6, 11.

⁶⁰ MDW AAR, p. 25.

⁶¹ Interim Report of District of Columbia Committee on the Administration of Justice Under Emergency Conditions (Washington, D.C.: 25 May 68) (hereafter cited as Cutler Report), pp. 5–8, Historian's files, CMH; Gilbert, *Ten Blocks from the White House*, pp. 42–44, 119–55.

Businessmen whose shops had been destroyed on Friday, 5 April, were often critical of the handling of the riot, arguing that substantial numbers of troops should have been brought into Washington early that day as a preventive force. Some also criticized what they saw as excessive restraint on the part of the Washington police, although not many were willing to advocate the shooting of looters. In addition to commercial establishments, as many as 667 housing units were destroyed, usually as the result of the burning of nearby business establishments.⁶²

The American Civil Liberties Union of the National Capital Area complimented both the Washington police and the federal troops for their performance during the riot. Although they claimed to know of “numerous isolated instances of unnecessary force,” they admitted that overall the police and the troops “restored order with minimum force and almost no ammunition.”⁶³ President Johnson himself expressed the appreciation of the nation and his own personal gratitude for the efforts of the troops who had restored order “without a single fatality.”⁶⁴ The president was in need of good news because by that time he had to commit federal troops again, first in Chicago and then in Baltimore.

⁶² Cutler Report, p. 5; Gilbert, *Ten Blocks from the White House*, pp. 42, 119, 178–94.

⁶³ “CLUs Praise Police for Restraint in April Riots,” *Civil Liberties* (May 1968): 1, 3.

⁶⁴ Msg, DA 863033 to USCONARC and Ch, NGB, 080158Z May 68, quoting Ltr, the President to Secy of Defense Clifford, Historian’s files, CMH.

CHAPTER 11

The Chicago and Baltimore Riots

Of particular significance is the fact that Task Force III left Chicago without one single adverse incident to mar its record. This is indicative of the high order of leadership demonstrated from squad leader on up.

—Lt. Gen. George R. Mather.

The decision as to whether a life was worth “a loaf of bread, a pint of whiskey, or a scorched suit” could not be left to the individual.

—Lt. Gen. Robert H. York.

While parts of Washington burned, trouble erupted in other American cities where local conditions provided fuel for racial strife. Not all required federal intervention because the president and his advisers deferred to the judgments of state and local officials, most of whom preferred to go it on their own. Chicago and Baltimore were exceptions and like Washington sought federal military assistance. (*See Map 1.*)

Trouble in Chicago

Unlike Washington, Chicago was only 16 percent black in 1968. It was, however, a much larger city, with about 1.3 million blacks in a total population of 8,282,000. Trouble began about 1100 on Friday, 5 April, triggered apparently by emotions aroused at a prayer meeting following King's death. Black students, out of school early, swept down Madison Street through the Loop, the heart of Chicago's business district, smashing windows along the way. From that beginning, disorder escalated. By 1730 Friday officials were describing the situation as “bad,” and by 1930 as “very bad.” Reports reaching the White House told of fires and shooting in the western and southern portions of the city; of shots being fired at police and elevated trains; of the city hall being closed and surrounded by police; and of black youths marauding through the West Side. By nightfall, there were reports of four deaths, two looters having been shot, and a fireman wounded by a sniper.¹

With Illinois Governor Otto Kerner on a speaking trip in Florida, Chicago Mayor Richard J. Daley asked Acting Governor Samuel H. Shapiro to send the National Guard into the city. After conferring with Kerner by telephone, Shapiro issued an executive order

¹ Quoted words from Situation Room Rpts, 5 Apr 68, 5:25 and 7:30 PM, President's Appointments file (Diary Backup), White House files, Lyndon B. Johnson Library, Austin, Tex. Price, *Civil Rights, Volume 2, 1967–68*, p. 235; David Farber, *Chicago '68* (Chicago: University of Chicago Press, 1988), pp. 94, 138–44.



FIRE RAGES OUT OF CONTROL DURING THE CHICAGO RIOT.

at 1500 ordering out troops to deal with “a disaster of major proportions.” Maj. Gen. Leo M. Boyle, the state’s adjutant general, called out 6,000 guardsmen to aid the city’s 10,500 policemen. Later he summoned more.²

Superintendent of Police James B. Conlisk, Jr., and Mayor Daley described the National Guard mission as one of protecting life and property, preventing vandalism and looting, suppressing mob actions and riots, clearing the streets of loiterers, and assisting in the capture and arrest of snipers and missile throwers. They wanted the Guard deployed in the Loop, on the Near North Side as far west as Ashland Avenue, on the West Side from Ashland west to Cicero Avenue, and from Chicago Avenue on the north to 16th Street on the south. These areas were later designated Sectors 1, 2, and 3, respectively. (*Map 6*) Chicago police were assigned specifically to these same areas “to assure a cooperative effort in the accomplishment of our missions.” Guardsmen were issued ammunition but were instructed not to load their weapons. They were to fire only when ordered to do so by an officer and then only at a definite target by selected marksmen or in self-defense.³

By then, the city was in turmoil. About 1530 on 5 April, simultaneously with the call-up, Chicago business and industrial establishments permitted employees to leave early. The resulting traffic jam combined with the disorder and fires on principal streets to delay guardsmen attempting to report to their armories. Despite these difficulties and the usual delays that guardsmen experience when called away from their regular pursuits, they were in place and carrying out their mission by 2300 the same day.⁴

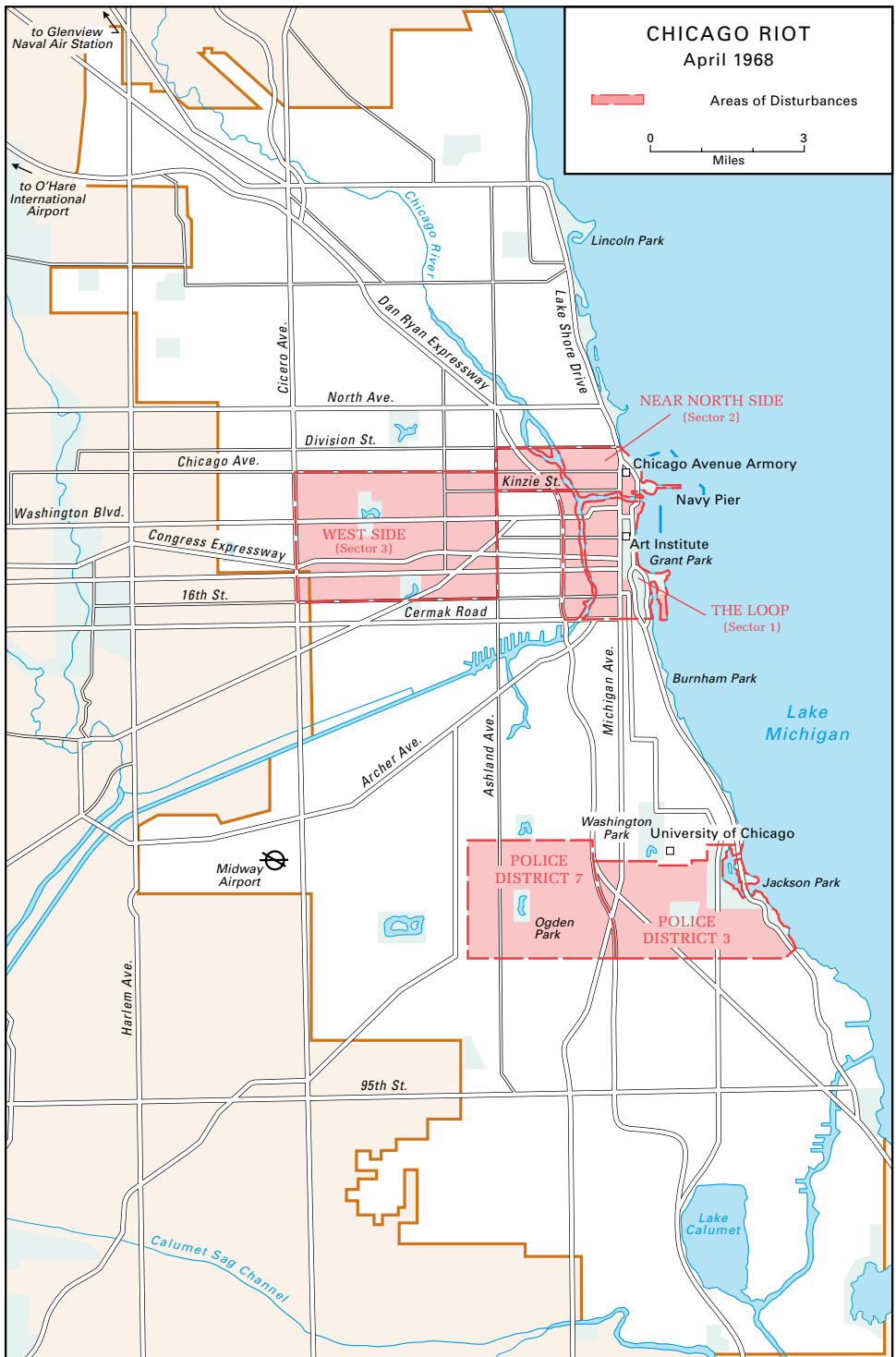
During the predawn hours of Saturday, 6 April, the number of incidents waned, both in Chicago and in the other cities experiencing violence. After daylight, however, it rose steadily, with conditions in Washington and in Chicago said to be the worst. Early that Saturday morning, the Fifth Army reported that in Chicago ten individuals had been shot and three killed. Although reports were inconsistent, conditions were obviously bad and promised only to become worse. Large crowds were hampering police and firemen in their efforts to restore order and to fight fires. By midafternoon the violence was increasing in tempo and had spread from the West Side to the South and Near North Sides. At 1600 (Eastern Standard Time [EST]), the Department of Justice reported that 10 deaths had been confirmed and that 709 arrests had occurred.

At 2015 (EST), the U.S. attorney in Chicago reported extensive fires. Half an hour later he added that the situation was deteriorating; that there was large-scale activity on the Near North Side; and that on the South Side, where conditions were expected to worsen during the night, a police officer had been shot. By that time, additional guardsmen had been placed on duty, making a total of 6,783 deployed, mostly in the western section of

² Quote from Maj Gen Leo M. Boyle, The Adjutant General, State of Illinois, to Ch, NGB, 1 May 68, sub: After Action Report—Civil Disturbance Operations (hereafter cited as Illinois NG AAR, 1 May 68), Incl 2 (Shapiro’s executive order), and see also pp. 1–3, Incls 5, 7, 12–13, 17–21, 24. This and other copies of documentary material used in this chapter can be found, unless otherwise cited, in Historian’s files, CMH.

³ Quote from Ltr, Mayor Richard J. Daley to Brig Gen Richard T. Dunn, 5 Apr 68, Incl 16, in Illinois NG AAR, 1 May 68. Identical Ltr, Superintendent of Police James B. Conlisk, Jr., to Dunn, 5 Apr 68, Journal file, TF III, Records of TF Chicago, Records of U.S. Army Commands, 1942– (hereafter cited as TF Chicago), RG 338, NARA. Sectors 1, 2, and 3, as they were on 7 April, are described in Task Force (TF) III [TF Chicago] Sitrep 082400 Apr 68, for the period 072000 to 080800, 200–100 Civil Disturbance files 68, TF Chicago, RG 338, NARA. Price, *Civil Rights, Volume 2, 1967–68*, p. 235; “Riot Reaction Force: The Guard in the April Disorders,” *National Guardsman* 22 (May 1968): 6.

⁴ Illinois NG AAR, 1 May 68, p. 7.



MAP 6

the city. Meanwhile, many blacks had been made homeless by the fires, and the Chicago Conference on Religion and Race sought to find temporary quarters for them. In another effort to ease tensions, the Chicago Commission on Human Relations established a rumor control center.⁵

Deployment of Federal Troops

Concerned that the situation could only deteriorate, Illinois authorities turned to the federal government for aid. Acting Governor Shapiro, at the request of Mayor Daley, as Shapiro later recalled, telephoned Attorney General Ramsey Clark to request federal troops at 1630, Springfield time (1730, [EST]), 6 April. He followed an hour later with a telegram to the president, presumably repeating what he had said to Clark.

Under existing circumstances, the law enforcement resources of the state are unable to suppress [*sic*] the serious domestic violence in or near the City of Chicago, State of Illinois. The legislature is not now in session, nor can it be convened in time to meet the present emergency. I, therefore, request you as the President of the United States to send to this area up to 5,000 troops and to take such action as is necessary to suppress [*sic*] this insurrection, pursuant to the Constitution and statutes.⁶

Immediately following Shapiro's telephone call, Clark called the Army chief of staff, General Harold K. Johnson, who advised him that 1,900 troops were available at Fort Hood and that they could reach Chicago shortly after midnight. Another 1,900, he said, could be in Chicago by 1100 the next day. Clark informed Johnson that the Illinois National Guard would be federalized when federal troops were committed and cleared the deployment of regulars to Chicago. At 1745 the president himself called General Johnson to confirm authorization for the troop movement. Shapiro was to receive the 5,000 men he had sought but no more. Time passed while the formalities proceeded. The president took until early Sunday morning to issue a proclamation and an executive order, but he and Clark responded more quickly to the situation in Chicago and Shapiro's request for troops than they had to Governor Romney's request for troops in Detroit the year before. Indeed, Joseph Califano asserts that President Johnson offered Richard Daley any help he might need in Chicago.

Meanwhile, Mayor Daley imposed a curfew from 1900 to 0600 for all persons under twenty-one years of age and barred the sale of arms, ammunition, gasoline, and liquor in critical areas of the city. Passionately devoted to Chicago, he found the riot hard to believe. Asked if he favored shooting looters, he replied slowly that it was "a pretty serious thing" to be talking about. Even so, he said, he was "hopeful there will be sterner action taken by the military and the Police Department today and tonight."⁷

⁵ AAR, HQ, DA, Civil Disturbances Following the Assassination of Dr. Martin Luther King, 4-17 April 1968 (hereafter cited as D.C. Riot of 1968 AAR), 13 Aug 68, pp. A-1-15, A-2-4; AAR, TF Chicago, III Corps and Fort Hood, 4-13 Apr 68, 18 Aug 68, p. 3, Historian's files, CMH; Illinois NG AAR, 1 May 68, p. 3 and Incl 4; Situation Room Rpt, 6 Apr 68, 9:00 PM, President's Appointments file (Diary Backup), White House files, Johnson Library.

⁶ D.C. Riot of 1968 AAR, 13 Aug 68, pp. A-1-17 and F-2-A; Interv, Joe B. Frantz with Samuel H. Shapiro, 19 Mar 71, pp. 5-6, Johnson Library. Quote from Telg, Shapiro to the President, 5:36 PM (EST), 6 Apr 68 (rcvd. 6:51, 6 Apr), President's Appointments file (Diary Backup), White House files, Johnson Library.

⁷ D.C. Riot of 1968 AAR, 13 Aug 68, pp. A-1-16, A-1-17, A-2-3. Quotes from Eugene Kennedy, "The Year that Shook Chicago," *New York Times Magazine*, 5 Mar 78, pp. 30, 33. Califano, *The Triumph and Tragedy of Lyndon Johnson*, p. 278.



MAYOR DALEY

Army planners had tagged Chicago as a possible trouble spot shortly after the King assassination. Intelligence reports had kept the Army Operations Center informed of disturbances throughout the nation. The Continental Army Command (and presumably also the Strike Command) had been alerted following King's death to the possibility of deployments, and early on 5 April ten cities (eight of which were Priority I and two Priority III) had been judged sufficiently troubled to warrant the reservation of two brigades for each. In General Johnson's view, the disorders in Chicago, Cleveland, Detroit, and Oakland were especially serious, and at 2200 that day he saw to it that the Strike Command received instructions to be prepared to airlift simultaneously a brigade to each.

By the early morning of 6 April, military authorities had made aircraft available for loading and deployment to Chicago and the three other particularly

troubled cities. The brigade designated for Chicago was to come from Task Force III at Fort Hood, and the one for Detroit from Task Force II, also at Hood. Cleveland would receive a brigade, designated Task Force V, from Fort Carson, and Oakland a brigade from the Sixth Army, at the Presidio of San Francisco. Task Force III, which would take the lead in the Chicago intervention, took its name from the III Corps. It had been organized at Fort Hood under the departmental (GARDEN PLOT) plan and consisted of the 2d and 3d Brigades, 1st Armored Division, each with a regular strength of 2,055, and the III Corps Artillery Brigade (Provisional) located at Fort Sill, Oklahoma, with a strength of 1,976 men.⁸

Lt. Gen. George R. Mather, the III Corps commander, was the commander of Task Force III. Traveling in civilian clothes with his staff, Mather left Robert Gray Army Airfield, adjacent to Fort Hood, at 1624 (CST), a few minutes before Acting Governor Shapiro requested federal troops. His plane was diverted to O'Hare International Airport, northwest of Chicago, to enable him to meet Warren Christopher, deputy attorney general of the United States and the presidential representative, who had been on similar duty in Washington until superseded by Cyrus Vance. Christopher arrived at 2030, shortly before his liaison team. The two men flew over Chicago in a helicopter, "a much better instrument for viewing the city," Christopher said, than the police car in which he had earlier toured Washington.

⁸ Jean R. Moenk, *USCONARC Participation in the Suppression of Civil Disturbances*, April 1968 (Fort Monroe, Va.: Historical Branch, USCONARC, 1968), pp. 31–34, 57, 59; Notes of Telecon, author with Gen George R. Mather (USA, Ret.), 22 Jun 82, Historian's files, CMH.

At first, Christopher had judged the need for federal troops in Chicago “marginal” because the National Guard and the police seemed to be maintaining control in the area west of the Loop. The commanders of state and local forces felt nonetheless that they would be unable to cope with increased violence. Brig. Gen. Richard T. Dunn of the Illinois National Guard, in particular, assured Christopher and Mather that he had deployed all the guardsmen available in northern Illinois and explained that the Guard was reluctant to move forces from southern Illinois because of the possibility that their presence might be required if violence broke out in East St. Louis. Mayor Daley also wanted regular troops. In the end Mather and Christopher decided a battalion was necessary on Chicago’s South Side but that the remainder of the federal force should hold in reserve.



GENERAL DUNN

Christopher telephoned his recommendations to President Johnson at midnight (CST). General Johnson also recommended the use of troops as he had in the case of the Washington riot. President Johnson accepted these recommendations and signed the necessary proclamation at 0100 and the executive order at 0101. It was 7 April, the third day of the riot.⁹

In his proclamation, the wording of which differed from the one for Washington only in a few particulars, President Johnson ordered troublemakers to disperse and retire peaceably. Citing the Constitution and laws of the United States, particularly Chapter 15 of Title 10 and Section 301 of Title 3 of the *U.S. Code*, the executive order that followed authorized the secretary of defense to take all necessary steps, including the use of both federal and National Guard forces, to restore law and order. As in other cases, the secretary was authorized to delegate any part of his authority in the matter to “one or more” of the service secretaries. For the second time in a matter of days, federal forces moved into an American city.¹⁰

⁹ D.C. Riot of 1968 AAR, 13 Aug 68, p. A-1-17; TF Chicago AAR, 18 Apr 68, p. 26. Quotes from Interv. Thomas H. Baker with Warren Christopher, Oral History Interview III, 2 Dec 68, tape 1, pp. 9–10, and see also p. 8, Johnson Library. Notes of Telecons, author with Mather, 22 Jun 82, and with Gen Johnson, 7 Dec 82; Activities Related to the Control of Civil Disturbances, n.d., Journal file. Latter three in TF III, RG 338, NARA.

¹⁰ Notes of Telecon, author with Gen Johnson, 7 Dec 82; Proclamation 3841, *Law and Order in the State of Illinois by the President of the United States of America*, 7 April 1968, 33 F.R. 5497 and 3 C.F.R. 332 (1966–70 comp.). Quote from EO 11404, *Providing for the Restoration of Law and Order in the State of Illinois*, 7 April 1968, 33 F.R. 5503 and 3 C.F.R. 720 (1966–70 comp.). Both the proclamation and executive order are reproduced in D.C. Riot of 1968 AAR, 13 Aug 68, pp. F-2-B to F-2-C.

Preparing for Operations

Advance communications teams, composed of fourteen soldiers altogether, left Phoenix, Arizona, for Chicago early on Saturday morning, 6 April, but commercial communications circuits, in place by midnight that evening, were used to connect Mather's headquarters in the National Guard armory on Chicago Avenue with the Army Operations Center at the Pentagon. By 0105 the next day Task Force Chicago was firmly established in a command post in the armory, located on Chicago's Near North Side, an area that the Guard had designated as Sector 2, which included the Navy Pier. Both General Mather and the Guard commander, General Dunn, had their headquarters in the building. At 1630 (CST), elements of the 57th Signal Battalion arrived at the armory to provide communications support for the force. Coordination with the Chicago police was to be maintained through a police liaison team at the armory and by direct telephone links between the armory and police headquarters.

President Johnson telegraphed Acting Governor Shapiro to tell him that the troops would be available upon arrival to support and assist police and Guard units in the city. At 0115 (CST), Sunday, General Johnson informed Mather that the order authorizing federalization of the Guard had been signed and that federalization would occur upon receipt of word from Mather that he was prepared to assume command. Secretary of Defense Clark M. Clifford meanwhile delegated his authority to Secretary of the Army Stanley R. Resor, who called selected units of the Illinois National Guard, both Army and Air, into the federal service as of 0230 (EST) (0130 [CST]). Simultaneously, Task Force Chicago's Operation Plan 563 became effective for execution as Operation Order 563.

General Mather was well disposed toward the Illinois Guard. On a liaison visit to Chicago only three weeks earlier, he had met with Guard officers and had found the organization "well trained and well commanded." The visit had allowed him and some of his staff to become familiar not only with the Guard commanders but also with the police and fire chiefs and their organizations. With an eye to the future, the Regular Army representatives had also located sites suitable for billeting troops.¹¹

The letter of instruction designating Mather the commander of Task Force Chicago gave him the mission of restoring and maintaining law and order and directed him to report to General Johnson, the chief of staff. Mather would have six options for escalating the arming of his troops to carry out his mission, but both military and civilian personnel were to use minimum force consistent with mission accomplishment. Weapons could be fired only when authorized or when absolutely necessary to save lives. When used as a last resort, they were to be fired to wound and not to kill. At his own discretion, Mather could delegate his authority to use riot control agents to commissioned officers, and snipers were to be dealt with in accord with the careful procedures developed during earlier disturbances. Looters, however, presented a problem, since women and children were often involved. The only guideline possible, the letter declared, was "continued emphasis on the

¹¹ *Chicago Tribune*, 7 Apr 68; TF Chicago AAR, 18 Apr 68, pp. 6, 28, 30, and 60 (Situation Map of 081800S, 1800 [EST], Apr 68); D.C. Riot of 1968 AAR, 13 Aug 68, pp. A-2-5, A-1-15, A-1-21, F-2-D (reproducing Memo, Clifford for Secy of the Army, Secy of the Navy, and Secy of the Air Force), F-2-E-1 to F-2-E-2 (reproducing Msg, DA 858704 to Shapiro, 7 Apr 68). Quote from "Riot Reaction Force: The Guard in the April Disorders," p. 3, and see also p. 6. Interv, Col James H. Shaha with Gen George R. Mather, 22 Mar 72, tape 3, pp. 24–25, Senior Officer Debriefing Program, U.S. Army Military History Institute (MHI), Carlisle Barracks, Pa.



ACTING GOVERNOR SHAPIRO

absolute necessity of using minimum force” and to avoid the use of firearms except as a last resort, and then in accordance with the rules laid down.

Mather’s letter of instruction set forth what had become standard operating procedure in civil disturbances. The general was to respond to the direction of the president’s representative if designated, as was the case, and to keep the chief of staff informed of that guidance and of the actions that followed from it. The provost marshal general of the Army, Maj. Gen. Carl C. Turner, present in Chicago as the personal liaison officer of the chief of staff, was available with his liaison team for whatever assistance and advice Mather might desire. Mather was also to “cooperate with and assist municipal law enforcement officers to assume their normal roles,” but he was to take orders from neither state nor local officials.¹²

The liaison team, known officially as Department of the Army Liaison Team Yellow, consisted of seven officers besides Turner. They were to deal with public information, signal communications, police functions, law, intelligence, logistics (particularly real estate

¹² Quotes from Msg, DA 858698 to Mather, 070115Z Apr 68 (062010 EST), sub: Ltr of Instruction, as reproduced in D.C. Riot of 1968 AAR, 13 Aug 68, pp. F-2-H-1 to F-2-H-5. Msg, CG, TF Chicago, to Comdr, Emergency Operations Headquarters (EOH), Illinois NG; CO, 3d Bde, 1st Armd Div; and CO, 3d Bde, 5th Inf Div (Mech), 101506Z Apr 68, sub: Letter of Instructions from Commander Task Force CHICAGO, Misc file, TF Chicago, RG 338, NARA. RG 338 contains both Task Force Chicago and Task Force Baltimore records. Copies of some of these records are also in Historian’s files, CMH.



GENERAL MATHER

matters), and military operations. Because of the delayed arrival of some elements of his own headquarters, Mather found the assistance of the team helpful, and he had a good working relationship with both Turner and Christopher. If he was particularly “glad to have” the communications provided by the Department of the Army, however, he would later remark that he had not been “very well served by the local representatives of the MI [Military Intelligence] . . . in Chicago who came around to brief me. They weren’t telling me a damn thing that I hadn’t already known down at Fort Hood.”¹³

The local military intelligence representatives were members of the 113th Military Intelligence Group, headquartered at Evanston, Illinois. The unit’s emergency operations center had been activated upon King’s death and its personnel assigned to twelve-hour duty shifts. As elsewhere, some of its agents, new to military intel-

ligence, were engaged in on-the-job training. In liaison with the police, agents monitored events in the Chicago area, providing material for briefings and for spot reports passed on to Washington. Responsible for a multistate area, the 113th also passed spot reports from its regional sources to Washington.¹⁴

Not long after arriving in Chicago, General Mather met with Mayor Daley; James Rochford, Chicago deputy police superintendent; General Dunn; Warren Christopher; General Turner; and the liaison team. From their deliberations an organization rapidly emerged. Task Force Chicago was to consist of Task Force III headquarters; the Emergency Operations Headquarters, Illinois National Guard, which would control all Illinois guardsmen federalized for the Chicago operation; the 3d Brigade, 1st Armored Division, temporarily augmented by the 1st Battalion, 13th Armor, and the 16th Engineer Battalion; and the 3d Brigade, 5th Infantry Division, from Fort Carson, in place of the 2d Brigade, 1st Armored Division, from Fort Hood, originally designated as part of Task Force III.¹⁵

The regular forces began to arrive rapidly. Since the two brigades involved might possibly move simultaneously, they had to be routed through two different airports because no single field was capable of handling so large a concentration of troops and aircraft. The

¹³ D.C. Riot of 1968 AAR, 13 Aug 68, pp. 6 and F-2-H-1. Quotes from Interv, Shaha with Mather, 22 Mar 72, tape 3, pp. 23, 26.

¹⁴ U.S. Congress, Senate, *Federal Data Banks, Computers and the Bill of Rights*, Hearings Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, 92d Cong., 1st sess., 23, 24, and 25 February and 2, 3, 4, 9, 10, 11, 15, and 17 March 1971, pt. 2, pp. 1466, 1471–72.

¹⁵ TF Chicago AAR, 18 Apr 68, pp. 6, 26–27, 28; D.C. Riot of 1968 AAR, 13 Aug 68, pp. A-1-18, A-1-20, A-2-4, E-1; Moenk, USCONARC Participation in the Suppression of Civil Disturbances, April 1968, p. 59.

TABLE 2—DAY-TO-DAY TROOP DEPLOYMENTS, 8–10 APRIL (0830)

<i>Troops</i>	<i>8 April</i>	<i>9 April</i>	<i>10 April</i>
Active Army Troops in City	2,397	4,323	3,091
Active Army Troops at Glenview Naval Air Station	2,442	682	1,914
Total	4,839	5,005	5,005
Active Army Troops Patrolling:			
4th Battalion, 46th Infantry	360	550	180
2d Battalion, 52d Infantry	160	320	220
National Guard Troops in City	6,772	6,973	6,973
National Guard Troops Patrolling	3,220	3,900	2,300

^aAccording to these figures, there was a total of 11,978 troops (5,005 Regular Army and 6,973 guardsmen) in Task Force Chicago. On 11 April, without breaking down the figure, Task Force Chicago informed the Army Operations Center that its troops totaled 11,867.

Source: AAR, TF Chicago, III Corps and Fort Hood, 4–13 Apr 68, 18 Aug 68, pp. 36, 42, Historian's files, CMH.

lead element of the 3d Brigade, 1st Armored Division, the 4th Battalion, 46th Infantry, reached O'Hare International Airport at 0325 on 7 April. By 1453 that day, after forty-one sorties, 2,060 troops had arrived in the Chicago area, most from the 3d Brigade, 1st Armored Division, and Task Force Chicago headquarters. Seventy-one aircraft sorties were required to move the 3,150 troops of the brigade and its attached units and the 747 tons of equipment they required. When it reached its peak strength at midnight, 7 April, Task Force Chicago contained 4,839 troops of the Regular Army and 6,870 guardsmen, a total of 11,709 men. (*Table 2*)

The brigade of the 5th Infantry Division flew into Glenview Naval Air Station north of Chicago and remained there in reserve. Other troops stood ready at Fort Hood, either to reinforce Task Force Chicago or to respond to disturbances elsewhere. Among them were a brigade of the 2d Armored Division task force, standing by at Bergstrom Air Force Base, Texas, and armored brigades at Fort Hood that had been tailored to civil disturbance requirements, with three battalions each with about 600 troops to a battalion. These battalions would have reduced support elements with substantial communications. Two task force headquarters commanded respectively by Maj. Gen. Joseph A. McChristian and Maj. Gen. John K. Boles, Jr., were also at Hood.¹⁶

¹⁶ Moenk, USCONARC Participation in the Suppression of Civil Disturbances, April 1968, p. 59; D.C. Riot of 1968 AAR, 13 Aug 68, pp. A-1-19, A-2-4, A-2-7; TF Chicago AAR, 18 Apr 68, pp. 28–31; AAR, G-4 [TF III, Rear, Glenview], G-4 Section of GARDEN PLOT, 17 Apr 68, p. 2, 201–100 Civil Disturbance files, TF Chicago, Apr 68, and AAR—Lessons Learned, G-1 [TF Chicago], 6–13 Apr 68, 15 Apr 68, Incl D-1, Misc file, both in TF Chicago, Apr 68, RG 338, NARA; Activities Related to Control of Civil Disturbances, n.d.



THE ILLINOIS NATIONAL GUARD PATROLLING AN AREA ON CHICAGO'S WEST SIDE

Operations in Chicago

The Guard, of course, was already deployed in Chicago, where its men, whether under federal or state control, served mainly in security operations in cooperation with the police, patrolling by motor and foot an area about 12.5 square miles to enforce the curfew and to provide general protection for people and property. The Guard also established and maintained roadblocks; supplemented security forces at the county jail and house of corrections; furnished escorts for telephone operators and nurses; protected firemen, telephone company work crews, and gasoline tankers refueling fire-fighting and military vehicles; secured a threatened bank; and delivered food for the indigent and homeless. Two hundred airmen of the 126th Air Refueling Group maintained base support for the military at O'Hare International Airport, where, among other tasks, they supplied supplemental base security and provided servicing for military aircraft.¹⁷

On Saturday evening, 6 April, reports of attempted looting and arson began to come in from Police District 3, south of Washington Park and 60th Street (south of the Midway and the University of Chicago), and from Police District 7, to the west of the Dan Ryan Expressway. With the Guard largely deployed on the West Side, Warren Christopher recommended that regular troops should be committed on the South Side, and as a result the 4th

¹⁷ Illinois NG AAR, 1 May 68, pp. 3–7 and Incl 23 (Illinois NG EOH AAR, 15 Apr 68), p. 5; and AAR, G-4 [TF III, Rear, Glenview] G-4 Section of GARDEN PLOT, 17 Apr 68; "Riot Reaction Force: The Guard in the April Disorders," pp. 6–7.

Battalion, 46th Infantry, the lead element from Fort Hood, received a warning order about 0230 Sunday, while it was still en route to Chicago. The unit arrived at O'Hare about 0325 and made a motor march to Jackson Park bordering Lake Michigan, where it bivouacked. Handicapped, for a time, by a lack of gasoline because its fuel truck had not arrived, the battalion sent two roving motorized patrols into Police District 3 near 63d Street. Later in the morning it dispatched two foot patrols, one to 63d and one to 67th Street.¹⁸

Despite the work that had been done on city information packets, the troops arriving in Chicago found that maps were still something of a problem. The troops of the 4th Battalion, 73d Artillery, complained that the maps they received were unwieldy and hard to handle in "the windy city." The men of the 13th Armor, meanwhile, found theirs cumbersome and not as clear as the smaller maps they procured at service stations. The commanders of the 2d Armored Division, Task Force II, standing by at Bergstrom Air Force Base, were unhappy with the number of maps they had at their disposal. They reported that they needed "a better supply of city maps" for all the cities to which their unit might be deployed.¹⁹

Obstacles of that sort notwithstanding, there was little time to waste. Reports on Sunday morning, 7 April, indicated that hundreds of persons were in the streets, that a policeman had been shot, and that looting was again in progress, particularly in stores owned by whites. A mob of 900 gathered at 63d and Maryland but the troops pushed it eastward. By the time the throng reached 63d and Woodlawn it had increased to about 1,200 persons. With the police and troops cooperating, those individuals then participated in a meeting. Little trouble ensued. About 1800 the gathering broke up. From then on, according to the 46th Infantry, "all remained relatively calm." Mounted and foot patrols continued in Police District 3 during the next two days, but no serious encounters occurred. In Christopher's view, the troops prevailed by their presence, lending support to the observation by task force commanders that during operations in Chicago, "the mere presence of federal troops in an area" seemed to have a quieting effect.²⁰

Throughout Sunday and Monday morning, National Guard troops were active in guarding firemen in Sector 3 and in preventing looting in that area. As darkness fell Sunday evening, incidents increased in the city, but the troop buildup also continued. In the late afternoon the headquarters of the 3d Brigade, along with the 2d Battalion, 52d Infantry, had reached Jackson Park. On the Near North Side, the 1st Battalion, 13th Armor, with its attached company of the 16th Engineer Battalion, arrived at the Fireman's Gymnasium on the Navy Pier in Sector 2, not far from task force headquarters. On the troubled South Side—with two companies of the 4th Battalion, 46th Infantry, still committed in Police District 3—General Mather deployed the 2d Battalion, 122d Artillery, into Police District 7. In the evening, the situation seemed to be under control and at daylight, 8 April, some normal traffic and commercial activity became possible in riot areas.

¹⁸ D.C. Riot of 1968 AAR, 13 Aug 68, pp. A-2-5, A-2-6; TF Chicago AAR, 18 Apr 68, pp. 5, 6-7, 28-29, 58-59; Illinois NG AAR, May 68, Incl 23 (Illinois NG EOH AAR, 15 Apr 68), pp. 2, 6, 7.

¹⁹ First quote from HQ and Svc Bty, 1st Bn, 73d Arty, 1st Armd Div, Critique of Operation GARDEN PLOT, 6-13 Apr 68, 16 Apr 68, 201-100 Civil Disturbance files, TF Chicago, Apr 68, RG 338, NARA. AAR, 1st Bn, 13th Armor, 1st Armd Div, Operation CHICAGO, 24 Apr 68. Second quote from Operational Rpt, 2d Armd Div (TF 2, GARDEN PLOT), 051115S Apr 68 to 131200S Apr 68, 16 Apr 68, p. 10, TF 2 Civil Disturbance files, Apr 68, RG 338, NARA.

²⁰ Chicago Police Dept maps for Districts 3 and 7, 9 Nov 67; 4th Bn, 46th Inf, 1st Armd Div, Chicago, Sitrep 1 (as of 092300 Apr 68). First quote from 4th Bn, 46th Inf, 1st Armd Div, an. B—Logistical Report, 9 Mar [Apr] 68. All in 201-100 Civil Disturbance files, TF Chicago, Apr 68, RG 338, NARA. Interv. Baker with Christopher, Oral History Interview III, 2 Dec 68, tape 1, p. 10. Second quote from TF Chicago AAR, 18 Apr 68, p. 14.

By then, the number of incidents had reached its lowest level since Friday. Two gangs of black youths, the Blackstone Rangers and the Disciples, may have helped bring about the relative quiet by agreeing to suspend hostilities and to assist troop and police patrols in preventing further trouble. General Mather ordered the 3d Brigade, 1st Armored Division, to assume control of Police District 7, which it did that afternoon, when the 2d Battalion, 52d Infantry, deployed into the district and established its command post in Ogden Park. At that time, the National Guard's 2d Battalion, 122d Artillery, withdrew to Washington Park as a reserve.²¹

Close cooperation with the police helped to strengthen the forces of law and order. Drawing troop boundaries on the South Side so as to make them identical with the boundaries of Police Districts 3 and 7 "greatly enhanced" military responsiveness, in the view of Task Force Chicago. The Army battalions that deployed to these districts located their command posts in the police district headquarters, which permitted the military and police to act quickly on local intelligence, "reduced coordination problems . . . and engendered a high degree of mutual respect between the police and the military."²²

Communications arrangements for the task force received mostly favorable reviews from the troops who had to use them. The 2d Battalion, 52d Infantry, complained that it had too few PRC-10 pack radios (as well as batteries and repair parts) and that these radios failed to transmit well in the city. On the other hand, the 4th Battalion, 46th Infantry, found that in general "communication support has been very good," and the 3d Brigade reported that communications were "very adequate." Both the brigade and the task force underscored the superiority of FM radio. According to commanders, the AN/GRC-46 and -47 radios were "completely effective" in operation throughout the Chicago metropolitan area, permitting the same flexibility during civil disturbances as in normal field operations. The task force also praised the work of the Chicago telephone company, which provided and maintained commercial and autovon service to connect both higher and lower headquarters.²³

The day of Martin Luther King's funeral, Tuesday, 9 April, brought the greatest flurry of military activity during the entire operation because the National Mobilization Committee to End the War in Vietnam and other peace and civil rights groups had planned a rally in Grant Park, located along the city's downtown lake front. Intelligence reports indicated that the rally would be large and that it might be diverted to a march on the National Guard armory that housed the task force headquarters.²⁴

With only one battalion left at Glenview Naval Air Station, almost all the Regular Army troops of the task force were in the city that day, which substantially increased the number of soldiers on the streets. For the first time, troops operated in all three sectors of the city,

²¹ D.C. Riot of 1968 AAR, 13 Aug 68, pp. A-2-5 to A-2-7; TF Chicago AAR, 18 Apr 68, pp. 7, 9, 30–33 (compare with Illinois NG AAR, 1 May 68, Incl 23, p. 3); Price, *Civil Rights, Volume 2, 1967–68*, p. 236; Rowland Evans and Robert Novak, "Tragedy of Chicago: The Ghetto's Peace-Keepers Face Fiscal Cutoff," *Washington Post*, 12 Apr 68.

²² 3d Bde, 1st Armd Div, Sitreps 3 (as of 092400 Mar 68) and 9, 12 Apr 68 (as of 122400 Apr 68); AAR, 2d Bn, 52d Inf, 1st Armd Div, TF Chicago (S-2), 17 Apr 68, pp. 1–2. All in 201–100 Civil Disturbance files, TF Chicago, Apr 68, RG 338, NARA. Quotes from TF Chicago AAR, 18 Apr 68, pp. 13–14.

²³ 1st Bn, 13th Armor, Initial Operational Reports, 9 Apr 68. First quote from 4th Bn, 46th Inf, 1st Armd Div, an. B—Logistical Report, 9 Mar [Apr] 68. Second quote from 3d Bde, 1st Armd Div, Sitrep 1, 082400 Apr 68. 2d Bn, 52d Inf, Sitrep 2–68 (special), 10 Apr 68. All in 201–100 Civil Disturbance files, TF Chicago, Apr 68, RG 338, NARA. Third quote from TF Chicago AAR, p. 12, and see also pp. 15, 62–69 (Signal Lessons Learned).

²⁴ TF Chicago AAR, 18 Apr 68, pp. 9–10, 33–35, 61.

moving frequently to and from the National Guard armory, Grant Park, and elsewhere. The National Guard sent three companies to protect the armory, and troops of the 3d Brigade, 5th Infantry Division—the task force reserve at Glenview—also deployed in the vicinity of the Loop. Other units patrolled on foot near the Art Institute of Chicago. But the heavy troop deployments proved unnecessary. The march on the armory never materialized, allowing the guardsmen who had been sent there to withdraw at 1530. A crowd of from 450 to 500 persons gathered in Grant Park and a smaller crowd in Lakeside Park, south of the Loop, but no incidents occurred. Indeed, the downtown area was so peaceful that the police requested that the 5th Division troops refrain from deploying their patrols. In agreement with both the police superintendent and Mayor Daley, General Mather withdrew his forces from the Grant Park area at 1700. That evening, incidents were fewer than at any time since operations began in the city.²⁵

On Wednesday morning, 10 April, Mather declared in a public statement that the city had remained calm for forty-eight hours and that, in agreement with the local police, dismounted patrolling in most areas would cease, leaving surveillance to random motorized patrols. By early Thursday afternoon, all troops were off the streets. Mayor Daley ended the curfew on Wednesday, and he and Governor Kerner both telegraphed the White House that the presence of federal troops was no longer necessary in Chicago. As of midnight, 11 April, Under Secretary of the Army David E. McGiffert restored the National Guard to state status. Task Force Chicago closed its journal at the armory at 1630 the next day, and the last of its elements reached its home station at 1700 on Saturday, 13 April. Redeployment was from both Glenview Naval Air Station and O'Hare International Airport. Except for administrative teams that remained on duty until 19 April, Illinois released its National Guard from state duty on 13 April.²⁶

Casualties, Property Losses, and Deadly Force

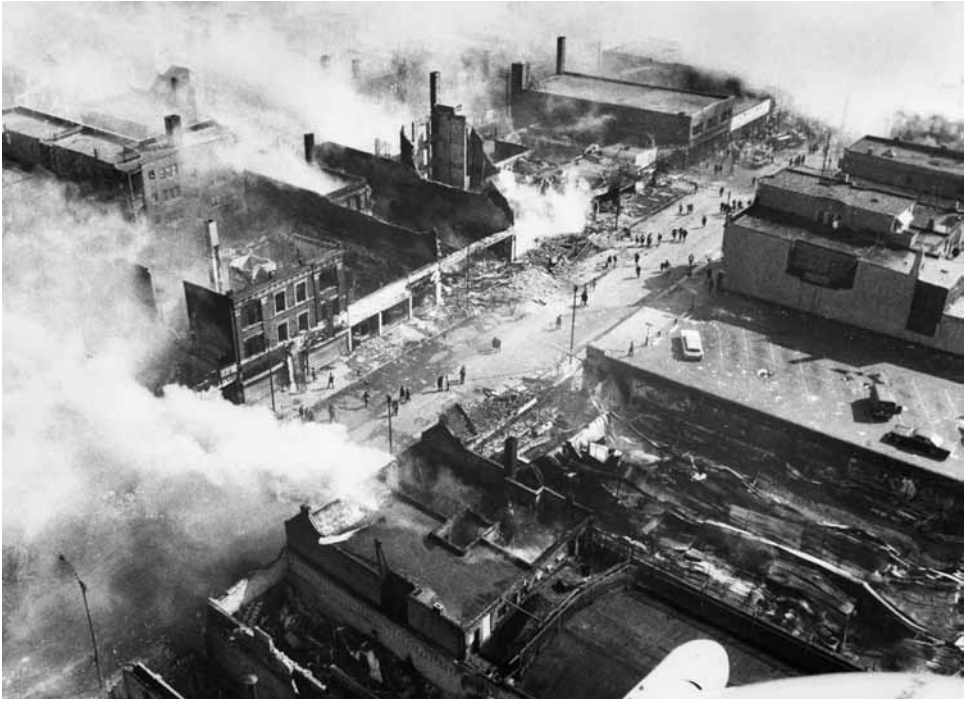
There were eleven deaths attributable to the Chicago disturbance, all black civilians. Seven were directly and four indirectly caused by the rioting. All were young men of whom six were shot, "presumably by the police," as the *New York Times* reported, "in the chest, heart, neck or head." The seventh was stabbed. Others died of various causes, including fires set by arsonists. There were 922 persons injured, among whom were 92 policemen, 42 firemen, and 1 soldier. Arrests totaled 3,124. In Chicago as in Washington, there were no verified reports of snipers.²⁷

The *New York Times* reported that 210 buildings had been torched by arsonists and that insurance adjusters placed the damage at \$10 million. A later estimate raised the figure

²⁵ Msg, CG, TF Chicago, to CO, 3d Bde, 1st Armd Div, and CO, 3d Bde, 5th Inf Div, [9] Apr 68, sub: Frag Order, Misc file, TF Chicago, RG 338, NARA; TF Chicago Sitrep (090800 to 092400 Apr 68), 10 Apr 68, 201–100 Civil Disturbance files, TF Chicago, Apr 68, RG 338, NARA; Donald Janson, "Negroes Crowd Jails in Chicago: Rally in Park for Dr. King Demands Their Release," *New York Times*, 10 Apr 68.

²⁶ D.C. Riot of 1968 AAR, 13 Aug 68, p. A-2-9; TF Chicago AAR, 18 Apr 68, pp. 10–11, 39–43; Illinois NG AAR, 1 May 68, p. 6; Price, *Civil Rights, Volume 2, 1967–68*, p. 236; AAR, G-4 [TF III, Rear, Glenview], G-4 section of GARDEN PLOT, 17 Apr 68; AAR—Lessons Learned, G-1 [TF Chicago], 6–13 April, 15 Apr 68, p. 3; Lessons Learned, TF Chicago, 6–13 Apr 68, Misc file, TF Chicago, Apr 68, RG 338, NARA; "Riot Reaction Force: The Guard in the April Disorders," p. 3.

²⁷ Donald Janson, "GI's on Patrol in Chicago," *New York Times*, 8 Apr 68.



AERIAL VIEW OF RIOT DAMAGE TO A CHICAGO BUSINESS DISTRICT

to \$13 million. In addition to fire, losses were caused by looting and lost business and a vast amount of other damage “that would increase the total many millions.” The riot corridors had the look of war zones. On West Madison Street, fires smoldered on Palm Sunday, and “rubble was piled high around crumpled buildings gutted by fire. Twisted steel arched crazily toward the cloudy sky.” Even so, viewed against the immensity of Chicago itself, the devastated areas seemed small. Even if much of the damage occurred in black neighborhoods, most black residential areas were untouched, and white neighborhoods went completely unscathed. There were pockets of damage on the South Side, particularly in the Englewood and Lawndale areas south of the University of Chicago and in a small area on the Near North Side. But the city was still so vast that few Chicagoans would have known about the disturbances at all, but for radio, television, and newspaper reports.²⁸

The Continental Army Command released figures indicating that Task Force Chicago expended 395 rounds of ball ammunition and 63 tear gas grenades but failed to indicate where or by whom those munitions were used. However, the Department of the Army itself asserted in its after action report that the troops of Task Force Chicago fired no weapons and used no tear gas. The discrepancy is probably attributable to the fact that figures on ammunition expenditures are often subject to error because of mistaken counts taken at

²⁸ Quotes from Ibid. Douglas E. Kneeland, “28 Chicago Blocks, A Strip of Shops, Bear Riot Scars,” *New York Times*, 7 Apr 68; *Facts on File Yearbook*, 1968, 28:148.

times of issue and return, unaccounted for losses, and the possibility that some of the troops failed to return all their unexpended ammunition. Similar discrepancies had emerged from official figures following the Detroit riot. In commenting on the Chicago operations, the *National Guardsman* observed that although ammunition was issued to guardsmen in Chicago, their weapons were not loaded. Instead, they strictly adhered to orders and maintained "an amazing degree of fire control." However, the journal also reported that "Guardsmen fired a few rounds at snipers." Nevertheless, the Illinois National Guard, unlike the Guard in the Newark and Detroit riots, clearly exercised considerable restraint.²⁹

The police had been equally disciplined, but their restraint drew a rebuke from Mayor Daley, who, to the dismay of federal officials, criticized his police superintendent, James B. Conlisk, Jr., for not having ordered the use of weapons. Daley was no doubt upset about what had happened and lashed out. At a press conference, the mayor announced that he was issuing orders to the police to shoot to kill arsonists and to shoot to maim or cripple looters in any future riots. The mayor softened his remarks shortly thereafter, defending his order but also commenting that it was police policy to use only the minimum force necessary. As might be expected, however, his declaration came in for considerable criticism. New York's mayor, John V. Lindsay, a member of the Kerner Commission, observed that "we are not going to shoot children in New York City."³⁰

By contrast, the chief of staff of the Army congratulated the troops of Task Force Chicago for the "outstanding manner" in which they had performed their duties. The firmness and dignity that they had displayed, he said, were "in the best tradition of the U.S. Army." Meanwhile, General Mather remarked in a letter to his successor at Fort Hood, Maj. Gen. John K. Boles, Jr., that it was particularly significant that "Task Force III left Chicago without one single adverse incident to mar its record . . . [reflecting] the high order of leadership demonstrated from squad leader on up . . . and the dedication to duty . . . of all ranks."³¹

The Baltimore Riot

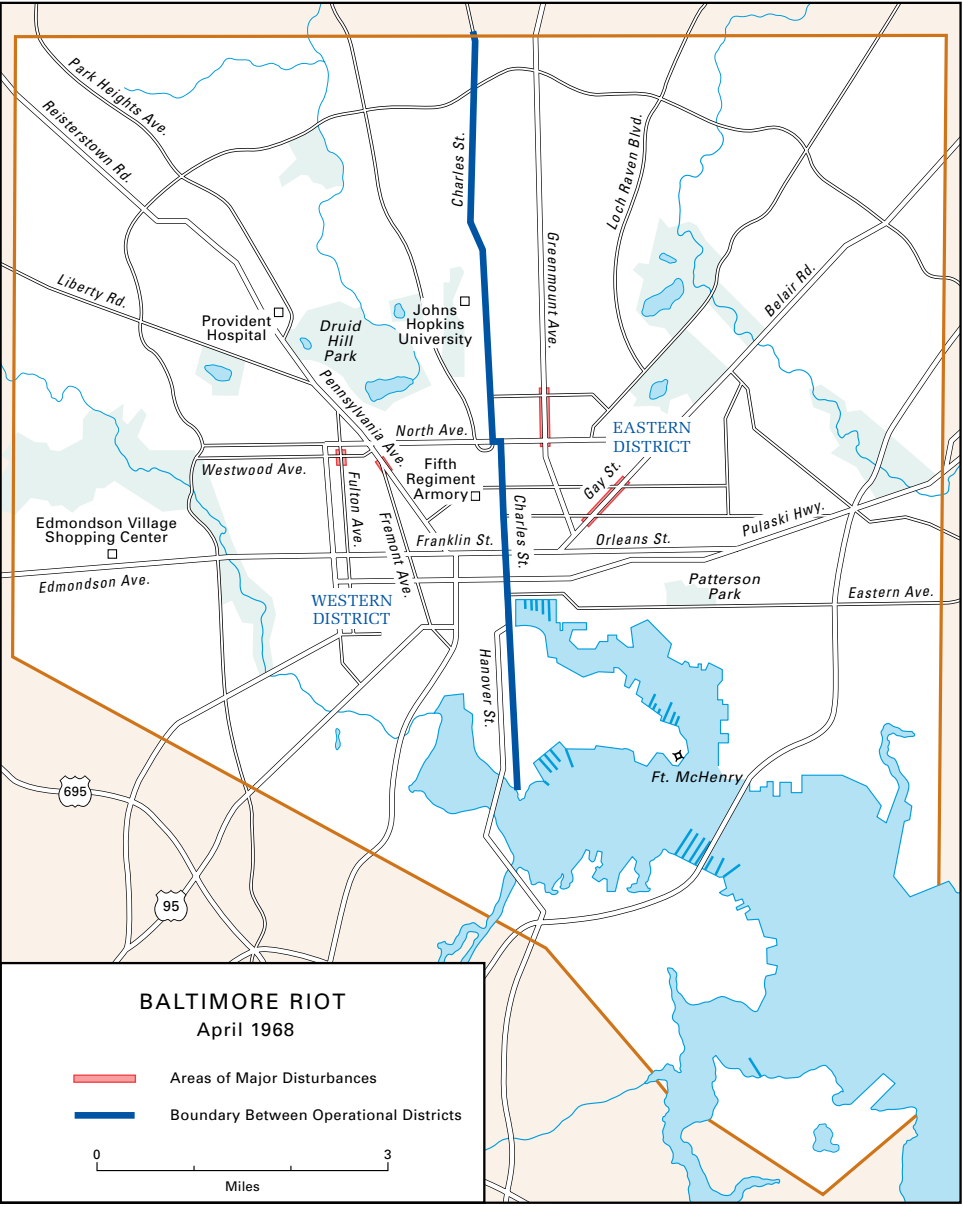
With a population that was 41 percent black out of a total of 930,000, Baltimore, like Detroit, prided itself on its race relations. Yet concurrent with the troubles in Washington and Chicago, it too suffered violence following King's death, which led to a request for and a commitment of federal troops.

As in other places, the rioting in Baltimore began in a small way. On Saturday afternoon, 6 April, about six hours after the first outbreak in Chicago, blacks began to throw rocks and break windows along Gay Street, which ran north and then northwesterly from the

²⁹ D.C. Riot of 1968 AAR, 13 Aug 68, p. 13; Memo, Jean Moenk, Hist Br, USCONARC, 5 Sep 68, Incl with Ltr, Brooks Kleber to author, 5 Sep 68, and Task Force Chicago Bulletin, vol. 1, 9 Apr 68, p. 1, mimeographed news sheet, both in 201-100 Civil Disturbance files, TF Chicago, Apr 68, RG 338, NARA. Quotes from "Riot Reaction Force: The Guard in the April Disorders," pp. 3, 6.

³⁰ Farber, *Chicago '68*, pp. 143-46; Price, *Civil Rights, Volume 2, 1967-68*, pp. 236-37, 244-46; the following articles in the *Washington Post*: Harry Golden, Jr., "Chicago Arsonists To Be Shot," 16 Apr 68. Quote from "Lindsay Rebukes Daley on Shoot-to-Kill Order," 17 Apr 68. "Shooting To Kill" (editorial), 17 Apr 68; Joan M. White, "Clark Warns on Use of Deadly Force," 18 Apr 68; D. J. R. Bruckner, "Daley Loosed a Terror that Won't Die," 21 Apr 68; "Daley Stirs Fears of Genocide," 22 Apr 68.

³¹ Msg, DA 859729 (CofSA) to CG, Fort Hood, and Others, 15 Apr 68, and Ltr, Mather to Boles, 15 Apr 68, both in Journal file, Civil Disturbance files, TF III, Apr 68, RG 338, NARA.



MAP 7

city's harbor through a congested slum area. Although the police closed off several blocks, disorder continued to spread. Looting and burning began. Soon a considerable area was in turmoil, including the neighborhood around the world-famous Johns Hopkins Hospital. At 2030 the White House learned from a United Press International report that Maryland Governor Spiro T. Agnew had taken steps to deal with the situation at the state level.³² (*Map 7*)

By then the violence had escalated, with many features that recalled other urban riots but some that were peculiar to Baltimore itself. The fire department reported some 250 fire alarms. In some cases, firemen could not reach the fires and had to cope with showers of stones and bottles. In trying to protect the firefighters, policemen also came under attack, and there were reports of sniping. Unlike Washington, where areas of devastation had been concentrated, the disturbance in Baltimore had no definite center. It seemed to erupt in random locations and to spread over considerable areas, making it especially difficult to subdue.

The Maryland General Assembly had recently passed a riot control bill that had given both the governor and the National Guard substantial emergency powers. That legislation had authorized the governor to impose curfews, clear the streets, close taverns, ban the sale of flammable substances, and forbid public assemblies. National Guard commanders could meanwhile assume direction and control of local law enforcement authorities, including the state police, and exercise their powers. Governor Agnew had planned to sign the bill at a formal legislative ceremony, but the rioting in Washington and elsewhere spurred him to sign it early Friday, 5 April.³³

Anticipating that the troubles in Washington might spill over into Maryland's adjacent Prince George's and Montgomery Counties, he ordered the Guard to be ready on 5 April. Already committed to duties with Task Force Washington, Guard commanders set up a command post at the Silver Spring armory and on early Friday afternoon complied with a request from the Military District of Washington to send a liaison officer to Washington to prepare for possible implementation of Operation TANGO as called for in the Task Force Washington plan. That same afternoon in Baltimore, the Guard also activated an operations center at the Fifth Regiment Armory at Preston and Howard Streets and ordered the 29th Military Police Company to drill status to secure the site. Elsewhere in the state, Guard commanders called officers to duty at each major headquarters and at least one enlisted man to each armory.³⁴

On Saturday evening, 6 April, with the violence increasing, Governor Agnew, at the request of Baltimore's mayor, Thomas L. J. D'Alesandro, III, ordered out almost all of the state's National Guard, both Army and Air. The only exceptions were a missile and an air defense unit; the companies of the 1st Battalion, 115th Infantry (Reinforced), already on duty in the Washington area; and Company B, 2d Battalion, 175th Infantry, being held at Cambridge

³² Military Dept, State of Maryland, AAR—Civil Disturbance Operations (hereafter cited as Maryland NG AAR), 22 Apr 68, pp. 1, 2, Historian's files, CMH; Situation Room Information Memo, Sat., 6 Apr 68, 9:00 PM, President's Appointments file (Diary Backup), White House files, Johnson Library; *Washington Post* and *New York Times*, both 7 Apr 68.

³³ John J. Peterson, *Into the Cauldron* (Clinton, Md.: Clavier House, 1973), pp. 34–35, 36–38. The author thanks Lt. Col. Leonid Kondratiuk, then of the National Guard Bureau, for a copy of this book by a former military police officer. Based on countless hours of interviews, it describes well the effects of civil disturbance duty on individual guardsmen.

³⁴ Maryland NG AAR, 22 Apr 68, p. 1.



MAYOR D'ALESSANDRO

and Easton to cope with any disturbance that developed in that troubled area. At 2010 the governor declared a state of emergency in Baltimore, imposed a curfew, and banned the sale of liquor, weapons, explosives, and gasoline in containers.³⁵

At that point, Maryland's adjutant general, Maj. Gen. George M. Gelston, assumed command not only of the Maryland National Guard but also of perhaps 1,500 city and between 400 and 500 state police. Under Maryland's Operation Plan OSCAR, Baltimore's Charles Street, which runs north and south, divided the city into two sectors. The Guard's Task Force Emergency Operations Headquarters had responsibility for the sector west of the line while the Guard's other task force, Task Force Third Brigade, took charge of the area to the east.³⁶

The first guardsmen to be deployed in the eastern sector were the three companies of the 1st Battalion, 175th Infantry, a Baltimore unit.

Under orders, at that stage, to attempt to restore order through a show of force rather than by apprehending rioters, the troops were to sweep troubled Greenmount Avenue from 25th Street to North Avenue. Poor and heavily populated by blacks, the area contained both residences and small businesses, including many bars and liquor stores. All the guardsmen had received civil disturbance training under the guidelines adopted after the Detroit riot of the preceding year. Before leaving the armory they reviewed the fundamentals and received instructions regarding the use of their weapons. They were not to load or fire them unless they received a direct order from an officer, could identify a gunman or a sniper, or believed their lives were in danger. Though some were uncertain or worried by the policy, they were cautioned at every opportunity by their leaders about the necessity to exercise restraint and to use minimum force.

During the sweep, the guardsmen carried M1 rifles with bared bayonets at high port. Accompanying each company commander was a marksman with loaded rifle and sniper scope. Each guardsman carried two clips of ammunition (16 rounds), attached conspicuously to the outside of his field jacket, plus tear gas grenades. Police paddy wagons followed behind the guardsmen to transport anyone who might be arrested. State police went ahead, moving four abreast, armed with shotguns, and wearing bandoliers of shotgun shells across their chests.

³⁵ Ibid., p. 2; AAR, Ch, DA Liaison Team Green (hereafter cited as Team Green AAR), 17 Apr 68, tab E (1), CD files, Div. of Military Support, ODCSOPS, Records of the Army Staff, RG 319, NARA; Peterson, *Into the Cauldron*, pp. 36–37, 40; "Riot Reaction Force: The Guard in the April Disorders," pp. 7–8.

³⁶ Peterson, *Into the Cauldron*, pp. 39–40; TF Baltimore AAR, 7–13 Apr 68, 7 May 68, pp. B-1 to B-5 (maps showing the nine Baltimore districts), Historian's files, CMH.



TROOPERS PATROLLING RIOT-TORN BALTIMORE

The riot zone presented a desolate picture. Some buildings had been burned, and the area reeked from smoldering fires. Police and fire sirens were audible in the distance, and the orange hue of fires farther south lit the skies. There was evidence of violence all about—burned out stores, merchandise thrown into the street, wire mesh ripped from windows, and broken glass everywhere—but there were no large crowds, only an occasional thrown bottle and obscenities shouted from upper windows. In the end, the sweep turned out to be irrelevant to the kind of disorder that was occurring. The troops witnessed no looting, yet even as they advanced it continued elsewhere along Greenmount. Ahead of them, rioters melted into stores, houses, and alleyways.

To one young soldier posted at the top of Greenmount, it appeared as if the entire southeastern part of the city was aflame. From North Avenue on, the street was alive with people driving, shouting obscenities, and throwing empty bottles at passing trucks. Meanwhile, fire hoses crisscrossed the debris-strewn street as firemen poured water on burning buildings. Instead of merely breaking through doors and windows, rioters had torn out the entire fronts of buildings, and anything they had not carried off they had smashed. As the night wore on, the pattern of rioting took on a hit-and-run character that the troops found difficult to counter. Small groups started fires and ran; threw rocks and bottles and

ran; or cut or disconnected fire hoses and ran. Others darted into the front and out the back of stores, grabbing whatever they could on the way. Some 250 fires occurred that night, along with one fatality.

By 0200 Sunday, quiet had returned to some areas, allowing weary guardsmen to return to the armory for a rest. But the riot had hardly run its course. Beginning at 0700, the number of incidents that included looting and arson began to increase rapidly, and several major fires broke out in scattered parts of the city. The unfocused nature of all that activity—fire bombing and looting of a hit-and-run, guerrilla sort with large confrontations almost never occurring—soon stretched the guardsmen almost to their limit.³⁷

Federal Intervention

Early Sunday morning, 7 April, the commanding general of the XVIII Airborne Corps at Fort Bragg, Lt. Gen. Robert H. York, received word from the Department of the Army that his forces might be committed in Baltimore. He decided that a liaison visit would be useful and, traveling in civilian clothes, arrived with a party of three at the Martin-Marietta (or Glenn L. Martin) Airfield near Baltimore used by the Air National Guard. From there he drove to the Fifth Regiment Armory. York met with General Gelston, Governor Agnew, Mayor D'Alesandro, Commissioner of Police Donald D. Pomerleau, Fire Chief John J. Killen, and Col. Robert J. Lally, superintendent of the state police. Gelston thought that the situation was under control, and the other state and local officials apparently shared his view. The members of York's staff nonetheless met with various local administrators to discuss practical problems that might arise if federal troops were employed.

The briefings over, York asked a member of his staff to remain in Baltimore as a liaison officer and prepared to return to Fort Bragg. By midafternoon, however, a strong possibility had arisen that Maryland might request federal assistance, and Washington authorities decided he should remain. Returning to the Fifth Regiment Armory, York learned that the XVIII Airborne Corps Artillery Brigade (Provisional), which had arrived at Andrews Air Force Base for possible use in Washington, had instead been alerted for deployment to Baltimore. In addition, an element of York's corps headquarters that had been deployed for Task Force Washington had been instructed to join him in Baltimore.

Events had begun to move in a highly atypical way. With the Johnson administration looking toward a strong possibility that federal forces might have to intervene in Maryland, the Army had begun to plan for that eventuality. An assistant attorney general in the Department of Justice, Fred M. Vinson, who had been a Justice representative for several days at police headquarters in Washington, was designated the presidential representative about the time General York was ordered to remain in Baltimore, both actions being concurrent with a decision to send a Department of the Army liaison team to the city under the command of Maj. Gen. Melvin Zais.

Arriving in Baltimore, it appears, shortly after 1600 Sunday, Vinson took on a variety of tasks. He developed what Zais would later describe as "an outstanding relationship" with General York, from whom he lifted the burden of daily press conferences. Over the days that followed, his special assistant for press relations, Col. L. Gordon Hill, Jr., who was also the personal representative of

³⁷ Maryland NG AAR, 22 Apr 68, p. 2; D.C. Riot of 1968 AAR, 13 Aug 68, p. A-3-2; Peterson, *Into the Cauldron*, pp. 41–61.

the assistant secretary of defense for public affairs, took responsibility for keeping reporters informed. An experienced public affairs officer who had served six years earlier at Oxford, Mississippi, Hill would oversee the release of all information on federal military operations in the Baltimore area. Vinson also advised Governor Agnew and other Maryland officials on matters as diverse as the establishment of temporary detention facilities and on steps local authorities could take to acquire surplus food and medicine from federal sources. When necessary, he had direct access to Attorney General Ramsey Clark and the White House.³⁸



GOVERNOR AGNEW

Meanwhile, about 1630 General Gelston learned that Governor Agnew had yet to request federal troops. He told General York, who passed the information along to General Johnson, the chief of staff. Johnson thought that York's staff should move to Andrews Air Force Base, but York wanted the XVIII Airborne Corps headquarters to sit tight at Bragg while he sought to clarify the situation in Baltimore. General Gelston reported that he had committed all but two companies of the available National Guard forces. Shortly after 1700, York, Vinson, and Gelston set out on a reconnaissance of the Baltimore area by helicopter. According to the chief of police, who had requested more help from the Guard, the situation was out of hand in the Druid Hill district of the city.³⁹

While York was waiting for the helicopter, General Zais arrived at the armory with his team—the so-called Green Team—of seven field grade officers representing public information, operations, communications and electronics, military police, legal affairs, logistics, and intelligence. Since there was no room for him in York's helicopter, he set out on his own to learn about the disturbance in progress. Both his immediate and lasting impression was one of great confusion in the operation under way. When Zais arrived at General Gelston's office, several state officials were there. As he entered the room, Gelston was recommending to Governor Agnew on the telephone that he request federalization of the National Guard and the intervention of federal troops. Maryland

³⁸ TF Baltimore AAR, 7 May 68, pp. 1-1, 1-2, ans. A-1 to A-6. Quote from Team Green AAR, 17 Apr 68, p. 4, CD files, DOMS, ODCSOPS, RG 319, NARA. Interv. Thomas H. Baker with Fred M. Vinson, Jr., 16 Dec 68, tape 3, pp. 8-10, Oral History Collection, Johnson Library; Moenk, USCONARC Participation in the Suppression of Civil Disturbances, April 1968, p. 68; Peterson, *Into the Cauldron*, p. 71.

³⁹ Summary of Events, pp. 1-2, in 206-07 Daily Journal files (68) [7-8 Apr 68]; TF Baltimore Sitrep 1. Both in Background Papers for the Role of Federal Forces in Civil Disturbances, 1945-1971 (hereafter cited as Background Papers), RG 319, NARA. TF Baltimore AAR, 7 May 68, Consolidated no. 2, entries 56 and 73, 7 Apr 68, Historian's files, CMH. For the Druid Hill riot situation, see D.C. Riot of 1968 AAR, 13 Aug 68, p. A-3-3.

had committed all available guardsmen, Gelston said, except those of the Air National Guard, who were better suited for static security than general duty in a civil disturbance.⁴⁰

At that point, the confusion lifted. Following a consultation with Attorney General Clark, shortly after 1800, Agnew sent a carefully worded telegram to President Johnson stating that under existing circumstances the law enforcement resources of the state were unable to suppress the serious domestic violence occurring in and near Baltimore. On that account, since the legislature was not then in session and there was no time to convene it, he requested federal troops “to take such action as is necessary to suppress this insurrection.” Shortly afterward, General Gelston made a public statement supporting Agnew’s request. With 5,500 guardsmen now in the city, he said, the Guard was almost fully committed. Besides, the “troops were spread too thin and . . . there was too much at stake to take a chance on not requesting Federal troops.”⁴¹

General York, for his own part, doubted the need for intervention. Returning from his tour of Baltimore while Agnew was making his decision to request federal troops, he felt that he had learned nothing definite about the state of the city. There had been no large crowds in the streets, and only a few stores were being looted. Meanwhile, the information he had received from the Guard was vague and general, and he had found it hard to determine the strength of the forces committed. The police were well informed, but information on their dispositions had yet to be pulled together on a situation map to produce a total picture of what was happening. York explained his thinking to the chief of staff, General Johnson, adding that he had yet to establish military communications of his own and had no choice but to rely on those provided by Maryland authorities.

By that time, however, the XVIII Airborne Corps Artillery Brigade had already received orders to move from Andrews Air Force Base to Baltimore, and local television was reporting that York had taken command of federal forces. The general had not taken command, of course, because the president had yet to authorize the use of federal forces, but York had made plans about troop dispositions in case active forces joined the Guard. Given the widespread nature of the disturbance, he intended to employ mostly motorized patrols. Insofar as practicable, to maintain close liaison with the police and to take advantage of police intelligence and communications, troop operations and boundaries would follow police district boundaries, and battalion commanders would set up their headquarters at police district headquarters. Within each battalion, a mobile company would be responsive to police needs. The close contacts York fashioned with the local police, General Zais later concluded, influenced everything that happened in the days that followed and contributed immeasurably to the efficient, effective relationship that the Army ended up establishing with local authorities.⁴²

⁴⁰ Team Green AAR, 17 Apr 68, pp. 1–2; Summary of Events, no. 1, p. 2, Background Papers, RG 319, NARA; Msg, DA 858713 (Johnson, CofSA) to York, 072110Z Apr 68, sub: Letter of Instruction.

⁴¹ First quote from D.C. Riot of 1968 AAR, 13 Aug 68, p. F-3-A, and see also p. A-1-25. Second quote from Peterson, *Into the Cauldron*, p. 76. TF Baltimore AAR, 7 May 68, pp. A-53, A-54, an. D. For the claim of OACSI’s Counterintelligence Branch that Agnew called for federal troops because the National Guard had overspent its budget responding to a riot at Cambridge, Maryland, see Christopher H. Pyle, “Military Surveillance of Civilian Politics, 1967–1970” (Ph.D. diss., Columbia University, 1974. Ann Arbor, Mich.: University Microfilms, 1980), p. 103.

⁴² Summary of Events, no. 1, p. 3; Team Green AAR, 17 Apr 68, pp. 2–3.

Only authorization was lacking, but despite Agnew's telegram, federal authorities remained undecided on whether to intervene. Vinson expressed reservations, and York told Baltimore police officials, Gelston, and Vinson that he was reluctant to assume control without his staff or communications. Col. Robert C. Hamilton at the Army Operations Center in the Pentagon also expressed the opinion that federal troops were unnecessary.

Whether or not he agreed with the doubters, General Johnson pressed York to state that "there would be no increase in violence if Federal forces were not committed." York could not give him the assurances he desired. He did, however, remark that Gelston believed he could handle the situation and that the decision regarding federal troops could be postponed for a few hours since the XVIII Airborne Corps Artillery Brigade was not scheduled to complete its move to Druid Hill Park until 2330. In the interim, an effort was under way to move the 50th Signal Battalion to Baltimore, but the unit had to travel almost entirely by road because of a critical shortage of aircraft and took more than a day to reach its destination.⁴³

In short, on Sunday night, with no communications of his own, York lacked permission to use the troops that were arriving and remained uncertain whether the president would authorize federal intervention at all. In addition, the riot seemed to be worsening. For although Baltimore police statistics on cases of arson and looting were confused by poor reporting, Commissioner Pomerleau disclosed about 2155 that a number of incidents were in progress and escalating and that fires were increasing in number. York again called General Johnson to tell him that the situation was deteriorating but that he could offer no assurances that conditions would improve if federal troops arrived. Under pressure from the White House staff for a recommendation, the chief of staff explained that he had to make a recommendation to the president and pushed York for an opinion. York then declared that "under those terms," he would have to recommend the commitment of federal troops. General Johnson then asked him to tell the president and the attorney general the same thing if they called him. Turning from the telephone, York told Vinson that General Johnson would speak with the attorney general.⁴⁴



GENERAL GELSTON

⁴³ Quote from TF Baltimore AAR, 7 May 68, p. A-13, and see also A-12, A-14, A-15, A-19, A-41; Summary of Events, no. 1, pp. 4-6; Summary of Events (Consolidated no. 2), entry 99.

⁴⁴ TF Baltimore AAR, 7 May 68, pp. A-15, A-16, B-1 (Map 1, 071800R Apr 68); Summary of Events, no. 1, p. 6. Quote from 201-100 Daily Activities, 7 Apr 68, G-3 Section, entry 17, 072155, Background Papers, RG 319, NARA.

Asked years later about the assurances that General Johnson requested, York observed that “I think the President was posing those questions to the Chief of Staff. I presume that for political reasons . . . [he] wanted more justification before committing the Army. In effect they were asking me to assure them that the situation would *not* deteriorate if the Feds were not committed. I guess, since I couldn’t make that assurance, I recommended committing my troops.”⁴⁵

General Johnson, it will be recalled, had been obliged since sometime after the Detroit riot to make recommendations on the commitment of federal forces during civil disturbances and was indeed under pressure to do so. Complicating matters, Attorney General Ramsey Clark had been arguing against a commitment of troops, a line that troubled General Johnson, who believed that Clark had underplayed the need for troops to protect the Pentagon the previous October. Later, in 1969, Clark would assert that there had been more need for troops in Pittsburgh than in either Chicago or Baltimore (“particularly Baltimore”), and in 1970 he would declare flatly that “all intelligence indicated there was no need for federal troops” in Baltimore and that both National Guard and federal officers on the scene agreed that federal troops “were not required.”⁴⁶

In fact, after talking to York, General Johnson spoke with the president and Clark and recommended committing federal troops, for which Baltimore Mayor D’Alessandro later profusely thanked the general in an emotional letter. When President Johnson asked if there were any other views on the matter, General Johnson told Clark that now was the time for him to speak up. Clark, however, remained silent, apparently unwilling to say to the president what he had been saying to the chief of staff.⁴⁷

Action now came quickly. A few moments later, and less than a quarter of an hour after York finished his conversation with General Johnson, the president signed Proclamation 3842, calling on persons engaged in violence in Baltimore to cease their actions and to retire peaceably. Immediately thereafter he signed Executive Order 11405, citing the same legal authority used in the Chicago order, which directed the secretary of defense “to take all appropriate steps to disperse all persons engaged in . . . acts of violence,” and to use the active forces and the Army and Air National Guard units to accomplish this purpose.⁴⁸

Within minutes, messages prepared in advance called most units of the Army and Air National Guards of Maryland to active duty. General Johnson telephoned York in Baltimore to inform him that the president was committing federal troops, that a letter of instruction he had received earlier was in effect, and that he should commit his forces by 2245 that same day. Since Maryland law vested the Maryland Guard with full state police powers but federal rules severely limited the police powers of active duty forces, York instructed General Gelston, the Guard commander, to read the rules of engagement to his subordinates

⁴⁵ Quote from Ltr, York to author, 18 Dec 82. Notes on Telecon, author with Gen Johnson, 7 Dec 82. Both in Historian’s files, CMH.

⁴⁶ Notes on Telecon, author with Gen Johnson, 7 Dec 82. First quote from Interv, Harri Baker with Ramsey Clark, 16 Apr 69, interv 4, p. 28, Oral History Collection, Johnson Library. Second and third quotes from Ramsey Clark, *Crime in America: Observations on Its Nature, Causes, Prevention, and Control* (New York: Simon and Schuster, 1970), pp. 277–78, and see also p. 280.

⁴⁷ Notes on Telecon, author with Gen Johnson, 7 Dec 82.

⁴⁸ Proclamation 3842, *Law and Order in the State of Maryland by the President of the United States of America*, 7 April 1968, in 33 F.R. 5499 and 3 C.F.R. 322 (1966–70 comp.); EO 11405, *Providing for the Restoration of Law and Order in the State of Maryland*, 7 April 1968, in 33 F.R. 5505 and 3 C.F.R. 721 (1966–70 comp.). These documents are reproduced in D.C. Riot of 1968 AAR, 13 Aug 68, pp. F-3-B and F-3-C, respectively.

so that they could modify their tactics accordingly. He wanted no misunderstanding of those rules or misinterpretations of what they meant anywhere in his task force.⁴⁹

Organization for Action

Following federalization of the National Guard, Task Force Baltimore initially consisted of three brigades and a reserve force. One brigade was a Regular Army unit—the XVIII Airborne Corps Artillery Brigade (Provisional), under Col. Bertram K. Gorwitz. Known as Task Force XVIII Abcar, it consisted principally of the 4th Battalion, 39th Artillery; the 4th Battalion, 73d Artillery; and the 47th Engineer Battalion. The other two brigades were federalized Maryland National Guard units—Task Force Emergency Headquarters Brigade and Task Force Third Brigade. The first consisted of the 1st Battalion, 175th Infantry; the 729th Maintenance Battalion; and the 2d Battalion, 110th Infantry, which was soon attached to Abcar. The second consisted of the 2d Battalion, 175th Infantry (Reinforced); the 1st Battalion, 115th Infantry (Reinforced); and the 121st Engineer Battalion (Reinforced). The Maryland Air National Guard, consisting of the 135th Air Commando Group and the 175th Tactical Fighter Group, organized as a provisional battalion, became a task force reserve as of early Monday morning, with responsibility for providing security for Baltimore installations and activities.

To reduce his span of control, York shortly thereafter ordered the Guard brigades to report to him through Task Force Oscar, commanded by Brig. Gen. William Ogletree of the National Guard, which took its name from the Guard's civil disturbance plan, Operation OSCAR. York now had only two principal task forces reporting to him, XVIII Abcar and Oscar. Aware that more forces might prove useful, General Johnson urged him to flood the disturbed area with troops and offered him the 197th Infantry Brigade, then at Andrews Air Force Base near Washington. Temporarily, at least, York declined the reinforcements.⁵⁰

At the heart of Ogletree's headquarters in the Fifth Regiment Armory was the tactical operations center on the third floor. There "Oscar," a large sectionalized map of Baltimore, dominated the scene with red, green, and orange pins marking trouble spots. Flanking Oscar were green chalkboards listing troop deployments. One message center handled classified traffic, including "hot lines" to the White House, the Pentagon, the Justice Department, and Governor Agnew's office. Another handled unclassified and routine messages. After federalization under York, the tactical operations center became "an elbow to elbow operation," as Army staff officers merged with National Guard officers who had been manning the facility since Friday. The result was an atmosphere of "organized confusion" marked by "incessant chattering of radios . . . constant shrilling of telephones, and . . . [a] continuous flow of discussion and decision as reports were received and acted upon."⁵¹

⁴⁹ D.C. Riot of 1968 AAR, 13 Aug 68, an. F, app. 3, contains all the pertinent documents, including York's LOI (DA 858713, 072110Z Apr 68), at tab H; Summary of Events, no. 1, p. 7; Peterson, *Into the Cauldron*, pp. 141, 194–95; G-2 Section, entry 231, 206–07 Daily Journal files (68), 9 Apr 68, TF Baltimore Sitrep 3, Background Papers, RG 319, NARA.

⁵⁰ TF Baltimore AAR, 7 May 68, p. 1-A, ans. B-1 to B-5 and L-1 to L-3 (TF Baltimore OPORD 1, 080400 Apr 68); D.C. Riot of 1968 AAR, 13 Aug 68, pp. E-3-1 to E-3-2; "Riot Reaction Force: The Guard in the April Disorders," p. 8.

⁵¹ Peterson, *Into the Cauldron*, pp. 139–40.

Ordinarily, federal commanders maintained liaison arrangements with state and city police forces, but in Baltimore General York considered himself the commander not only of the federalized Guard but also of all state and city forces. He later declared that while arrangements of the sort might not be possible in other cities “because of local attitudes or laws,” they “should be required in every case as a condition of Federal intervention.”⁵² Following preliminary operations late on Sunday night, York called his commanders together during the small hours of Monday morning to make sure they understood how he intended to conduct the operation. He laid out the areas of responsibility: Task Force XVIII Abcar would operate in the Western and Southwestern Districts; Task Force Emergency Headquarters Brigade would take the Central District; and Task Force Third Brigade would deal with the Northeastern, Eastern, and Southeastern Districts. All commanders were to work closely with local law enforcement agencies, taking advantage of their local communications nets, intelligence capabilities, and mobility. On the streets, troops would likewise operate closely with police, using their familiarity with the neighborhoods and the people. In addition, York stressed that every soldier must behave in a professional manner while on public view. The general wanted his troops to look smart, be alert and responsive, and in general give the impression that they would take no nonsense.

Addressing the rules of engagement, York made it clear that the protection of lives was to have first priority and property second. Critical areas or facilities such as power and water purification plants were to be secured. The troops were to be firm and fair in enforcing the law. They were to avoid brutality, to rely on their noncommissioned officers, and to remember that there was no substitute for good judgment. Bayonets were to remain sheathed on belts unless an individual commander authorized his men to mount them, sheathed or unsheathed, on their weapons. Ammunition clips were to remain on the harness or the belt; automatic weapons would not be mounted or otherwise visible but would be carried in the beds of vehicles until needed. About the only time he could envision the employment of automatic weapons, York said, would be if a sizable unit came under attack and some of its members were in danger of death. York reminded the assembled officers that force should be applied gradually—for example, by cracking a shin with a rifle butt before resorting to a bayonet. The authority to use gas could be delegated to the company level and still lower if the company commander wished, but rioters were to be warned before it was used. Commanders were to employ as much caution as they could, keeping indiscriminate firing in check if snipers appeared on the scene.⁵³

Street Operations

Even as the first forces moved out late on Sunday evening, 7 April, some minor problems developed. The chief of staff of the Army had ordered a troop commitment by 2245 that day, but a delay occurred because of the absence of Gorwitz, who was on a reconnaissance with the commander of the 4th Battalion, 73d Artillery, the first regular unit dispatched to the

⁵² TF Baltimore AAR, 7 May 68, p. II-b-2.

⁵³ *Ibid.*, pp. II-i-5 to II-i-6 and ans., pp. A-21 to A-26 (HQ, TF Baltimore Log), D-9 to D-10, and Summary of Events, no. 1, pp. 10–12. There are some chronological inconsistencies between the narrative in TF Baltimore AAR, pp. 13–14, on the one hand, and the log, pp. 22ff., and the summary of events, pp. 10–12, on the other. The latter two sources, which agree, are followed here.

riot area. The battalion finally departed around midnight and reached the vicinity of Fulton and Westwood Avenues in the Western District at 0017 on 8 April. Shortly thereafter, the 4th Battalion, 39th Artillery, commanded by Lt. Col. John R. Martina, received orders to conduct a show of force in the Northwestern District, to which it deployed at 0128. Assisted by the police, the two regular units had the mission of sweeping the roads, stopping looters and curfew violators, apprehending arsonists, and maintaining mobile reserves.⁵⁴

The advent of federal control in Baltimore, one observer remarked, was accompanied by “a much more hard-nosed approach toward enforcement of a curfew.” If local officials had been too easily pressured into granting exceptions, “General York was able to . . . enforce a curfew which excluded only doctors, nurses and employees of essential public services.” At 0430 Monday, company commanders began using tear gas to deter looting. The measure proved immediately effective. By 0600 a drop-off in the number of incidents allowed officers to reduce the amount of patrolling required of Gorwitz’s weary task force, which by then had been without sleep for forty-eight hours.⁵⁵

The lull, however, was only temporary. With the coming of daylight and the ending of the curfew that morning, 8 April, rioting returned and began to escalate. Conditions were particularly bad in the Western District, while in the Central District guardsmen of the 1st Battalion, 175th Infantry, encountered barrages of obscenities, bottles, and debris as they swept Greenmount Avenue southward to North Avenue. Shortly after 0800, General York ordered saturation patrolling in the Western District, which he considered “the most critical area” of the disturbance.⁵⁶ Initially, Task Force XVIII Abcar sent one battery of the 4th Battalion, 39th Artillery, and one battery of the 4th Battalion, 73d Artillery, but increased looting led to commitment of the rest of the battalion. Twice that unit used its M3 tear gas dispensers against mobs of looters who showered the troops with bricks and bottles. With conflict building up at the intersection of Pennsylvania and Fremont Avenues, located in a section of Baltimore heavily populated by blacks south of Druid Hill Park, Gorwitz at 1050 committed another company of the 47th Engineer Battalion. This unit, as a reserve force, had already provided two companies under the operational control of the Guard’s 175th Infantry to protect firemen along Pennsylvania Avenue.⁵⁷

Despite the presence of troops, the general situation in Baltimore grew worse toward noon and remained “extremely bad” throughout the rest of the day.⁵⁸ During early afternoon, violence spread into previously untouched areas far from inner-city trouble spots, and, by night, incidents had occurred in a fourth of the city. During the early afternoon, trouble in the southern part of the Western District spread westward as far as the Edmondson Village shopping center. More troop units were committed, including the last company of the 47th Engineer Battalion, which moved at 1225 to support the guardsmen of the 1st Battalion,

⁵⁴ Summary of Events, no. 1, pp. 6–8, 10; TF XVIII Abcar AAR, 16 Apr 68, as filed with TF Baltimore AAR, 7 May 68, pp. D-2 to D-3 (items 8 and 10).

⁵⁵ Quotes from Peterson, *Into the Cauldron*, pp. 140, 141. TF Baltimore AAR, 7 May 68, p. A-21.

⁵⁶ Quote from TF Baltimore AAR, p. II-i-4, and see also pp. A-31, A-34, B-2 (Map 2, showing troop strength and dispositions as of 080900 Apr 68).

⁵⁷ TF XVIII Abcar AAR, 16 Apr 68, pp. D-3 to D-4.

⁵⁸ Maryland NG AAR, 22 Apr 68, par. 14, p. 3.

175th Infantry, in the Central District. By then the only uncommitted troops available to Gorwitz were reserve platoons, one in each battalion.⁵⁹

While the forces on the streets sought to stamp out disorder, Task Force Baltimore's headquarters tried to make sense of reports of disturbances and appeals for help pouring in from many sources. Word of street crowds of up to 500 persons arrived throughout Monday morning along with requests for assistance and pleas for guards to protect hospitals, shopping centers, and public utilities. General York posted sentries around the clock at four community action centers that had become food distribution and relief outlets. The Air National Guard filled most but not all of those posts. In other cases, troops committed in response to requests arrived at supposed trouble spots only to find them quiet—an added burden on overworked forces. To remedy the problem, task force headquarters in the late afternoon authorized direct coordination with the police in most cases, a practice that probably should have been followed from the beginning.

To see the situation for himself, York toured Baltimore on Monday morning, visiting police and military posts. In the late afternoon, he took to the streets again with Pomerleau and Vinson. Just before noon, finding the situation still very troubled, he accepted General Johnson's offer that the 197th Infantry Brigade reinforce Task Force Baltimore, basing his acceptance not only on the current state of the streets and the fatigue of his troops, but also on reports he had received of armed persons in the area. With the addition of the 197th, Task Force Baltimore was now complete, or would be when the 50th Signal Battalion arrived late Monday night. Although it was possible that new troubles might develop the next day, when Dr. King's burial was to occur, York declined an offer from Cyrus Vance of the III Corps Artillery Brigade and on the following day declined the 16th Armor Group.⁶⁰

Indeed, the rioters almost immediately tested York's decision against a further increase in his forces. At 1400, prompted by reported looting at Provident Hospital to the west of Druid Hill Park, the Baltimore Police Department asked the National Guard to protect Baltimore's hospitals. Meanwhile, incidents of looting and burning were continuing and growing worse in widely scattered areas of the city. Where rumors began to circulate that residents in affected areas might take up arms to protect themselves and their property, the mayor and the city council agreed that the National Guard and the police "would be ordered to start shooting looters." Governor Agnew concurred in principle, and shortly thereafter the story began to receive radio and television publicity. The Guard, of course, could not be ordered to proceed in such a manner while under federal control and subject to federal rules of engagement, and there is no evidence to indicate that any of Baltimore's looters were ever dealt with so recklessly. That responsible officials might even have considered shooting, however, suggests the powerful emotions the continuing violence aroused. Mayor D'Alesandro also raised the possibility of having troops at the public schools, which were to reopen Tuesday. Vinson dissented, but York asked for a list of schools where trouble might develop, so that mobile patrols could keep them under surveillance.⁶¹

⁵⁹ Peterson, *Into the Cauldron*, pp. 77–78, 141–42; White House Situation Room Memo, rcvd at Camp David, 8 Apr 68, 9:44 PM, President's Appointments file (Diary Backup), White House files, Johnson Library.

⁶⁰ TF Baltimore AAR, 7 May 68, pp. 1–4, A-36; TF XVIII Abcar AAR, 16 Apr 68, p. D-4; D.C. Riot of 1968 AAR, 13 Aug 68, pp. A-1-33, A-1-34; Summary of Events, pp. 15–16.

⁶¹ Quote from D.C. Riot of 1968 AAR, 13 Aug 68, p. A-1-36. Summary of Events, no. 1, p. 17.



ONE OF THE FIRES SET DURING THE RIOTING IN BALTIMORE

When the regular 197th Infantry Brigade became a principal subordinate force of Task Force Baltimore, it consisted of the 1st Battalion, 29th Infantry; the 1st Battalion, 58th Infantry; the 5th Battalion, 31st Infantry; and the brigade's Headquarters and Headquarters Company, all under command of Col. Jack L. Treadwell. Ordered to deploy two battalions while holding the third battalion at Druid Hill Park as a task force reserve, Treadwell used the 5th Battalion, 31st Infantry, to relieve the units in the Central District. The brigade established its command post in the Sears, Roebuck and Company parking lot on North Avenue and assigned the 1st Battalion, 58th Infantry, to task force reserve duty in Druid Hill Park, relieving Task Force XVIII Abcar units of that responsibility.

Reports of fires and sniping continued to come in from all parts of the Western District until late Monday evening. For a time, the troops in Baltimore saw action as vigorous as anything that had yet occurred. Soldiers, apprehending looters, found four weapons while searching curfew violators. A battalion commander narrowly missed being shot by an assailant who escaped down an alley, and one company of the 47th Engineer Battalion had to be redeployed to the Western District to assist harried forces operating in that area.⁶²

⁶² TF XVIII Abcar AAR, 16 Apr 68, p. D-4; TF 197th Inf Bde AAR, 16 Apr 68, as filed with TF Baltimore AAR, 7 May 68, p. E-2; D.C. Riot of 1968 AAR, 13 Aug 68, p. E-3-1; TF Baltimore AAR, 7 May 68, pp. A-42, B-2 to B-3, comparing Map 2 (080900 Apr 68) with Map 3 (090900 Apr 68) and L-4 to L-5 (TF Baltimore Frag Order 1, 082130 Apr 68).

Whether from the increased troop density or the lateness of the hour, a turning point had nonetheless been reached. The number of incidents decreased after 2300 Monday night, prompting York to order a reduction of forces after 0100, 9 April, at each commander's discretion to give the troops a rest. The early morning was not, however, without violence and death. When firemen extinguished an arson fire blazing in a grocery store in a black neighborhood, they found the body of the sixth person to die as a result of the riot, 74-year-old Doddie Hudson, who had suffocated in a second-floor apartment. Even so, the morning of 9 April, the day of King's funeral, dawned with the city relatively quiet. Task Force Baltimore was able to continue its reduced level of commitment and the use of mobile patrols to cover its assigned areas of responsibility.⁶³

Statistics assembled by the task force were revealing, documenting not only the severity of the riot but also its decline. As of 0800 Tuesday, 9 April, there had been in all some 4,363 arrests, 1,029 incidents of looting, and 210 fires as well as 11 reports of sniping, only one of which had been confirmed. By that time, the number of incidents had declined to approximately the level of Sunday morning, 7 April, when officials had briefly concluded that the worst was over. There were other reasons for optimism. Schools opened on Tuesday without incident. So did some businesses, particularly grocery stores, which received assurances that troop patrols would protect them. Several warehouses dispensing relief supplies began distributing food under the protection of guards.⁶⁴

In no sense, however, was the city back to normal. False reports of snipers continued to come in. Looting continued, particularly of liquor stores that had already been broken into. Banks remained closed. In slum areas of the inner city, residents had to search for unlooted markets and drugstores to buy food and medical supplies. Much of the city, of course, was insulated from the disorders, but in racially mixed and low-income sections there was much bitterness on the part of white residents. Near Patterson Park carloads of white youths cruised about with white flags, sometimes shouting insults at black pedestrians. Also in evidence were cars driven by blacks with black flags and rival slogans painted across their trunk lids.⁶⁵

Still, conditions gave enough reason for cautious optimism. On Tuesday Governor Agnew and General York agreed to reduce the length of the curfew, and the management of the Baltimore Orioles, after conferring with the municipal and military authorities, decided to hold their opening baseball game in Memorial Stadium the next day, as scheduled. An incident with some potential for trouble occurred when troops of the 4th Battalion, 73d Artillery, planned to disperse a gathering of blacks in Lafayette Square, but the Guard commander, General Gelston, moved quickly to inform York that the gathering had been called to calm people and to restore order. York and Vinson then decided to attend the meeting themselves and to keep the troops at a distance. Finding that the crowd had moved to another location, the two officials followed. When they arrived, the people booed, but

⁶³ Summary of Events, no. 1, p. 17; TF Baltimore AAR, 7 May 68, p. D-4; Peterson, *Into the Cauldron*, p. 185; Jack Eisen, "Looting, Arson Dip Sharply as Baltimore Calms Down," *Washington Post*, 10 Apr 68.

⁶⁴ TF Baltimore AAR, 7 May 68, p. I-5, ans. A-4, A-42 to A-44; TF XVIII Abcar AAR, 16 Apr 68, p. D-4.

⁶⁵ Summary of Events, no. 1, p. 17; the following articles in the *Washington Post*: Eisen, "Looting, Arson Dip Sharply as Baltimore Calms Down," 10 Apr 68; Jesse W. Lewis, Jr., and Peter A. Jay, "Baltimoreans Emerge, Find Food, Drugs in Short Supply," 10 Apr 68.

when an officer identified them and said that the meeting could go forward, the boos changed to cheers. Vinson addressed the crowd, saying that the question of handling detainees was being investigated, and that simple curfew violators would be the first to be released.⁶⁶

Shortly after 1800 on 9 April, General York informed General Johnson that the situation had improved markedly. Even former troublemakers were sick of the upheaval, he explained, and “a lot of hood type elements who are responsible for the rioting got together . . . and said they would all do what they could to get this thing stopped. Cars with signs . . . saying . . . ‘COOL IT, THIS IS ENOUGH,’ were seen in the riot areas.” Barring the unforeseen, he added, “we are over the hump.” When York and Vinson retired shortly after midnight, the city was tense but quiet, without any major incidents.⁶⁷

With the units of Task Force Baltimore reporting their “areas secure and quiet” at 0600 on Wednesday, 10 April, the Baltimore Sanitation Department moved in to clear the city streets of accumulated garbage and debris. The return of normality persuaded General York to withdraw most of the National Guard troops from the streets and to manage with regulars alone for twenty-four hours. The general hoped to give the guardsmen their first real rest in several days to prepare them to take the place of the regulars, who he hoped would shortly withdraw. In fact, the situation was so quiet that even with the relief of the Guard, Task Force XVIII Abcar used only one-third of its troops at any given time.⁶⁸

Plans went forward for the Guard to resume its responsibility for the city on the following day and for the assembly of the two federal brigades in Druid Hill Park in preparation for redeployment to home stations. General York and Governor Agnew discussed the lifting of the ban on liquor, and General Johnson instructed York to talk with Mayor D’Alessandro about defederalizing the Guard at midnight on Friday, 12 April. If the mayor approved, Joseph Califano of the president’s staff would talk to the governor.⁶⁹

Thursday, 11 April, was largely uneventful. Working together, the troops and the police were able to restore normal traffic to most streets. At noon Governor Agnew lifted the curfew and rescinded the ban on liquor sales. Recriminations and political posturing took the place of violence a few hours later, when the governor seized upon the opportunity presented by a meeting of civil rights and community leaders to berate black militants for causing the outbreak, and black leaders for failing to prevent it. Before Agnew had finished speaking, some eighty persons, angry and insulted, walked out of the meeting and held another in a parish church in West Baltimore. Although York, D’Alessandro, and others were concerned that trouble might develop in the black community, it did not. Well aware that Agnew had never been known for tact, black

⁶⁶ TF Baltimore AAR, 7 May 68, I-5, ans. A-45 to A-49; Eisen, “Looting, Arson Dip Sharply as Baltimore Calms Down”; Price, *Civil Rights, Volume 2, 1967–68*, p. 233.

⁶⁷ Quotes from TF Baltimore AAR, 7 May 68, an. A-51. TF 197th Inf Bde AAR, 16 Apr 68, p. E-3.

⁶⁸ Quote from TF Baltimore AAR, 7 May 68, p. I-5, and see also p. I-6, and ans. A-53 to A-54; TF Baltimore Frag Order 2, 10 Apr 68, 206–07 Daily Journal files (68), and TF Baltimore Sitrep 3, Daily Activities (11 Apr 68), tab L, both in Background Papers, RG 319, NARA; TF XVIII Abcar AAR, 16 Apr 68, p. D-5; TF 197th Inf Bde AAR, 16 Apr 68, p. E-3.

⁶⁹ TF Baltimore AAR, 7 May 68, p. I-6, ans. A-55 to A-57; D.C. Riot of 1968 AAR, 13 Aug 68, p. A-1-46; TF XVIII Abcar AAR, 16 Apr 68, p. D-6; TF 197th Inf Bde AAR, 16 Apr 68, p. E-4.

leaders announced quietly that they planned to form a committee to advise the governor, allowing whatever anger the governor's remarks had provoked in their community to drain away.⁷⁰

Nationwide, it seemed far from certain that the troubles were over—the Army, for example, set up a quick reaction force for possible duty in Kansas City, where growing turmoil was reported—but quiet reigned in Baltimore. At 0600 on Friday, 12 April, the last major unit of Task Force Baltimore to arrive, the 50th Signal Battalion, became the first to depart. Later that morning, after discussions with federal officials, Mayor D'Alesandro and Governor Agnew telegraphed President Johnson to request the withdrawal of federal troops. The president complied, and at 1800 that afternoon General York transferred responsibility for riot control assistance in Baltimore to the Guard's Task Force Oscar. Six hours later, at midnight, Task Force Baltimore ceased to exist, and Maryland's Army and Air National Guards returned to state control. National Guard troops remained in Baltimore until Easter Sunday, 14 April. At 1000 that same day, Governor Agnew declared the emergency at an end and sent them home.⁷¹

The Riot in Retrospect

According to Task Force Baltimore the buildup of Army and National Guard troops peaked at 11,570 on Tuesday, 9 April, with 10,956 committed to riot control duties.⁷² Given the record of National Guard units in other instances—Newark, for example, and Detroit—Maryland troops exercised genuine restraint during the disturbance. They were clearly well led, and they had obviously benefited from the revised training of the post-Detroit era. Unit radios repeatedly reminded guardsmen of the rules of engagement. This is not to say that guardsmen were always comfortable with the restraint they had to exercise. Lacking armored vests and carrying unloaded weapons—factors that were soon well known to all—the young guardsmen were sometimes at a disadvantage and rightfully scared.⁷³

In all, the disturbance resulted in 5,504 arrests, of which 3,488 were for curfew violations, 955 for burglary, 665 for looting, 391 for assault, and 5 for arson (a surprisingly small number in light of the 1,208 fires reported). Seven deaths had occurred as a direct result of the riot, six by fire and one by gunshot. One soldier, S. Sgt. Robert Butler of the 50th Signal Battalion, was killed when a commercial tractor-trailer ran into the rear of

⁷⁰ TF Baltimore AAR, 7 May 68, p. I-6 and ans. A-55, A-61, A-64 to A-66; TF XVIII Abcar AAR, 16 Apr 68, p. D-6; TF Baltimore MFR (signed by Maj Holbrook, Secy of the General Staff [SGS]), 11 Apr 68, sub: Record of Events Influenced by Governor Agnew's Statement, 11 Apr 68, 206–07 Daily Journal files (68), 11 Apr 68, Command Sec, TF Baltimore Consolidated no. 5, RG 319, NARA; Price, *Civil Rights, Volume 2, 1967–68*, p. 234.

⁷¹ Moenk, USCONARC Participation in the Suppression of Civil Disturbances, April 1968, pp. 71–73, and passim; TF Baltimore AAR, 7 May 68, p. I-7 and ans. A-57, A-64 to A-65, A-66 to A-67, A-70 to A-71, A-72, A-73, A-74, L-13 to L-15, compare the reference to Frag Order 2, 122005R Apr 68, p. A-74, with OPORD 2, 130057 Apr 68, reproduced on pp. L-13 to L-15. Also see Maryland NG AAR, 27 Apr 68, par. 18, p. 4; Peterson, *Into the Cauldron*, pp. 218, 220; Msg, Ch, NGB (Wilson), to Agnew, DA 859645, 122234Z Apr 68.

⁷² These figures are drawn from strength and status maps for 7–12 April, in TF Baltimore AAR, 7 May 68, pp. B-1 to B-5, compare with Moenk, USCONARC Participation in the Suppression of Civil Disturbances, April 1968, pp. 64, 65; D.C. Riot of 1968 AAR, 13 Aug 68, pp. E-3-1 to E-3-2.

⁷³ Peterson, *Into the Cauldron*, pp. 42–48, 52, 61, 69–70, 75, 80–81, 125, 134, 156, 170–71. For armored vests, which were under federal control, see D.C. Riot of 1968 AAR, 13 Aug 68, pp. J-1, J-1-1, J-2-1, J-5-1.

the battalion's convoy during redeployment. Policemen sustained 70 injuries, firemen 26, military personnel none, and civilians 1,000. Property damage was estimated at \$10 to \$12 million.⁷⁴

According to the Department of the Army, Task Force Baltimore expended 724 CS gas grenades, while the task force itself reported internally on 11 April that it had expended 753, a normal discrepancy in such reports. The Department of the Army reported that soldiers fired two rounds in the course of the riot. Task Force Baltimore asserted, however, that the regulars had fired no shots while Task Force Oscar counted four for the Guard. As in Washington and Chicago, the Army reported no verified sniper incidents in Baltimore, but military intelligence reported one confirmed incident for Monday, 8 April. The Baltimore police, the Maryland National Guard, and the regulars all exercised commendable restraint during the riot. The presence of troops in force seemed to be an effective deterrent in most cases; indeed looters were usually deterred by the presence even of one or two soldiers. From squad leader to general, commissioned and noncommissioned officers maintained firm control of their men.⁷⁵

General York reported that the only criticism received from Baltimore came from "a very small but vocal minority" who felt that not enough force was being used to prevent looting. He was not entirely unsympathetic to that point of view, although he did not favor the use of deadly force. The value of human life, he emphasized, had to be kept foremost in mind, along with the fact that the free use of weapons would lead to the deaths of more innocent than guilty people. Furthermore, there was a question of control; the decision as to whether a life was worth "a loaf of bread, a pint of whiskey or a scorched suit" could not be left to individuals.

The employment of nonlethal force was a different matter. Although York was satisfied with the overall application of military power and the results achieved, he was inclined to think "that we have over stressed the use of restraint." He felt "that more stress could be placed on the use of a weapon as a club to prevent looting and other criminal acts, or for crowd control purposes." The authors of Task Force XVIII Abcar's after action report agreed. "Troops and commanders seemed over-sensitized to the restrictions placed upon them," they said. As a result, all concerned were "less positive in their action in some cases than they should have been." The cure was training that stressed not only the restrictions on force, but also initiative, freedom of action, and "the application of judgment by the commander on the ground."⁷⁶

⁷⁴ D.C. Riot of 1968 AAR, 13 Aug 68, pp. 10 (where Sergeant Butler's death is incorrectly included in the statistics for Task Force Washington), 14; TF Baltimore AAR, 7 May 68, p. H-3; "U.S. Troops Pulling Out of Baltimore," *Washington Post*, 28 Apr 68; "CLUs Praise Police for Restraint in April Riots," *Civil Liberties* (May 1968): 3. In the aftermath of the riot, a Maryland court held that Baltimore could be sued for damages resulting from the riot, the judge citing an 1863 ruling arising from the riots of 1862 ("Baltimore Riots Suits Are Upheld," *Washington Post*, 19 Jul 68).

⁷⁵ D.C. Riot of 1968 AAR, 13 Aug 68, p. 14; TF Baltimore AAR, 7 May 68, pp. II-e-3, II-i-1 to II-i-2, ans. F-2 and G-3; TF XVIII Abcar AAR, 16 Apr 68, pp. D-13 to D-14; Log entry 11, 201-100 Daily Activities (10 Apr 68), Civil Disturbance Records, TF Baltimore, Background Papers, RG 319, NARA, and the following from 201-100 Daily Activities (11 Apr 68), Civil Disturbance Records, TF Baltimore, Background Papers, RG 319, NARA: Note, Col Robert C. Canham, Assistant Deputy Chief of Staff (ADCofS), TF Baltimore, to G-3, 10 Apr 68; Ltr, Hard to ADCofS, 11 Apr 68, sub: Special Report, G3, with subordinate report, tab W. The figures given do not include the amount of gas used from dispensers, and no figures are at hand concerning the amount of gas used by the National Guard prior to federalization. For instances of the Guard's use of gas, however, including a good description of CS (potassium chlorate), see Peterson, *Into the Cauldron*, pp. 47, 49, 88-89, 125, 159, 160, 162, 163, 186, 194. For reported experiences of guardsmen with sniper fire, see *Ibid.*, pp. 170-72.

⁷⁶ First through fourth quotes from TF Baltimore AAR, 7 May 68, p. II-g-1. Fifth through seventh quotes from TF XVIII Abcar AAR, 16 Apr 68, p. D-11.

York's contentions to the contrary, clearly the forces of Task Force Baltimore shouldered a big stick, however softly they carried themselves on the street. Initially, each soldier in Task Force XVIII Abcar received one clip of twenty rounds of M14 ammunition, an amount that later grew to two clips of twenty rounds each. By the end of the operation, each battalion in the organization had about 24,000 rounds to account for—far too much for even the worst civil disturbance. When all was done, the task force's commanders recognized the problem and recommended that soldiers in future operations receive one clip of five rounds. In the 197th Infantry Brigade each man had received 60 rounds of M14 ammunition and 27 rounds of .45-caliber pistol ammunition. For the future, its officers recommended an issue of just ten rounds per weapon.⁷⁷

In the case of signal communications—provided by commercial circuits and existing military installations, supported by tactical systems—riot postmortems concluded that there had been “no significant problems” despite the late arrival of the 50th Signal Battalion. In some cases, however, alert and execution orders had been slowed by transmission through departmental channels rather than going to the commands involved by direct telephone. In addition, existing telephone cables at the Fifth Regiment Armory, which served as task force headquarters, had initially proved incapable of handling the heavy circuit requirements imposed by military traffic. The National Guard, which had a request pending for radios, was thus compelled to hold its Baltimore operations together administratively with just a single radio set. Moreover, some Guard units on the streets lacked field radios, and officers sometimes had to use pay phones—if a workable booth could be found that had not been overturned or damaged by looters attempting to rifle its coin box. A problem common to both guardsmen and some regulars was the fact that the PRC-10, a backpack radio, was unsuited for city operations because its signal could not carry across or penetrate buildings, which led the 197th Brigade to recommend that it be supplemented with the PRC-25.⁷⁸

Baltimore was the province of the 109th Military Intelligence Group, which seems to have worked effectively and well. Thanks to corrective measures, some of the intelligence problems that had plagued the Detroit operation did not loom as large in Baltimore. There were no complaints, for example, about undue reliance on the media, and no evidence came to light of poor liaison between the task force and military intelligence units. Among old problems that did remain were those of verifying reports, which were sometimes fallacious, and of distinguishing between civil disturbance incidents and ordinary, routine acts of violence. Since teams of military intelligence agents capable of rapid movement to the scenes of reported incidents had proved useful during the disturbance, the task force recommended that four such teams should be provided in future interventions. They were to be armed, equipped to communicate with their headquarters, and, “where practical, consist of Negro agents.” The teams would start work before the beginning of a disturbance or, at least, immediately upon its outbreak.⁷⁹

⁷⁷ TF XVIII Abcar AAR, 16 Apr 68, p. D-14; TF 197th Inf Bde AAR, 16 Apr 68, p. E-8.

⁷⁸ Quote from TF Baltimore AAR, 7 May 68, p. H-1, and see also p. II-b-1. Maryland NG AAR, 22 Apr 68, par. 19(3); TF 197th Inf Bde AAR, 16 Apr 68, pp. E-6, E-7; TF XVIII Abcar AAR, 16 Apr 68, pp. D-1 to D-2, D-12 to D-13; Peterson, *Into the Cauldron*, pp. 69, 132, 151, 157, 163, 164, 174, 178. The shortage of aircraft delayed the movement of the signal unit from Fort Bragg.

⁷⁹ Quote from TF Baltimore AAR, 7 May 68, p. II-d-1, and see also p. II-d-2. Paul J. Scheips and Karl E. Cocke, *Army Operational and Intelligence Activities in Civil Disturbances Since 1957*, OCMH Study 73, rev. ed. (Washington, D.C.: Office of the Chief of Military History, April 1971), pp. 112–13, CMH.

Maps, which had been a problem in Detroit and elsewhere, were still a problem in Baltimore. Despite a plan to complete and publish a standard map of Baltimore in November 1967 (as part of the plan to provide a standard map for each of the Priority I cities), it never reached Baltimore as scheduled. Guardsmen had outdated maps, and General York's regulars initially had none. Then, when they obtained maps they were of five different kinds, none of which was scaled to 1:44,000 or was specified in the operation plan.⁸⁰

The Baltimore, Washington, and Chicago riots were the last of the great racial disturbances of the 1960s. The federal response had reflected well on the Army, with notable improvements occurring in fire control by the National Guard. Governors had come to grasp the legal requirements for federal intervention, the presidential representatives had played essential roles, and military unity of command had improved, especially in the Baltimore case. The riots had devastated the black neighborhoods in which they took place, but the damage had been largely contained by disciplined troops exercising restraint.

If much had been learned, however, the assassination of Martin Luther King, Jr., and the violent reaction to it had been sobering experiences both for the nation and the Army, and no one knew what would happen next. The Poor People's Campaign, the antiwar movement, ongoing troubles on the nation's campuses provoked by the war in Vietnam, and the possibility of future racial troubles all clouded the horizon. To provide for handling future contingencies, the Department of Defense, with the Army playing a major role, now looked to institutional arrangements that had never existed before.

⁸⁰ Peterson, *Into the Cauldron*, pp. 200 and passim; TF Baltimore AAR, 7 May 68, p. II-b-3; TF XVIII Abcar AAR, 16 Apr 68, pp. D-6, D-9, D-10; TF 197th Inf Bde AAR, 16 Apr 68, p. E-7; DA Task Group Final Rpt, CSM 67-316, Army Preparedness in Civil Disturbance Matters [1968], p. M-6-2, Historian's files, CMH.

CHAPTER 12

In the Wake of the Riots

We have been warned by April past and we intend to be prepared for April future.

—Brig. Gen. Harris W. Hollis, 27 June 1968.

The rioting of April 1968 sent a shock wave through official Washington, provoking responses that affected the nation for years. Statistics for the three riots in which federal troops intervened provided a measure of the scope of the violence that had taken place and that many feared might happen again. In all, among many other misfortunes, 31 deaths were recorded, as well as 3,219 injuries, 16,268 arrests, and over 2,000 fires.

Similarly, statistics indicated the scope of the federal response: 23,008 Regular Army troops and 15,586 federalized National Guard—a total of 38,594—took part in suppressing the disturbances. In so doing, they used 5,972 CS grenades but only 16 rounds of ammunition. The deployment of men and supplies required 12,395,350 passenger-miles and 3,169,874 ton-miles of air travel. Over 900 vehicles were involved in the surface deployment; 10,850,357 passenger-miles and 2,729,401 ton-miles in the air redeployment; and 1,545 unit vehicles and 191 commercial buses covering 1,892,631 passenger-miles in the surface redeployment. The net cost of the April riots to the Army was \$5,375,410 and to the Department of Defense, \$6,215,170. Following the riots, the American Insurance Association estimated that insurance companies would pay out \$49,000,000 for losses in Washington, Chicago, and Baltimore.¹

Assessments and Responses

In general, Army leaders believed that their forces performed well during the crisis and that efforts since the Detroit riot to improve training and to develop better working relationships among federal, state, and local authorities had been productive. The Guard had performed satisfactorily, and local law enforcement agencies had likewise grown in

¹ AAR, HQ, DA, Civil Disturbances Following the Assassination of Dr. Martin Luther King, 4–17 April 1968 (hereafter cited as D.C. Riot of 1968 AAR), 13 Aug 68, pp. 8, 15, 20, in Historian's files, CMH. Compare Ibid., an. G, with Jean Moenk, USCONARC Participation in the Suppression of Civil Disturbances, April 1968 (Fort Monroe, Va.: Historical Branch, USCONARC, 1968), pp. 92–94. See also James R. Gardner, "The Civil Disturbance Mission of the Department of the Army, 1963–1973: An Analysis of Perceptions, Policies and Programs" (Ph.D. diss., Princeton University, 1977. Ann Arbor, Mich.: University Microfilms, 1980), p. 119; *Facts on File Yearbook*, 1968, 28:234.

their ability to deal with civil disturbances. Even so, all concerned recognized that additional improvements were still needed. Thus, in the aftermath the Army's first order of business was to consider what forces were available in case more severe disturbances broke out across the country and what was the state of their readiness and training.

On 16 April, with the Baltimore riot hardly over, the Department of the Army set out to compile an inventory of battalion-size forces suitable for civil disturbance duty. A list was needed, Army managers declared, because "recent events clearly indicate that simultaneous civil disturbances in many cities may occur which in scope and intensity could approach the . . . [dimension] of a national insurrection."² The Army's general counsel and special assistant for civil functions, Robert E. Jordan III, added that with troops in three cities and disorders threatening in several others, "it was really touch-and-go, and we could have been in a situation where we really were quite short of forces." Jordan admitted that official Washington had been "scared" by what had happened. He was not alone in saying so.³

Hence in April 1968 the Army greatly increased its force planning levels to embrace the possible simultaneous deployment of as many as 10,000 troops—the equivalent of five brigades—to each of twenty-five high-priority cities, and with as many as 30,000 earmarked for deployment to Washington, D.C. Although intelligence analysts protested that so many cities were unlikely to require federal intervention at the same time, Army leaders were satisfied only by planning for the proverbial worst-case scenario. In place of the half-dozen task force headquarters previously designated, twenty-six were named, including two for the national capital area alone.

Although rioting did not develop in the summer of 1968, the Army's contingency goals remained in place at the season's end and were set forth in a new edition of the Department of the Army Civil Disturbance Plan (which continued to be code-named GARDEN PLOT), published on 10 September 1968 with an effective date of 1 October. The revision reflected the experiences from the riots following the assassination of Martin Luther King. In addition to a list of 25 high-priority cities from coast to coast, the plan listed 9 others of an intermediate priority and 81 with a low priority. Both operational and supporting plans were to be prepared for each of the high-priority cities, to include provisions for employing National Guard and designated reserve units. Seventeen high-priority operational plans and three in the intermediate range were completed by 1 September.

The new edition of GARDEN PLOT also provided for a change in responsibilities and tasks, transferring primary responsibility for the organization, maintenance, and

² Moenk, USCONARC Participation in the Suppression of Civil Disturbances, April 1968, pp. 82ff. and app. B; D.C. Riot of 1968 AAR, 13 Aug 68, an. M. Quote from Msg, DA 860048 to Ch, Naval Operations (CNO), CofSAF, CGUSCONARC, and Others, 16 Apr 68, sub: Availability of Forces for Civil Disturbance Operations, III Corps and Fort Hood, 13th Support Bde, 1st Armd Div, Records of the Army Staff, RG 319, NARA. The following in Historian's files, CMH: Ltr, Col E. M. Shaffer, Army General Counsel (AGC), USCONARC, to CG, Continental United States, Military District of Washington (CONUSAMDW), 17 May 68, sub: Lessons Learned, 4–6 Apr 68, with Incls; Ltrs, Maj Gen Kenneth G. Wickham, TAG, to Secy of the Army and Others, 3 Oct 68, sub: Operations Report—Lessons Learned . . . , Apr 68, and 3 Jan 68, sub: Lessons Learned: Tear Gas Decontamination.

³ Interv, Dorothy Pierce with Robert E. Jordan III, Army General Counsel, 6 Jan 69, tape 2, p. 1, Accession no. AC17–138, Lyndon B. Johnson Library, Austin, Tex.

transportation of U.S. Army forces assigned to civil disturbance duties from the interservice Strike Command in concert with Continental Army Command and the U.S. Army Strike Command to a combination of Continental Army Command and Army Strike Command alone. Under the new arrangement, the joint Strike Command would provide military resources to commanders of unified commands and military departments when required, but Continental Army Command and Army Strike Command would organize, train, and maintain those forces in readiness for civil disturbance operations and deploy and redeploy them as directed by the Army chief of staff.⁴

Army leaders believed that the need to counter possibly dozens of simultaneous urban disorders would require troop levels in excess of those obtainable from active duty Army and National Guard forces alone. In addition, they assumed that the demands of the Vietnam War might draw down even further the number of active Army forces available within the United States. Thus, planning in 1968 encompassed the Air Force, the Navy, the Marine Corps, and even the Coast Guard, which was to provide the forces necessary to protect its own facilities on land. Inevitably, the Army Reserves also figured in. On 13 April Under Secretary of the Army David E. McGiffert directed that the service make plans to equip and train the reserves for employment in civil disturbances "even at the expense of training for the Federal mission."⁵ The decision marked a reversal of previous policy. The idea of using the reserves had been rejected in 1964 and again in 1967 following the Detroit riot. Once the new policy had been adopted, 175,000 Army and 11,000 Marine Corps reservists in selected units received civil disturbance training shortly thereafter. As of 30 September 1968, the trained forces thus available for duty in civil disturbances totaled approximately 592,000, including the reservists, 90,000 members of the active forces, and 316,000 members of the National Guard.⁶

The use of reserves, however, was contingent upon an extension of the so-called Russell Amendment to the 1967 Defense Appropriations Act which, with the Vietnam War in mind, had authorized the president to order both reserve and National Guard units to active duty without the declaration of a national emergency. Since the amendment was due to expire on 30 June 1968, the Army first sought a broader interpretation of existing law, and when that failed, attempted to obtain new legislation that would permit the use of reserves in civil disturbances. Congress, however, held back, extending the Russell Amendment only through 30 June 1969. Apparently favoring simple new legislation to replace the Russell Amendment, Secretary of Defense Melvin R. Laird, with the concurrence of Lyndon Johnson's successor, President Richard M. Nixon, declined to request another

⁴ Gardner, "Civil Disturbance Mission," pp. 117, 121, 138, 183. Compare for changes DA Civil Disturbance Plan, 3 Feb 68, pp. P-1 to P-3, P-I-1-1 to P-I-1-3, in DA Task Group Final Rpt, CSM 67-316, with DA Civil Disturbance Plan, 10 Sep 68, pp. 1-5, I-1-1 to I-1-3 (planning requirements and lists of the priority cities), and A-2 to A-5; Paul J. Scheips, *Some Aspects of the Federal Response to Civil Disorder* (1977), p. 103. Latter three in Historian's files, CMH. Christopher H. Pyle, "Military Surveillance of Civilian Politics, 1967-1970" (Ph.D. diss., Columbia University, 1974. Ann Arbor, Mich.: University Microfilms, 1980), p. 114.

⁵ Gardner, "Civil Disturbance Mission," p. 140. McGiffert's reference to "the Federal mission" is somewhat imprecise. He was apparently thinking of preparation for war and fighting wars.

⁶ [Paul J. Scheips and John Albright], *Use of Troops in Civil Disturbances, 1963-1968*, an. 6 to Lyndon B. Johnson Administrative History, Oct 68, p. 7, Johnson Library; Memorandum of Understanding Between the United States Army and the United States Coast Guard Concerning Civil Disturbance Plans and Operations, as reproduced in DA Civil Disturbance Plan, 10 Sep 68, pp. M-1 to M-3.

extension. As the threat to domestic order diminished, the Army lost interest and in 1971, after a new comprehensive study of its civil disturbance mission, dropped the recommendation to use Army and Marine Corps Reserves in civil disturbance operations.⁷

While considering replacement of the Russell Amendment, Army leaders also discussed the possibility of having the civil disturbance sections of Chapter 15, Title 10, *U.S. Code*, revised. The proposed changes would not only authorize the use of “the Reserve components” for civil disturbances, without requiring a declaration of a national emergency, but also would modernize the language which, since it was based on laws going back to 1792, had “a distant ring.” More specifically, it was “considered important to update the language including . . . terminology more descriptive of the conditions faced today,” the term *civil disturbance* being more accurate than *insurrection* of what occurred in Detroit in 1967 or in Washington in 1968. Accordingly, the proposed legislation was to add “civil disturbance” to the other situations—“insurrection,” “unlawful obstructions,” “combinations,” “assemblages,” “rebellion,” “domestic violence,” “unlawful combination,” or “conspiracy”—that could bring about the use of federal troops. The older terms were to be retained because they had “provided the basis for the use of federal troops without serious challenge since 1792.” When the Army decided in 1971 against using reserves in civil disturbances, it also dropped the entire revision effort.⁸

During the time that the employment of the reserves seemed likely, equipment requirements mounted with the increase in manpower under consideration. The April riots had brought existing shortages to light while creating new ones in such categories as riot ammunition, gas masks, and protective vests, particularly in the National Guard. The submission of requisitions to overcome those shortages, together with the equipping of reserve units, led both to an increase of production levels and to the pre-positioning at selected depots of critical items such as communications equipment, searchlights, public-address equipment, protective masks, and CS agents and dispensers.

The Army and Department of Defense also gave renewed attention to loaning equipment to state and local authorities. Within the guidelines laid down in August 1967, which included case-by-case consideration of requests for arms, ammunition, and vehicles, federal authorities had been relatively generous in responding to state and local needs. However, local officials were often reluctant to return the items they borrowed, leading the Army to impose stricter rules. The service became the approving authority for such loans, enabling it to oppose ill-considered requests—such as one from Dade County, Florida, in the summer of 1968 seeking fifty shotguns—for items that could be

⁷ Gardner, “Civil Disturbance Mission,” pp. 140–41, 142. Memos, Kenneth R. Cole, Jr., Spec Asst to the President, for Melvin R. Laird, Secy of the Army, 30 May 69, and Lt Col Ross M. Goddard, Jr., Judge Advocate (JA) [Directorate for Civil Disturbance Planning and Operations], for Maj Gen Lawrence J. Fuller, 30 Jul 69, sub: Civil Disturbance Activities, both in 103–05 Civil Disturbance: Legislation, 1969; and Bland West, Dep Gen Counsel, DA, for DOMS (Attn: JA), 13 Oct 71, sub: Revision of Chapter 15, Title 10, U.S. Code, with attachmts, 103–05 Civil Disturbance: Legislation, 1971. Latter three in Directorate of Military Support (DOMS) files, Background Papers for the Role of Federal Forces in Civil Disturbances, 1945–1971 (hereafter cited as Background Papers), RG 319, NARA. For the 1971 Army study of, analysis of, and conclusions on using reserves, see DA Study Group Final Rpt, CSM 70–347, Department of the Army Civil Disturbance Study, 1 Apr 71, pp. D-13, I-3-18 to I-3-21 and II-2-75, copy at U.S. Military History Institute (MHI), Carlisle Barracks, Pa.

⁸ Cover Sheets, 25 Aug 69, sub: Revision and Modernization of Chapter 15, Insurrection, Title 10, United States Code, with attachmts, and 10 Oct 69, sub: Revision of Chapter 15, Insurrection, Title 10, U.S. Code, with quotes from attachmts, both in 103–05 Civil Disturbance: Legislation, 1969, DOMS files, Background Papers, RG 319, NARA; Memo, West for DOMS (Attn: JA), 13 Oct 71, sub: Revision of Chapter 15, Title 10, U.S. Code.

used in nonemergency situations. The Army, however, had no desire to eliminate the loan program since the practice promised to reduce the need for troop commitments.⁹

Spurred along the way by the moderating influences of the Kerner Commission and the President's Commission on Campus Unrest (Scranton Commission) and the forces dealing with campus unrest, the Army also sought to acquire protective gear for its troops and alternate and improved weapons, equipment, and materials for use in riot control.¹⁰ Work began in 1965 at the U.S. Army Limited War Laboratory (later the U.S. Army Land Warfare Laboratory) at Aberdeen Proving Ground, Aberdeen, Maryland. From December 1967 until at least September 1970 the Army Special Civil Disturbance Board handled oversight of the work as part of its charter to develop and test civil disturbance measures, equipment, and training materials. Using researchers under contract, the Aberdeen laboratory sought to devise more appropriate means of physical control in domestic disturbance situations, with a preference for using items available from commercial sources. The lab issued an initial report in April 1967 and followed it with three status reports between 1969 and 1971, with the final one also highlighting alternative means of control.¹¹

Aberdeen's efforts focused on the development of nonlethal means of control in accordance with the Army's doctrine requiring the use of minimum force. Although many technologies appeared promising, not all were successful. For example, the development of dart guns foundered on the unavailability of wholly safe drugs, while other devices had psychological or public relations drawbacks. Among the protective equipment, weapons, and materials proposed and evaluated were the following: armored cars, armored vests, plastic face shields, protective kits for trucks, improved riot control agents, wooden riot batons, water dispensers (hoses), an electric shock device that could be incorporated into police nightsticks, a multiple cattle prod broom for sweeping crowds off streets, nets for detaining people, foam to be used as a barricade, and instant mud and "instant banana peel," as it was described, for making the streets slippery. After all was said and done, the Army settled on riot control agents and the riot baton (which could be used in a variety of ways by trained troops) as the best of the available nonlethal means of control.¹²

⁹ Gardner, "Civil Disturbance Mission," pp. 142, 143–49, 150; DA Study Group Final Rpt, CSM 70–347, p. II-6-36; DA Civil Disturbance Plan, 10 Sep 68, ans. D (app. 4), K; Joe Baker, Jr., Policy Decisions for Civil Disturbance Operations, Case Study AWC/IS–69 (Carlisle Barracks, Pa.: U.S. Army War College, 10 Mar 69), pp. 54–56; DOD Directive 3025.12, *Employment of Military Resources in the Event of Civil Disturbances*, 8 Jun 68, copy in Historian's files, CMH.

¹⁰ *Report of the National Advisory Commission on Civil Disorders* (hereafter cited as the *Kerner Report*) (Washington, D.C.: Government Printing Office, 1968), pp. 176–77, 271–72, 277–79; President's Commission on Campus Unrest, *Campus Unrest: The Report of the President's Commission on Campus Unrest* (Washington, D.C.: Government Printing Office, 1970), pp. 12, 176–77. Hereafter cited as the *Scranton Report*.

¹¹ Robert L. Woodbury, *Research and Development Potentialities for Mob and Riot Control*, Technical Note 67–02 (Aberdeen Proving Ground, Md.: U.S. Army Limited War Laboratory, 1967), as reproduced in DA Task Group Final Rpt, CSM 67–316, *Army Preparedness in Civil Disturbance Matters* [1968], pp. J-4-3-1 to J-4-3-11. Preliminary Final Report of the Comprehensive Law & Order Assistance Research and Development (CLOARAD) Program (Aberdeen Proving Ground, Md.: U.S. Army Limited War Laboratory, 1969), p. 2; Final Rpt, Richard W. Wilsnack et al., *Comprehensive Law & Order Assistance Research and Development (CLOARAD) Program*, Technical Report 70–08 (Aberdeen Proving Ground, Md.: U.S. Army Land Warfare Laboratory, 1970), pp. 1–5; Final Rpt, Rev., Wilsnack et al., *Comprehensive Law & Order Assistance Research and Development (CLOARAD) Program*, Technical Rpt 71–04 (Aberdeen Proving Ground, Md.: U.S. Army Land Warfare Laboratory, 1971). Copies of all in Historian's files, CMH. DA Study Group Final Rpt, CSM 70–347, pp. I-3-43 to I-3-45, II-1-35 to II-1-37, II-2-19 to II-2-21. For moral questions raised by some of the research, see Barbara Rhine, "Kill or Be Killed: Use of Deadly Force in Riot Situations," *California Law Review* 56 (May 1968): 848n95.

¹² Final Rpt, Rev., CLOARAD Program, Technical Rpt 71–04. On the use of the riot baton, especially by the National Guard, see chapter 14.

A New Directorate

Of all the problems that appeared during the April 1968 riots, perhaps the greatest had to do with managing the allocation of troops. The Army Operations Center simply did not have the capacity simultaneously to direct multiple troop movements at home, a war in Southeast Asia, and Army forces worldwide. General Harold K. Johnson, the chief of staff, had been concerned as far back as the Birmingham troubles of 1963 about the command facilities available for directing the emergency movement of domestic forces, but he had been unable to do much to relieve the problem during the intervening years. As a result of the effort to prepare for multiple disturbances, however, officials in Washington determined that the arrangements of the past would be inadequate in the future and decided to centralize and institutionalize the management of civil disturbance operations in a new agency.¹³

Up to that time, staff cognizance of civil disturbances had been fragmented and had received relatively little attention except in times of emergency, when largely ad hoc arrangements had to be made. On 10 April the idea of a new specialized agency won support during a meeting called by Secretary of Defense Clark Clifford from such key persons as Deputy Secretary of Defense Paul H. Nitze, Under Secretary of the Army David E. McGiffert, Cyrus R. Vance, and General Johnson. There were some dissenters. The Department of State feared international repercussions and hoped that ambassadors would be provided with factual information to prevent any misunderstandings either about the purpose of the agency or about the nation's resolve to meet its overseas military commitments. There were also concerns within the Department of Defense over corollary plans for building a new Army Operations Center and a collocated Civil Disturbance Command Center on the grounds that the need for such facilities had diminished and that the two would not be cost effective. Some defense officials also opposed what they considered the overcentralization of civil disturbance decisions at the Department of the Army level. Despite those objections, the advocates of a new civil disturbance organization won out.¹⁴

On 13 April Under Secretary McGiffert took charge of the Department of Defense Civil Disturbance Steering Committee, with the deputy attorney general as a member. The committee's job was to advise the secretary of the Army in his capacity as the executive agent in dealing with civil disturbances or other lawlessness prejudicial to public order—all of which was soon to be formally authorized by DOD Directive 3025.12, 8 June 1968. McGiffert directed General Johnson to establish a Directorate for Civil Disturbance Planning and Operations (DCDPO) within the Army Staff. Directly responsible to the chief

¹³ Pyle, "Military Surveillance of Civilian Politics," pp. 110–13; Gardner, "Civil Disturbance Mission," pp. 122–24; Interv, James B. Agnew et al. with Harold K. Johnson, 1972, 3 vols., Senior Officer Debriefing Program, U.S. Army Military History Institute, Carlisle Barracks, Pa., 3:10–11.

¹⁴ MFR, Maj Gen Elias C. Townsend, Secy, General Staff (GS), 10 Apr 68, sub: Debrief of Sec Def Meeting, 1100 hrs., 10 April 68, in U.S. Congress, Senate, *Federal Data Banks, Computers and the Bill of Rights*, Hearings Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, 92d Cong., 1st sess., 23, 24, and 25 February and 2, 3, 4, 9, 10, 11, 15, and 17 March 1971, pt. 2, pp. 1281–82; Pyle, "Military Surveillance of Civilian Politics," pp. 113–14; Gardner, "Civil Disturbance Mission," pp. 127–29; Ltr, Paul R. Kunberger to Jim [James E. Hewes, Jr., CMH], 28 Jul 80, Historian's files, CMH; Historical Summary of the Directorate for Civil Disturbance Planning and Operations, April 1968–June 1969, p. 14, one of a series of Directorate for Civil Disturbance Planning and Operations (DCDPO) histories, DOMS files, Background Papers, RG 319, NARA, which also include 103–05 file, Army Operations Center, wherein are a number of other DCDPO papers.

of staff, it would be headed by an Army lieutenant general whose deputy would be an Air Force major general. General Johnson complied on 22 April 1968, using personnel from the Army Operations Center, who had already been functioning as a planning group since 20 April, to form the key operations division of the new organization. For a time the directorate occupied temporary facilities, but by 17 June 1968 it was fully operational in a Civil Disturbance Command Center (known internally as the DCDPO watch team) collocated with the Army Operations Center. One year later the directorate moved into a newly completed 12,000-square-foot DCDPO facility in the Pentagon and was redesignated a field operating activity of the chief of staff.¹⁵

With the centralization of civil disturbance matters in the new Army directorate, McGiffert's committee met with increasingly less frequency until about April 1970, sometime after which it ceased to exist. The Army Civil Disturbance Committee—essentially the old Hennessey task group, which had functioned as a planning body during the April 1968 riots—suffered the same fate, disappearing even earlier about August 1969. The civil disturbance directorate, soon to become a field operating activity in 1970, thus emerged as the sole continuing organization charged with preparing for domestic disorders.¹⁶

The new directorate had a joint staff, with representatives of the Army, Navy, Air Force, and Marine Corps. The first director was Lt. Gen. George R. Mather, commander of Task Force Chicago, who theorized that he had been selected because his Chicago operation had run more smoothly than any of the other riot operations at that time. When he became the head of what some regarded as a “funny organization,” his staff kidded him about being the CINCLARD—the commander in chief of looting, arson, rioting, and disorder.¹⁷

The directorate's mission was to plan, coordinate, and direct civil disturbance operations, including the airlifting of troops. It carried out those tasks through an executive office and four divisions: Operations, Communications-Electronics, Policy and Programs, and Plans. The original manning authorization pegged the office's strength at 167. In May 1968 the directorate had a total strength of only 140, but that figure rose to 182 by August. The watch teams, for their part, were the responsibility of the Operations Division. Designated personnel from outside the directorate were available to maintain an around-the-clock vigil whenever an emergency situation required it. In a time of crisis, those individuals could be augmented by Army Staff officers and liaison officers from the major Army commands, the other services, and the Strike Command. As of late July 1968 a duty team consisting of three officers and five enlisted personnel was on alert at all times. It maintained constant communication with the White House, other selected government agencies, the various armies in the continental United States, and the other military services. By keeping close tabs on information from various federal, state, and local agencies, so the reasoning went,

¹⁵ CSM 68-145 for Heads of Army Staff Agencies, 22 Apr 68, sub: Establishment of Directorate for Civil Disturbance Planning and Operations, with Incls, RG 319, NARA; Ltr, AGSD(M) CSSMD-O, TAG, to CofSA, 23 Apr 68, sub: Establishment of Directorate for Civil Disturbance Planning and Operations in the Office of the Chief of Staff, Historian's files, CMH; DOD Directive 3025.12, 8 Jun 68, which for the DOD formalized the establishment of the directorate; Historical Summary of the Directorate for Civil Disturbance Planning and Operations, April 1968-June 1969, p. 13; Msg, DA 868799 to JCS, CNO, CofSAF, the White House, and Others, 19 Jun 68, sub: Civil Disturbance Command Center, RG 319, NARA.

¹⁶ DA Study Group Final Rpt, CSM 70-347, p. II-2-19; Memo, Director of Military Support for Secy of the Army, 21 Jan 75, sub: Executive Summary, Second Civil Disturbance Information Report, p. 2, Historian's files, CMH; DOD Directive 3025.12, 8 Jun 68, sec. IX.

¹⁷ Notes of Telecon, author with Gen George R. Mather (USA, Ret.), 22 Jun 82, Historian's files, CMH.

the Army would be able to pre-position task force commanders, distribute liaison teams, and alert the forces necessary to counter a civil disturbance before formal requests for federal assistance even arrived.¹⁸

Resurrection City, U.S.A.

The sense of urgency propelling the new directorate forward stemmed from a concern that more and possibly worse rioting was in the offing. Washington, D.C., seemed a particularly sore spot on account of the so-called Poor People's Campaign, which was expected to reach Washington in early May 1968. Ralph D. Abernathy, who had succeeded Martin Luther King, Jr., as the head of the Southern Christian Leadership Conference, was determined to take the campaign to Washington as a memorial to the fallen leader, who had devoted much energy to this project. In his last days, however, King had agonized over it, in part because many of his closest associates and staff members felt grave doubts about the effort. One of their main concerns was the possibility that the campaign might attract violence-prone elements whose actions might discredit the whole undertaking.

Official Washington was not privy to these private doubts and fears. President Johnson and FBI Director J. Edgar Hoover saw the situation in tones of black and white, as did conservative members of Congress. They were convinced that King had been disloyal to the nation because of his antiwar stance and believed that his followers were similarly disloyal and might attempt to close down the nation's capital. White neighborhoods and suburbs of Washington, where gun sales had increased after the April riot, were also fearful.¹⁹

Despite the inhospitable atmosphere, on 2 May nine caravans began their journeys from various parts of the country, holding rallies and picking up additional members along the way. Most demonstrators came by car and bus, but a caravan from one of the poorest communities in the nation, Marks, Mississippi, consisted of a symbolic mule train that traveled by truck and train from Atlanta to Washington. Most of the demonstrators were black, but Mexican-Americans, Indians, and whites were also among them. They were not middle-class dissenters marching for civil rights, but genuinely poor people demanding a share of the nation's affluence. Among the marchers were unemployed sharecroppers, poor miners from Appalachia, and members of ghetto street gangs from such places as Chicago and Detroit. Nothing like it had been seen since the Bonus March of 1932.²⁰

When they reached Washington, the demonstrators, who at the peak of the protest numbered some 2,500, set up housekeeping in a canvas and plywood shantytown erected on a sixteen-acre site in West Potomac Park near the Lincoln Memorial. Naming the

¹⁸ Interv, Col James H. Shaha with Gen George R. Mather, 19 Jan 72, tape 2, p. 42, Senior Officer Debriefing Program, MHI; AR 10–5, *Organization and Functions: Department of the Army*, 31 Jul 68, p. 2–6; Historical Summary of the Directorate for Civil Disturbance Planning and Operations, April 1968–June 1969, together with the succeeding volumes; [Scheips and Albright], *Use of Troops in Civil Disturbances, 1963–1968*, pp. 9–10; Donald W. Coble, "DOD Establishes a 'Watch' on the 'Battle at Home,'" *Armed Forces Management* 15 (September 1969): 44–46.

¹⁹ Garrow, *Bearing the Cross*, pp. 611–23, which provides a good description of King's concerns; Stephen B. Oates, *Let the Trumpet Sound: The Life of Martin Luther King, Jr.* (New York: Harper & Row, 1982), pp. 453–58; Roger Wilkins, *A Man's Life: An Autobiography* (New York: Simon and Schuster, 1982), pp. 207–09.

²⁰ Pyle, "Military Surveillance of Civilian Politics," pp. 122–24, 129; Price, *Civil Rights, Volume 2, 1967–68*, pp. 317–19.



JESSE JACKSON holds up a lunch bill for 160 people from Resurrection City. He said he would compare it to what the government owes the nation's poor and "whoever owes the other will pay."

encampment Resurrection City, U.S.A., they had a permit good for thirty-seven days issued by the National Park Service on 10 May. Nature, unfortunately, was not kind to the occupants of Resurrection City. Heavy rains turned the place into a quagmire, and crowding, lack of funds, and poor leadership combined with the weather to ensure an unhealthy, miserable stay for all who occupied the encampment. President Johnson was said to have been "appalled" by the condition of the place and the people in it. The shantytown, indeed, spawned considerable violence, with incidents and confrontations leading to a number of injuries and to repeated use of tear gas by the Park Police who, to put it mildly, were extremely insensitive in matters of race. Meanwhile, senior leaders of the march, except Jesse Jackson and probably Hosea Williams, who succeeded Jackson as the person in charge of the camp, resided comfortably at the Pitts Motor Hotel in northwest Washington.

Despite their problems and the indiscipline of some, the protesters were not idle. Sallying from Resurrection City by the hundreds, they mounted demonstrations at a number of localities in Washington—at the Capitol; the Department of Health, Education, and Welfare; the Department of Justice; the Department of Agriculture; and the home of the chairman of the House Ways and Means Committee, Congressman Wilbur D. Mills of Arkansas. A number were arrested, including Abernathy and 260 others, on one occasion for acts of civil disobedience in the form of an illegal assembly on the Capitol grounds. On 19 June, over 50,000 persons, half of them white, participated in a Solidarity Day march and a rally at the Lincoln Memorial. Among them were Vice President Hubert H. Humphrey; Minnesota Senator Eugene J. McCarthy; the president of the United Auto Workers, Walter Reuther; and Martin Luther King's widow, Coretta Scott King.²¹

Through it all, but in the background, the Army was very much involved, helping to pick the site for Resurrection City, keeping the encampment under surveillance, and readying itself for a possible troop commitment. Planning for a response to the march had begun in December 1967, but detailed planning had not started until 10 April 1968, when the Army was instructed at a White House meeting of all affected agencies to review its plans to provide a quick reaction force. On 8 May, four days prior to the scheduled arrival of the first marchers, the service published an operation plan on what it called the Washington Spring Project.²²

The spring project was DCDPO's first challenge. Its response provided for the commitment of regular troops in the event that local law enforcement agencies and the District of Columbia National Guard found themselves incapable of maintaining control. The federal force available on 12 May was the immediate ready element of the Military District of Washington's Task Force Inside. Made up of a squadron of the 6th Armored Cavalry at Fort Meade together with some military police and engineers, the force had a strength of 1,000. A follow-on alert force of the same size was somewhat similarly composed. The remainder of Task Force Inside, with a strength of 3,400, included a second squadron of the 6th Armored Cavalry and other troops, among them part of a Marine battalion from Quantico. The Army also activated a Task Force Washington headquarters, using only a handful of troops because troops from Forts Bragg and Carson would provide full staffing if formal intervention became necessary.²³

But perhaps the Army's most remarkable activity was the surveillance it conducted, both of the caravans as they moved toward Washington and of the encampment itself after they arrived. Military intelligence groups throughout the country were involved in the first.

²¹ Quote from Miller, *Lyndon: An Oral Biography*, p. 516. Califano, *The Triumph and Tragedy of Lyndon Johnson*, pp. 287–88; Price, *Civil Rights, Volume 2, 1967–68*, pp. 320–31; Wilkins, *A Man's Life*, pp. 219–24; Sidney Blumenthal, *Pledging Allegiance: The Last Campaign of the Cold War* (New York: HarperCollins Publishers, 1990), pp. 182–83. For a remarkable set of photographs of Resurrection City accompanied by a spare but evocative narrative, see Jill Freeman, *Old News: Resurrection City* (New York: Grossman Publishers, 1970).

²² See MFR, McGiffert, 22 Apr 68, sub: Interview with Staff, McClellan Committee (Civil Disturbances—Spring 68, 370.6—1-13-67, Army OSA); Summary Sheet, 29 Mar 68, Incl to a proposed plan for possible use in Washington on or about 22 April, in McGiffert file, CS, 000.5 (14 thru 16), Army OSA. Both in Background Papers (also contains papers on earlier planning), RG 319, NARA. Gardner, "Civil Disturbance Mission," pp. 134–35; Paul J. Scheips and Karl E. Cocke, *Army Operational and Intelligence Activities in Civil Disturbances Since 1957*, OCMH Study 73, rev. ed. (Washington, D.C.: Office of the Chief of Military History, April 1971), p. 117, CMH.

²³ Historical Summary of the Directorate for Civil Disturbance Planning and Operations, April 1968–June 1969, pp. 48–51.

In Washington, the principal burden fell upon the 116th Military Intelligence Group, which from the time of the April riots through the end of the Poor People's Campaign had placed night patrols on the streets to report on conditions and potential trouble. Those patrols were joined in monitoring Resurrection City by the Federal Bureau of Investigation; the Border Patrol (which had followed one of the marchers, Reies Tijerina, a fiery Chicano leader, all the way from New Mexico); the Community Relations Service of the Department of Justice; the Metropolitan Police; the Park Police; and the National Guard. An officer of the 116th Military Intelligence Group flew helicopter reconnaissance missions, and Army signalmen photographed Resurrection City from atop the Washington Monument. In addition, the Army Security Agency monitored civilian radio communications from two mobile vans based in the 13th Police Precinct from its headquarters at Arlington Hall Station, Virginia, and from the Treasury Building in Washington. Between 6 and 26 June, it also used its facility near Warrenton, Virginia. During the course of the Poor People's Campaign the group spent 25,703 man-hours on these varied activities. The Army issued forty-eight situation reports between 12 May and 27 June, and General Mather sent the chief of staff at least three substantial status reports during the same period.²⁴

Although federal troops were never needed, federal officials pre-positioned troops as a precaution, a practice rarely used prior to the April 1968 riots and more common in their aftermath. Although criticized by some on the grounds that it could be intimidating and could "chill the exercise of constitutional rights," pre-positioning was specifically authorized in the new Department of Defense Directive 3025.12 of 8 June. Contributing to the practice were not only the increased anxieties of federal officials, but also recent delays in moving troops into Washington, notably in the case of the 82d Airborne Division. On 12 May the Army sent the 503d Military Police Battalion to the Pentagon because of a Mother's Day march by the demonstrators, and during 7–10 June a company of the 503d stood by at the South Post of Fort Myer following the assassination in California on 4 June of Senator Robert F. Kennedy. Kennedy's office had been cooperating with representatives of the Southern Christian Leadership Conference in helping to organize the Poor People's Campaign, and the senator himself was generally very popular with blacks. On 8–9 June much of the 503d stood by at Fort Myer during Senator Kennedy's funeral, and on 19–20 June the unit went on alert with the 519th Military Police Battalion in case trouble occurred during the Solidarity Day march. The District of Columbia National Guard also saw crowd control duty on 8 June, during the Kennedy funeral, and on Solidarity Day on 19 June. On the latter occasion, the guardsmen were sworn in as special policemen of the Metropolitan Police Department.²⁵

²⁴ Memo, Lt Gen George R. Mather, thru CofSA, for Under Secy of the Army, 8 May 68, sub: Possible Encampment Sites for Members of the Poor People's March on Washington, Historian's files, CMH; Pyle, "Military Surveillance of Civilian Politics," pp. 132–36, 286; "Improper Surveillance of Private Citizens by the Military," in U.S. Congress, Senate, *Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans*, Final Report of the Select Committee To Study Governmental Operations with Respect to Intelligence Activities, 94th Cong., 2d sess., 1976, S.R. 94–755, bk. 3, p. 810; Richard Gardner, *Grito! Reies Tijerina and the New Mexico Land Grant War of 1967* (New York: Harper Colophon Books, Harper & Row, 1971). A largely complete set of the situation reports and of three Fact Sheets, Mather to CofSA, 9, 16, and 23 Jun 68, sub: Current Status of the Washington Spring Project, are in the Historian's files, CMH.

²⁵ Gardner, "Civil Disturbance Mission," p. 134. Quote from David E. Engdahl, "The New Civil Disturbance Regulations: The Threat of Military Intervention," *Indiana Law Journal* 49 (Summer 1974): 614. Oates, *Let the Trumpet Sound*, p. 468; Historical Summary of the Directorate for Civil Disturbance Planning and Operations, April 1968–June 1969, pp. 51–52; "These Troubled Times," *National Guardsman* 22 (August 1968): 27–28; Ltr, Lt Col John Simon, AGC, DCARNG, AAG, to Ch, NGB, 17 Jun 68, sub: Final (After-Action) Report (RCS/ARNGB-98), National Guard Bureau files.



METROPOLITAN POLICE CARRY A DEMONSTRATOR FROM THE GROUNDS OF RESURRECTION CITY *as it is being shut down.*

Although major disorders failed to materialize, the chronic violence associated with Resurrection City appeared to increase during June, and the government, rather than extend the permit beyond its expiration on the evening of 23 June, decided to close the place down. This occasioned another assembly of federal troops on 21–28 June, with the 503d Military Police Battalion holding at the Soldiers' Home and the 519th standing ready nearby. A legal opinion prepared beforehand stated that if federal forces were used after expiration of the permit simply to clear the demonstrators from Resurrection City and to remove the structures that had been erected there, the actions could be taken without a presidential proclamation under the government's authority to protect its property, as had been done during the Bonus March in 1932 and during the march on the Pentagon in 1967. Even so, if rioting had to be suppressed by federal troops, either at Resurrection City or elsewhere in Washington, action under provisions of Chapter 15, Title 10 of the *U.S. Code*, would be needed, including a proclamation and an executive order.²⁶

Although the use of troops proved unnecessary, Resurrection City did not go quietly. On the night of 23 June, the Metropolitan and Park Police used tear gas to protect motorists who were being stoned as they drove through the area. On the following day, 1,000 police surrounded the site, while others arrested the remaining inhabitants for demonstrating illegally, their permit

²⁶ Historical Summary of the Directorate for Civil Disturbance Planning and Operations, April 1968–June 1969, p. 52; Memo, Lt Col Joseph N. Tenhet for Mather, 21 Jun 68, sub: Use of Federal Military Forces to Clear Resurrection City, 103–05 file, Civil Disturbance: Washington, D.C.—General, DOMS files, Background Papers, RG 319, NARA.

having expired. The shantytown was then dismantled. Police methods were rough in some cases. Roger Wilkins of the Department of Justice's Community Relations Service was present at the event as an observer and reportedly saw the commander of the Park Police behaving so violently that he secured the officer's relief on the spot. Meanwhile, 1,583 guardsmen of the District of Columbia Army and Air National Guards, after being sworn in as special policemen, assisted the police with traffic control and precinct duties. A Guard reaction force of special police equipped for riot control saw duty in Precincts 1, 2, and 9 on 24–25 June, when concurrent disturbances broke out in Washington.²⁷

Organizing for the Future

In retrospect the cycle of violence in the nation, although by no means ended, had begun to wind down. At the time, however, such trends were not evident. The year had already brought not only a series of great riots and disorders in the United States, but also the Tet offensive and an agonizing reappraisal of the administration's positions on the Vietnam War. The future did not appear promising. If anything, Washington officialdom, including Army intelligence, became more preoccupied than ever with internal security.

Army intelligence had already established scores of data banks covering civilian political activities during the summer and fall of 1967. With the outbreak of rioting in 1968 and the establishment of Resurrection City, it expanded those activities. As historian Christopher Pyle notes, while the riots of 1967 moved the Army to monitor more civilian protest activities than it had in the past, the riots and demonstrations of 1968 persuaded it to allocate even more money and manpower to the endeavor. As a result, the Intelligence Command established special domestic intelligence sections in the headquarters and other offices of all stateside military intelligence groups. Robert F. Kennedy's assassination while campaigning for president led to an expansion of intelligence activities that continued into the administration of President Richard M. Nixon.²⁸ President Johnson responded by establishing a commission to study the riots, Congress passed a joint resolution authorizing military support for the Secret Service in its protective duties, and the Department of Defense issued a new civil disturbance directive. All were aimed at containing violence that seemed to threaten not only public order but also the lives of the nation's leaders.

On 10 June 1968, following Robert Kennedy's death, President Johnson established the National Commission on the Causes and Prevention of Violence. Its purpose was primarily to investigate "the causes and prevention of lawless acts of violence . . . including assassination, murder and assault," as well as "disrespect for law and order, of disrespect for public officials, and of violent disruptions of public order by individuals and groups," and to make appropriate recommendations. To chair the commission, which was both biracial and bipartisan, and which included one woman, President Johnson chose Milton S. Eisenhower, president emeritus of Johns Hopkins University and brother of the nation's former president. The commission was thus known as the Eisenhower Commission. On

²⁷ Historical Summary of the Directorate for Civil Disturbance Planning and Operations, April 1968–June 1969, p. 52; Ltr, Lt Col Tom Simon, AGS, DCARNG, AAG, to NGB, 15 Aug 68, sub: Final (After-Action) Report, 24–26 Jun 68 (RCS/ARNGB-98), National Guard Bureau files; Price, *Civil Rights, Volume 2, 1967–68*, pp. 329–31; Wilkins, *A Man's Life*, pp. 221–24.

²⁸ Pyle, "Military Surveillance of Civilian Politics," pp. 137–38.

9 January 1969, shortly before President Johnson left office, the commission published a progress report, and under an extension of its deadline by President Nixon issued its final report on 10 December 1969.²⁹

Altogether, the Eisenhower Commission made eighty-one recommendations for dealing with violence of various kinds. With respect to group violence the commission declared that it “must be put down by lawful means, including the use of whatever force may be required.” On account of widespread campus protest and disorder, the commission declared that “universities should prepare and currently review” appropriate contingency plans. The federal government, it urged, “should join with private industry to speed the development of an effective non-lethal weapon.”³⁰

Unlike the Kerner Commission, the Eisenhower Commission’s main report was comparatively thin and unanalytical, but it was buttressed by over a dozen special task force studies that proved more valuable. Although historian Hugh D. Graham described the commission members as “a powerful, balanced, and independent array of prominent public figures who maintained the commission’s credibility,” the commission’s actions drew much criticism, especially for its selective use of the staff studies and its generally timid recommendations. For example, Elliott Currie, a staff member, noted that although one task force study “produced evidence suggesting that empirical examination of recent incidents showed that violence was initiated *at least* as often by officials as by demonstrators,” the commission’s report “never uses the term ‘violence’ when discussing the behavior of police and other officials.”³¹ Currie also hit the report for not linking the nation’s troubles to the Vietnam War. The report’s conclusion that the government should increase its “annual general welfare expenditure, by about 20 billion dollars” only after the war was over was, in his view, to regard the conflict as an “essentially uncontrollable contingency . . . justifying indefinite inaction.”³² Nevertheless, under the able direction of Lloyd Cutler, the commission’s executive director, the body did execute a “superbly timed series of reports, releases, press conferences, and recommendations that kept the commission [and its concerns] in the public eye for almost a year and a half—well into the Nixon administration.”³³

Even as the commission went about its work, other dangers loomed. Concerned about what might happen during the upcoming election, President Johnson instructed the Secret

²⁹ Quotes from EO 11412, *Establishing a National Commission on the Causes and Prevention of Violence*, 10 June 1968, in 33 F.R. 8583, and 3 C.F.R. 726 at 727 (1966–70 comp.). EO 11469, *Extending the Life of the National Commission on the Causes and Prevention of Violence*, 23 May 1969, in 34 F.R. 8191, and 3 C.F.R. 789 (1966–70 comp.); *To Establish Justice, To Insure Domestic Tranquility: Final Report of the National Commission on the Causes and Prevention of Violence* (Washington, D.C.: Government Printing Office, 1969).

³⁰ Quotes from *To Establish Justice*, pp. 274, 280, 278, respectively, and see also pp. 271–73, 275–77, 279, 281–82.

³¹ Anthony M. Platt, ed., *The Politics of Riot Commissions, 1917–1970: A Collection of Official Reports and Critical Essays* (New York: Collier Books, 1971), p. 396. First quote from Hugh D. Graham, “The Ambiguous Legacy of American Presidential Commissions,” *Public Historian* 7 (Spring 1985): 16. Second and third quotes from Elliott Currie, “Violence and Ideology: A Critique of the Final Report of the Violence Commission,” in *The Politics of Riot Commissions*, ed. Platt, pp. 456 and 455, respectively. For the Skolnick Report referred to by Currie, see Jerome H. Skolnick et al., *The Politics of Protest: Violent Aspects of Protest Confrontation* (Washington, D.C.: Government Printing Office, 1969). Most of the staff studies, including those most useful for this work, are listed in the bibliography.

³² First quote from *To Establish Justice*, p. 271. Second quote from Currie, “Violence and Ideology,” p. 460.

³³ Graham, “The Ambiguous Legacy of American Presidential Commissions,” pp. 16–17.

Service to provide protection for all major presidential candidates who desired it, even though the law authorized it only for the president, his immediate family, and the vice president. Aware that the Secret Service would need help, Johnson instructed the attorney general, the director of the FBI, and the secretary of defense to assist the Secret Service with whatever personnel and equipment it might need. He then sought supporting legislation from Congress, where opinion strongly favored use of the military in such endeavors.³⁴

During the congressional debates that followed, several senators made the point clear that they expected the Secret Service to seek assistance from the military when necessary. Illinois Senator Everett Dirksen, while not naming the military services specifically, thought the Secret Service had an “inherent authority” to seek help from other federal agencies and expected that its director would “be able to call upon our personnel and facilities—without ever having to think twice about it.”³⁵ Oklahoma Senator Mike Monroney, who wanted legislation to ensure immunity for federal employees acting in an official capacity, asserted that “in many instances, with mob scenes, there is no way . . . that safety can be assured, but danger can be materially lessened by the presence on duty of [federal lawmen] . . . and, if necessary, . . . military detachments.” New York Senator Jacob Javits, however, suggested the insertion of language authorizing the president to revoke the authority of the Secret Service to call on other agencies in order to limit the potentially vast powers that the director of the Secret Service would have over the military. The fact was obvious, he said, that the Secret Service’s authority “to require other Federal departments and agencies” to come to its assistance naturally included the armed forces of the United States. Contained in an appropriations bill, the measure passed in both the House and the Senate with some comment but no real debate. Clearing a House-Senate conference committee as Joint Resolution 1292, it was ratified by both houses shortly thereafter, becoming Public Law 90–331 on 6 June 1968.

After providing in its first section for protection of “major presidential or vice presidential candidates,” unless they declined protection, the measure provided in its second that “hereafter, when requested by the Director of the United States Secret Service, Federal Departments and agencies, unless such authority is revoked by the President, shall assist the Secret Service in the performance of its protective duties under Section 3056 of Title 18 of the *U.S. Code* and the first section of this joint resolution.” A third section appropriated \$400,000 for fiscal year 1968, but Congress later appropriated additional funds in support of the new legislation. Even as the Senate acted on the measure, Army intelligence agents were preparing to assist civilian lawmen guard Senator Kennedy’s funeral procession.³⁶

³⁴ Califano, *The Triumph and Tragedy of Lyndon Johnson*, p. 297; Pyle, “Military Surveillance of Civilian Politics,” p. 140; U.S. Congress, Senate, *Report to Accompany H.R. 16489, Treasury, Post Office, and Executive Office Appropriations Bill*, 90th Cong., 2d sess., 1969, S.R. 1165, pp. 11–12.

³⁵ Memo, Lt Col Ross M. Goddard, Jr., JA, DCDPO, thru Col Wood, for Gen [Ferdinand T.] Unger [Dir], DCDPO, 20 Mar 69, sub: Army Support of Secret Service, with quotes from tab A (Memo, William H. Rehnquist for Robert E. Jordan III, Gen Counsel, DA, 12 Nov 69, sub: Statutory Authority To Use Federal Troops To Assist in the Protection of the President [hereafter cited as Rehnquist Memo, 12 Nov 69]), p. 5, 103–05 file, Aid to Secret Service (General), DOMS files, Background Papers, RG 319, NARA.

³⁶ First and second quotes from U.S. Congress, Senate, *Congressional Record* 114 (6 June 1968): 16169 and 16170, respectively, and see also pp. 16171, 16176, 16222–23. U.S. Congress, House, *ibid.*, pp. 16270–71. Third and fourth quotes from Public Law (P.L.) 90–331, 82 Stat. 170 (1968). Dominic J. Campisi, “Honored in the Breech: Presidential Authority To Execute Laws with Military Force,” *Yale Law Journal* 83 (November 1973): 149; Pyle, “Military Surveillance of Civilian Politics,” pp. 141–42n9.

Since Public Law 90–331 failed to mention the military specifically, the lack of debate during the legislative process surrounding the bill leaves in some doubt what Congress intended when it passed the law. In mid-June 1968, however, recalling that the military had assisted the Secret Service for years, the Departments of Defense and of the Treasury entered into an interdepartmental agreement to “delineate in more specific terms the logistical assistance and other support . . . Defense will provide to the Secret Service.” While listing various kinds of logistical assistance the military would furnish if requested, that arrangement failed to define what “other support” meant, but it did clearly specify that “all Defense personnel assigned to assist the Secret Service in accordance with the provisions of this agreement shall . . . be subject to overall supervision and direction of the Director, U.S. Secret Service or his authorized representative.”

On 15 July 1968, the Department of Defense implemented the agreement by issuing Directive 3025.13, which referred, as did the interdepartmental agreement, to “logistic and other support.” Policy and procedures for providing Army resources to the Secret Service were set forth in an Army regulation on 12 March 1969. Meanwhile, on 14 June 1968, Secretary of Defense Clark M. Clifford assigned responsibility for approving requests for aid from the Secret Service to the special assistant to the secretary and the deputy secretary of defense.³⁷

Thus the Defense Department believed that it had the authority to use military personnel in support of the Secret Service under the new law, and it very shortly assigned military personnel to protective duty at both the Republican and Democratic conventions in 1968. Any qualms Army leaders may have had about the matter were further eased in November 1968 when they were ordered to position troops around the White House during an antiwar demonstration. At the time Assistant Attorney General William H. Rehnquist, speaking for the Department of Justice, declared that “our view,” on the basis of the legislative history of the resolution, is “that Public Law 90–331 . . . authorizes . . . uses of the armed forces if requested by the Director of the Secret Service.” He explained that “the Secret Service may not have unlimited power” to protect the president but that it had the power to take such measures as were “reasonable under the circumstances.” As for whether or not the Posse Comitatus Act barred the use of troops to aid the Secret Service, Rehnquist found that “given the broad authorization by Congress in P.L. 90–331, it is clear that the Posse Comitatus Act does not apply.”³⁸

Rehnquist’s interpretations did not go unchallenged. Richard P. Longaker, a political scientist, complained that “it seemed to be the legislative understanding that House Joint Resolution 1292 . . . was meant to signify logistical support . . . not the actual use of

³⁷ For a somewhat earlier authorization of assistance, see DOD Instruction 5030.34, 30 Dec 65, with Incl, Agreement Between the United States Secret Service and the Department of Defense Concerning Protection of the President, which provided for an exchange of intelligence information. Third quote from DOD Directive 3025.13, *Employment of Department of Defense Resources in Support of the United States Secret Service*, 15 Jul 68, with first and second quotes from Incl, Interdepartmental Agreement Between the Department of Defense and the Department of the Treasury Concerning Secret Service Protective Responsibilities, 10/11 Jun 68. Memo, Goddard for Unger, 20 Mar 69, sub: Army Support of Secret Service; Summary Sheet, 20 Sep 71, sub: Arrest or Detention Authority of MI Special Agents While Supporting the US Secret Service, with Incl, Memo, Clifford for Spec Asst to Secy and Dep Secy of Defense, 14 Jun 68, sub: Support for the Secret Service, 101–05 file, Aid to Secret Service, General, DOMS files, and AR 1–4, *Employment of Department of the Army Resources in Support of the U.S. Secret Service*, 12 Mar 69. Both in Background Papers, RG 319, NARA.

³⁸ Rehnquist Memo.

troops.”³⁹ Another critic, David E. Engdahl, a lawyer, argued that the claim that the new law authorized the use of troops, was “highly attenuated, to say the least,” inasmuch as the Posse Comitatus Act “prohibits the use of troops in law enforcement ‘except in cases expressly authorized’ by Congress.” Engdahl also objected that the new law required no presidential action but only a request for support from the director of the Secret Service. He was most concerned, however, by the fact that the Secret Service possessed broad authority to detect and arrest persons without warrants for making threats against the president and vice president. If, therefore, the new law authorized the use of troops to aid the Secret Service in its exercise of that function, “extensive and widespread involvement in the management and suppression of dissent is an obvious possibility.”⁴⁰

On 8 June 1968, two days following passage of Public Law 90–331, the Department of Defense published Directive 3025.12, the first such defense regulation on the matter since 1965. The new directive rescinded two earlier memorandums, one, issued on 30 September 1967, having to do with equipment loans, and the other a 5 April 1968 decision covering the use of military resources during civil disturbances. It renewed the designation of the secretary of the Army as the executive agent in dealing with outbreaks, riots, or other lawlessness prejudicial to public order; provided for a Department of Defense Civil Disturbance Steering Committee chaired by the under secretary of the Army with the deputy attorney general as a member to advise the executive agent; strengthened policy guidelines for processing requests from the states and other political jurisdictions for federal military resources; and repeated the limitations imposed by the Posse Comitatus Act. Along with giving the secretary responsibility for pre-positioning military forces as warranted by circumstances, the directive also put him in charge of establishing a Directorate for Civil Disturbance Planning and Operations, in effect providing ex post facto authorization for the existing agency. Finally, the other service secretaries and the Joint Chiefs of Staff were to make certain forces available for civil disturbance operations, and the secretary of the Army was to have the authority he needed “to exercise, through the Chief of Staff, U.S. Army, the direction of the resources thus assigned.”⁴¹

At the time, modification also began of Army Regulation 500–50. Published on 11 June 1969 after extensive reviews, the revision took note of the fact that the secretary of the Army had been designated as executive agent for defense in the planning for and the deployment of military resources in civil disturbances. It also defined the term “military resources” in detail and added sections on requests for those assets and on training. But neither the regulations nor the current edition of GARDEN PLOT mentioned anything about providing aid to the Secret Service and neither, in fact, had the new DOD directive. However, a later version of that directive, published in 1971, did cite Public Law 90–331, listing it as one of the four exceptions to the Posse Comitatus Act.⁴²

³⁹ Clinton Rossiter, *The Supreme Court and the Commander in Chief* (Ithaca, N.Y.: Cornell University Press, 1976), p. 201.

⁴⁰ Engdahl, “The New Civil Disturbance Regulations,” p. 607. See also Dominic J. Campisi, “The Civil Disturbance Regulations: Threats Old and New,” *Indiana Law Journal* 50 (Summer 1975): 759n21.

⁴¹ Quote from DOD Directive 3025.12, 8 Jun 68, pp. 2–4, 5–11. Baker, *Policy Decisions for Civil Disturbance Operations*, pp. 55–56.

⁴² AR 500–50, *Emergency Employment of Army Resources: Civil Disturbances*, 11 Jun 69, p. 2.

The National Political Conventions

Despite the lack of major riots, the summer of 1968 did not pass without violence. On the night of 23–24 July in the Glenville ghetto district of Cleveland, Ohio, a shoot-out erupted between black nationalists and the police. At the suggestion of Washington, D.C.'s deputy mayor, Thomas W. Fletcher, the Army sent two observers to compare civil disturbance operations in Cleveland with those that had occurred in the nation's capital. The disturbance was serious, involving 3,100 Ohio National Guard, and calm did not return until 27 July. On 9 August Cleveland Mayor Carl B. Stokes listed twenty-two casualties, including the deaths of four blacks and three white policemen. In general, the Army observers concluded that the guardsmen did well but raised a question as to whether the fact that some of the guardsmen were on annual field training duty, wholly paid by the federal government, constituted federal intervention.⁴³

Meanwhile, officials began to plan for the national political conventions—at Miami Beach between 5 and 9 August for the Republicans and at Chicago between 26 and 29 August for the Democrats. (*See Map 1.*) Military authorities learned that they would be expected to support the Secret Service under Public Law 90–331 during both conventions, with the Air Force taking prime responsibility at Miami Beach and the Army in Chicago.⁴⁴ The effort occurred against a background of a booming antiwar movement and a number of startling events. During March 1968 President Johnson had announced that he would not seek reelection to devote his full energies to the pursuit of a negotiated settlement for the Vietnam War. Threats against the lives of the two main contenders for the Democratic nomination, Vice President Hubert H. Humphrey and antiwar Senator Eugene J. McCarthy, followed, along with threats against Chicago's Mayor Daley and other political leaders. Meanwhile, rioting flared in Cleveland and elsewhere and numbers of airline flights were hijacked to Cuba by disgruntled or troubled individuals seeking asylum. Everywhere Americans turned, confusion and doubt seemed the rule.

Preparations in Miami Beach included the erection of a fence around the convention hall, the assembling of hundreds of police in the area, and the stationing of private plain-clothesmen from a Chicago agency at all entrances and exits. Protection of the candidates

⁴³ Memo, Lt Col Robert Apt, Ch, Eastern Br, Plans Div, DCDPO, for Dir [DCDPO], 2 Aug 68, sub: Observer Report on Civil Disturbance Operations in Cleveland, Historian's files, CMH; Historical Summary of the Directorate for Civil Disturbance Planning and Operations, April 1968–June 1969, p. 53; Louis H. Masotti and Jerome R. Corsi, *Shoot-Out in Cleveland: Black Militants and the Police: July 23, 1968. A Report to the National Commission on the Causes and Prevention of Violence* (Washington, D.C.: Government Printing Office, May 1969), pp. 56–57; Price, *Civil Rights, Volume 2, 1967–68*, pp. 267–70.

⁴⁴ This and the immediately following paragraphs are based on Msgs, DA 871505 CGUSCONARC, 9 Jul 68, sub: Military Support of the U.S. Secret Service During National Political Convention, and JCS to CofSA, CNO, CofSAF, Chief of Military Intelligence (CMI), DAIN 136656, 9 Jul 68, sub: Secret Service Support, both in RG 319, NARA; Chicago Dept. of Law, *The Strategy of Confrontation: Chicago and the Democratic National Convention—1968* (Chicago: Chicago Corporation Counsel, 1968), p. 7; Msg, Miami Area Military Coordinator, Homestead AFB, Fla., to JCS and Others, DAIN 177726, 6 Aug 68, sub: Report Number Five of Support to Secret Service, Miami, Fla., RG 319, NARA; AAR, Col Walton Goodwin III, CofS, Task Force Quiet Site (TFQS), III Corps and Fort Hood, to DA, 21 Sep 68, sub: After Action Report of Task Force Quiet Site, 25–31 Aug 68 (hereafter cited as Task Force Quiet Site AAR), p. 1, Historian's files, CMH; Scheips and Cocke, *Army Operational and Intelligence Activities in Civil Disturbances Since 1957*, p. 124; Pyle, "Military Surveillance of Civilian Politics," pp. 148–57; U.S. Congress, Senate, *Federal Data Banks, Computers and the Bill of Rights*, Hearings Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, 92d Cong., 1st sess., 23, 24, and 25 February and 2, 3, 4, 9, 10, 11, and 15 March 1971, pt. 1, pp. 198–99, 387–88.

was the immediate responsibility of the Secret Service, which organized a sizable security force, including 100 of its own agents and plainclothesmen from nine other federal agencies, among them the FBI, the Border Patrol, the Internal Revenue Service, the Army's Criminal Investigations Division (which had about thirty persons on duty), the Naval Investigative Service, and the Air Force Office of Special Investigations. The Air Force supplied 210 agents to guard against terrorism, while the Army provided, in addition to other personnel, seventeen dog handlers and forty bomb disposal specialists for what was called Operation CORONET PACHYDERM. The Marine Corps furnished helicopters for emergency evacuation of one or more of the candidates, should that become necessary, and the Navy contributed a vessel for housing some of the federal personnel.

The precise function of the Army intelligence agents remains uncertain. Some agents of the 111th Military Intelligence Group maintained what the Secret Service called "outer perimeter security" in the convention hall while others conducted electronic surveillance. Without obtaining the required approval of the chief of staff, the Army Security Agency instructed its fixed stations in Florida and Virginia to search amateur radio bands for information concerning plans for possible disruption of the convention by anti-Castro groups or others. Since the agency received no reports from the stations, the extent of the monitoring effort is unknown. In the case of the 111th, Assistant Secretary of Defense for Administration Robert F. Froehlke later denied that Army intelligence agents had been on duty in the convention hall. They had been in Miami, he said, only to collect information on "civil disturbances and demonstrations." That being the case, Froehlke nonetheless freely admitted that agents of the Army, Navy, and Air Force investigative services had been on loan to the Secret Service but solely for the protection of the candidates.

In the end, no trouble of any consequence developed at the Republican convention. The intelligence agents had little to do besides scanning the delegates and spectators in the hall and taking photographs for comparison with watch lists. When an unrelated racial disturbance occurred during the convention in the Liberty City section of Miami, commanders canceled the agents' assignment and set them to monitoring the rioting, which in the end caused four deaths and prompted Governor Claude R. Kirk, Jr., to call out the Florida National Guard.⁴⁵

Despite the outbreak at Liberty City, the summer's troubles had thus far proved far less significant than anticipated, but that would change when the Democratic convention convened in Chicago. Antiwar groups had talked since before the march on the Pentagon about staging some sort of disruptive protest during the meeting, if only because the Democrats were the party in power and the ones with primary responsibility for the conduct of the war. In November 1967 the *Village Voice* had reported that Jerry Rubin, who was associated with a Maoist group known as the Progressive Labor Party and a group of radical put-on artists called the Yippies, intended to be in Chicago for the convention and

⁴⁵ First quote from Pyle, "Military Surveillance of Civilian Politics," p. 152, and see also pp. 153–54. Second quote from Testimony of Asst Secy of Defense (Admin) Robert F. Froehlke, in *Federal Data Banks, Computers and the Bill of Rights*, pt. 1, p. 387, and see also p. 388. AAR, Military Dept, State of Florida—Miami (Liberty City) Civil Disturbance, 8–14 Aug 68 (28 Aug 68); Robert C. Josefberg and James W. Matthews, *Miami Report*, The Report of the Miami Study Team on Civil Disturbances in Miami, Florida, During the Week of August 5, 1968, a report submitted to the National Commission on the Causes and Prevention of Violence (Washington, D.C.: Government Printing Office, 1969).



MIAMI POLICE DRAG AWAY A YOUTH DURING RIOTING IN THE LIBERTY CITY SECTION OF MIAMI.

was urging his friends to join him. Another Yippie who would be on the scene was Abbie Hoffman, who had urged levitation of the Pentagon the previous October.⁴⁶

In January 1968 David Dellinger, a veteran pacifist and leader of the National Mobilization Committee to End the War in Vietnam, selected Thomas Hayden and Rennie Davis, members of Students for a Democratic Society, to open an office in Chicago and lay plans for an election-year campaign. Their “prospectus,” as they called it, was to stage a “non-violent and legal” demonstration at the Democratic convention. To some in the broad-based coalition, however, the Hayden/Davis proposal “seemed hopelessly old-fashioned.”⁴⁷

In the days leading up to the Democratic convention, extremism prevailed. Lacking confidence in the democratic process, the more radical protesters deliberately taunted and

⁴⁶ *Rights in Conflict: The Violent Confrontation of Demonstrators and Police in the Parks and Streets of Chicago During the Week of the Democratic National Convention of 1968*, A Report Submitted by Daniel Walker, Director of the Chicago Study Team, to the National Commission on the Causes and Prevention of Violence (Washington, D.C.: Defense Printing Service, 1968) (hereafter cited as *Rights in Conflict* [official ed.]), which the Government Printing Office would not publish because of the obscenities in the text. See also *Washington Post*, 3 Dec 68, and *Rights in Conflict* (New York: New American Library, 1968); *The Strategy of Confrontation*, pp. 1–15; Wilkins, *A Man's Life*, pp. 225–27; Pyle, “Military Surveillance of Civilian Politics,” pp. 157–60; Halstead, *Out Now!* pp. 405–23.

⁴⁷ Quotes from Miller, “*Democracy Is in the Streets*,” pp. 284–85. Hayden, *Reunion: A Memoir*, pp. 291–300.

goaded the police into actions that would “appear repressive,” and that, in the end, turned extremely violent.⁴⁸ Of the twenty-four major protest groups that went to Chicago, only three—the Mobe, the Yippies, and the Coalition for an Open Convention, organized by anti-Humphrey liberals—sought permits to demonstrate. Deputy Attorney General Warren Christopher and Roger Wilkins of the Community Relations Service, Department of Justice, both tried to persuade Chicago Mayor Richard J. Daley to work with the protest leaders in hopes of avoiding serious trouble but found him impervious to suggestions of that sort. He awarded only one minor permit to a protest group and ignored all other requests. The effect of his intransigence was easy to see. While many moderates stayed away from the demonstrations that followed, radicals—who had sought no permits anyway—came out in force and ultimately set the tone of the events.



ROGER WILKINS

Planning for convention security had begun during January 1968, when the Chicago police set up a convention planning committee whose members included representatives of the Secret Service and Army intelligence. The process continued on 8 August at Fort Sheridan, near Chicago, the headquarters of the Fifth U.S. Army, whose commander, Lt. Gen. John H. Michaelis, was also the designated commander of Task Force III, the riot control force earmarked for Chicago. In attendance were not only representatives of the Fifth Army, but also of the III Corps, the Secret Service, the Chicago Police Department, and both the Illinois and Indiana National Guards. Other planning sessions followed in both Chicago and Washington.

Important topics of discussion were the pre-positioning of federal troops and an interesting plan providing that, if the Guard could not contain the violence that might occur, activation of a single additional Guard battalion anywhere in the state would trigger a call for federalization of the Illinois National Guard and intervention by federal forces under Michaelis. Official concern that serious violence might occur ran so high that President Johnson refrained from going to Chicago to accept the plaudits of his supporters.⁴⁹

Concern was equally great on the part of the Daley administration. Anticipating violence that Chicago's 11,900 police could not handle, the mayor requested the National Guard. On 23 August, following the existing Illinois contingency plans, Illinois Governor Samuel H. Shapiro concurred by dispatching selected Guard units commanded by Brig.

⁴⁸ Farber, *Chicago '68*, p. x.

⁴⁹ *Rights in Conflict* (official ed.), pp. 57–71; Pyle, “Military Surveillance of Civilian Politics,” pp. 165–66.

Gen. Richard T. Dunn to Chicago to stand by in case of trouble. The average daily strength of the guardsmen involved was somewhat over 5,330.⁵⁰

Governor Shapiro, Mayor Daley, and the Chicago superintendent of police all favored the pre-positioning of federal troops and most Washington officials agreed. Yet there were dissenters, including Army intelligence experts and Attorney General Ramsey Clark. Early Army estimates predicted between 50,000 and 100,000 demonstrators, while the Mobe expected some 100,000 protesters. Later estimates, however, convinced military analysts that the number probably would be considerably less, as proved to be the case. Hence Army intelligence concluded that federal troops would be unnecessary and that state and local forces would be adequate to the task.

Army leaders, nevertheless, continued to prepare for a broad number of contingencies at Chicago. The Directorate for Civil Disturbance Planning and Operations made a feasibility study of the proposed operation, and on 22 August McGiffert announced a decision to move all of Task Force III to Chicago. One brigade would go to the Glenview Naval Air Station and two brigades to the Great Lakes Naval Training Center. According to Joseph Califano, President Johnson favored being ready for violence but did not want to use federal troops if it could be avoided. On the advice of Ramsey Clark, Clark Clifford, and other officials, Califano said, he grudgingly approved the deployment but stipulated that the 6,000 troops involved should be airlifted to the city, to use Califano's words, in "absolute secrecy." Clark later changed his mind about the wisdom of pre-positioning federal troops, concluding that the decision encroached on the authority of local and state officials, made their use much more tempting, and served only to provoke demonstrators and increase the general atmosphere of crisis.⁵¹

Redesignated Task Force Quiet Site, the force included the 3d Brigade, 1st Armored Division, from Fort Hood, Texas; the III Corps Artillery Brigade (Provisional) from Fort Sill, Oklahoma; and the 3d Brigade, 5th Infantry Division, from Fort Carson, Colorado. An airlift began on 25 August, and all units were in place by the early hours of the next morning. The total force numbered 6,318, substantially more troops than Task Force Chicago employed during the April disturbances. Maj. Gen. Carl C. Turner, the provost marshal general, was also dispatched to Chicago as personal representative of the chief of staff and head of the liaison team, roles he had also played during the April riots in Chicago.⁵²

⁵⁰ Illinois ARNG, Final (After-Action) Report, 3 Sep 68, pp. 1–2 and Incls 1–3, 5, 6; Memo, McGiffert for CofSA, 24 Aug 68, sub: Rules of Engagement in Chicago, with *New York Times* clipping attached, Historian's files, CMH. When Dunn told a news conference that he had instructed his troops to cope with "forcible felonies" by shooting, Acting Secretary of the Army McGiffert declared that Dunn's remarks did not represent Army policy. If the situation in Chicago developed to the point where federalization of the Illinois National Guard would be necessary, he told Chief of Staff General William C. Westmoreland that "I will expect our commanders to take all practicable steps to assure that the Guard conforms to Army policy."

⁵¹ Task Force Quiet Site AAR, p. 1; Msg, DA to CINCSRIKE et al., 23 Aug 68, sub: Intelligence—Civil Disturbances—1968, RG 319, NARA; Robert J. Donovan's introduction to the 1968 Signet Broadside edition of *Rights in Conflict*, p. vii; Pyle, "Military Surveillance of Civilian Politics," pp. 160–69, 289; Clark, *Crime in America*, p. 187. Quoted words from Califano, *The Triumph and Tragedy of Lyndon Johnson*, p. 319. *Facts on File Yearbook*, 1968, 28:358.

⁵² Msg, DA 877502 to CINCSRIKE, sub: GARDEN PLOT Task Force Organization for Chicago, 24 Aug 68; Historical Summary of the Directorate for Civil Disturbance Planning and Operations, April 1968–June 1969, pp. 53–54. Both in Background Papers, RG 319, NARA. Task Force Quiet Site AAR, p. 1; Scheips and Cocke, Army Operational and Intelligence Activities in Civil Disturbances Since 1957, p. 118.

During the deployment, some 60 to 100 black soldiers of the 1st Armored Division at Fort Hood staged a sit-in to protest their possible employment against other blacks in Chicago. Forty-five were confined in the post stockade, of whom 43 were later charged with violation of an order. Over half were Vietnam veterans. Following their arrest, other soldiers who were involved in antiwar activities helped arrange for lawyers and publicity by contacting antiwar organizations, and the NAACP also assisted. The charges were dismissed in one case, while the others were tried either by special or general court-martial, with sentences that were much lighter than had been given to black marines at Camp Pendleton, California, in 1967 for organizing a discussion of whether or not blacks should fight in Vietnam. The Fort Hood incident was discussed in Washington at a meeting of the Army Special Civil Disturbance Board, where members voiced concern that incidents of the sort might recur and that the public might be affected when "even small numbers of protesting troops" drew the attention of the news media.⁵³

Army intelligence agents meanwhile went on duty at the Democratic convention, playing a much greater role than at Miami Beach. Although they were not assigned to duty in the convention hall, some attended sessions without permission after acquiring spectators' passes. Two officers even sat in mufti among the delegates on the convention floor, one of them being the Army's provost marshal, General Turner. The Army's regular surveillance activities in Chicago were a responsibility of the 113th Military Intelligence Group, with headquarters at Fort Sheridan in the 113th's Region 1, which had its offices in suburban Evanston. The 113th supplemented its Illinois-based agents with others from its Minneapolis regional office, who took over personnel security investigations to free the local agents for convention security activities.

A civilian section chief in the 113th, Richard Norusis, directed surveillance of the demonstrators, to which 132 Army intelligence operatives devoted 9,875 man-hours. Perhaps as many as seventy-five agents, some of them disguised as hippies, traveled with the protest groups to Chicago. In the city, meanwhile, agents watched delegates and other political figures, apparently to alert the Army to the approach of trouble. Eighteen two-man teams performed the primary collection function for the Chicago emergency operations center. Each team—supplied with a car, radio, and a packet containing city maps, street guides, and other aids—gathered information on demonstrations and any confrontations that might be planned. As circumstances developed, the teams would prove consistently successful in providing the operations center with intelligence that was ten to fifteen minutes ahead of reports the police were receiving. Naval intelligence was also on the scene. A civilian analyst for the organization later testified that he had taped speeches by David Dellinger and others in Grant Park.

Some agents shadowed Ralph Abernathy at a YMCA where he stayed one night, while others followed the mule train that he had brought to Chicago. Agents posing as newsmen formed a camera crew and interviewed and filmed demonstrators under cover of

⁵³ Memos, Asst Dep Chief of Staff for Personnel (ADCSPER), thru CofSA, for Secy of the Army, 29 Aug 68, sub: Alleged Protest Against Duty in Chicago by Fort Hood Soldiers, and for Dep ASD (Civil Rights and Industrial Relations), 23 Oct 68, sub: Report on Circumstances Surrounding and Disposition of Situation in Reference to Negro Soldiers at Fort Hood Who Refused To Go to Chicago, Illinois, on 23–24 August 1968, both in Historian's files, CMH. Quote from Memo, thru Dir, DCDPO, for VCofSA, 26 Sep 68, sub: Meeting of Department of the Army Special Civil Disturbance Board, par. 6, RG 319, NARA. Halstead, *Out Now!* pp. 424–25; articles on the protests at Fort Hood in the *Washington Post*, 24 Aug and 2, 9, 19, and 20 Sep 68.

a fake organization called Midwest Video Associates. Caught by their cameras alongside ordinary demonstrators were Abbie Hoffman, Rennie Davis, Dick Gregory, Senator Eugene McCarthy, and the folk singing trio Peter, Paul, and Mary. The films may have been intended for use primarily in Pentagon briefings, but they also enabled agents to identify demonstrators. Prosecutors in later conspiracy trials and the Senate Committee on Internal Security all showed interest in the films but did not use them when Army intelligence objected. In the end, the Intelligence Command became so fond of the video cameras that it equipped each of its twenty-six regional offices with at least two and a viewer.

Army agents were not assigned to guard candidates, but they watched all the principal candidates anyway, apparently justifying their surveillance on the grounds that public appearances by candidates might provoke demonstrations. An assessment of the intelligence services of the various levels of government estimated the presence of over 500 agents in Chicago, 110 of whom belonged to the Air Force Office of Special Investigations. Additionally, there were many more nonmilitary public and private agents, including those of the FBI. With not more than 11,000 protesters and onlookers altogether, there appears to have been about one agent for every dozen demonstrators. Military agents apparently traveled with presidential and vice presidential candidates on the campaign trail after the conventions were over. In addition, as the fall election neared, the Army dispatched intelligence agents to police precincts near the polling places where President Johnson and the principal candidates would vote with a view to their calling for already-alerted troops should any major trouble develop.⁵⁴

When it seemed that Army troops might be committed in Chicago, intelligence officials moved toward electronic eavesdropping. On 12 August the Army Security Agency requested Army approval of a proposal to send radio monitoring teams to Chicago, and on 16 August the commander of Fort Sheridan requested ASA support. Meanwhile, on 15 August 1968, representatives of the assistant chief of staff for intelligence discussed the matter with the Federal Communications Commission (FCC) deputy counsel. Earlier the ACSI staff had sought FCC approval for such practices, but the commission now ruled that they were illegal under Section 605 of the Communications Act of 1934. According to the FCC representative, the matter had been discussed with Attorney General Clark, who had disapproved the Army's requests. Under the circumstances, all the commission could offer was that it was willing to reply officially, as it did on 19 August, that it could "not provide a positive response" to the ACSI request without commenting specifically on the requests' legality.

The Army Staff went ahead on its own nonetheless. On 21 August, in disregard of legalities, it instructed the Army Security Agency to send radio monitoring teams to Chicago

⁵⁴ Scheips and Cocke, *Army Operational and Intelligence Activities in Civil Disturbances Since 1957*, pp. 125–27; *Facts on File Yearbook*, 1969, 29:696, and 1970, 30:22; History of the Directorate of Special Investigations, The Inspector General, 1 July–31 December 1968, p. 33, tab in History of the Office of the Inspector General, United States Air Force, 1 July 1968–30 June 1969, vol. 2, K132.01 file, Center for Air Force History, Bolling Air Force Base, D.C.; *Federal Data Banks, Computers and the Bill of Rights*, pt. 1, pp. 199–200; Agent Letters Describing Activities, in *ibid.*, pt. 2, pp. 1466–68, 1479–82, 1484–91; Pyle, "Military Surveillance of Civilian Politics," pp. 157–79, 186–89; the following articles in the *New York Times*: Seymour M. Hersh, "More Army Snooping Under Johnson Is Revealed," 1 Sep 72, and Richard Halloran, "Army Alerted Troops To Protect Candidates," 29 May 72.

from Forts Hood and Bragg. These teams monitored citizen, police, and commercial radio bands between 22 and 31 August from three locations in downtown Chicago. Given the secrecy with which the security agency functioned, the fact is hardly surprising that there was a difference of opinion about the purpose of its operations in Chicago. Some asserted that the agency was there to monitor the communications of the demonstrators. A former Secret Service agent believed that it was there to protect the candidates against electronic surveillance. The Secret Service public information officer simply denied that the Army Security Agency assisted his agency in any way. The testimony of Assistant Secretary of Defense Froehlke before a senatorial committee was also unclear. Froehlke asserted that “electronic surveillance was not employed by Defense personnel either in Miami or in Chicago. No private communications—radio or wire—of any political headquarters or political persons were monitored,” but that “during the riots in Chicago, Army personnel, acting in support of the Federal troops pre-positioned there, did use radio receivers to listen to citizens’ band broadcasts.”⁵⁵



ROBERT F. FROEHLKE

After all the information gathering, the actual violence that erupted during the convention was countered by the police and the National Guard without the commitment of federal troops, who remained onlookers and left quietly at the end of August. In the view of Task Force Quiet Site, the pre-positioned federal forces had exerted “a quieting effect” on the protesters, but the assertion would be hard to prove, given the turmoil on the streets. Some episodes outside the convention were as violent and bitterly divisive as anything seen in the long national dispute over the war in Vietnam. In suppressing the disorders, the National Guard won widespread praise. General Turner asserted that the Illinois National Guard “functioned in a well disciplined military fashion. . . . Restraint and the use of the minimum necessary force was [*sic*] practiced by the Guard throughout the whole operation.” In the Guard’s first appearance in relief of the police forces, General Dunn, despite his reported hard words to the press about shooting looters and other felons, ordered that weapons remain unloaded and that bayonets be removed from rifles and sheathed. The provocations guardsmen

⁵⁵ Pyle, “Military Surveillance of Civilian Politics,” pp. 180–86. First quote from “Improper Surveillance of Private Citizens by the Military,” in U.S. Congress, Senate, *Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans*, bk. 3, p. 812, and see also pp. 807–08, 811. Second quote from *Federal Data Banks, Computers and the Bill of Rights*, pt. 1, p. 388, and see also p. 200.



DEMONSTRATORS AND THE NATIONAL GUARD AT THE DEMOCRATIC NATIONAL CONVENTION IN CHICAGO

faced from the demonstrators were sometimes great, though apparently not as severe as the abuse hurled at the police.⁵⁶

On the role of the Chicago police, there was no such unanimity. General Turner asserted that “the Chicago Police Department, under extremely trying circumstances, successfully accomplished their [*sic*] mission of maintaining law and order . . . with professional restraint and control.” Others energetically disagreed. As Roger Wilkins put it, the image of the Chicago police that comes out of most accounts was of a force gone “berserk.” In Chicago to advise on the employment of federal troops, Warren Christopher told an interviewer that the Chicago police had engaged in “the worst instance of police misconduct” that he had ever witnessed. He was so concerned over the violence at the time, he said, that he called the commander of Task Force Quiet Site to find out about the alert status of the troops. “My concern was as much that the police might become so out of control that some federal intervention might be necessary to curb their violence as it was that there might be a reaction on the part

⁵⁶ First quote from Task Force Quiet Site AAR, 21 Sep 68, p. 6. Memo, Turner, thru Dir, DCDPO, for CofSA, 16 Sep 68, sub: AAR of Personal Liaison Officer, Chief of Staff, Army, During the Democratic National Convention (hereafter cited as Turner Memo), with 3 Incls, of which see Incl 3, p. 1, for second quote. Illinois ARNG, Final (After-Action) Report, 3 Sep 68, with which Turner Memo is filed; John M. Yates, *The Role of State and Federal Troops During the Democratic National Convention, Chicago, August 1968* (U.S. Army Center of Military History), CMH files, by a major in the Army Reserve; *Rights in Conflict* (New American Library ed.), pp. 185–87, 253–54; Farber, *Chicago '68*, pp. 193, 194, 199; “These Troubled Times: The Guard in Chicago,” *National Guardsman* 22 (October 1968): 30–31.

of the demonstrators that would need the intervention of federal forces.” Christopher also thought that the provocations the police had experienced, while very unpleasant, were less severe, shorter in duration, and involved fewer demonstrators than those encountered by the troops who had guarded the Pentagon in 1967.⁵⁷

The weapons used by the radicals among the demonstrators consisted mainly of “rocks, bricks, and sticks,” while the police used tear gas, mace, and billy clubs. There are no accurate figures on casualties, but Daniel Walker’s report to the Eisenhower Commission put police injuries at 192 and demonstrators treated at the seven medical facilities of the Medical Committee for Human Rights at about 425. In addition, the Medical Committee for Human Rights also estimated that mobile medical teams treated over 200 persons and that over 400 received first aid for tear gas or mace. There were no deaths. The police arrested some 668 persons, including nine convention delegates and Tom Hayden and the other seven who were later tried under the new conspiracy-to-riot law. Although Attorney General Clark refused to prosecute them because he could not find grounds for a conspiracy charge, the Nixon administration hauled them into court in 1969 despite Clark’s findings and the fact that Gerald Ford and various other congressmen and senators had severely criticized Mayor Daley and his police on their handling of the protests.⁵⁸

Dissension in the Ranks

On 28 September 1968, with the Mobe more or less exhausted, several other antiwar and civil liberties groups sponsored another antiwar demonstration in Chicago so as not to lose the movement’s momentum. With 25,000 participants from various walks of life, including a few from the military services, it was the largest yet seen in the Windy City—far larger than the one at the Democratic convention. Peaceful and law abiding, it received relatively little notice in the press. October demonstrations called for by the Student Mobilization Committee were, in general, a disappointment to their supporters; more successful, were large antiwar demonstrations in England and Japan, including strikes in Japan in protest against use of Okinawa as an American military base. Far more noticeable and more successful, in the view of the antiwar movement, was the GIs and Vets March for Peace, a demonstration that took place in

⁵⁷ First quote from Turner Memo, p. 1. Second quote from Wilkins, *A Man’s Life*, p. 227. Third and fourth quotes from Interv, Thomas H. Baker with Warren Christopher, Oral History Interview III, 2 Dec 68, pp. 2–14, Johnson Library. Ashmore, *Hearts and Minds*, pp. 425–26, 427; Interv, Pierce with Jordan, 6 Jan 69, tape 2; *Rights in Conflict* (New American Library ed.), pp. xix, 109–254 (with many photographs); Farber, *Chicago ’68*, pp. 105–207; *The Strategy of Confrontation*, pp. 16–38; Hayden, *Reunion: A Memoir*, pp. 300–326. For some minor criticisms of *Rights in Conflict* (official ed.), see Memo, thru Col Wood, for Gen Mather, 4 Dec 68, sub: Army Exception to Contents of Report, *Rights in Conflict* file, 103–05, Civil Disturbance Operations, 1968, DOMS file, Background Papers, RG 319, NARA. On Mayor Daley and the violence during the convention, see Mike Royko, *Boss: Richard J. Daley of Chicago* (New York: New American Library, 1971), pp. 171–98, and *passim*.

⁵⁸ Quotes from *Rights in Conflict* (New American Library ed.), p. 317. This volume contains a supplement that sets forth statistics on casualties, weapons, and arrests at pp. 314–16, 317–21. Compare *The Strategy of Confrontation*, pp. 39–41; Farber, *Chicago ’68*, pp. 165, 204–05; Donald Myrus, ed., *Law and Disorder: The Chicago Convention and Its Aftermath* (Chicago: Donald Myrus and Burton Joseph, 1968), unpaginated, which is critical of the police and the official handling of the protest.



SEVEN OF THE EIGHT ACCUSED OF INCITING RIOTS AT THE DEMOCRATIC NATIONAL CONVENTION. *Seated, from left, front row, Lee Weiner, Rennie Davis, David Dellinger, Abbie Hoffman, Jerry Rubin, and John Froines; at back, Tom Hayden.*

San Francisco on Columbus Day, with 500 active duty servicemen and women, together with 15,000 civilians participating.⁵⁹

Understandably concerned about dissension or worse in the ranks, military authorities at that time renewed their push for information on subversive activities. At one point, Maj. Gen. William P. Yarborough, assistant chief of staff for intelligence, with the concurrence of the Army chief of staff, sought help from the FBI in penetrating racial and radical groups to ferret out military subversion. FBI Director J. Edgar Hoover, however, declined on grounds that the operation would be too hazardous. In February 1969 Yarborough's office explored what it called "Organized Threats to Morale and Discipline within the Army," and in April the Intelligence Command issued a collection plan that included requirements for reporting on various antiwar activities within the military.⁶⁰

Civilian antiwar groups with an interest in service personnel, military antiwar groups, GI antiwar newspapers, and off-post coffeehouses where meetings and discussions of the

⁵⁹ Halstead, *Out Now!* pp. 422–23, 432–33; Cortright, *Soldiers in Revolt*, pp. 53–61, 283–301; DeBenedetti and Chatfield, *An American Ordeal*, pp. 231–34, 306; Elihu Rose, "The Anatomy of Mutiny," *Armed Forces and Society* 8 (Summer 1982): 571–72.

⁶⁰ Quote from Memo, Maj Gen William P. Yarborough, ACSI, for CofSA, 6 Mar 68, sub: Army-FBI Operational Cooperation, with 3 Incls, CS 000.5, 68-18 thru 68-20, Background Papers, RG 319, NARA. Ltr, Kenneth G. Wickham, TAG, to [CGs, Major Stateside Commands], 11 Jul 69, sub: Countersubversion, in *Federal Data Banks, Computers and the Bill of Rights*, pt. 2, pp. 1199–1200.

war took place all became the objects of military intelligence gathering. The first antiwar coffeehouse opened near Fort Jackson, South Carolina, in 1967, with others soon following near other bases. The GI newspapers, “often short-lived and appearing in the form of barely readable mimeographed sheets,” were seen by some commentators as “the fundamental expression of political opposition within the armed forces.” Col. Robert Heintz, a Marine Corps officer, put the number of these papers at 144 in the spring of 1971. In testimony before the House Committee on Internal Security during March 1972, officials of the Department of Defense put the number at 245. Another investigator thought that the total was closer to 300.

Military authorities considered the newspapers and coffeehouses disruptive of discipline and morale, if not plainly subversive, and believed that they tended to undermine the war effort. Hence post commanders brought pressure on police, printers, landlords, and health officials in an effort to close down both the papers and the coffeehouses. Police harassed the coffeehouses; local authorities in some cases prevented new ones from opening; and commanders declared them off limits. The actual import of such transient establishments is difficult to assess, but two antiwar papers in the San Francisco Bay area, *The Ally* and *Task Force*, undoubtedly contributed to the planning for the October 1968 bay area demonstration.⁶¹ Approximately 100 soldiers at Fort Jackson staged an antiwar demonstration on 20 March 1969 that ended with several of them in the stockade. In September the Department of Defense issued a directive that sanctioned underground, soldier-edited newspapers but banned demonstrations on military bases when deemed by commanders to present a “‘clear danger’ to loyalty, discipline or morale.” Army intelligence agents, aided by informants, collected information on fifty-three GI antiwar newspapers and investigated seventeen coffeehouses in the years 1969 and 1970. The Army also maintained files on eleven civilian antiwar groups and investigated fourteen military groups.⁶²

The acronym RITA—drawn from “Resistance Inside the Army,” an antiwar association of servicemen in Europe advocating desertion—became an all-purpose code word used to designate not only Army surveillance activities and countermeasures but also the schemes of antiwar radicals. While the Army’s concern with RITA was understandable, the lack of any “express statutory authority” for investigating persons or groups regarded as threats left official inquiries in that area under a legal shadow. In addition, differing views existed as to what constituted threats against the military. Under Secretary of the Army McGiffert declared shortly before he left office that the Army needed to give “attention to potential subversion of military personnel” but cautioned that “clandestine and covert activities should

⁶¹ Halstead, *Out Now!* pp. 424–41. Quotes from Cortright, *Soldiers in Revolt*, p. 55, and see also pp. 53, 54, 56–61, 283–301 (a listing of GI newspapers), and passim (on desertion, draft evasion, etc.). DeBenedetti and Chatfield, *An American Ordeal*, pp. 231–34, 306, and passim; Rose, “The Anatomy of Mutiny,” pp. 571–72; Howard J. De Nike, “The New Problem Soldier-Dissenter in the Ranks,” *Indiana Law Journal* 49 (Summer 1974): 685–97; “Improper Surveillance of Private Citizens by the Military,” in U.S. Congress, Senate, *Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans*, bk. 3, pp. 816–18 (on requests by the Air Force and Navy—there were none by the Army—to penetrate nine civilian antiwar groups during 1971–1975, following issuance of a March 1971 DOD directive prohibiting unrestricted collection of information on private groups and individuals).

⁶² Halstead, *Out Now!* pp. 455–57. DCDPO Daily Intelligence Summaries 9083, 24 Mar 69, and 9086, 27 Mar 69, copies in Historian’s files, CMH. Quote from *Civil Disorder Digest* 1 (15 September 1969): 9, copy in Historian’s files, CMH. “Improper Surveillance of Private Citizens by the Military,” in U.S. Congress, Senate, *Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans*, bk. 3, pp. 815–16.

be carefully controlled and limited, especially wherein military personnel are involved. It is very important . . . for us to carefully delineate . . . Army responsibilities for such activities, including investigations and penetration involving the anti-war movement.” His successor, Thaddeus R. Beal, seconded McGiffert’s views adding that he thought the “staff should actively explore every possibility . . . for reducing our civil disturbance collection and production efforts.”⁶³

Throughout 1969, problems involving the Vietnam War and race continued to trouble the nation. The antiwar movement was very much alive in both the civilian and military spheres, and the covert and often illicit intervention of military intelligence operatives into the lives of citizens grew, driven both by recurring fears of new violence and by the demands of the nation’s political leaders for accurate information on potential troublemakers and their activities.

The Army Security Agency, despite the legalities, continued to be involved in the monitoring of domestic radio communications during the manslaughter trial of the radical Black Panther leader Huey P. Newton at an Alameda, California, court. Without approval of the chief of staff, Army leaders called on the agency to monitor local radio communications to determine if there were plans to demonstrate in Newton’s support should he be convicted, as turned out to be the case. But afterward, the Army inspector general could find no documentary evidence of any actual monitoring.

Then, in March 1969, during a civil disturbance training exercise called CAFE ZIPPER at Fort Hood, Texas, ASA personnel monitoring radio transmissions of the opposing forces to determine their vulnerability came in for a surprise. Intercepted transmissions revealed that unidentified persons were apparently monitoring the transmissions of the exercise. With Army approval the Army Security Agency continued to intercept and monitor the outside transmissions for over a month. In the end, however, the intelligence analysts concluded that they had been listening to an amateur net being used, however illegally, for purposes of a hobby and that it was no threat to the Army.

In the fall of 1969 the Directorate for Civil Disturbance Planning and Operations urged that such monitoring in civil disturbance cases be formalized by a regulation. The assistant chief of staff for intelligence asked for another legal opinion, this time from the Army judge advocate general, but the latter office ruled that activities of the sort were probably illegal. As a result, the assistant chief of staff refused to concur in the DCDPO proposal but recommended that the Army general counsel seek legislative authority for future ASA radio monitoring. That recommendation, however, was hardly positive. The assistant chief of staff observed that security agency monitoring had been of only “marginal value,” “could prove harmful to the . . . Army if compromised,” and scarcely appeared “justified considering the risks involved.” Despite these reservations, the assistant chief of staff permitted the existing Army authority for ASA monitoring to

⁶³ First quote from “Improper Surveillance of Private Citizens by the Military,” in U.S. Congress, Senate, *Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans*, bk. 3, p. 814, and see also pp. 827–28. Pyle, “Military Surveillance of Civilian Politics,” pp. 222–41. Second quote from Memo, McGiffert for VCofSA, 5 Feb 69, sub: Army Intelligence Mission and Requirements Related to Civil Disturbances, in *Federal Data Banks, Computers and the Bill of Rights*, pt. 2, p. 1141, and see also pp. 1139, 1140. Third quote from Memo, Thaddeus R. Beal, Under Secy of the Army, for VCofSA, 24 Apr 69, sub: same as McGiffert’s memo, in *ibid.*, p. 1141, and see also p. 1142.

remain in effect. Only on 10 December 1970, following an NBC News report nine days earlier revealing that ASA units had monitored civilian transmissions at the Democratic convention in Chicago, did the Army finally rescind its authorization.⁶⁴

Concurrent with the ongoing antiwar movement, a number of serious racial disorders disturbed military and naval bases during 1969, the worst at Camp Lejeune, North Carolina, in July. A large number of racial and other disorders also occurred in the nation's high schools and colleges during the year. A survey during the first five months of 1969 recorded 200 such disturbances, which accounted for approximately a third of all National Guard actions in civil disturbances. Fears of racial disorder on 4 April, the first anniversary of the death of Martin Luther King, Jr., caused the Guard to be alerted or otherwise prepared for possible use in Baltimore, Memphis, Kansas City (Missouri), Atlanta, Washington, and along the route of a memorial march from Selma to Montgomery, Alabama.⁶⁵

Yet none of the racial disturbances of 1969 matched the great ones of the two preceding years. The antiwar movement also provoked no major intervention by federal troops. Unfortunately, new crises lay ahead, not the least of which was the trouble the Army would experience because of its domestic intelligence activities.

⁶⁴ "Improper Surveillance of Private Citizens by the Military," in U.S. Congress, Senate, *Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans*, bk. 3, pp. 812–14.

⁶⁵ *Civil Disorder Digest* 1 (15 September 1969): 1. A survey of the uses or possible uses of troops in civil disturbances in 1969 based upon National Guard AARs and other relevant reports, prepared for the U.S. Army Center of Military History by Capt. James H. Broussard, a Reserve officer, in Historian's files, CMH.

CHAPTER 13

Antiwar Demonstrations and Surveillance

While officials . . . suggested that these crises justified the surveillance, they failed to recognize that the rights guaranteed by the Constitution are constant and unbending to the temper of the times.

—U.S. Senate Constitutional Rights Subcommittee.

The transition from the Johnson to the Nixon administration on 20 January 1969 did nothing to quiet the chronic disorders brought on by the Vietnam War. The antiwar movement intended to protest Richard M. Nixon's inauguration, and the National Mobilization Committee to End the War in Vietnam made plans for a major demonstration in Washington known as the counterinaugural. Preparations went forward rapidly, marked by the usual conflict between moderates who hoped for a peaceful demonstration and militants who sought confrontation. The policy agreed on under David Dellinger's leadership called for nonviolent means to make a political point, but not all agreed.

The Inauguration

The Johnson administration took a conciliatory stance during negotiations with the Mobe, granting a permit even though it knew that some unpleasantness might occur. Harry R. Van Cleve, general counsel for the General Services Administration, who had negotiated the permit for the march on the Pentagon in 1967, spoke for the interested agencies. However, powerful forces opposed to any permit, including congressmen and representatives of the incoming administration, subjected negotiators on both sides to strong pressures. Richard G. Kleindienst, who was to succeed Warren Christopher as the deputy attorney general, opposed the whole idea of permits in such cases. Believing that the protests were not legitimate, he wanted troops in riot gear assigned to guard the president's parade route. Officials of the Johnson administration, however, proceeded with their plans and issued a permit.¹

¹ Halstead, *Out Now!* pp. 441–43; *Rights in Concord: The Response to the Counter-Inaugural Protest Activities in Washington, D.C., January 18–20, 1969*, A Special Staff Study Submitted by the Task Force on Law and Law Enforcement to the National Commission on the Causes and Prevention of Violence (Washington, D.C.: Government Printing Office, 1969), pp. 82–88, A-1 to A-5; Christopher H. Pyle, "Military Surveillance of Civilian Politics, 1967–1970" (Ph.D. diss., Columbia University, 1974. Ann Arbor, Mich.: University Microfilms, 1980), pp. 194–96.



RICHARD G. KLEINDIENST

The outgoing administration was not blind to the possible disruption of the inaugural ceremonies and parade. Officials turned to the Military District of Washington's Task Force Inside and alerted the paratroopers of the 82d Airborne Division at Fort Bragg, North Carolina, in case additional military forces were needed. In all, over 9,000 federal troops would be available, in addition to more than 1,500 District of Columbia National Guard. As usual, the guardsmen would act in two capacities: as special police to support the Metropolitan Police Department and as part of Task Force Washington if they were federalized to meet a major disturbance.

Maj. Gen. Charles S. O'Malley, Jr., who still commanded Task Force Inside, received his instructions on 17 January. He was to be responsible directly to the chief of staff, with the primary mission of supporting the inaugural ceremonies and parade, and was to post unarmed honor cordons at the East

Capitol Plaza and along the parade route. The military had wanted the cordons armed, but Under Secretary McGiffert overrode the recommendations. Because of the Posse Comitatus Act (which was not mentioned in the instructions), O'Malley was to assist the police and other public security forces in law enforcement only to protect federal property or functions or unless he was requested to lend assistance to the Secret Service. In the Army's view, the recently established responsibility for aiding the Secret Service, embodied in Public Law 90–331, strengthened its legal authority to use troops without a presidential proclamation.

The instructions further authorized O'Malley to use deadly force only in self-defense. If troops assigned to the cordons were armed, they were to load and fire their weapons only if authorized to do so by an officer or to save their lives. They were to be as courteous as possible toward civilians and to employ the least force possible in carrying out their missions. The instructions additionally authorized Lt. Gen. Arthur S. Collins, Jr., to activate Task Force Washington on a standby basis if prudent. Should he do so, the guidance O'Malley had received was also to apply to him.²

As might be expected, the Army planned intelligence coverage for inaugural and counterinaugural activities. By then the domestic program of military intelligence had been developing for many months. The Army possessed data banks packed with information

² Pyle, "Military Surveillance of Civilian Politics," pp. 196–97; Msg, DA to CG, MDW, and Others, DA 893986, 17 Jan 68, sub: Letter of Instruction, Records of the Army Staff, RG 319, NARA; HQ, DCNG, 28 Feb 69, sub: After Action Report (18–21 Jan 69—Inaugural Activities), Historian's files, CMH (hereafter cited as DCNG AAR [18–21 Jan 69]); "The Guard Guards the President," *National Guardsman* 23 (March 1969): 10–11.

and had distributed volumes of its blacklist; military intelligence groups had well-established files; and the Federal Bureau of Investigation was sharing its domestic reports with the Army to such an extent that its average day's delivery to the Counterintelligence Analysis Branch "stood more than a foot and a half high." The Army Intelligence Command's production of spot reports numbered more than 1,200 a month, a third of them based on the observations of its agents.

In January 1969 the counterinaugural became the focus of these activities. Members of the 116th Military Intelligence Group assisted FBI agents in securing records belonging to the radical *Washington Free Press* and infiltrated the Mobe. Intelligence agents again traveled with demonstrators en route to Washington, where other members of the group were ordered to report the license numbers of all cars belonging to the demonstrators. Since this task proved to be impossible, they simply recorded the license numbers of all cars carrying persons of college age and displaying peace stickers; the resulting information then went to various military intelligence groups, which searched out the names of owners from vehicle registries. Altogether, Army agents identified about 400 car owners, whose names wound up in the files of the FBI. When the Intelligence Command reported attempts by the Mobe to recruit Army personnel for the demonstration from various posts, with transportation to be provided, few intelligence authorities expected the Mobe's efforts to "meet with any substantial success, as similar programs for past demonstrations have received only token support from active duty personnel."³

Demonstrators who were to march in the counterinaugural parade began arriving in Washington on Saturday and gathered on Sunday morning, 19 January, at their big tent near the Washington Monument grounds. FBI agents conspicuously attempted to take photographs of individuals and when challenged, simply moved across the street and used telephoto lenses. By contrast, agents working for the Army mingled with the crowd and sought to remain inconspicuous, posing as college students or disaffected servicemen. Others, dressing as marchers, were from the office of Robert E. Jordan III, the Army's general counsel, as requested by McGiffert. Reporting to him by radio, they often provided more timely information than was available to the Directorate for Civil Disturbance Planning and Operations and others from their regular processed intelligence reports.

The protest itself seemed confused and anticlimactic. Radicals interrupted speakers at the opening tent rally, walked out, and began an unscheduled parade that preceded the scheduled one. The last speaker at the rally was Derrick Alexander, a Vietnam veteran who had been seriously wounded only two months before but had left Walter Reed Army Hospital to participate. He led the scheduled march, reportedly with other service personnel, under a cold rain. The parade followed a prescribed three-mile route up 15th Street, N.W., to Pennsylvania Avenue, to 3d Street, and then south to Maryland Avenue, and to the Health, Education, and Welfare Department Building at Maryland and Independence Avenues, where it terminated after only minor incidents.

³ MFR, Milton B. Hyman, OGC, DA, 23 Jan 71, sub: Army Civil Disturbance Intelligence Activities (hereafter cited as MFR, Hyman, 23 Jan 71), in U.S. Congress, Senate, *Military Intelligence*, Hearings Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary on S. 2318, 93d Cong., 2d sess., 9, 10 April 1974, pp. 314–15. First quote from Pyle, "Military Surveillance of Civilian Politics," p. 194, and see also pp. 197–203. DCDPO Daily Intelligence Summary 9008, 14 Jan 69. Second quote from Black Book, 14 Jan 69. Black Books for 16 and 18 Jan 69. Last three in Historian's files, CMH.

Army intelligence agents atop the Bureau of Engraving and Printing videotaped the activity. Following the parade, a number of protesters—Army intelligence reported about 2,000—created a disturbance at the Smithsonian Institution, where a reception in honor of Vice President-elect Spiro T. Agnew was taking place. That evening, Army agents and other plainclothesmen mingled with the throng at the counterinaugural ball, whose rock music attracted casual visitors as well as demonstrators. As is often the case with such events, attendance estimates for the counterinaugural differed. The Eisenhower Commission task force put participation in the parade at 6,000 to 10,000, while Army intelligence operatives put it, variously, at 1,500 to 1,700 or 1,500 to 6,000. A participant, Fred Halstead, put the figure at “13,000, more or less the number projected.” Estimates for attendance at the ball given by the same sources ranged, respectively, from “thousands,” to 2,500, to “some 10,000.” A number of participants appear to have left the city after Sunday’s events.⁴

For inauguration day, 20 January, the Army assigned a hundred military or uniformed intelligence agents to security and surveillance duties and placed an additional fifty from outlying military intelligence groups in reserve at the headquarters of the 116th Military Intelligence Group in Temporary Building C adjacent to Fort McNair. Agents spread along Pennsylvania Avenue in sixty or more unmarked radio cars, maintaining surveillance at every intersection from the Capitol to the White House. Ten agents armed with .38-caliber revolvers assisted the Secret Service in its protective work. Others photographed demonstrators using still cameras. Five crews, some of whom carried bogus press credentials, videotaped the scene. One crew, responsible for interviewing the demonstrators to learn their plans, was from the Army’s Midwest Video Associates, which had flown in from Chicago where it had gained experience at the Democratic national convention.

Agents also attended a rally in Franklin Park at 14th and I Streets, N.W., where some of the more radical demonstrators had gathered for a rally and a march to the inaugural parade route. The group had received oral permission for the march, on the promise that they would not be disorderly, but reports indicated that some of its members might make trouble. When 200 to 300 demonstrators set out on the march about 1230 with perhaps hundreds more joining it as it moved along, the police were especially alert. An Army agent marching down 14th Street telephoned his unit with information about the crowd, its plans, “and where I thought troops should be moved to have maximum effect.” When those reports reached the Department of Justice, Richard Kleindienst, who had assumed his civil disturbance responsibilities when the new president took the oath, called for troops.⁵

The call went out via the Metropolitan Police Department at 1300. Half an hour later, already sworn in as special police of the Metropolitan Police, two reaction units of National Guard—about 200 troops bearing rifles and in riot gear—deployed from the armory to an assembly point at the District Building. From there they double-timed to trouble spots at the intersections of 12th, 13th, and 14th Streets and Pennsylvania Avenue, where the Franklin Square marchers had already arrived and spread out. The police were

⁴ Second quote from *Rights in Concord*, p. 103, and see also pp. xiv–xv (maps), 84–85, 94–98. Pyle, “Military Surveillance of Civilian Politics,” pp. 202–03; ACSI Special Sitrep, Washington, D.C., 19 Jan 69, and Black Book item, 21 Jan 69, both in Historian’s files, CMH; MFR, Hyman, 23 Jan 71, p. 315; Ltr, Jordan to author, 15 Dec 82, Historian’s files, CMH. First and third quotes from Halstead, *Out Now!* p. 443.

⁵ Quote from Pyle, “Military Surveillance of Civilian Politics,” p. 204, and see also pp. 203, 205. Black Book item, 21 Jan 69.



TROOPS AT PRESIDENT NIXON'S FIRST INAUGURAL PARADE

apprehensive about the approach to 15th Street, fearing that the president's car would be forced to slow down as the parade turned on to 15th. The guardsmen took up their positions, standing shoulder-to-shoulder on the north side of Pennsylvania Avenue between a line of police carrying riot batons and the unarmed troops of the honor cordon. The crowd was behind a steel restraining cable.

Behind that phalanx the more militant demonstrators did what they could—climbing trees to display North Vietnamese flags, shouting obscenities at the police, burning miniature American flags, and throwing a variety of objects. As the president's car approached, the Marine band was the target of several firecrackers; a missile of some kind knocked down a guardsman; and a roman candle or smoke bomb ignited just before the president's car passed. Then a smoking can rolled under the president's car, another landed in front of it, while a rock hit the side of the car, and another struck a Secret Service agent. During the procession, demonstrators screamed and strained against the cable, but none attempted to breach the police and military wall. The president's car moved to the side of the street opposite the trouble and drove on.

After the president's car passed, many demonstrators began to move toward Lafayette Park. Police and some guardsmen were dispatched there, but nothing of consequence happened. Elsewhere some demonstrators, turning to vandalism, overturned garbage cans



PRESIDENT AND MRS. NIXON BEING HECKLED BY MILITANTS DURING THE INAUGURAL PARADE

and broke windows in the downtown area, away from the parade route, and some of the militant demonstrators moved up 16th Street to congregate at Dupont Circle. That pretty much completed the counterinaugural demonstration. Army agents, however, monitored the demonstrators as they left Washington.⁶

In all, the police made 119 arrests, a number of which were for pedestrian violations. By and large, the trouble that occurred was minor, little noticed by most of the 250,000 persons who watched the parade. The police used no tear gas or other chemical agents, and few injuries were recorded. Opinions of the counterinaugural varied, although both moderates and radicals criticized the Mobe, which would be replaced that summer by the New Mobilization Committee to End the War in Vietnam. Historians would later conclude that, in all, the counterinaugural had turned out to be “at best an exercise in ineptitude.”

The view from within the new administration was also varied. Kleindienst admitted that “things went pretty well,” but President Nixon was bitter about the insults he sustained, and Attorney General John N. Mitchell strongly implied that in the future he would use the nation’s domestic intelligence apparatus to prevent a repetition of what had happened during the inauguration.⁷

⁶ DCNG AAR (18–21 Jan 69); “The Guard Guards the President,” p. 11; *Rights in Concord*, pp. 82, 106–13; Pyle, “Military Surveillance of Civilian Politics,” p. 205; Black Book item, 21 Jan 69.

⁷ *Rights in Concord*, pp. 115–20; Halstead, *Out Now!* pp. 444–45. First quote from DeBenedetti and Chatfield, *An American Ordeal*, p. 244. Second quote from Pyle, “Military Surveillance of Civilian Politics,” p. 208, and see also pp. 206–07.

Domestic Intelligence

The Army's perceived need for systematic intelligence collection in the civil disturbance arena had grown directly out of the previous year's riots. On 2 May 1968, as a part of its new planning, the Department of the Army issued through General Yarborough's office a civil disturbance information collection plan that expanded the intelligence annex to the February 1968 edition of GARDEN PLOT. The arrangement resulted from the increased demand for information on the part of both civil and military authorities and the inability of other agencies to provide it. Among these federal agencies was, of course, the FBI, which was supposed to have the major role in domestic intelligence gathering under the long-standing Delimitations Agreement with the military services.

The Army's new plan emphasized liaison with federal, state, and local agencies that acquired useful information in the normal course of business. It also provided that direct collection of domestic intelligence by Army agents would require "special direction" from Department of the Army headquarters. Upon the commitment of troops or the arrival of the personal liaison officer of the Army chief of staff, the plan provided that Army intelligence would intensify liaison, observation, "and other activities which have a bearing on the situation." Even then Intelligence Command agents were to refrain from carrying out covert operations "without prior approval and direction of this [Department of the Army] Headquarters." The Army sought only to collect information necessary "to exercise honest and sound judgment of the measures to be taken in suppressing rampant violence" while avoiding any infringement upon the functions of civil agencies and protecting "the fundamental rights of private citizens."⁸

In several pages of fine print, however, the plan listed a multitude of items on which military intelligence should report. As time passed both McGiffert and General Johnson repeatedly telephoned requests for intelligence information. Officials of the Intelligence Command or of the assistant chief of staff for intelligence's office assumed—apparently without discussion—that the calls constituted permission to use covert means of collection. Whatever the precise rationale, the practices of military intelligence made the declaration of principles contained in the plan completely ineffective by monitoring "virtually every aspect of civilian protest politics." At the same time, the intelligence authorities left the impression with officials in the Army secretariat that they were collecting intelligence through liaison with the FBI and other agencies, especially the police.⁹

⁸ Quotes from Testimony of Asst Secy of Defense (Admin) Robert F. Froehlke, in U.S. Congress, Senate, *Federal Data Banks, Computers and the Bill of Rights*, Hearings Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, 92d Cong., 1st sess., 23, 24, and 25 February and 2, 3, 4, 9, 10, 11, 15, and 17 March 1971, pt. 2, pp. 1123–24, and see also pt. 1, pp. 382–84. MFR, Hyman, 23 Jan 71, p. 306. Although the plan was supposed to have a wide distribution, including two copies for the secretary of the Army, Robert E. Jordan, Army general counsel, could not recall it ever having been coordinated with his office or his having even seen the completed plan "until late 1968." "By that time," Jordan said, "we were trying to develop a policy which would have required a wholesale revision of the plan." See Memo, Robert E. Jordan, General Counsel (GC), DA, for Secy of the Army and Under Secy of the Army, n.d., sub: Review of Civil Disturbance Intelligence History (hereafter cited as Jordan History Memo), in U.S. Congress, Senate, *Military Surveillance*, p. 291. The Jordan History Memo is partly based on MFR, Hyman, 23 Jan 71.

⁹ Jordan History Memo, pp. 290–91. Quote from U.S. Congress, Senate, *Military Surveillance of Civilian Politics*, A Report of the Subcommittee on Constitutional Rights, Committee on the Judiciary, 93d Cong., 1st sess., 1973, p. 36.

Information about military intelligence activities began to spread to defense officials, but without, at first, causing any reaction. On 4 December 1969, McGiffert learned through a briefing that the Army was maintaining and adding to an information data bank at Fort Holabird, Maryland, where the Intelligence Command had its headquarters, as well as to one in Washington, D.C., maintained by ACSI's Counterintelligence Analysis Branch. The Holabird bank was said to contain, along with maps, directories, and other information, "listings of potential troublemakers and dissident groups" which identified over 700 organizations and "almost a hundred categories of incidents." This information brought no adverse reaction from McGiffert, who had no idea how much of the banked information the Army had collected independently and covertly. Secretary of Defense Melvin R. Laird learned about the Army's data banks in early 1969. He thought it improper for the Army to keep information on civilians but likewise did nothing to curtail the practice.¹⁰

Doubts about such domestic intelligence gathering by the military had, however, begun to appear in several quarters within the Defense Department. On 28 September 1968, Deputy Secretary of Defense Paul H. Nitze had turned down an Army request for 167 additional counterintelligence and investigative officers after a review group in the Office of the Secretary of Defense voiced "reservations regarding the extent of Army involvement in domestic intelligence activities and the lack of justification for such a manpower increase." Nitze, however, authorized an additional 100 spaces from existing resources, calling attention to the increasing demand for intelligence, which he ascribed primarily to the failure of other agencies—particularly the Department of Justice—to do their fair share. He "encouraged the Army to continue to push Justice to greater involvement."¹¹

By 3 February 1969, there was reason to believe that the assistant chief of staff for intelligence's office was interested in reducing its role in the gathering of intelligence on civil disturbances. The reasons were complex, involving a dispute with the Directorate for Civil Disturbance Planning and Operations—which was urging increased involvement on the part of both the assistant chief of staff and the Intelligence Command—as well as questions about the allocation of resources to the task when the agency was already preoccupied with the fulfillment of many competing functions. Army leaders had been dissatisfied with their relationship with the Department of Justice, especially former Attorney General Ramsey Clark, who was philosophically opposed to an expansion of the Army's role in civil disturbances. When General Yarborough had sought access to threat estimates generated by Clark's new Interdivisional Information Unit, Clark's deputy, Warren Christopher, had replied politely but unhelpfully that the FBI would continue to distribute domestic intelligence information to other agencies but that the analyses of the unit were intended only for internal Justice Department consumption. Attorney General Mitchell and his deputy Richard Kleindienst, although differing with Clark on many points, also disagreed with the Army in intelligence matters.¹²

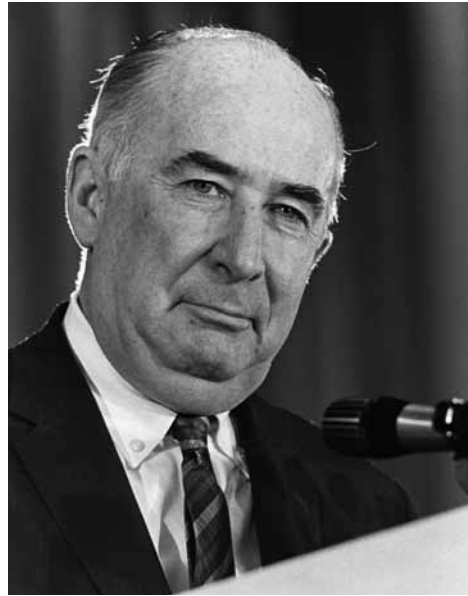
McGiffert had long seen a need for more interdepartmental coordination and in 1968 had proposed to Deputy Attorney General Christopher the establishment of a "domestic civil disturbance intelligence board." About to leave office in early 1969, McGiffert expressed concern in a memorandum to the vice chief of staff that the Army might gradually develop intelligence

¹⁰ Pyle, "Military Surveillance of Civilian Politics," pp. 298–99.

¹¹ Jordan History Memo, p. 293.

¹² MFR, Hyman, 23 Jan 71, p. 316; Clark, *Crime in America*, pp. 275–85; Pyle, "Military Surveillance of Civilian Politics," pp. 287–89.

activities beyond its strict needs for dealing with civil disturbances. As it was, he believed that much of the information it had already gathered on “personalities, organizations and movements” was of marginal value to commanders. Information of this kind, he said, should be obtained through liaison with law enforcement agencies and the National Guard, and its distribution should be limited to task force and other personnel with a need to know. He wanted to prohibit clandestine collection, except in cases approved by the FBI and the under secretary of the Army, as authorized, he said, in the Delimitations Agreement set forth in AR 381–115. The under secretary was also to receive quarterly reports. He favored creation of a federal data bank by the Army in coordination with the Department of Justice that could become “the primary source for development of combat intelligence and order of battle information for Task Force Commanders.”¹³



JOHN MITCHELL

General Mather of the Directorate for Civil Disturbance Planning and Operations objected strongly to McGiffert’s recommendation, declaring that “the thrust of the memorandum appears to be toward reduction of the Army’s intelligence effort in the collection and reporting of civil disturbance information.” His central argument was that the civil disturbance directorate had trouble acquiring reliable information, not only from state and local sources, but also from the Justice Department and the FBI. In his view, the Army should continue its present system, with the directorate channeling its intelligence requirements to the assistant chief of staff for intelligence for collection by the Intelligence Command, until such time as the Office of the General Counsel determined that the Justice Department was willing and able to provide the Army with needed information on a regular basis. The vice chief of staff, for his part, responded to McGiffert’s memorandum by arguing that it “would be not only premature, but unwise” to implement the memo’s recommendations at that time. Prudence dictated, he said, that official agencies should wait to see what the spring and summer of 1969 might bring in the way of possible disturbances before making changes in systems already in place and operating.¹⁴

¹³ First quote from Ltr, David E. McGiffert, Under Secy of the Army, to Warren Christopher, Dep Atty Gen, 12 Apr 68, as cited in Pyle, “Military Surveillance of Civilian Politics,” p. 285. Second and third quotes from Memo, McGiffert for VCofSA, 5 Feb 69, sub: Army Intelligence Mission and Requirements Related to Civil Disturbances, in *Federal Data Banks, Computers and the Bill of Rights*, pt. 2, p. 1140, and see also pp. 1139, 1141.

¹⁴ Memo, Robert E. Jordan III, GC, for DCDPO, 20 Feb 69, sub: Army Intelligence Mission Requirements Related to Civil Disturbances, in *Federal Data Banks, Computers and the Bill of Rights*, pt. 2, p. 1288. First quote from Discussion, sub: Army Intelligence Mission and Requirements Related to Civil Disturbances, n.d., in *Ibid.*, pt. 2, p. 1289, apparently a response to Jordan’s request for information from the DCDPO, 20 Feb 69. Second quote from MFR, Hyman, 23 Jan 71, p. 317, and see also p. 318.

Maj. Gen. Joseph A. McChristian, who had succeeded General Yarborough as the assistant chief of staff for intelligence, differed with both General Mather and the vice chief. He favored shifting the collection burden to the FBI while retaining the analysis function. From his point of view, the surveillance of civilians had little value and impeded the timely completion of security clearances, which was one of the major domestic responsibilities of his office. Other individuals within the Intelligence Command nonetheless viewed the nation as under attack from within and saw any reduction of the intelligence effort as blindfolding the Army and “an act of treachery.” Overall, the staff resisted the McGiffert memorandum, not only because of uncertainty as to what the future might bring, but also because it believed its interests would fare better under Nixon’s “get tough Administration” and under a new under secretary of the Army who might differ philosophically from McGiffert. Deeply divided, the Army’s leaders failed to act on the opportunity McGiffert’s memorandum offered to put an end to the service’s more dubious intelligence-gathering activities.¹⁵

Jordan, in accordance with McGiffert’s wishes and with the approval of McGiffert’s successor, Thaddeus R. Beal, discussed with the Justice Department the possibility that the FBI might shoulder the primary responsibility for domestic intelligence collection as specified in the Delimitations Agreement. He quickly learned, however, that it was “impossible to interest Kleindienst,” the deputy attorney general with whom he had to deal, “in any ordered discussion of . . . military intelligence activities.” Kleindienst did, however, agree that the president should issue a formal order designating the attorney general as the overall coordinator for federal action in meeting civil disturbances, a role, though established in practice for several years, had never been formalized in any written document. Kleindienst viewed the matter as urgent and wanted the document issued quickly in case trouble developed on the first anniversary of Martin Luther King’s assassination.¹⁶

Viewing this development as an opportunity to shift responsibility for intelligence collection to the FBI, Jordan and his assistant, Milton B. Hyman, attempted to have their views incorporated into the new document. They sent a draft of what would become the Interdepartmental Action Plan for Civil Disturbances to the Justice Department toward the end of March 1969. It declared that the FBI should have “primary responsibility for collecting, and furnishing on a timely basis . . . raw intelligence. Although the Army Intelligence Command could perform this function, the salutary tradition of avoiding military collection activities in predominantly civilian matters reinforces our view that the Army would be available to assist . . . Justice in the *evaluation* [emphasis in original] of intelligence.”¹⁷

In the Justice Department’s response, Assistant Attorney General William H. Rehnquist recommended similar language but stated that while the Army Intelligence Command might assist the FBI in collecting raw intelligence at the request of the attorney general, it “should not ordinarily be used to collect intelligence of this sort.”

¹⁵ First quote from Pyle, “Military Surveillance of Civilian Politics,” p. 215. Second quote from MFR, Hyman, 23 Jan 71, p. 317.

¹⁶ Jordan History Memo, p. 296.

¹⁷ Quote from Ibid. MFR, Hyman, 23 Jan 71, p. 319; MFR, Jordan, 22 Mar 71, sub: The Background of the Interdepartmental Action Plan for Civil Disturbances of 1 April 1969, in U.S. Congress, Senate, *Military Surveillance*, p. 325.

In an effort to tighten the language, Jordan's office proposed that the "should" be changed to "will." For reasons that are unclear, however, the FBI objected to accepting primary responsibility. Hence the Justice Department insisted upon vague and ambiguous language to the effect that

under the supervision of the Attorney General, raw intelligence data pertaining to civil disturbances will be acquired from such sources of the Government as may be available. Such data will be transmitted to the Intelligence Unit of the Department of Justice, and it will be evaluated on a continuing basis by representatives from various departments of the Government. After evaluations have been made, the data will be disseminated to the Attorney General, the Secretary of Defense, and the White House.¹⁸

While presidential approval was pending, Under Secretary Beal adopted a cautious line toward McGiffert's memorandum. Approving the general approach but seeking to study the matter further, he suspended the "mandatory impact" of the memorandum while keeping, with some modification, McGiffert's limitations on the distribution of intelligence information and his requirements for quarterly reporting and advance approval of covert operations. Beal needed the staff to explore "every possibility" for reducing the Army's collection of intelligence and wanted the general counsel to continue his efforts to persuade the Justice Department to take more responsibility. After President Nixon approved the Interdepartmental Action Plan for Civil Disturbances on 19 May 1969, Jordan's office continued to discuss the intelligence problem with the Department of Justice but without positive results. Other problems seemed more pressing at the time, and Jordan later admitted that his office "probably did not push the matter as hard" as it might have.¹⁹

As desired by the Department of Justice, the new action plan designated the attorney general as the chief civilian officer in charge of coordinating all federal activities relating to civil disturbances. The measure marked the first time that the attorney general had been so designated in a formal written document. The decision seemed reasonable since he was the chief law enforcement officer of the government and legal adviser to the president, who would have to make the decision whether to commit military forces. On the other hand, the secretary of defense was responsible for all "essentially military preparations and operations," subject to whatever law enforcement policies the attorney general might establish. The defense secretary would carry out his responsibility principally through the Department of the Army as executive agent. The Directorate for Civil Disturbance Planning and Operations served the secretary of the Army and the chief of staff as the principal staff agency in these matters. In the event of trouble, the personal representatives of the attorney general and the secretary of defense might visit a disturbance area to gauge

¹⁸ First quote from Jordan History Memo, p. 296, and see also p. 297. Second quote from Memo, John N. Mitchell, Atty Gen, for the President, n.d., sub: Interdepartmental Action Plan for Civil Disturbances [Incl with Memo, Richard G. Kleindienst, Dep Atty Gen, for Robert Jordan, GC, DA, 1 Apr 69 (for the White House following signature by Secy of Defense)], in U.S. Congress, Senate, *Military Surveillance*, p. 348. See also Pyle, "Military Surveillance of Civilian Politics," pp. 214, 302-03; MFR, Hyman, 23 Jan 71, p. 314.

¹⁹ First and second quotes from Memo, Thaddeus R. Beal, Under Secy of the Army, for VCofSA, 24 Apr 69, sub: Army Intelligence Mission and Requirements Related to Civil Disturbances, in *Federal Data Banks, Computers and the Bill of Rights*, pt. 2, p. 1141. MFR, Hyman, 23 Jan 71, p. 20; James R. Gardner, "The Civil Disturbance Mission of the Department of the Army, 1963-1973: An Analysis of Perceptions, Policies and Programs" (Ph.D. diss., Princeton University, 1977. Ann Arbor, Mich.: University Microfilms, 1980), pp. 168-69. Third quote from Jordan History Memo, p. 297.

the situation prior to any decision to commit federal troops. Upon a commitment of forces, the attorney general would have a personal representative on hand for consultation with the task force commander.²⁰

The action plan specifically mentioned precautionary measures that could come prior to the commitment of troops such as the alerting and pre-positioning of military forces even before a governor's request for assistance arrived. "Prepositioning must . . . be undertaken with discretion," the plan asserted. The attorney general was to recommend it to the president only if a "substantial likelihood" existed that troops would be needed, and the pre-positioning of more than a battalion-size unit, approximately 500 men, by the secretary of defense would require the informal approval of the president. A governor who contemplated a formal request for federal military assistance was to confer with the attorney general, enabling him to "review the legal sufficiency of the impending request" and confer with defense officials before advising the president. The request would be made directly to the president. Should the president decide to use troops, the attorney general was to provide him with the requisite proclamation and executive order. Proposed forms based on those previously used were attached to the plan. One set was designed for use in response to a state's request for help, another for use in case of a disturbance in the Washington metropolitan area.

In general, official relationships would be the same whether a disturbance occurred in Washington, D.C., or within a state. The president would ordinarily look to the mayor of the District of Columbia to make a formal request for assistance. As commander in chief of D.C.'s National Guard, the president could use the Guard in its militia status to suppress a disturbance without having to issue a proclamation or an executive order. The secretary of defense could also call out the District Guard in its militia status, but only after the president had given his informal consent. Special provision also had to be made for protecting government property, for which active forces could also be used to a limited extent, as they had at the Pentagon in 1967. Overall, despite its name, the document devised by the Nixon administration was more a statement of policy than a plan of action.

The action plan did nothing to lift the burden of intelligence collection from the Army and left the service to determine its own approach to the subject. Lacking the focus the plan could have provided, the Army, for its part, divided its efforts across a range of possibilities. Although an ACSI counterintelligence estimate of 1 April 1969 concluded that racial troubles were more likely to cause disturbances than "leftists" and the antiwar movement, the word did not reach the Directorate for Civil Disturbance Planning and Operations or the field, and apparently the civil disturbance directorate did not begin until early fall to center its planning on metropolitan areas vulnerable to racial unrest. Neither did the estimate bring an end to routine surveillance of antiwar demonstrations.²¹

Meanwhile, on 23 April 1969, the Intelligence Command issued a new information collection plan. In the later view of congressional critics, it reflected a conspiratorial

²⁰ The summary of the Interdepartmental Action Plan is from the text accompanying Memo, Mitchell for the President, n.d., sub: Interdepartmental Action Plan for Civil Disturbances, in U.S. Congress, Senate, *Military Surveillance*, pp. 346–53, with the quote on p. 347.

²¹ First, second, and third quotes from Memo, Mitchell for the President, n.d., sub: Interdepartmental Action Plan for Civil Disturbances, p. 348, and see also pp. 346–47, 349–53. Fourth quote from MFR, Hyman, 23 Jan 71, p. 319, and see also p. 323. For characterization of the plan as essentially a policy statement, see DA Study Group Final Rpt, CSM 70–347, Department of the Army Civil Disturbance Study, 1 Apr 71, p. II-1-3, copy at U.S. Army Military History Institute, Carlisle Barracks, Pa.

perception of the world and “went far beyond even the expansive conception of the civil disturbance mission” reflected in GARDEN PLOT’s Annex B. While repeating verbatim much of the Department of the Army’s plan of 2 May 1968 and accusing the NAACP and the Congress of Racial Equality of aggravating racial tensions, the new collection plan contained material that was unique to itself. It stressed “Anti-War/Anti-Draft Activities, Militant Organizations, Extremists in the Armed Forces, Demonstrations, Rallies, Parades, Marches, Conventions, Conferences, Picketing Activities, Strikes, and Labor Disturbances” as objectives and laid down collection requirements in “excessively broad and vague” language. Agents were to report the activities of soldiers “within organizations where actual or potential aims and purposes may be inimical” to the nation’s interest. The plan included a “partial list of organizations . . . of intelligence interest” that included the American Friends Service Committee, the NAACP, the National Mobilization Committee to End the War in Vietnam, and Women Strike for Peace. The plan also called for reporting on the transportation and housing arrangements of demonstrators and for “extensive photo coverage” of their activities. Its emphasis throughout was on identifying allegedly subversive individuals and organizations rather than on collecting information that might have been useful to troops clearing streets and suppressing disorders.²² Later, after the assistant chief of staff for intelligence drew attention to the secretariat’s concern about overt collection of information and probably in response to the quarterly reports of the Intelligence Command required by McGiffert’s February memorandum, there was a reduction in the collection of information by agents and a greater emphasis on obtaining information by liaison with other agencies.²³

The Vietnam Moratoriums

Domestic unrest over the war in Vietnam had been the driving force behind the Army’s interest in surveillance programs. These concerns continued during the Nixon administration. On 4 and 5 July 1969, a national antiwar conference at Case Western Reserve University in Cleveland organized a new national coalition called the New Mobilization Committee to End the War in Vietnam under the chairmanship of Sidney Lens, an older generation pacifist. The New Mobe, as it came to be called because of its paternity, agreed to participate in a one-day “moratorium on ‘business as usual’” that had been proposed by a self-appointed and moderate group called the Vietnam Moratorium Committee. Leaders of this group were David Hawk, formerly of the National Student Association; Sam Browne, a fellow at Harvard’s Institute of Politics; and David Mixner, then a member of the Democratic Party’s reform commission headed by South Dakota Senator George S. McGovern.

The group was not without ambitions. Its leaders proposed a second, two-day moratorium in November, and one during each following month until U.S. forces withdrew from Vietnam or a negotiated settlement occurred. Although the latter measure was not adopted, the notion of making policy through repeated national demonstrations and holidays from customary activities resonated on campuses across the country. Not surprisingly, such

²² Quotes from U.S. Congress, Senate, *Military Surveillance of Civilian Politics*, pp. 39–42. See also *Federal Data Banks, Computers and the Bill of Rights*, pt. 1, pp. 1122–38.

²³ Jordan History Memo, pp. 297–99.

ideas were less popular in official Washington, except among some antiwar members of Congress, sixty-five of whom, by one count, supported the October event.²⁴

The prospect of mass demonstrations troubled military authorities, who were concerned that protest demonstrations might turn into riots or that moratorium activities might involve attacks on military reservations, Reserve Officers Training Corps (ROTC) buildings, recruitment offices, and induction centers. They were particularly concerned about the Students for a Democratic Society, whose members had been agitating for the removal of the ROTC from educational institutions. During the late summer, the Intelligence Command surveyed the nation's campuses with a view to identifying likely trouble spots. The ACSI's counterintelligence unit was convinced that the 15 October moratorium would be peaceful, but its views were not persuasive to the Directorate for Civil Disturbance Planning and Operations. Many officers made little or no distinction between the varied motives of the principal groups, possibly because their training inclined them to think in terms of worst-case scenarios. The Nixon administration had a similar viewpoint, although in public its spokesman professed to regard the antiwar movement as "irrelevant."

Several developments aggravated the situation. On 7 October a bomb went off in New York City in one of the Army's largest entrance and examining stations. In addition, the SDS had planned a series of demonstrations for 8–11 October, but few moderates appeared to participate, and the event fell into the hands of extremists. On the evenings of 8 and 9 October in Chicago, in what became known as the Days of Rage, the Weathermen, a violent and nihilistic faction of the SDS, went on a rampage, smashing windows and cars and fighting the police. Many arrests resulted, with the bill for damages coming to over \$2 million. Army intelligence agents, using ten radio cars, monitored the trashing, and the briefing presented by the head of the 113th Military Intelligence Group's domestic intelligence operations reportedly influenced the decision to assemble 2,000 Illinois National Guard at armories for possible use. Finally, also in Chicago 200 blacks marched to protest the death of a young black at the hands of the police, and another faction of the SDS, the Revolutionary Youth Movement, rallied with the Black Panthers and the Puerto Rican Young Lords following a march of a racially mixed group of about 3,000.²⁵

On 12 October a racially mixed crowd of antiwar militants gathered at a Wrightstown, New Jersey, coffeehouse and marched on Fort Dix, bent upon protesting the war on the grounds of the reservation itself. Led by young women wearing helmets and carrying mats for use in climbing over barbed wire, the group dashed across an open field toward the post, where three platoons of the 519th Military Police Battalion and local police turned it back with tear gas. Other military installations, looking toward 15 October, canceled leaves, installed barricades, and laid in supplies of tear gas. The Army reported at least two attacks against the Reserve

²⁴ Quote from Halstead, *Out Now!* p. 473, and see also pp. 467–72, 474, 481, 496–97, 498. Pyle, "Military Surveillance of Civilian Politics," pp. 241–43.

²⁵ Pyle, "Military Surveillance of Civilian Politics," pp. 241–44, 245–47. Quote from Halstead, *Out Now!* p. 482, and see also pp. 483–87. Survey, Capt James H. Broussard, Reserve Ofcr, U.S. Army Center of Military History, which shows the Guard on standby duty 9–11 October 1969, Historian's files, CMH. Hereafter cited as Broussard Survey.



THE WEATHERMEN OF THE STUDENTS FOR A DEMOCRATIC SOCIETY MARCH ACROSS THE CHICAGO RIVER BRIDGE *during the Days of Rage*.

Officers Training Corps, one at New York University, by a group calling itself the Transcendentalist Student Organization, which ransacked and extensively damaged the ROTC office, and the other at the State University of New York at Buffalo, where about 200 suspected members of Youth Against War and Fascism destroyed the Air Force ROTC office. In addition to these outbreaks, peaceful demonstrations occurred at military posts across the country. Small contingents of federal troops were dispatched to some of those protests, unnecessarily, as it turned out.²⁶

The Vietnam moratorium on 15 October could hardly have been more of a success for its supporters. Although attendance figures varied with the reporter, more than a million Americans from all walks of life are said to have marched for peace, including Boston lawyers, Wall Street brokers and accountants, and Chicago businessmen. Speakers at various locations included mayors, governors, and United States senators. There were rallies, prayer vigils, teach-ins, readings of casualty lists, and candlelight marches in hundreds of cities and towns across the nation, most of them quiet, serious, and somber. The size of the turnout suggested to some that a turning point had been reached for the antiwar movement. As Fred Halstead, a participant, put it, antiwar protest “for the first time reached the level of a full-fledged mass movement.” *Life* magazine, as quoted by Halstead, termed

²⁶ DCDPO Historical Summary, July 1969–June 1970, Introduction at n5, in Historian’s files, CMH; DCDPO Moratorium Day Activities, October 15, 1969, in Background Papers for the Role of Federal Forces in Civil Disturbances, 1945–1971 (hereafter cited as Background Papers), RG 319, NARA; Pyle, “Military Surveillance of Civilian Politics,” pp. 244–45; Halstead, *Out Now!* p. 487; Broussard Survey.

the event “a display without historical parallel, the largest expression of public dissent ever seen in this country.”²⁷

Since the peaceful character of the event could not be foreseen, reasonable precautions were in order, but some official responses were clearly excessive. Two church-related colleges in Rock Island, Illinois, planned a candlelight march. When students from one of them sought permission ostensibly to shorten their march by using a road through the Rock Island Arsenal, the Army not only denied permission, but threw up barriers of concertina wire and brought in an infantry company from Fort Riley, Kansas, which together with firemen manning a fleet of fire engines stood ready to prevent a forced entry. Four Army intelligence agents accompanied the procession, each holding a candle. Elsewhere, state authorities put the National Guard on alert. When word reached the governor of Michigan, for example, of looting in Detroit’s Kennedy Square, where a crowd of 12,000 had gathered, he called out 2,000 National Guard but kept the force on standby duty for less than a day. In Maryland, Governor Marvin Mandel placed about 600 guardsmen on duty for possible use in Baltimore. In Washington, authorities called about the same number for unit training duty, to be available if needed, but again none saw action.²⁸

The orderliness of the demonstrations was welcome to the soldiers, but the view from the White House was somewhat different. The broad support the antiwar movement received surprised, shocked, and angered the Nixon administration, which saw the endeavor as a threat to finding a satisfactory solution to the war. In quick succession, the vice president, the president, the attorney general, and the secretary of transportation denounced the leaders of the movement in harsh terms as enemies of their country. All concerned appear to have expected the worst from the campaign now that it had been buoyed by success.

Whether that success could be repeated was the next question. The Vietnam Moratorium Committee endorsed a 15 November 1969 moratorium at a joint press conference with the New Mobe. But divisiveness among the sponsors somewhat delayed the granting of permits for the planned demonstration in San Francisco. In Washington, D.C., planning problems centered around negotiations with the Justice Department—rather than with the General Services Administration as for the earlier march on the Pentagon. Following the lead of the president and other senior officials, Deputy Attorney General Kleindienst contended that some of the individuals and groups coming to Washington planned violence. The chief government negotiator, Associate Deputy Attorney General

²⁷ Pyle, “Military Surveillance of Civilian Politics,” pp. 247–49. Quotes from Halstead, *Out Now!* p. 488, and see also p. 489. DCDPO Daily Activity Summaries 9288–1 and 9303, 15 and 30 Oct 69, respectively, and Dir, Counterintelligence, OACSI, Summary of Vietnam Moratorium Day (VMD) Activity, October 16, 1969. Copies of the DCDPO and other intelligence reports in Background Papers, RG 319, NARA. The Army estimate of the number of demonstrators on Boston Common was 75,000 to 90,000, while two other sources put it at over 100,000. Estimates of attendance in New York simply cannot be reconciled. One Army source put the crowd in Bryant Park, where Mayor John Lindsay, New York Senator Jacob Javits, and others spoke, at 5,000 to 6,000, while another put it at nearly 50,000. At the same time, an antiwar source estimated that there were over 100,000 in and around the park. In Washington, D.C., the Army estimated that 27,000 persons heard Coretta Scott King at the Sylvan Theater near the Washington Monument, while the Park Police put the crowd there at 30,000 to 50,000.

²⁸ Pyle, “Military Surveillance of Civilian Politics,” pp. 248–51; Broussard Survey; Dept of Military Affairs, Lansing, Mich., Final After Action Report (RCS ARNGB-98), 28 Oct 69, Historian’s files, CMH; DCNG AAR (15 Oct 69, Anti-War Moratorium [*sic*]), 28 Oct 69, Historian’s files, CMH; Dir, Counterintelligence, OACSI, Summary of VMD Activity, October 16, 1969.

John W. Dean III, thus insisted that a central part of the planned activities, a march down Pennsylvania Avenue, should include only a hundred persons. District of Columbia Mayor Walter E. Washington made a personal appeal to the president, arguing that any attempt to deny permission for a large demonstration would be an open invitation to violence. Ultimately, his views prevailed.

The permit negotiations that followed were friendly, and there was no trouble over authorizing a candlelight march (called the March Against Death), which was to begin at the Arlington National Cemetery on 13 November and wind, single-file along sidewalks, across the Memorial Bridge and past the White House at a pace of 1,000 marchers an hour. A compromise was also reached on the original proposal for a great march down Pennsylvania Avenue on 15 November from the Capitol, around the White House, to a rallying point south of the mansion. Since the administration, and doubtless the Secret Service, would not allow the White House to be surrounded, all concerned agreed that the marchers would avoid the White House by turning south off of Pennsylvania Avenue and onto 15th Street to rally at the Washington Monument grounds.²⁹

The administration's initial concern that confrontations might occur prompted the Directorate for Civil Disturbance Planning and Operations to begin planning for a substantial federal military presence in Washington. Out of its work came a new plan, which was in hand by 10 November. Although tailored for the November moratorium, the civil disturbance directorate later refined it for future use. Based upon what the directorate described as "current, very fragile, estimates," the new plan provided means to control 50,000 to 100,000 participants, among whom there might be a maximum of 400 to 500 members of the radical Weathermen. In such a case, the National Guard was to provide one battalion for support of the police and firemen in each of the six police districts of Washington, 300 guardsmen to assist the police in traffic control, and a three-company reaction force of 330 guardsmen to hold in reserve at the D.C. armory. The Air National Guard was to provide about 300 airmen to augment the other guard units. In the end, a total of 2,262 guardsmen would be on duty.³⁰

As for federal troops, Task Force Military District of Washington (Task Force MDW—the name had been changed on 1 May 1969 from Task Force Inside) and two brigade-strength augmentation units from Task Force XVIII Airborne Corps were to assemble near Washington by noon, 13 November. The two were the 4th Brigade, 82d Airborne Division, from Fort Bragg, and the 2d Marine Regiment, 2d Marine Division, from Camp Lejeune. The total federal troop presence during the moratorium would come to 11,214. If needed, the augmentation forces, together with additional brigade-size units earmarked for deployment, would join with the Task Force MDW troops in Task Force Washington, which would then be activated. Seven battalions were to be positioned in various buildings of the Federal Triangle while nine were to hold in a readily deployable reserve.

Altogether active troops of Task Force MDW and augmentation forces in the Washington area would number over 13,000. To monitor developments and give direc-

²⁹ Halstead, *Out Now!* pp. 494–504, 506–11; Pyle, "Military Surveillance of Civilian Politics," pp. 250–52; DeBenedetti and Chatfield, *An American Ordeal*, p. 392.

³⁰ Quote from Talking Paper, Lt Col [Richard] Zeller, DCDPO, 10 Nov 69, in Background Papers, RG 319, NARA; DCNG AAR (13–16 Nov 69 End-the-War-in-Vietnam Activities), p. 1, Historian's files, CMH.

tions, the MDW watch team area of the Army Operations Center was in full operation by 15 November with fifty-three officers and other ranks per shift.³¹

The forces that the Directorate for Civil Disturbance Planning and Operations readied for possible use in Washington were capable of coping with considerable violence. Buildings that were to be specifically protected were the White House, Capitol, Department of State, Internal Revenue Service, and Pentagon. The White House was a source of special concern. An intelligence officer serving in the civil disturbance directorate later recalled, perhaps with some exaggeration, that Lt. Gen. William J. McCaffrey, head of the directorate, expected the presidential complex “to be ‘sacked.’” McCaffrey not only arranged for troops to be available, but also ordered that enough commercial buses be rented to ring it, parked end to end. At the prompting of Defense Department and Army officials, the Secret Service also requested such troops as might be necessary “to insure the security of the White House compound during” the expected demonstrations.³²

As military authorities were completing their contingency preparations, antiwar feelings among service personnel were highlighted in an unprecedented way. On 9 November the Student Mobilization Committee published a full-page advertisement in the *New York Times* that was signed by over 1,300 active duty soldiers, including 189 still in Vietnam. The name, rank, and station of each were included. The advertisement declared the signers’ opposition to the war, which they claimed was shared by many of their comrades, and urged the public to attend the 15 November demonstrations in either San Francisco or Washington. On the following day the underground newspaper *Shakedown* advised all military personnel to stage a “sick call strike” on 14 November, the day of a national student strike called by the Student Mobilization Committee. Military authorities apparently decided not to make a public issue of the matter.³³

The funeral March Against Death began at 0815, 13 November, as planned, with Benjamin Spock in the lead, and proceeded from Arlington across the Memorial Bridge, past the White House, and on to the front plaza of the Capitol. At night it became a candlelight procession, with each marcher carrying a placard with the name of a deceased soldier or a Vietnamese village and when passing the White House calling out the name. At the Capitol the placards were placed in a coffin to be carried in the 15 November march. To some observers, the nighttime scene at the White House, under a hard but intermittent rain, “had an eerie ominous quality.” The floodlights that ordinarily lighted the building were instead turned outward, and a large mercury

³¹ Msgs, DAIN 564373, 24 Apr 69, and DAIN 571480, 291330Z Apr 69, Historian’s files, CMH; DCDPO Historical Summary, July 1969–June 1970, ch. 3, par. 6 (on planning and the watch team), and ch. 5, p. 6 (on the federal troop presence in the Washington area during the moratorium). Compare Zeller Talking Paper, 10 Nov 69, p. 2, and Incl 1, with DCDPO Civil Disturbance Summary Rpt, 17 Nov 69, Incl 1. Both in Background Papers, RG 319, NARA.

³² First quote from Pyle, “Military Surveillance of Civilian Politics,” p. 254, and see also p. 253. DCDPO Historical Summary, July 1969–June 1970, Introduction at n6 and ch. 3, par. 2. Memo, Carl S. Wallace, Spec Asst, OSD, for Thaddeus R. Beal and Vice Adm Nels Johnson, Joint Staff, 12 Nov 69. Second quote from Ltr, James J. Rowley to Beal, 13 Nov 69, sub: Protective Assistance to the Secret Service Pursuant to Public Law 90–331, copies in Aid to Secret Service, DOMS file 103–05. Last two in Background Papers, RG 319, NARA.

³³ Halstead, *Out Now!* pp. 504–05, 520. For “sick call strike,” see DCDPO Daily Activity Summary 9318, 13 Nov 69.



PROTESTERS IN THE MARCH AGAINST DEATH PARADING PAST THE WHITE HOUSE. *The marcher at the right is shouting the name on his placard of an American killed in Vietnam.*

vapor lamp had been installed that “almost blinded anyone looking toward the building.” The march ended on 15 November at 0930, after 31,000 persons, according to the civil disturbance directorate, had passed the White House. An organizer of the march put the number at 45,000.³⁴

Saturday, 15 November, did not begin auspiciously; the sky was overcast and a hard chill wind swept the Mall. Then the sun came out, and before long people were arriving in great numbers, most of them white and young. So many came in fact that, although the march from the Capitol began in good order, the excess crowds poured across the Mall to the rallying point at the Washington Monument. Meanwhile, with 200 soldiers in the vanguard, the march proceeded in an orderly fashion, although the moratorium marshals, who stood 300 strong and several deep at the intersection of Pennsylvania Avenue and 15th Street, had to prevent radical demonstrators from leading the parade toward the White House and certain trouble with the authorities. In the late afternoon, a National Guard company deployed on 15th Street to block movement toward the west along Pennsylvania Avenue, while another prevented demonstrators from moving toward the White House from the north, and a third operated motor patrols north of Pennsylvania Avenue and south of E Street between 7th and 14th Streets, N.W. The only disorderly incidents—at Dupont

³⁴ Quotes from Halstead, *Out Now!* p. 511, and see also pp. 504–06, 512. DCDPO Civil Disturbance Summary Rpts, 14, 15, 16 Nov 69, Background Papers, RG 319, NARA; DeBenedetti and Chatfield, *An American Ordeal*, pp. 261–62.



ANTIWAR MORATORIUM PARTICIPANTS, 15 November 1969

Circle on Friday night and at the Department of Justice toward the end of the rally at the Washington Monument—were easily handled by the police without assistance of federal troops. Similar activities took place in other cities across the nation, most notably in San Francisco, where both the Defense and the Justice Departments had representatives monitoring events. But only in Washington did the federal government pre-position troops.³⁵

During the march in the capital, Army intelligence agents were abundant on the streets. As one intelligence officer put it, “we were . . . fantastically involved,” with “bus counts, plane counts, train counts, people on the Baltimore-Washington Parkway overpasses counting, helicopters . . . counting—a big operation.” A number of Army agents were at Dupont Circle on Friday night, and closed-circuit television, provided by the 116th and 902d Military Intelligence Groups with the help of Midwest Video Associates, allowed the officers in the DCDPO’s command center to monitor the activities. The 116th had a camera crew on the Ellipse to film the marchers as they turned onto 15th Street, while another crew aimed their camera from a Huey helicopter circling over the crowd. What useful information they may have gained is unclear. Intelligence interpretation of Air Force photographs did help to reconcile, however, a controversy that broke out over the size of the demonstration. Although not everybody was satisfied, the Directorate for Civil Disturbance Planning and Operations reported that the attendance had been very large, on the order of 150,000 to 250,000 persons, making it one of the largest mass rallies ever seen in Washington. At the same time, it stated that 80,000 (later raising this figure to 80,000 to 100,000) persons marched and rallied in San Francisco. While the Washington rally was not as peaceable as the march on Washington in 1963, the demonstration was far more orderly and law abiding than the administration had expected. Indeed, the incidents that occurred were far fewer than the protest’s large size and disparate makeup might have suggested.³⁶

Planning at Year’s End

Several nonoperational developments in civil disturbance matters occurred in this period, mostly toward the end of 1969. In July the chief of staff directed the civil disturbance directorate to prepare a civil disturbance annex to the Army Strategic Operation Plan (ASOP-II) for fiscal years 1972–1979. ASOP-II was the Army’s contribution to the Joint Strategic Objective Plan, the new annex of which was to replace the civil disturbance annex in the Army Strategic Capabilities Plan.

In October 1969 Under Secretary of the Army Beal refused to approve a DCDPO proposal to eliminate one of the two quick reaction brigades that had been maintained since the April 1968 riots. In the opinion of the civil disturbance directorate, the threat level that

³⁵ Halstead, *Out Now!* pp. 515–16, 519–20; DCNG AAR, 5 Dec 69, pp. 3–4; Cortright, *Soldiers in Revolt*, pp. 62–63, 289; DCDPO Civil Disturbance Summary Rpt, 17 Nov 69; DCDPO Historical Summary, July 1969–June 1970, Introduction at n6 and ch. 5, p. 4.

³⁶ Quote from Pyle, “Military Surveillance of Civilian Politics,” p. 253, and see also pp. 254–56. Halstead, *Out Now!* pp. 520, 521; Report of Lawyers’ Task Force on the November Moratorium, pp. 18, 21 (typescript, 14 Mar 70, in ring binder mislabeled Civil Disturbances, 1967, Vol. I, OGC, Army), RG 319, NARA; Paul J. Scheips and Karl E. Cocke, *Army Operational and Intelligence Activities in Civil Disturbances Since 1957*, OCMH Study 73, rev. ed. (Washington, D.C.: Office of the Chief of Military History, April 1971), pp. 121–22, CMH. DCDPO Civil Disturbance Summary Rpt, 16 Nov 69; DCDPO Historical Summary, July 1969–June 1970, ch. 5, p. 4.

had once justified the large augmentation force had significantly diminished while the general preparedness of federal, state, and local forces had steadily improved. But Beal's nonconcurrence reflected the fears of the Nixon administration that the domestic situation might well grow worse and that substantial reserves still needed to be available. As noted earlier, such concerns were reflected in the administration's planning for the November moratorium.

With this in mind, the civil disturbance directorate also developed a new civil disturbance command structure for the capital area that provided for a more orderly expansion of federal forces once intervention had been approved. A new arrangement, formalized on 29 December 1969, designated the commanding general of the XVIII Airborne Corps as commander of the augmentation force should those brigades be committed, with his headquarters and staff providing the necessary command and control support. The augmentation force, formerly called Task Force Washington, was now renamed Task Force Potomac to distinguish it more clearly from Task Force Military District of Washington.

Following the November moratorium, the civil disturbance directorate also concluded that it should have an advance command post. Subsequently, the directorate established it in the Washington, D.C., Municipal Building in rooms previously occupied by Task Force Washington, with the proviso that should Task Force Potomac be activated the directorate would relinquish the space. Communications for the new post were in place by 7 May 1970.³⁷

Political Surveillance Uncovered

As the year 1969 ended the Army's image was further tarnished by the My Lai massacre of 16 May 1968. On 13 November 1969, the day that the moratorium opened, a series of articles by journalist Seymour M. Hersh began to run in the press. Providing the first solid details of the massacre, they supplied the antiwar movement with yet another issue to wield. My Lai was, however, only the first in a succession of Vietnam-related disclosures and revelations that seriously embarrassed the government and the Army in the years to come.³⁸

A few months later, in the January and July 1970 issues of the *Washington Monthly*, articles by a former Army captain and instructor in the Army Intelligence School, Christopher H. Pyle, detailed the Army's role in recent domestic intelligence-gathering activities. Publication of Pyle's first article brought forth denials from senior Army officials together with inquiries from more than thirty senators and congressmen, including North Carolina Senator Samuel J. Ervin, Jr., chairman of the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary. In mid-January Robert E. Jordan, the Army's general counsel, wrote Deputy Attorney General Kleindienst, enclosing a copy of Pyle's article and suggesting that they resume discus-

³⁷ DCDPO Historical Summary, July 1969–June 1970, chs. 4 (par. 10), 5 (par. 14), 6 (pars. 6–7); Msg, DAIN 275043, 21 Jan 70, RG 319, NARA.

³⁸ Halstead, *Out Now!* pp. 505–06; DeBenedetti and Chatfield, *An American Ordeal*, pp. 265–66, 294; Telford Taylor, *Nuremberg and Vietnam: An American Tragedy* (Chicago: Quadrangle Books, 1970), pp. 122–82, by the U.S. chief counsel at Nuremberg, who puts Son My (My Lai) in perspective.

sions on transferring greater responsibility for civil disturbance intelligence activities to the Department of Justice. Unfortunately, however, the proposal came too late, and the public unraveling of the Army's role in domestic intelligence would be long and painful.³⁹

After visiting Fort Holabird, Jordan responded to the Army's congressional critics by asserting that the service had ordered the Intelligence Command to destroy its data bank at Fort Holabird and the 330 copies of its list of persons who might become involved in civil disturbances. He failed to mention, however, that a number of other intelligence resources remained, including the so-called compendium, a two-volume, loose-leaf reference collection on dissenters entitled "Counterintelligence Research Project: Cities and Organizations of Interest and Individuals of Interest." Included in the compendium were hundreds of organizations and persons, from the John Birch Society to the National Urban League and Martin Luther King, Jr. Another resource was a computer-indexed, 1½-foot thick, microfilm archive of intelligence reports, clippings, and other materials. A third, CONARC's computerized data bank on civil disturbances and political protests, included material on RITA activities. There were also noncomputerized regional data banks at each of the stateside Army commands and other military installations, and noncomputerized files at most of the 300 intelligence group offices within the continental United States.

A staff member of Senator Ervin's Constitutional Rights Subcommittee learned about Pyle's article from a neighbor who was attending citizenship classes. He brought the matter up with Ervin who had been interested in questions of privacy and other constitutional rights for many years. The senator made inquiries and then, in 1971, held extensive hearings at which Pyle testified. Ervin also issued a staff-prepared documentary analysis in 1972 and, after a long delay in obtaining clearance, published a report in 1973 on revelations made to his committee. By so doing, he



SENATOR ERVIN

³⁹ Christopher H. Pyle, "CONUS Intelligence: The Army Watches Civilian Politics," and "CONUS Revisited: The Army Covers Up," *Washington Monthly* 2 (January and July 1970): 4–16, 219–58, respectively, as reprinted in *Federal Data Banks, Computers and the Bill of Rights*, pt. 2, pp. 1683–99; Ltr, Jordan to Kleindienst, 16 Feb 70, DOJ Memoranda, OGC/DA, Background Papers, RG 319, NARA. According to Donner, *The Age of Surveillance*, p. 338, the Counterintelligence Analysis Division, which reported to the assistant chief of staff for intelligence, and the 108th Military Intelligence Group prevailed on the Internal Revenue Service (IRS) to audit Pyle's tax returns, which was done in late 1970, to ascertain whether his "disclosures had been secretly financed by a subversive principal." The only item discovered was that the IRS owed Pyle a refund of \$150. See also Lawrence Baskir, "Reflections on the Senate Investigation of Army Surveillance," *Indiana Law Journal* 49 (Summer 1974): 618–53.

placed a considerable body of testimony and documentary material into the public record.⁴⁰

But the public airing of the Army's surveillance activities was by no means limited to official records. During the delay of over a year between Pyle's revelations and the Ervin subcommittee's hearings, in December 1970, NBC broadcast a television documentary entitled "The Man from Uncle (Sam)." A former Army intelligence sergeant who saw the NBC program, John O'Brien, wrote Senator Ervin to inform him that Army surveillance covered persons and groups in no way involved in political extremism and included Illinois Senator Adlai Stevenson III, former governor of Illinois Otto Kerner, and Illinois Congressman Abner J. Mikva, together with hundreds of others in Illinois alone. Ervin made the matter public in a speech. In a statement issued on 17 December 1970, Secretary of the Army Stanley R. Resor categorically denied the allegation concerning Army surveillance of Stevenson, Kerner, and Mikva. Resor, however, was not entirely accurate, for he did not mention intelligence clipping files on Stevenson and Mikva and an intelligence report that Mikva had attended an antiwar rally in 1970. In any case, the publicity resulting from O'Brien's letter persuaded Secretary of Defense Melvin R. Laird to give the matter his personal attention by placing his number one troubleshooter, Department of Defense General Counsel J. Fred Buzhardt, in charge of the military's defense. The appointment effectively relegated the Army to a secondary role in its own defense—which was perhaps a wise decision. Buzhardt, with the assistance of the military, prepared a long statement that Robert F. Froehlke, the assistant secretary of defense for administration, read at hearings on 2 March 1971.⁴¹

Although not without its telling points, Froehlke's statement was a partial disclosure and an extensive rationalization based on the need for adequate intelligence prior to the commitment of troops in a civil disturbance. There had been, Froehlke said, complaints about such a need as far back as 1963, which was probably a reference to the view that General Abrams expressed at that time. As for the statement being a partial disclosure, it could hardly have been otherwise given the difficult, if not impossible, task of both defending the Army and explaining what had actually happened. In addition, the assistant secretary did not always have all of the facts at his command. For example, the Army Security Agency failed to provide him with information concerning the electronic monitoring done in support of the 1968 Republican national convention. Ultimately, the matter was the subject of an Army inspector general investigation in 1972, which made the whole affair public.⁴²

⁴⁰ *Federal Data Banks, Computers and the Bill of Rights*, pts. 1 and 2; U.S. Congress, Senate, *Army Surveillance of Civilians: Documentary Analysis*, Staff of the Subcommittee on Constitutional Rights, Committee on the Judiciary, 92d Cong., 2d sess., 1972; U.S. Congress, Senate, *Military Surveillance of Civilian Politics*. Among those testifying, in addition to Pyle, were a number of former military intelligence agents who also provided Pyle with important material for his Ph.D. dissertation, "Military Surveillance of Civilian Politics, 1967–1970," the best available history of the subject. Donner, *The Age of Surveillance*, pp. 287–320, is a hard-hitting analysis and criticism of the military's surveillance of civilian politics.

⁴¹ Baskir, "Reflections on the Senate Investigation of Army Surveillance," pp. 623–27, 629; Statement of Froehlke, in *Federal Data Banks, Computers and the Bill of Rights*, pt. 1, pp. 388–89; Statement of Secretary of the Army Stanley R. Resor, 17 Dec 70, in *Ibid.*, pt. 2, p. 1299.

⁴² Baskir, "Reflections on the Senate Investigation of Army Surveillance," p. 629; "Improper Surveillance of Private Citizens by the Military," in U.S. Congress, Senate, *Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans*, Final Report of the Select Committee To Study Governmental Operations with Respect to Intelligence Activities, 94th Cong., 2d sess., 1976, S.R. 94–755, bk. 3, p. 808, including n148.

Admitting that intelligence collection had perhaps gone too far and listing corrective actions in progress or completed, Froehlke's testimony sought to place the surveillance program into the context of recent history. He emphasized that neither the White House nor the Department of Justice had provided the Army with clear guidance and that what direction the service had received "was too often general and oral rather than . . . written." Military resources, he continued, had been used for intelligence collection because of the inadequacy of federal, state, and local civilian agencies, but the effort itself had been coordinated with the Department of Justice under the Delimitations Agreement. Even so, to meet the need for information, the Army had come to rely more and more on direct agent observation. Distinguishing between the work of military investigative agencies and that of lower-level tactical intelligence units, Froehlke remarked that while only a few tactical intelligence units had been involved, "it appears that . . . [they] were less constrained in their methods of collection than were the investigative and counterintelligence organizations." He added that "civilian control or even knowledge of these few activities did not exist."

Continuing, Froehlke said that the products of the various collection efforts had been assembled in a variety of files. Field office files had included information on persons and organizations, both those with a potential for creating disturbances and those who might be able to prevent or end them. Those materials had been destroyed in the spring of 1970, and therefore could not be examined. The assistant secretary believed they had consisted mostly of newspaper clippings, reports from other agencies, and "to a lesser degree . . . direct agent observation reports." Voluminous material had been assembled in some headquarters, notably the Intelligence Command headquarters at Fort Holabird, where an effort had been made to reduce it to a computerized data system. Both the Navy and the Air Force had also developed filing systems, though none was as extensive as the Army's because those services lacked the Army's special civil disturbance responsibilities. The record revealed no participation in the creation of the data banks by senior civilian officials, Froehlke said, but several had known of their existence.

As the result of an internal review, Froehlke continued, in February 1970 the assistant chief of staff for intelligence ordered the destruction of the Fort Holabird data bank. About the same time, the assistant chief of staff had received instructions to take certain other actions that included the destruction of personality lists, the discontinuation of spot intelligence reports except when indicative of situations likely to require federal troops, and the termination of the daily civil disturbance summary. In the following month, authorities advised CONARC to destroy its civil disturbance data bank and moved to have all copies of the compendium destroyed. On 9 June the Army set forth a new policy on the collection, reporting, and handling of civil disturbance information. Henceforth, on the national level the service would routinely rely on the Department of Justice "for civil disturbance planning, threat, and early warning information." It would not participate in intelligence collection efforts unless the Directorate for Civil Disturbance Planning and Operations determined that a situation existed that could not be controlled with local and state forces. Except for federal, state, and local officials responsible in the field for the control of civil disturbances, all collection of civil disturbance information would stop, not to be resumed unless ordered by the Department of the Army. And whatever civil disturbance records remained would no longer include information on organizations and individuals unaffili-

ated with the Department of Defense. Finally, existing prohibited material would be destroyed. The appropriate restrictions, Froehlke said, were already set forth in new directives.⁴³

The Department of Defense had issued the new directives Froehlke mentioned in February and March 1971, shortly before he gave his testimony. The first directive, 5200.26, dated 17 February 1971, designated the assistant secretary of defense for administration to act for the secretary in all defense investigative matters. Its purpose, as Froehlke put it, was to “to ensure that . . . investigative and related counterintelligence activities are consistent with individual constitutional rights, legal provisions, and traditional understanding . . . of relationships of military investigative activities and the civilian community.” The directive vested in the under secretary or a designated assistant secretary in each of the military departments responsibility for monitoring investigative activities within the guidelines of established policy. It also set up a Defense Investigative Review Council, which was to be chaired by the assistant secretary of defense and was to include the Defense Department’s general counsel, the under secretary or a designated assistant secretary of each of the military departments, and the director of the Defense Intelligence Agency. One of the review council’s first duties was to formulate and deliver recommendations regarding the acquisition of information on personnel and organizations unaffiliated with the Defense Department.⁴⁴

The second directive, 5200.27, dated 1 March 1971, was the first statement of defense policy on intelligence collection and handling with department-wide application. With certain exceptions relating to the protection of defense functions and property, personnel security, and civil disturbance operations, it prohibited the collection, reporting, processing, or storing of data on individuals or organizations unaffiliated with the Department of Defense. Information-gathering activities were henceforth to be “subject to overall civilian control, a high level of general supervision and frequent inspections at the field level.” Where essential collection activities were authorized, maximum reliance was to be placed on domestic civilian investigative agencies, whether federal, state, or local. The directive recognized the attorney general as the chief civilian officer in charge of coordinating all federal government efforts involving civil disturbances. Should the threat of a problem arise that state and local law enforcement authorities could not control, the secretary of defense or his designee might authorize the collection of information essential to meet operational requirements flowing from assigned military missions.

There was to be no collection of information solely because some individual or group was lawfully advocating measures in opposition to government policy; no physical or electronic surveillance of officials or candidates for office at any level

⁴³ Quotes from Statement of Froehlke, in *Federal Data Banks, Computers and the Bill of Rights*, pt. 1, pp. 388, 389, 394, and see also pp. 370–87, 390–93, 395–409, 410–67 (for questions and answers following Froehlke’s testimony).

⁴⁴ Quote from *Ibid.*, p. 395. DOD Directive 5200.26, *Defense Investigative Program*, 17 Feb 71, reproduced in *Federal Data Banks, Computers and the Bill of Rights*, pt. 2, pp. 1251–53. For an example of the attendant publicity, see Richard Halloran, “Army Spied on 18,000 Civilians in 2-Year Operation,” *New York Times*, 18 Jan 71. For many other articles, editorials, and speeches on the subject, see *Federal Data Banks, Computers and the Bill of Rights*, pt. 2, pp. 1541ff.

of government; and no covert surveillance or penetration of civilian organizations “unless specifically authorized by the Secretary of Defense or his designee.” Even when the collection of information authorized by the directive was involved, the secretary or his designee would have to authorize in advance the assignment of personnel to attend public or private meetings, demonstrations, or other similar activities, except that a local commander could authorize attendance if a threat were direct and immediate. Finally, the directive stated categorically that no computerized data banks were to be maintained that had to do with individuals or organizations unaffiliated with the Defense Department, unless again authorized by the secretary of defense or his designee. The directive, however, did permit the listing of authorities having official responsibilities relating to civil disturbances and the collection of physical data on vital public or private institutions, facilities, highways, and utilities when appropriate to assigned missions. Materials that were gathered were to be destroyed within ninety days unless their retention was required by law or other specific authorization.⁴⁵

In his preface to the subcommittee staff’s documentary analysis, Ervin emphasized that “the monitoring of individuals and organizations by military intelligence was of no practical value to military commanders charged with quelling civil disorders and safeguarding military security.” The great bulk of the material collected, he declared, pertained “to the peaceful activities of nonviolent citizens lawfully exercising their constitutional rights of free speech, press, religion, association, and petition.” According to the Army general counsel, whom Ervin quoted, the files, “were the most worthless damn things I had ever seen. . . . We said ‘Burn ’em.’”

The great danger of such data lay in the fact that “Army intelligence, in the name of preparedness and security, had developed a massive system for monitoring virtually all political protest in the United States.” Military agents had even assembled private information about the finances, psychiatric records, and sex lives of individuals. The data collection was enormous, with “virtually every major stateside unit” having its own set of files. Fourth U.S. Army headquarters at Fort Sam Houston, Texas, for example, had “the equivalent of 100,000 file cards on ‘personalities of interest,’” and the III Corps at Fort Hood had computerized data on civilian political groups within its area. The size of the data banks demonstrated that the Army’s domestic intelligence operations had been going on “in various degrees of intensity, since 1940,” with roots extending back to World War I.

The record, Ervin said, did more than establish the lack of civilian control over the Army’s surveillance prior to 1970. It also proved “the absence of central *military* control as well.” Each major data bank had developed independently of the others, “in a milieu which showed little concern for the values of privacy, freedom, efficiency, or economy.” At the same time, Ervin was careful to add that

⁴⁵ Quotes from DOD Directive 5200.27, *Acquisition of Information Concerning Persons and Organizations Not Affiliated with the Department of Defense*, 1 Mar 71, as reproduced in *Federal Data Banks, Computers and the Bill of Rights*, pt. 2, pp. 1253–55, and as summarized in Statement of Froehlke, in *Ibid.*, pt. 1, pp. 396–98. DOD Directive 5200.27, 8 Dec 75, was a revised edition. For the Army’s own directives on the subject, see Ltr, Adjutant General, Department of the Army (AGDA), 1 Jun 71, and its later version, AR 380–13, *Security, Acquisition, and Storage of Information Concerning Non-Affiliated Persons and Organizations*, 30 Sep 74, RG 319, NARA.

the documents also demonstrated that the surveillance was not the result of any malevolent intent on the . . . [part] of military officers. They merely did what they thought was their job in the manner in which they drew a false analogy between foreign counterintelligence and counterinsurgency operations and the Army's role in domestic civil disturbances. The hypothesis that revolutionary groups might be behind the civil rights and anti-war movements became a presumption which infected the entire operation. Demonstrators and rioters were not regarded as American citizens with possibly legitimate grievances, but as "dissident forces" deployed against the established order. Given this conception of dissent, it is not surprising that Army intelligence would collect information on the political and private lives of dissenters. The military doctrines governing counterintelligence, counterinsurgency, and civil affairs operations demanded it.

To explain "the extraordinary growth" of the surveillance, however, one had to look to the civilian authorities in both the executive branch and in Congress. Ervin charged that "Pentagon civilians issued vague, mission-type orders which essentially gave intelligence officers a free hand in collecting whatever information they deemed necessary." Moreover, he added, "neither the Pentagon's civilian hierarchy nor the Congress had any routine means by which to review the appropriateness of those decisions until former agents came forward and blew the whistle in 1970." Since the subcommittee began its work in January 1970, Ervin concluded, "civilian officials . . . have worked hard to reestablish civilian control. The task has not been easy; bureaucracies in motion tend to stay in motion. Many of the records undoubtedly have been destroyed; many others undoubtedly have been hidden away. For the moment, however, it would appear that the systematic monitoring has ceased." The question for the committee, Ervin said, was whether the steps taken were adequate or whether "legislation modeled on the Defense Department's recent directives is needed to bar a recurrence."⁴⁶

Legal Aspects: Constitutional and Statutory

Shortly after Pyle brought the Army surveillance program to public attention, the American Civil Liberties Union filed suit in the U.S. District Court for the District of Columbia on behalf of several plaintiffs, alleging that the Army had invaded their rights by its "surveillance of lawful civilian political activity." The trial court denied the plaintiff's request for a preliminary injunction, denied them permission to proceed with discovery from the Army about its surveillance program, and dismissed the complaint. The civil liberties union appealed, and by the time the appeal was heard, considerable additional information had gone into the public record. Although divided, the appeals court reversed the lower court on grounds that the surveillance had "chilled" rights under the First Amendment. The government appealed to the U.S. Supreme Court to overturn the reversal of the court of appeals, which that body did by a five-man majority, on 26 June 1972. The Supreme Court's newest member, Justice William H. Rehnquist, cast the deciding vote. The court held that surveillance alone, in the absence of some concrete harm which the plaintiffs had not shown, provided insufficient grounds for bringing suit. However, the

⁴⁶ For Ervin's views as summarized and quoted in the above four paragraphs, see U.S. Congress, Senate, *Army Surveillance of Civilians: Documentary Analysis*, pp. iv–vi, 89. For domestic intelligence going back to World War I, including War Plan White and fears of communism, see Laurie and Cole, *Role of Federal Military Forces*.

court took note of the “traditional and strong resistance of Americans to any military intrusion into civilian affairs,” and warned that future harmful effects of such intrusion would not “go unnoticed or unremediated.”⁴⁷

From its “examination of the facts and law,” the Ervin subcommittee believed that Army surveillance violated the First Amendment and for that reason it disagreed with the Supreme Court’s decision. Senator Ervin was especially exercised by the position (“outraged” was the way his staff director described the senator’s feelings) because he thought that Rehnquist, who cast the deciding vote, should have recused himself from the deliberations and the vote since he had had responsibilities for the legal defense of Army surveillance while serving as an official in the Department of Justice. “Military surveillance,” in the view of the subcommittee, “inhibits the exercise of constitutionally guaranteed rights of free speech, free association, and privacy. . . . In short . . . [it] infringes upon the first amendment rights because it increases the reluctance of citizens to voice their opinions.”

The Ervin subcommittee emphasized in its final report that “The sense of panic and crisis felt throughout the government during the period of extremely vocal dissent . . . and what at the time seemed the inauguration of a period of widespread anarchy” appeared to officials testifying before the subcommittee to justify the surveillance. In carrying it out, permitting it, or winking at it, however, “they failed to recognize that the rights guaranteed by the Constitution are constant and unbending to the temper of the times,” a point made one hundred years earlier in *Ex Parte Milligan* (1866), which grew out of a suspension of rights during the Civil War.⁴⁸

Besides strongly asserting that military surveillance infringes upon First Amendment rights, Ervin’s subcommittee concluded that “there is no question that military surveillance of civilian political activity is illegal, at least in the sense that it was not authorized by law.” Since it could find “no explicit sanction” for the surveillance in the constitutional authority for suppressing violence or in the statutes based on it, the subcommittee was unable to supply a need for it “from the military’s limited domestic mission.” In much this same vein the civil rights attorney Frank J. Donner asserts that “all American intelligence programs are, in varying degrees, maimed by the Achilles’ heel of illegitimacy,” an example of which was the Army’s surveillance of civilian politics, in as much as the Army’s “power generally to intervene . . . is severely limited.” In Donner’s view “the only authority to collect information about civilians and their politics that may be implied from . . . [the] civil disturbance mission is tightly confined to tactical and reconnaissance data, not political and ideological intelligence of the sort that has obsessed the Army.”⁴⁹

Convinced that only legislation could erect proper long-term safeguards against political surveillance by the military despite the self-restraint written into the new prohibitory regulations of the Army and the Department of Defense, Ervin in 1972

⁴⁷ Baskir, “Reflections on the Senate Investigation of Army Surveillance,” pp. 637–46. Quotes from *Laird v. Tatum*, 408 U.S. 1–40 (1972).

⁴⁸ Second quote from Baskir, “Reflections on the Senate Investigation of Army Surveillance,” p. 645, and see also pp. 642–44, 646. Other quotes from U.S. Congress, Senate, *Military Surveillance of Civilian Politics*, pp. 4, 8, 9.

⁴⁹ First, second, and third quotes from U.S. Congress, Senate, *Military Surveillance of Civilian Politics*, pp. 4, 7, 8. Other quotes from Donner, *The Age of Surveillance*, p. 288, and see also pp. 289, 305, 306.

introduced a bill to prohibit such surveillance. Referred to an unfriendly Senate Armed Services Committee, it died at the end of the 92d Congress.⁵⁰

Eight months later, amid the Watergate controversy and attendant public concern, Ervin introduced another bill (S. 2318). Unlike its predecessor, it went to the Judiciary Committee and Ervin's own Constitutional Rights Subcommittee that held hearings on it in 1974. The bill forbade military officers to "conduct investigations into, maintain surveillance over, or record or maintain information regarding, the beliefs, associations, or political activities of any person not a member of the Armed Forces . . . or of any civilian organization," under penalty of a \$10,000 fine or imprisonment for not more than two years, or both.⁵¹ Although the measure was sponsored by thirty-four senators and supported in principle by Robert E. Jordan III, David E. McGiffert, and Cyrus R. Vance, all of whom were in private life by the time of the 1974 hearings, the Department of Defense adamantly opposed the bill on grounds that it was unnecessary, would interfere with authorized functions, and presented "insuperable drafting difficulties."⁵² On account of this opposition, S. 2318 never went beyond the Judiciary Committee, where it died at the end of the 93d Congress. With Senator Ervin in retirement, Maryland Senator Charles Mathias, Jr., introduced a similar bill on 15 January 1975, which also died in committee when the 94th Congress expired.⁵³

The issue of unauthorized or illegal domestic intelligence gathering continued to attract congressional interest for several years. In 1975 President Gerald R. Ford appointed a Commission on CIA Activities Within the United States, headed by Vice President Nelson A. Rockefeller, and the Senate established a Select Committee To Study Governmental Operations with Respect to Intelligence Activities, chaired by Idaho Senator Frank F. Church. Both bodies looked into domestic surveillance relating to civil disturbances, among many other topics. The Rockefeller Commission found invasions of the rights of Americans by the CIA that were "plainly unlawful," including eavesdropping without warrants and amassing thousands of files on individuals.⁵⁴

The Church committee, which sat for fifteen months, had a much broader focus than either the Ervin subcommittee or the Rockefeller Commission. Among its other interests, it gave considerable attention to improper military activities relating to civil disturbances,

⁵⁰ Baskir, "Reflections on the Senate Investigation of Army Surveillance," p. 649. This bill, S. 3750, 92d Cong., 2d sess., 1972, would prohibit using "the land or naval forces of the United States or the militia of any State against civilians," except when properly authorized by the president in a civil disturbance, or placing civilians under surveillance. Without commenting on the surveillance portion of the bill, the DA Office of the General Counsel opposed it on grounds that it went beyond the Posse Comitatus Act. In short, it was "unnecessary and unduly restrictive." Memo, William C. Wooldridge, Asst to CG, DA, for Maj John F. Naughton, Judge Advocate General's Office, 13 Jul 72, sub: S3750, Ervin Bill To Prohibit Military Law Enforcement, Historian's files, CMH.

⁵¹ U.S. Congress, Senate, *Military Surveillance*, p. 9, and see also pp. 8, 10–13.

⁵² Quote from Baskir, "Reflections on the Senate Investigation of Army Surveillance," pp. 649–51 (quote at n97). The testimony of David O. Cooke, the Department of Defense witness, is in U.S. Congress, Senate, *Military Surveillance*, pp. 103–24. For an editorial supporting the bill, see "Ending Army Spying at Home," *Washington Post*, 12 May 76.

⁵³ This bill, a copy of which was provided the author by Senator Tunney's office, was similar, but not identical, to S. 2318 of 1 August 1973. For its introduction on 15 January 1975, see *Congressional Record*, 94th Cong., 1st sess., 1975, 121, pt. 1:531.

⁵⁴ *Report to the President by the Commission on CIA Activities Within the United States* (New York: Manor Books, 1975), p. 10, and see also chronology at pp. 285–91.

paying special attention to the Army's electronic surveillance and turning up additional materials of considerable interest. It also explored the intelligence assistance the Army had given to other agencies and revealed that following the 1971 ban on keeping files and the simultaneous order to destroy existing files, several Army intelligence units, including the 109th, 113th, and 116th Military Intelligence Groups, instead of destroying their files, had turned them over to various state, county, and city police officials, including Washington, D.C., authorities. The Church committee was critical of the lack of any statute expressly forbidding the military to investigate private citizens, although it acknowledged that several laws, including the Posse Comitatus Act would probably prevent criminal prosecution of civilians by the military. The recently passed Privacy Act of 1974 also had some relevance.⁵⁵

Overall, the Army's venture into domestic surveillance generated a substantial backlash in the form of public and congressional criticism, while contributing little or nothing to the suppression of civil unrest. In some ways the Army's tendency to apply foreign intelligence-gathering methods to domestic situations reflected its earlier error of applying the standards of foreign war to the control of domestic disturbances. The basic problem was a mind-set in the intelligence community that saw conspiracy in protest and the threat of revolution in disorder. It was this way of thinking that led to an improper gathering and storage of a great quantity of information on American citizens that was seriously at odds with the tenets of a democratic society. In doing this, the Army failed to maintain a constitutional discipline over itself, and the civilian leadership was much too slow in calling it to task. It was a dark chapter in the Army's history of dealing with civil disturbances, which otherwise had been quite good during this troubled decade.

By the early seventies the era of unrest seemed to be drawing to a close, and it seemed a time for sober reflection on the achievements and failings of the Army during the Vietnam era. On the home front, if the Army's domestic intelligence-gathering activities reflected poorly on its overall character, its conduct in helping to steer the nation through its many domestic crises during the past decade had been highly commendable. Yet the future promised to be far from quiet, and the service still had much to learn about such tasks, however distasteful they might sometimes be to soldiers of all ranks.

⁵⁵ John P. MacKenzie, "Hill Praises Panel, Urges CIA Reforms," *Washington Post*, 12 Jun 75; U.S. Congress, Senate, *Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans*, Final Report of the Select Committee To Study Governmental Operations with Respect to Intelligence Activities, 94th Cong., 2d sess., 1976, S.R. 94-755, bks. 1-6; "Improper Surveillance of Private Citizens by the Military," in *Ibid.*, bk. 3, pp. 823, 833-34.

CHAPTER 14

The End of the Cycle

The tremendous implication of [Department of Defense] involvement . . . is that the United States must maintain military forces to control its people.

—Department of the Army Study Group Final Rpt, CSM 70–347, 1 April 1971.

Revelations of the military's political surveillance activities came at an embarrassing time for the Army—on the heels of revelations about the My Lai massacre and amid continuing draft resistance and antiwar activities. In the months that followed, the conflict in South Vietnam continued to affect the domestic temper of the United States, with the curve of violence rising on American college campuses in the spring of 1970 in step with the tempo of the war.

On 29 April 1970, President Nixon authorized a joint U.S.–South Vietnamese attack on Communist sanctuaries in Cambodia, supposedly to aid the ongoing U.S. troop withdrawals by relieving pressure on South Vietnam. The president's announcement on the evening of 30 April set off a storm of protest across the nation, reinvigorating the antiwar movement, whose adherents interpreted the move as an extension of the war under the guise of seeking to end it. The president reacted with bitterness, comparing the young people serving in Vietnam—"the greatest"—with the student demonstrators whom he called "bums . . . blowing up the campuses." His remarks received as much attention in the press as the attack on Cambodia and did nothing to calm the situation.¹

From New Haven to Kent State

As it happened, Nixon's announcement of the incursion came on the eve of a scheduled protest in New Haven, Connecticut, against a pending murder trial of several members of the militant Black Panther Party, including its chairman, Bobby Seale. (*See Map 1.*) The Department of Justice was concerned lest violence occur as the result of the presence of an estimated 255 Black Panthers and possibly 1,300 Weathermen and other radicals among the thousands of demonstrators expected.²

¹ Quotes from Stephen E. Ambrose, *Nixon: The Triumph of a Politician, 1962–1972* (New York: Simon and Schuster, 1989), p. 348, and see also pp. 336–37, 339–47. Melvin Small, *Johnson, Nixon, and the Doves* (New Brunswick, N.J.: Rutgers University Press, 1988), pp. 199–201.

² ACSI Spot Rpt, 30 Apr 70, Historian's files, CMH.

Worried that the police and the Connecticut National Guard might lack the resources to cope with the expected trouble, Army and Justice Department representatives, meeting on 29 April, worked out a plan for pre-positioning a brigade of the 82d Airborne Division from Fort Bragg and a provisional Marine regiment from Camp Lejeune in nearby areas. Four additional brigades were designated to support them if necessary. The plan was approved at a White House meeting on 30 April, attended by Secretary of the Army Stanley R. Resor, DCDPO director Lt. Gen. William J. McCaffrey, and presidential assistant John D. Ehrlichman, but only after the attachment of a special proviso. That stipulation, both unusual and significant, required that Connecticut Governor John N. Dempsey personally request the pre-positioning “either by written communication, through some unspecified channel, or by making a public statement indicating he had requested such help.”³ Although not a legal requirement for pre-positioning, the requirement was both good politics and good policy.

Governor Dempsey obliged, Attorney General Mitchell recommended the pre-positioning, and President Nixon authorized deployment of federal forces to Westover Air Force Base, Massachusetts, and Quonset Point Naval Station, Rhode Island. The troops were not to be committed in New Haven “without a specific directive from the President.”⁴ The Directorate for Civil Disturbance Planning and Operations augmented its watch team on 30 April, monitoring not only the New Haven demonstration but a number of other disturbances around the country. Task Force 82, as the force was called, moved as planned, with the 2d Brigade of the 82d Airborne Division flying to Westover and the Marine regiment to Quonset Point. The task force commander was Maj. Gen. John R. Deane, who also commanded the 82d. As of early morning 2 May, its strength stood at 4,354. The Army chief of staff sent a liaison team and a personal representative, Maj. Gen. Ellis W. Williamson, to New Haven to keep him in touch with the National Guard commander, as well as the commanders and staffs of the pre-positioned federal troops. The attorney general appointed William D. Ruckelshaus as the senior Justice Department representative.⁵

Clearly concerned, Dempsey had already alerted the National Guard and on 1 May placed some 2,000 guardsmen on duty in New Haven. The city’s citizens apparently agreed with his estimate of the situation; many stores were boarded up, and the Black Panthers armed themselves, claiming that they feared an attack.⁶ On the other hand, Yale’s president announced that the university would provide housing for the participants. Of the speakers who addressed the rally on the first day, only Abbie Hoffman used language that was likely to inflame his listeners. Yet the news of the incursion into Cambodia was on everyone’s mind, leading a group of student government leaders to issue a call for a nationwide student strike. Tom Hayden announced it while speaking to the rally on Sunday, 2 May, touching off a prolonged chant of “strike, strike, strike.”⁷

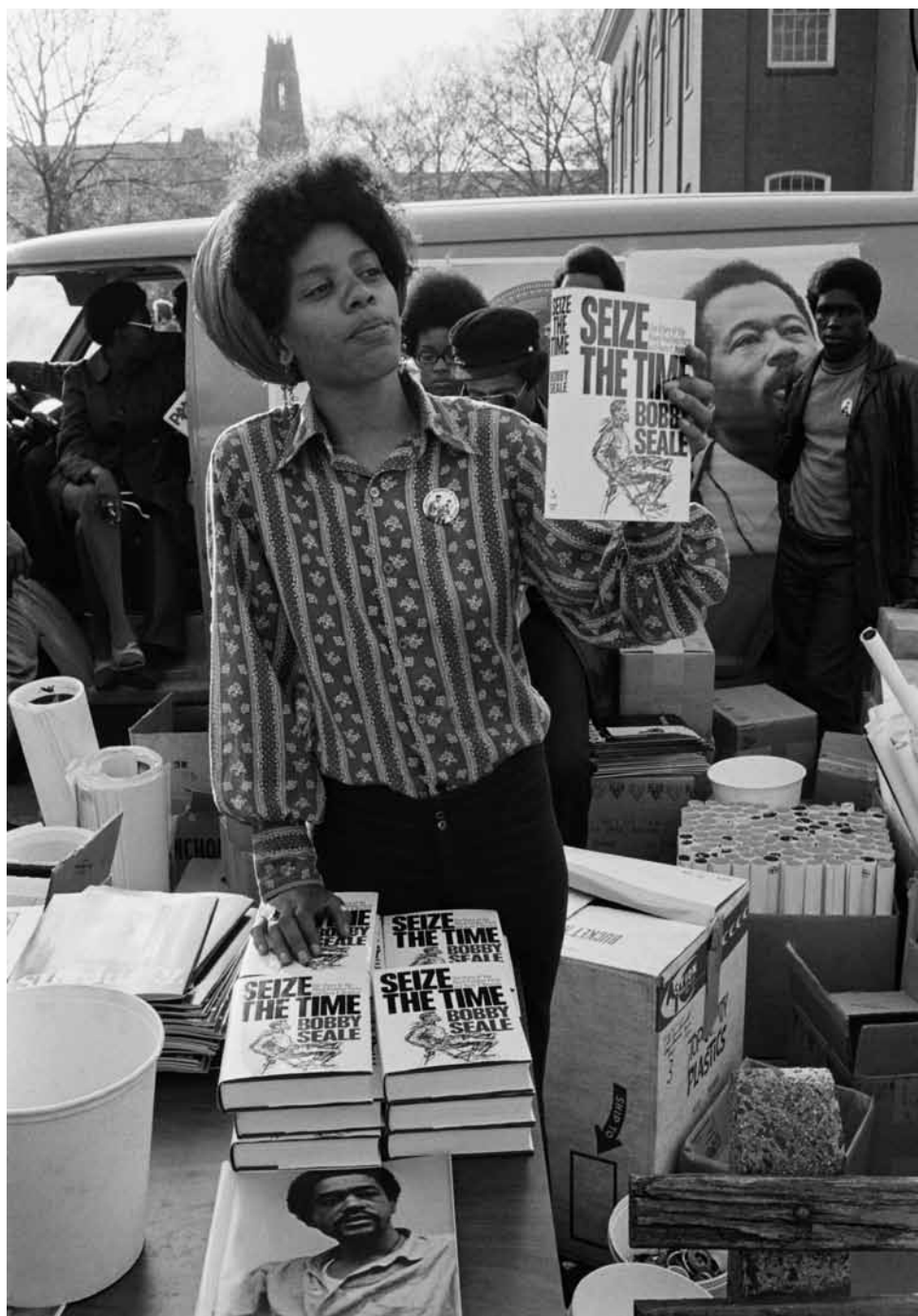
³ MFR, Robert E. Jordan III, GC, 30 Apr 70, sub: Plans for New Haven, copy in Civil Disturbance, New Haven, 1970 file (large ring binder), OGC (Army) (hereafter cited as New Haven CD file), Background Papers for the Role of Federal Forces in Civil Disturbances, 1945–1971 (hereafter cited as Background Papers), Records of the Army Staff, RG 319, NARA.

⁴ Memo, Brig Gen James D. Hughes, Mil Asst to the President, for Melvin R. Laird, Secy of Defense, 30 Apr 70 (reporting Dempsey’s request and the president’s actions), New Haven CD file, Background Papers, RG 319, NARA.

⁵ DCDPO Watch Team Jnl, 010300Q May 70, entry 11, and 020030Q May 70, entry 25, New Haven CD file, Background Papers, RG 319, NARA; AAR, Connecticut National Guard Civil Disturbance Operations in New Haven, Connecticut, 1–4 May 1970, n.d. (hereafter cited as New Haven AAR), pp. 1–19, apps. 1–3, NGAAR 70 file, Historian’s files, CMH.

⁶ “The Guard vs. Disorder,” *National Guardsman* 24 (June 1970): 2–12; Hayden, *Reunion: A Memoir*, p. 416.

⁷ Hayden, *Reunion: A Memoir*, pp. 416–17.



BLACK PANTHER PARTY MEMBER SELLING BOOKS WRITTEN BY COFOUNDER BOBBY SEALE AT YALE UNIVERSITY *during Seale's and other party leaders' trial*

Despite evidence of strong feeling, the crowd of 20,000 to 25,000 caused little serious trouble. The New Haven police used some tear gas, and the guardsmen served on security details and in crowd control. An Army explosive ordnance team was called to investigate a bombing in which two persons were said to have been injured. Arrests, according to an Army report, totaled some sixty-six. The Connecticut guardsmen operated under rules of engagement similar to those employed by federal forces, with emphasis on the use of restraint and minimum force. Never committed, the federal troops of Task Force 82 returned to their home stations following their release about midnight, 2 May, the last day of the rally. The Connecticut National Guard returned home two days later.⁸

The first test had passed with relative quiet, but within a few days, protests ensued at colleges and universities across the country, many of them student strikes. By 10 May, 448 campuses were affected, and some had closed down. Although unprecedented as a nationwide phenomenon, most of the protests were peaceful. Critical to the spread of disturbances, however, was a tragedy that took place on 4 May at Kent State University in Kent, Ohio. Indeed, what happened at Kent State may have been more important than the incursion into Cambodia in triggering outrage.⁹

Like most of the nation's campuses, Kent State University had not escaped the disorders of the 1960s. In 1968 and again in 1969 relatively minor disturbances had broken out at the campus, the first over race, the second over demands by Students for a Democratic Society for changes that included abolition of the university's ROTC programs. The new trouble began on Friday, 1 May, when a small group of history graduate students who called themselves World Historians Opposed to Racism and Exploitation (WHORE), held an antiwar rally on the Commons in the center of the campus. There was no disturbance until that evening, when a number of students in downtown bars began to jeer passing police cars. Growing boisterous, the crowd began smashing windows in the business district. Police and Portage County deputy sheriffs forced the students back onto the campus, which also sustained some property damage.

Over the weekend the situation escalated. Believing that local police forces were inadequate and that the state police could not be used because of its limited jurisdiction, Mayor LeRoy M. Satrom of the town of Kent requested help from the National Guard. Governor James A. Rhodes agreed and dispatched state troops to nearby Akron from Cleveland, where guardsmen were already on active duty because of a Teamsters' strike. The Guard moved some of the troops to Kent on Saturday evening, where they found a deteriorating situation on the campus. Cheered on by a crowd of almost a thousand, radicals had torched an old building used by the Reserve Officers Training Corps.

Quiet returned until Sunday evening, when a large, hostile crowd formed. Guardsmen and police dispersed it with tear gas, arresting fifty-one persons. Monday, 4 May, arrived along with a call, passed on by word of mouth and chalked on blackboards, for a rally

⁸ DCDPO Watch Team Jnl, 1 May 70, entries 62, 72, 74, 78, 79, 82, 87 (with Sitrep from Maj Gen Williamson attached), 88, 106, 107, 108; 2 May 70, entries 8, 10, 52, 53, 65, 71, 72; 3 May 70, entry 30; 4 May 70, entry 36. All in New Haven CD file, Background Papers, RG 319, NARA. New Haven AAR, pp. 14, 19–21.

⁹ Unless otherwise noted, this and the next four paragraphs are based on President's Commission on Campus Unrest, *Campus Unrest: The Report of the President's Commission on Campus Unrest* (Washington, D.C.: Government Printing Office, 1970), pp. 233–63, 282–84. Hereafter cited as the *Scranton Report*. AAR, Brig Gen Robert H. Canterbury to Ch, NGB, 8 Jun 70, sub: After Action Report, Kent State University, 2–8 May 1970 (hereafter cited as Kent State AAR), in NGAAR 70 file, Historian's files, CMH.

at noon to protest the Guard's presence. Instead of a protest, however, the rally became a confrontation.

Students began gathering on the Commons about 1100, despite a late-morning radio and school intercom notice that the governor had banned outdoor gatherings. Not all who came had a clear purpose; some were merely curious, while others were on their way to or from lunch or class. By 1145 five hundred or more students had gathered and the Guard commander, Brig. Gen. Robert H. Canterbury, ordered everyone to disperse. (Although he would later say he saw little threat at the time.) Meanwhile, one of his subordinates formed up seven officers and ninety-six enlisted men by the burned ROTC building on one side of the Commons and ordered them, in line with Ohio practice, to load and lock their weapons upon commitment. Each guardsman thus loaded an eight-round clip of .30-caliber ammunition into his M1 rifle, moved a round into the chamber, and set the safety, making his rifle ready to fire whenever the safety mechanism was disengaged. By federal standards, the action was highly irresponsible, given the circumstances, and a violation of basic rules mandating minimum force.



GENERAL CANTEBURY

By noon the crowd had grown to about 2,000. The majority watched from places on the periphery, but hundreds were on the Commons. When a university policeman was unable to disperse them or even to gain their attention, Canterbury ordered his force into a skirmish line with rifles loaded, rounds chambered, bayonets fixed, and gas masks on. His purpose was to disperse the crowd in a sweeping action, his authority (he later claimed) was a proclamation the governor had issued because of the Teamsters' strike. Preceded by two volleys of tear gas canisters, which did not have the intended effect, the troops moved forward. Canterbury originally intended for them to march only to Blanket Hill, a small rise across the Commons, before returning to their station near the burned-out ROTC building. On second thought, however, he had the troops press on farther to a nearby football practice field.¹⁰

As the crowd gave way before the troops, some of its more aggressive members hurled both epithets and rocks, bricks, and bottles at the guardsmen. Some tossed back gas canisters that had been fired at them. Fifty-three guardsmen sustained minor injuries that were treated by their own medical personnel; eight others required hospitalization for various reasons, including injuries from objects thrown. At the practice field, about

¹⁰ Unless otherwise noted, this and the next three paragraphs are based on *Scranton Report*, pp. 263–82, with maps and photographs, pp. 291–410.



STUDENT PROTESTERS RUN AS TEAR GAS IS FIRED INTO THEIR MIDST AT KENT STATE UNIVERSITY.

a dozen guardsmen knelt and leveled their rifles at protesters in the parking lot at the far end of the field, perhaps to warn or threaten them. After about ten minutes, Canterbury, thinking it might be wise to appear less confrontational, decided to turn back to the ROTC site; however, a small number, perhaps as many as fifty of the hundreds of students present, became more aggressive. The evidence is contradictory as to whether the intensity of the rock-throwing increased as the troops marched back up Blanket Hill. Canterbury claimed that as the troops came to the crest, the violence directed at them was so great at one point that he thought they were justified in firing in self-defense. Many other witnesses thought that the rock-throwing diminished, that some guardsmen were hit, but that most stones fell short. Photographic evidence tended to support this last version, for it showed substantial gaps between the troops and most of the rock-throwers. Some student witnesses, however, declared that the rock-throwing never slackened and became heavier as the troops advanced.

What happened next remains unclear. At a square bench with a concrete umbrella called the Pagoda, the troops suddenly turned toward the parking lot and fired. Allegations made by Canterbury and other officers that a sniper triggered the fire were not confirmed. One officer heard a sound like a shot and then a volley of shots; another heard an explosion like that of a firecracker, two gun shots, a momentary silence, and then a fusillade. All officers denied that anyone gave an order to fire, and yet 28 guardsmen acknowledged firing: 25 fired a total of fifty-five rifle shots, 2 fired five pistol shots, and 1 a single shotgun blast.



STUDENTS GIVE FIRST AID TO A WOUNDED DEMONSTRATOR AT KENT STATE.

The shooting lasted only about thirteen seconds, but four students were killed: Jeffrey G. Miller, Allison B. Krause, William K. Schroeder, and Sandra L. Scheuer. Nine more were wounded with one, Dean R. Kohler, paralyzed from the waist down. Fortunately, some of the guardsmen fired into the air, for otherwise there could have been many more casualties. Of the four dead, the closest was some 255 feet or more from the guardsmen and the farthest 390 feet away.

Although the university closed, the Guard remained in Kent and on the college campus until 5 May. General Canterbury's after action report found the word "None" suitable for describing "Problem Areas and Lessons Learned," and equally suitable as a response under the heading "Recommendations."¹¹ A special grand jury in Portage County, Ohio, blamed what had happened on a permissive university that overemphasized the right of dissent and on the students rather than the guardsmen. All the indictments it brought were against students, youthful nonstudents, and one faculty member.¹² To the President's Commission on Campus Unrest (Scranton Commission), appointed in June 1970, however, "the indiscriminate firing of rifles into a crowd of students and the deaths that followed were unnecessary, unwarranted, and inexcusable."¹³

¹¹ Kent State AAR, pars. 5–6.

¹² Robert M. O'Neil et al., *No Heroes, No Villains: New Perspectives on Kent State and Jackson State*, Jossey-Bass Series in Higher Education (San Francisco: Jossey-Bass Publishers, 1972), pp. 61–63, and for excerpts from the grand jury report, pp. 122–28.

¹³ *Scranton Report*, p. 289. See also "The Guard vs. Disorder," pp. 3–4, on the Guard's role at Kent State as viewed by its national journal, and "Writers' Reaction to the Guard," *National Guardsman* 24 (June 1970): 14–15.

When General Canterbury and his superior Maj. Gen. Sylvester T. Del Corso, the Ohio Adjutant General, came up for retirement in 1971, the Army Staff recommended awarding Canterbury the Legion of Merit and Del Corso the Distinguished Service Medal for their career accomplishments. When the recommendations reached the Army secretariat, however, General Counsel Robert E. Jordan III and Deputy Assistant Secretary of the Army for Manpower and Reserve Affairs John G. Kester strongly opposed the recommendations. Pointing out that both men had substantial “responsibility for the excesses and deficiencies” of the Guard at Kent State, Jordan found it “unthinkable” that the decorations should be awarded for service that included this infamous episode. He was “astonished,” he said, “that the proposal has received serious consideration in the staff.”¹⁴

Disorder Continued

Faced with a nationwide upheaval on college campuses, the Directorate of Civil Disturbance Planning and Operations planned for the possible use of troops in many areas: at Kent State University, if needed; at antiballistic missile and construction sites in North Dakota, in case trouble developed during demonstrations there; and in Washington, D.C., if required to handle a demonstration planned for 9 May. Concern over the missile sites proved to be exaggerated, but military police had to cope with demonstrations at several of a dozen Army installations at which or near which antiwar demonstrations occurred on Armed Forces Day. A protest at Fort Dix, New Jersey, was the most troublesome. A number of campuses besides Kent State saw attacks on ROTC facilities; around the country 5 buildings were destroyed, 6 partially destroyed, and 17 sustained some damage. Warned by the civil disturbance directorate, National Guard forces saw duty under state control at twenty-one colleges and universities in sixteen states during May.¹⁵

At Jackson State College in Mississippi, a new tragedy occurred when a well-trained Guard unit was held on the sidelines during a violent confrontation between students and police that left a dozen or more students injured and two dead.¹⁶ The Guard was at the center of a rowdy episode at the University of New Mexico, Albuquerque, in the course of which several people claimed to have received bayonet wounds.¹⁷ As at Kent State, the

¹⁴ Memo, Jordan for Actg Asst Secy of the Army (Manpower and Reserve Affairs), 18 Mar 71, sub: Proposed Awards for MG Del Corso and BG Canterbury, in Kent State (Del Corso and Canterbury Awards) file, Historian's files, CMH.

¹⁵ DCDPO Watch Team Jnl, entries on 041905Q May 70, and 61, 042205Q May 70, New Haven CD file, Background Papers, RG 319, NARA. DCDPO Historical Summary, July 1969–July 1970, pars. 110–111p; Talking Papers, Maj Butts, OTPMG, 18 May 70, sub: Armed Forces Day Anti-War Activities On or Near Army Installations; Maj Haddock, DCSPER-RUO, 9 May 70, sub: Anti-ROTC Activities; Haddock, 17 May 70, sub: Anti-ROTC Activities Update. All in Historian's files, CMH.

¹⁶ Ltr, Brig Gen John C. Fishel, AAG, Mississippi National Guard, to Ch, NGB, 22 Jun 70, sub: Operation Report—Operation BITTERSWEET (the Guard's after action report, which also covers the use of the Guard to protect workmen removing glass panels from the dormitory that showed the effects of gunfire. This was a controversial undertaking ordered by the governor), NGAAR 70 file, Historian's files, CMH; *Scranton Report*, pp. 411–65; Tim Spofford, *Lynch Street: The May 1970 Slayings at Jackson State College* (Kent, Ohio: Kent State University Press, 1988); O'Neil at al., *No Heroes, No Villains*, pp. 41–43.

¹⁷ DCDPO Watch Team Jnl, 042005Q May 70, entry 51, DOMS files, Background Papers, RG 319, NARA; Ltrs, John S. Catron, Catron & Sawtell, Santa Fe, N.M., to author, 9 and 23 Feb 76, and Lt Col Harold L. Rives, Jr., for TAG to NGB, 9 Jun 70, sub: Final Report, Action to Support New Mexico State Police on University of New Mexico Campus and Security for Republican Governors' Conference, 4–9 May 70 (which mentions several minor injuries to guardsmen but says nothing about any injuries to civilians), NGAAR 70 file. Both in Historian's files, CMH. There was, however, a federal suit brought (*Dressman v. Cargo*, Civil no. 8563 [U.S. District Court for the District of New Mexico, 22 Jun 70]), on the basis of the alleged bayonet injuries.



A WOMEN'S DORMITORY WINDOW DURING TROUBLES AT JACKSON STATE COLLEGE

New Mexico incident raised legal questions about the immunity of soldiers from civil and criminal liability for acts done in the performance of duty, for both New Mexico Guard members and the Ohio Guard enjoyed statutory immunity while on state duty. Indeed, as of mid-1971, all but six states and the District of Columbia and Puerto Rico had some sort of immunity laws, but neither the police nor federal forces enjoyed any such protection. In the federal case of *Scheuer v. Rhodes* (1974), however, which grew out of Kent State, the U.S. Supreme Court held that the executive branch of a state government does not enjoy “absolute” immunity from prosecution for its actions. That same year Ohio repealed its immunity law that stated a guardsman was guiltless for an injury or death provided a proper order to “desist and disperse” had been given. In the case of *Krause v. Rhodes*, a consolidation of all the state suits following Kent State, the state of Ohio settled out of court for \$675,000.¹⁸

Unlike those incidents, a Washington demonstration resulting from the invasion of Cambodia had lasting effects on both the antiwar movement and officials sworn to keep the peace. The call by the New Mobilization Committee to End the War in Vietnam for renewed action on the weekend of 9–10 May temporarily kept that uneasy coalition from splitting apart. The permit regulations worked out by the Justice Department and New Mobe representatives provided for a rally to be held on the Ellipse, uncomfortably close to the White House. Washington officials concerned about the potential for violence included Deputy Attorney General Richard G. Kleindienst, Mayor Walter E. Washington, Under Secretary of the Army Thaddeus R. Beal, and DCDPO director General McCaffrey.¹⁹

Expecting the executive mansion to be the focus if not the target of the demonstration, the planners concentrated on its security. The Directorate for Civil Disturbance Planning and Operations arranged for buses to be parked bumper-to-bumper to provide a physical barrier, and the Secret Service requested troops for close-in security. In response, the Army pre-positioned Task Force Military District of Washington, augmented by a military police battalion from Fort Bragg, in federal buildings near the White House in the early morning hours of Saturday, 9 May. The troops were under the Army’s operational control, with Maj. Gen. Roland M. Gleszer commanding. In addition, the District of Columbia assembled 1,786 guardsmen in a training status, swore them in as special police, and held them at the Guard’s tactical operations center, the armory, and at Camp Simms for commitment if needed. The measure represented the fourteenth call-up of the D.C.’s guardsmen for possible or actual riot duty since the march on the Pentagon in 1967.²⁰

¹⁸ For legal discussions of these immunity laws, including the question of their constitutionality, see Paul J. Scheips, *Some Aspects of the Federal Response to Civil Disorder* (1977), pp. 82–89, and accompanying notes, in Historian’s files, CMH; *The National Guard and the Constitution: An ACLU Legal Study* (New York: America Civil Liberties Union, 1971); David E. Engdahl, *Military Troops and Civil Disorders: An Historical and Analytical Review of the Law*, Law Revision Center Pilot Paper (Boulder: Law Revision Center, University of Colorado School of Law, 1970), pp. 57–68. Quotes from Scott L. Bills, ed., *Kent State/May 4: Echoes Through a Decade* (Kent, Ohio: Kent State University Press, 1982), pp. 36–38, 232–38.

¹⁹ Halstead, *Out Now!* pp. 536, 547–51; Talking Paper, Lt Col Edwards, DCDPO, 11 May 70, sub: Washington, DC, Demonstrations, and Ltr, Col Cunningham C. Bryant, TAG, DCNG, to Ch, NGB, 26 May 70, sub: After Action Report (8–10 May 1970 Anti-War Protest), NGAAR 70 file, both in Historian’s files, CMH; U.S. Congress, Senate, *Federal Handling of Demonstrations*, Hearings Before the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary, 91st Cong., 2d sess., S. Res. 333, 10 June 1970, pt. 1, pp. 61–84, 152–56, 180–86.

²⁰ Memo, Carl S. Wallace, Spec Asst, OSD, for Beal and Vice Adm Nels Johnson, Dir, Joint Staff, 8 May 70, authorizing the Army to cooperate with the Secret Service as required; Msgs, DA (DA Out 951803) to USCONARC et al., 072028Z May 70, sub: Warning Order, and DA to Gleszer, n.d. (but probably about 7 May 70), sub: Letter of Instruction GARDEN PLOT. Copies of all in Historian’s files, CMH.

The organizers of the demonstration disagreed, as they usually did, on whether the protest should feature acts of civil disobedience or concentrate upon a peaceful show of numbers in opposition to the war, but the situation seemed so fragile in the end that many mainstream dissidents stayed away from the protest, lest a violent outpouring occur.²¹ Despite such unease, the demonstration proved both larger and quieter than expected. A crowd variously estimated at from 75,000 to 100,000 thronged the city, but a force of volunteer marshals organized by the antiwar movement itself helped to prevent violence. Even so, scattered incidents of disorder and minor property damage afterward caused the police to make 365 arrests.

The Army's role proved to be more compassionate than military. The weather was extremely hot, causing a number of cases of heat exhaustion, prompting commanders to make trailers of water and a supply of salt tablets available. Since most of the demonstrators left by nightfall, neither Regular Army nor National Guard forces had to be deployed, and the various forces began to withdraw to home stations at 0300 on 10 May.²²

In the end, antiwar activists were able to credit the outpouring over the incursion into Cambodia and the tragedy at Kent State University with producing the "biggest wave of mass demonstrations" to that point in the war. In the same way, they could look to the fact that influential members of organized labor had chosen that moment to turn against the war, fracturing that movement's previously solid support for the conflict.²³ On 7 May, only two days before his death, the president of the United Auto Workers, Walter Reuther, sent President Nixon a telegram strongly criticizing the incursion on behalf of his union. "At no time in the history of our free society," he said, "have so many troops been sent to so many campuses to suppress the voice of protest by so many young Americans." Despite those achievements, however, many considered the effort a "fiasco" with limited influence and its organizers leaving "no suggestion for ongoing actions, and . . . no plans for coherent organization."²⁴ As a result, the protest in Washington marked the end for the New Mobe, which had staged its last demonstration.

Review and Revision

The protests initially had little effect on the government and its policies for handling civil disturbances. President Nixon appointed a special commission to study the causes of what had happened, with William W. Scranton, former governor of Pennsylvania, as chairman. The commission's members were mostly liberal in their views. As a result, their conclusions drew attacks not only from New Left ideologues but also from conservatives such as Vice President Spiro T. Agnew and California Governor Ronald W. Reagan. Unlike the Kerner and Eisenhower Commissions, the Scranton Commission held public hearings. Its members sponsored studies by experts on various aspects of campus unrest and sent teams to Kent State University and Jackson State College. Its report, titled *Campus Unrest: The Report of the President's Commission on Campus Unrest* but known widely as the *Scranton Report*, appeared on 27 September 1970.²⁵

²¹ DeBenedetti and Chatfield, *An American Ordeal*, p. 280.

²² Talking Paper, Lt Col Edwards, 11 May 70, sub: Washington, DC, Demonstration.

²³ Quote from Halstead, *Out Now!* p. 556, and see also pp. 551–55.

²⁴ First quote from *Ibid.*, p. 546. Second quote from DeBenedetti and Chatfield, *An American Ordeal*, p. 280.

²⁵ Platt, ed., *The Politics of Riot Commissions*, pp. 473–520; *Scranton Report*, pp. v, 533–37, including text of EO 11536, 13 Jun 70, the president's statement upon establishing the commission.



WILLIAM W. SCRANTON

The commissioners sought to distinguish between the normal and desirable intellectual ferment of the campus and “abhorrent . . . activities which the university and society . . . must seek to prevent and must deal with firmly.”²⁶ Valuable for its narrative accounts of campus violence, especially at Kent State, and high-minded in its statements of principle, the work infuriated President Nixon, who regarded the commission as a “runaway” because it had stressed the importance of ending the major cause of campus unrest by terminating American involvement in the Vietnam War. Although liberals such as Senators Charles E. Goodell of New York and Edward M. Kennedy of Massachusetts and New York Mayor John V. Lindsay had some good things to say about it, the *Scranton Report* passed from public view with little attention. The president, in effect, disowned it by leaving on a foreign trip when it was issued, while Vice President Agnew disparaged it in his familiar alliterative style as

“more pabulum for the permissivists.”²⁷

Army leaders were nevertheless more concerned. The Kent State shootings had again emphasized the need for better training and discipline in the National Guard. Under the Constitution and the law, the Army directed training and set standards for enlistment and for the appointment and promotion of Guard officers. The Guard’s equipment and organization were also determined by Army leaders in accord with national needs and priorities. The federal government paid 90 percent of the force’s operating costs, supplied virtually all of its equipment, and provided almost half the cost of its physical facilities—in all, nearly a billion dollars a year.²⁸

But sensitivity about states’ rights had hitherto prevented the service from pushing for additional control. Although the Army had increased training requirements for the Guard following the 1967 Newark and Detroit riots, the emphasis on Guard training for civil disturbances had “gradually, but steadily, diminished” in the years that followed. By 1970 the only remaining requirement was that Guard units, in addition to their standard unit training, had to devote a single weekend to refresher instruction for civil disturbances in the first four months of every calendar year.²⁹

²⁶ Quote from *Scranton Report*, pp. ix–x, and see also pp. 7–15.

²⁷ First quote from Hugh D. Graham, “The Ambiguous Legacy of American Presidential Commissions,” *Public Historian* 7 (Spring 1985): 17. Second quote from Platt, ed., *The Politics of Riot Commissions*, p. 525.

²⁸ *The National Guard and the Constitution*, p. 92; *Report of the National Advisory Commission on Civil Disorders* (hereafter cited as *Kerner Report*), p. 275; Ltrs, Senator Edmund S. Muskie to Melvin Laird, Secy of Defense, 10 Jun 70, and Robert E. Jordan III, GC, DA, to Muskie, 26 Jun 70, both in John G. Kester Papers, Historian’s files, CMH.

²⁹ James R. Gardner, “The Civil Disturbance Mission of the Department of the Army, 1963–1973: An Analysis of Perceptions, Policies and Programs” (Ph.D. diss., Princeton University, 1977. Ann Arbor, Mich.: University Microfilms, 1980), p. 202. Hereafter cited as Gardner, “Civil Disturbance Mission.”

Demands for a new look came from several quarters. Members of Congress questioned the Departments of Defense and of the Army about the capabilities of the Guard, particularly its training and whether it conformed to federal rules on the use of force. The Scranton Commission declared that the Guard had to receive "far more adequate and extensive disorder training," if only because it saw civil disturbance duty much more frequently than wartime duty.³⁰ Yet the Army Staff resisted such increases and sought to limit proposals for change even when the Army secretariat supported them.

A few years earlier, the regulars had wanted a well-trained Guard to minimize the possibility of their own potential involvement in civil disturbances. But the diminished magnitude of disorders in 1970 had decreased the likelihood of federal involvement, and with it the interest Army leaders felt in civil disturbance training for the Guard. Instead, they were reluctant either to devote the time of Army instructors to expanded training for the Guard or to increase the Guard's training for civil disturbances at the expense of its training for combat. The Directorate for Civil Disturbance Planning and Operations weighed in with the view that there was no evidence that the Guard's training was in fact deficient. "In our view," said the acting director, "the incident at Kent State . . . was attributable to the policy concerning the force options and rules for the application of force," which were not influenced, in his opinion, by the duration of training.³¹

The Army Staff also cited some recent developments that made expansion of the Guard's training less necessary. One was the establishment in June 1970 of a Department of the Army study group to take a comprehensive look at "the civil disturbance threat, civil and military capabilities, and specific actions required in civil disturbance doctrine, organization, tactics, techniques, training, and equipment."³² Another was the opening at Fort Gordon, Georgia, on 10 May 1970 of the Senior Officers Civil Disturbance Orientation Course (SEADOC). Originally established in 1968, but discontinued in 1969, this course brought together military and civilian officials from all levels of government for a week's study of ways to improve the handling of civil disturbances. Reactivation of the civil disturbance course at this time was one aspect of support the Army gave to civil law enforcement through its backing of the disorder control programs of the Department of Justice, the Law Enforcement Assistance Administration (LEAA) (established by the Omnibus Crime Control and Safe Streets Act of 1968), and the International Association of Chiefs of Police.³³

Nevertheless, since it preferred to have civil authorities handle the remaining problems with unrest, the Army made only slow and grudging changes in the Guard's training. During June

³⁰ Quote from *Scranton Report*, p. 175. The Army National Guard had played a minor role in the Vietnam War but had served in domestic upheavals more than 200 times in the previous three years. Gardner, "Civil Disturbance Mission," pp. 203–04.

³¹ Quote from Memo, Maj Gen Charles H. Gettys, Actg Dir for Civil Disturbance Planning and Operations, for Asst Secy of the Army (M&RA), 29 Jun 70, sub: Civil Disturbance Training for the Army National Guard, p. 1, DOMS files, Background Papers, RG 319, NARA. Gardner, "Civil Disturbance Mission," p. 207.

³² Quote from CSM 70–347, 28 Sep 70, sub: Army Civil Disturbance Study (superseding CSM 70–328, 16 Sep 70, same subject), in DA Study Group Final Rpt, CSM 70–347, Department of the Army, Civil Disturbance Study, p. A-1, copy at U.S. Army Military History Institute, Carlisle Barracks, Pa. See also the initial civil disturbance study group report in Background Papers, RG 319, NARA.

³³ DCDPO Historical Summary, July 1969–June 1970, pars. 4 and 9, and DOMS Historical Summary, July 1970–June 1971, pp. 23–24, 27, in Historian's files, CMH; Gardner, "Civil Disturbance Mission," pp. 221–25. During the period ending on 1 July 1971, 1,505 persons (680 civilian and 825 military) attended this course, including personnel from the National Guard (405), active Army (346), Army Reserve (24), Air Force (22), Marine Corps (16), Navy (1), and Coast Guard (1).

the staff recommended a three-day course for guardsmen during basic training, but in mid-October the vice chief of staff endorsed only three hours of such instruction. In January 1971 the Continental Army Command initiated a three-hour course, but when the study group reported, it urged additional training for the Guard and suggested a compromise of twenty hours. Against the advice of the head of the Directorate of Military Support (DOMS) (the new name of the Directorate for Civil Disturbance Planning and Operations), the under secretary of the Army ordered twenty hours of civil disturbance training and eight hours of junior leadership training annually. Early the following year, however, Continental Army Command recommended a cut in that training from twenty to sixteen hours, and on 15 March 1972 the reduction was approved.³⁴

The Army also took a firmer line in tightening the rules set forth in the March 1968 edition of Field Manual 19–15 governing the application of force. Its aim was to adapt those standards, for both the Guard and active forces, to the varied situations that might arise in civil disturbances to limit, as far as possible, any likelihood that chance or individual impulse could lead to violence. In revising the manual, the Army changed the title of the work from *Civil Disturbances and Disasters* to simply *Civil Disturbances*.

Internal debate over the revision revolved around the right of self-defense and the use of warning shots and bayonets. The Army Staff convinced the secretariat to include a strong statement on the soldier's right to defend his own life, but it resisted efforts by the secretariat to permit warning shots. In the end, it succeeded in gaining approval for a statement that warning shots were not to be employed because they represented a hazard to the innocent and were apt to give the impression of sniper fire. In the same way, the secretariat wanted to eliminate use of the bayonet in crowd control while the staff argued that under certain circumstances bayonets were useful for their deterrent effect and the flexibility they gave a commander. In that case, the two settled upon compromise language permitting the use of bayonets with a violent crowd but not in instances where nonviolence was the rule. The revisions placed additional restrictions on use of the shotgun, putting it into the category of deadly force, even if loaded with birdshot rather than buckshot.³⁵

Out of the process of debate and compromise came concise formulations that embodied much thought and experience in dealing with civil disorders. "The use of deadly force," declared the manual,

in effect invokes the power of summary execution and can therefore be justified only by extreme necessity. Accordingly, its use is not authorized for the purpose of preventing activities which do not pose a significant risk of death or serious bodily harm (e.g., curfew violations or looting). If a mission cannot be accomplished without the use of deadly force, but deadly force is not permitted under the guidelines authorizing its use, accomplishment of the mission must be delayed until sufficient nondeadly force can be brought to bear. The commander should report the situation and seek instructions from higher authority. All the requirements of *b*, below, must be met in every case in which deadly force is employed.

³⁴ Gardner, "Civil Disturbance Mission," pp. 207–12; DOMS Historical Summary, July 1970–June 1971, pp. 29–31; DA Study Group Final Rpt, CSM 70–347, p. II-4-28.

³⁵ DA FM 19–15, *Civil Disturbances*, Mar 72, pp. 4-4, 5-6, I-1 to I-2, copy in CMH.

b. The use of deadly force is authorized only where all three of the following circumstances are present:

- (1) Lesser means have been exhausted or are unavailable.
- (2) The risk of death or serious bodily harm to innocent persons is not significantly increased by its use; and
- (3) The purpose of its use is one or more of the following:
 - (a) Self-defense to avoid death or serious bodily harm (*c.*, below);
 - (b) Prevention of a crime which involves a substantial risk of death or serious bodily harm (for example, setting fire to an inhabited dwelling or sniping), including the defense of other persons;
 - (c) Prevention of the destruction of public utilities or similar property vital to public health or safety; or
 - (d) Detention or prevention of the escape of persons who have committed or attempted to commit one of the serious offenses referred to in (*a.*), (*b.*), and (*c.*) above.

c. Every soldier has the right under the law to use reasonably necessary force to defend himself against violent and dangerous personal attack. The limitations described in this paragraph are not intended to infringe this right but to prevent the unauthorized or indiscriminate firing of weapons and the unauthorized or indiscriminate use of other types of deadly force.

The revised manual was issued in March 1972, and the guidelines on deadly force continued with little change through later revisions in 1975 and 1985.³⁶

The effort to leave as little to chance or individual discretion as possible and to control recourse to the use of deadly force strictly was also seen in the new manual in the language describing the responsibilities of officers. Thus it was declared to be of "critical importance" that officers retain tight control over the loading of weapons to prevent "the unjustified use of deadly force." In a passage that recalls the Kent State tragedy, the new guidelines included the caution that "loaded weapons in tense situations may invite the application of deadly force in response to provocations . . . not sufficient to justify its use." They increase "the hazard that the improper discharge of a weapon by one or more individuals will lead others to a reflex response on the mistaken assumption that an order to fire has been given." Consequently, "officers should be clearly instructed" that they have "a personal obligation to withhold permission for loading until circumstances indicate a high probability that deadly force will be imminently necessary and justified" according to the established criteria. "Strong command supervision must be exercised to assure that the loading of weapons is not authorized in a routine, premature, or blanket manner."³⁷

One of the Scranton Commission's suggestions had been to replace weapons capable of inflicting severe bodily harm with less dangerous arms in situations where deadly force was clearly inappropriate. The Army responded by adopting 36-inch riot batons for selected National Guard units. In time, it came to regard the baton as the most appropriate weapon for controlling all but the most violent crowds and gave considerable attention to it not only in the 1972 field manual but also in the manuals of 1975 and 1985.

³⁶ DA FM 19-15, Mar 72, p. 4-4. Almost precisely the same wording was repeated in the revisions of October 1975 and November 1985, pp. 4-4, 7-4, respectively, copies in CMH.

³⁷ *Ibid.*, Mar 72, p. 4-5.

A near relative of the policeman's nightstick, the baton's advantages were many. Unlike the rifle, its loss in a scuffle would not be a serious matter. Made of hardwood, it could be lethal if employed without restraint, but it was not intended to be used as a simple club—troops were taught a variety of techniques for using it without causing unnecessary injury. It was intended as a weapon of restraint, and its primary advantage was the enlargement of military options and flexibility it allowed.³⁸

An Army study in 1971 concluded, however, that the regulars should not be equipped in the same fashion. The reason had to do with the circumstances under which they were committed. Their arrival, under federal doctrine, was a “drastic last resort,” and they could never be allowed to fail. As the 1972 manual put it, “the [military] element directly in contact with the crowd is equipped with the baton and the supporting element . . . with the rifle and bayonet.”³⁹ The concept of a strong backup extended beyond the rifle to automatic weapons. While sharply restricting their use, the manual declined to impose an outright ban on the employment of machine guns in civil disturbances. But all such weapons were to be closely controlled by commanders, and the manual emphasized that their use was “almost inconceivable . . . under any circumstances short of guerrilla warfare.”⁴⁰

A page devoted to campus disorders prescribed a graduated control effort that would begin with an attempt to disperse a crowd by a civil official. If the military were called upon, troops were to be “committed only . . . with civil police,” and might be employed initially only in a “security role.” If serious resistance occurred, riot control agents were to be used by enough troops to contain and disperse the rioters. Nonviolent protesters, however, were to be contained by forces outfitted with riot batons, but there was to be “a fully-armed, readily-available force” standing in reserve.⁴¹

Despite the experiences of Newark, Detroit, and Kent State and all the guidance following them, great variations remained in state policies regarding the use of force in civil disturbances. At least one state—North Dakota—had tighter rules than the Army, not even allowing ammunition to be issued to guardsmen on civil disturbance duty. Others, as in the case of Ohio, were far more liberal on the use of force. Given that situation, not to mention the concern of some states for the preservation of their prerogatives in relation to the federal government under the Constitution, how the Army would bring the Guards of the various states into compliance with the new rules while ensuring uniformity among them all was unclear.⁴² Senator Edward M. Kennedy and others suggested that the legal rationale for federal regulation of the use of live ammunition by state-controlled (nonfederalized) Guard forces rested on the fact that the federal government paid most Guard costs. Deputy Assistant Secretary of the Army John G. Kester suggested that conditioning monetary grants to the states upon their compliance with federal rules might be the best approach. Another possibility

³⁸ DA Study Group Final Rpt, CSM 70–347, pp. I-3-43 to I-3-45.

³⁹ First quote from *Ibid.*, p. II-1-5. Second quote from DA FM 19–15, Mar 72, p. J-1, and see also pp. J-2 to J-18.

⁴⁰ DA FM 19–15, Mar 72, p. I-2. See also *Ibid.*, Oct 75, pp. 5-1 to 5-2, F-1 to F-11, and *Ibid.*, Nov 85, pp. 10-0 to 10-10.

⁴¹ *Ibid.*, Mar 72, pp. 5-18 to 5-19.

⁴² *Scranton Report*, p. 179; *The National Guard and the Constitution*, p. 92; DF, NGB Augmentation AOC to Porter, 5 May 70, Historian's files, CMH.

would be to make the supply of rifles and ammunition dependent on state adoption of the federal rules. A radical proposal that received almost no legislative support, losing in the Senate 87 to 2, was an expedient that required the governors of the states to secure presidential approval before authorizing guardsmen to carry ammunition or to fire on civilians.⁴³

As the Army interpreted the law, however, no legal basis existed for requiring Guard units serving under state control to adhere to Army civil disturbance doctrine and rules of engagement. Army General Counsel Robert E. Jordan cited in support of this view Section 501 of Title 10, *U.S. Code*; the militia clause in Article I, Section 8, of the Constitution; the Tenth Amendment; and the National Defense Act of 1916. His logic was somewhat intricate. Congress was required to provide for “organizing, arming, and disciplining” the Guard, but the word “discipline” as used in the militia clause of the Constitution had an eighteenth century meaning of instruction or training. Jordan argued that Congress, pursuant to that provision, had required the Guard’s training to conform to that of the Regular Army, and the Army had established a single civil disturbance control training program for use by both the active forces and the National Guard. However, the Constitution provided Congress with authority to govern only that part of the militia or Guard “employed in the Service of the United States,” and the Tenth Amendment, which reserved all nonspecified powers to the states or the people, precluded congressional control of the militia when not in federal service.⁴⁴

Legal formulations alone, however, did not wholly explain the reluctance of the Army to criticize the Guard, for the law could be changed. The informal but very real system of expressed and implied understandings that bound the Army and the Guard into a whole during times of duress was also involved. As the 1971 Department of the Army Civil Disturbance Study put it, “the long standing relationship between federal and state government should not be altered by legislation or constitutional amendment to force adoption of the federal guidelines.” Compliance therefore, in the eyes of the Army, would have to be obtained through training and persuasion, and in fact that was how it came about. The National Guard Bureau worked directly with the states to adopt the federal rules as set forth in Field Manual 19–15, and by 31 March 1971 all fifty states together with the District of Columbia and Puerto Rico had agreed.⁴⁵

While the Army tightened controls on the use of force, other changes in basic documents appeared to reflect the administration’s sense of being surrounded and besieged by domestic enemies. A case in point was the revision of Department of Defense Directive 3025.12, *Employment of Military Resources in the Event of Civil Disturbances*. The directive had not been updated since 1968 and contained no refer-

⁴³ Ltr, Kennedy to Nixon, 16 Jun 70, in U.S. Congress, Senate, *Federal Handling of Demonstrations*, p. 187; Gardner, “Civil Disturbance Mission,” pp. 215–18; *The National Guard and the Constitution*, pp. 92–97; Albert Brien, “The Case for Uniform Regulation of the National Guard,” *Boston University Law Review* 50 (Special Issue 1970): 175–79; Memo, John G. Kester, Dep Asst Secy of the Army, for Actg Secy of the Army, 3 Sep 70, sub: Planning for National Guard Civil Disturbance Control, Historian’s files, CMH.

⁴⁴ Quotes from Ltr, Jordan to Senator Edmund S. Muskie, 26 Jun 70, in response to Ltr, Muskie to Melvin Laird, Secy of Defense, 10 Jun 70, Historian’s files, CMH.

⁴⁵ Quote from DA Study Group Final Rpt, CSM 70–347, p. II-1-6. *Scranton Report*, pp. 18–38; Halstead, *Out Now!* p. 717; DeBenedetti and Chatfield, *An American Ordeal*, pp. 280–81, 284–91, 298.

ence to the legislation authorizing military support of the Secret Service or the Interdepartmental Action Plan. The Directorate for Civil Disturbance Planning and Operations began to review the document in June 1969 and eventually published a revision on 19 August 1971.⁴⁶

The new directive set forth a number of exceptions to the Posse Comitatus Act, which in both form and substance went much further than the 1968 version. Two of these, constitutional in nature, were “based upon the inherent legal right of the United States Government . . . to insure the preservation of public order and the carrying out of governmental operations . . . by force if necessary.” One provided emergency authority to protect life or property and the other authority to secure federal property and functions when there was a “need” for protection and local authorities could or would not act. The emergency authority and the inherent power to protect federal property and functions had not been stated explicitly in the 1968 directive. Instead, they had been combined in a broad claim to an inherent legal right on the part of the government. The other exceptions were statutory in nature. One dealt with the 1968 authorization of military support for the Secret Service. Regarding Section 331 of Title 10 of the *U.S. Code*, governing requests for assistance from a state, another provided, in accord with the Interdepartmental Action Plan of 1 April 1969, that all preliminary requests were to be received and coordinated by the attorney general.⁴⁷

Other provisions in the new directive reflected the declining level of violence and the sharp criticism the Army was receiving because of its surveillance of civilians. The secretary of the Army, as executive agent for the Department of Defense, was made responsible for promulgating “strict policy guidelines designed to restrict to the maximum extent consistent with the effective conduct of actual civil disturbance operations the collection and maintenance of intelligence data . . . within the Department of Defense.” The directive also dealt at greater length than its predecessor with the provision of military resources to civil authorities, including fire-fighting assistance in disturbances. In 1973 the Department of Defense reprinted the 1971 directive on supporting civil authorities in airplane hijackings and defined terrorist incidents as a form of civil disturbance. Military resources for coping with terrorist incidents were to be provided upon request of only the director of the FBI.⁴⁸

In 1970 the Directorate for Civil Disturbance Planning and Operations began to review the Army’s principal civil disturbance regulation, Army Regulation 500–50, with a view toward bringing it up to date and harmonizing it with the revision of the defense directive. The new regulation came out on 14 July 1971. Despite the year or more spent in preparation, the document apparently was published in haste, as a result of events that occurred on May Day 1971, when protesters went to Washington with the avowed purpose of closing down the government. Indeed, an interim change to the old regulation issued on 5 May 1971, providing that a commander did not have to secure departmental approval before using troops to protect seriously threatened government property or functions, was incorporated verbatim into the new Army regulation.

⁴⁶ DOD Directive 3025.12, *Employment of Military Resources in the Event of Civil Disturbances*, 8 Jun 68, and 19 Aug 71, with chg 1, 14 Sep 71, and chg 2, 4 Dec 73, copies in Historian’s files, CMH. DOMS Historical Summary, July 1970–June 1971, pp. 32–33.

⁴⁷ DOD Directive 3025.12, 19 Aug 71, par. V.C.1.

⁴⁸ Quote from *Ibid.*, par. VII.A.8. Clarence I. Meeks III, “Illegal Law Enforcement: Aiding Civil Authorities in Violation of the Posse Comitatus Act,” *Military Law Review* 70 (Fall 1975): 101; DOMS Historical Summary, July 1970–June 1971, pp. 32–33.

A general revision and updating of other significant documents went on at the same time. The Army revised its regulation governing support for the Secret Service, AR 1-4, 12 March 1969, when the Directorate of Military Support became responsible for aiding the Secret Service in protecting foreign heads of state—a change prompted by the twenty-fifth anniversary of the founding of the United Nations in October 1970. Department of the Army Memorandum 500-2, which dealt with the civil disturbance responsibilities of the secretary of the Army and the chief of staff, was also revised.⁴⁹

On 18 August 1969 and 5 July 1970, the Army published minor changes to the departmental civil disturbance plan GARDEN PLOT of 10 September 1968, and in the latter part of 1969 also began a comprehensive revision of the plan. The precipitating factor in this case was a 1 April 1969 intelligence study indicating that the 115 threatened metropolitan areas identified in 1968 could be reduced to 66. The greatest threat, in the ACSI's view, was racial disorder, and a 21 October 1969 update of the intelligence study held to the same view.⁵⁰ Another ACSI study of June 1970 concluded that the use of federal troops was unlikely, either in a situation involving racial violence (although this was regarded as the most likely cause of federal involvement) or in any of the other six possible types of disturbances that might occur in 1972-1975: student disorders, mass demonstrations with associated violence, political terrorism and urban guerrilla warfare, labor conflicts, natural disasters, or some new problem.

With estimates of that sort in mind, the Army proceeded to revise the 1968 GARDEN PLOT plan. Contributions came from the military services, staff agencies, and major and minor commands. Changes incorporated in the new plan included reduction in the number of high-risk and intermediate-risk cities to eight in each category, with fifty additional cities categorized as low-risk; curtailment of collection, reporting, processing, and storing of intelligence information by the ACSI and the Intelligence Command; and restrictions on employment of Army Reserve forces because the Russell Amendment permitting their employment in civil disturbances had expired. Clearer guidance was also provided on the old question of lending defense resources to state agencies. After approval, the newly revised plan took effect on 20 July 1970.

By that time, all the operations plans for the eight high-risk cities—Baltimore; Cleveland; Washington, D.C.; Memphis; Chicago; Detroit; St. Louis/East St. Louis; and Los Angeles/Long Beach—had been completed, as had all information planning packets for the sixty-six designated vulnerable areas. A force requirements study estimated that twenty-seven brigade equivalents would be needed to assist local and state forces in eight high-risk areas. Following approval of this recommendation in late August 1969, planning went forward on the worst-case assumptions that disorders might occur simultaneously in all eight of the high-risk places. Further revisions of GARDEN PLOT itself were published in 1971, and new editions in 1973 and 1978, with further modifications thereafter.

⁴⁹ AR 500-50, *Emergency Employment of Army and Other Resources: Civil Disturbances*, 11 Jun 69; Msg, DOMS-PR-P, 051506Z May 71, sub: Interim Change to AR 500-50, 11 Jun 69; AR 500-50, 14 Jul 71 and 21 Apr 72; DOD Directive 3025.12, 8 Jun 68 and 19 Aug 71; DA Memo 500-2, 24 Jan 72 (with an expiration date of 24 Jun 75); Chief of Staff Regulations (CSRs) 500-3, 19 Aug 69, 18 Feb 70, 23 Jul 70; DOMS Historical Summary, July 1970-June 1971, pp. 33-36.

⁵⁰ Unless otherwise noted, the following section is based on DCDPO Historical Summary, July 1969-June 1970, pp. 1-3; DOMS Historical Summaries, July 1970-June 1971, p. 21, and July 1971-June 1972, pp. 20-21. All in Historian's files, CMH. DA Study Group Final Rpt, CSM 70-347, pp. I-1-1 to I-1-42, I-1-E-1, I-1-F-1, I-1-G-1 to I-1-G-2, and II-2-22 to II-2-26.

Comparison of the later editions with the earlier ones reveals not only technical adjustments but also significant changes in the Army and society at large. For example, the use of female personnel in civil disturbance operations was authorized in 1978, even “in an offensive role . . . as part of a formation actively controlling a dissident crowd.”⁵¹ The essentials, however, remained intact, for the Army believed that it had found the methods it needed to meet its obligations for maintaining order in a democratic nation.

May Day 1971: The Last Vietnam Antiwar Crisis

In the summer of 1970, the organized antiwar coalition split apart over the old but still unsettled issue of whether the movement’s main thrust should be confrontation or peaceful mass action. Although not formally dissolved, the New Mobe “just faded away.” Out of the split came the moderate National Peace Action Coalition under leadership of the Socialist Workers Party and the National Coalition Against War, Racism, and Repression, which had been organized by a small group of independent radicals. In turn, the National Coalition Against War, Racism, and Repression became the People’s Coalition for Peace and Justice (PCPJ). By the end of the year, some observers were writing that an era was ending. “The civil rights movement, the New Left, the youth culture all seemed to be over. . . . The only thing that went on without interruption was the war.”⁵²

In fact, the Nixon administration was pursuing a policy of withdrawing American forces from South Vietnam while attempting to prop up that nation’s government. The American people and their representatives gave every sign of disillusionment with the war. Congress, at the end of 1970, repealed the Gulf of Tonkin Resolution passed in 1964 that had provided a legal cover for U.S. military action in South Vietnam. President Nixon soon indicated that U.S. ground combat would end in May, although the Pentagon revealed that 100,000 U.S. combat troops would remain in South Vietnam. In early February South Vietnamese troops invaded Laos to interdict North Vietnam’s main supply line, with the United States providing air support for the operation.

The antiwar movement saw the incursion as yet another expansion of the war, and shortly thereafter about sixteen hundred students gathered in Ann Arbor to endorse the People’s Peace Treaty, a proposal of the People’s Coalition for Peace and Justice. A radical group within the People’s Coalition, called the May Day Collective, threatened to close down the government with a mass demonstration if it failed to ratify the People’s Peace Treaty by 1 May. Few if any believed that the government would comply, and preparations for the demonstration began with the usual negotiations between antiwar moderates and radicals. A fragile agreement was reached, setting aside the period between 24 April and 1 May for demonstrators to study nonviolent techniques, and the National Peace Action Coalition and the People’s Coalition for Peace and Justice jointly issued a press release noting that “the People’s Coalition will sponsor sustained actions in Washington during the last week of April and the first week of May.”⁵³

⁵¹ DA Civil Disturbance Plan (GARDEN PLOT), 24 Jun 70, with which compare such later editions as those of 13 May 73, 3 Aug 78 (quote from p. 3), and 1 Mar 84. All in Historian’s files, CMH.

⁵² First quote from Halstead, *Out Now!* p. 564, and see also pp. 563, 565–81. Second quote from DeBenedetti and Chatfield, *An American Ordeal*, p. 297, and see also pp. 295–96.

⁵³ Halstead, *Out Now!* p. 598.

Both groups agreed that their central demand would be immediate withdrawal of all U.S. troops from Southeast Asia. The People's Coalition, however, had a broader agenda, and its social platform brought it support from such organizations as the Southern Christian Leadership Conference, the National Association for the Advancement of Colored People, the National Urban League, and the National Welfare Rights Organization. Some conservatives voiced fears of communism, based on the makeup of the People's Coalition, and the CIA spied on radical coordinators of the coming demonstration in an effort to learn about possible violence planned against the government or foreign embassies.⁵⁴

First to arrive in Washington was an organization called Vietnam Veterans Against the War, whose members pitched camp on the Mall near the Capitol and lobbied Congress in April, some testifying on atrocities and denouncing the war before the Senate Committee on Foreign Relations. Worried about setting a precedent for the coming May days, the Department of Justice sought to evict the group from the Mall but then backed down, even with a court order in hand, when the veterans refused to move.⁵⁵

Despite such immediate problems, the main concern of the Nixon administration was the May days when the nation's leaders expected 75,000 demonstrators to descend on Washington. Neither they nor the leadership of the antiwar movement thus anticipated any great outpouring at a preparatory rally scheduled for 24 April. Possibly for this reason, officials proved unusually accommodating, agreeing to let the demonstrators use the Ellipse as an assembly point for parade down Pennsylvania Avenue and even a rally on the Capitol steps, the first time antiwar groups had been allowed to assemble there. The Directorate of Military Support took a few precautionary measures, adding an officer and support personnel to each watch team shift, arranging for a public affairs representative and a Military District of Washington liaison officer, and placing a Directorate of Military Support liaison officer at the District of Columbia command center.⁵⁶

As matters turned out, the demonstration on 24 April was a mammoth affair. Buses carrying demonstrators were backed up for twenty miles all the way to Greenbelt, Maryland, and many people traveling in cars and buses did not arrive until the event was over. Crowd estimates ranged from the official figure of 200,000 to half a million or more. Marchers filled Pennsylvania Avenue and its sidewalks from one side to the other. It was a great peaceful parade, with no troops lining the streets and only a few policemen in evidence. The crowd contained representatives from a broad spectrum of the nation's society, and members of both houses of Congress were among those addressing the rally. At a simultaneous demonstration in San Francisco, the marchers were said to stretch along the entire seven-mile route from the Embarcadero to the Polo Ground in Golden Gate Park, and crowd estimates ranged from 125,000 to 350,000.⁵⁷

Nixon was surprised and angered by the size of the demonstration. He declared that he would not be intimidated and made some threatening comments in view of the planned main demonstration in May. His outlook was captured for posterity by a tape machine in

⁵⁴ Ibid., pp. 582–605, 716. See also DeBenedetti and Chatfield, *An American Ordeal*, pp. 298–304; *Report to the President by the Commission on CIA Activities Within the United States* (New York: Manor Books, 1975), pp. 127–28, 142.

⁵⁵ Halstead, *Out Now!* pp. 605–07.

⁵⁶ D.C. Human Relations Commission, *May Day 1971: Challenge to Civil Liberty* (Washington, D.C., 24 Jun 71) (hereafter cited as *D.C. May Day 1971 Report*), p. 4; DOMS Historical Summary, July 1970–June 1971, p. 7.

⁵⁷ Halstead, *Out Now!* pp. 608–15.



MASSIVE ANTIWAR RALLY CONVERGES ON THE CAPITOL, 24 April 1971

the Oval Office, which later played a significant role in the Watergate scandal. In a conversation with his aide H. R. Haldeman, Nixon observed that accusations of undue force would always be made against the police. “Therefore,” he said, “play it hard,” and take credit for standing firm. “These people try somethin’, bust ’em.” The president applauded reports of attacks on antiwar dissenters by construction workers and told Haldeman that the Teamsters Union had “thugs” who could break up a march, “guys who’ll go in and knock their heads off.” (“Sure,” Haldeman responded, “murderers.”)⁵⁸

Actual planning, though more restrained, showed clear White House influence. High-level participants made the key decisions in a series of meetings at the Department of Justice. Among those present were Deputy Attorney General Richard G. Kleindienst, John W. Dean III of the White House staff, and Jerry V. Wilson, chief of the Metropolitan Police. Other participants included Attorney General Mitchell, whose attendance was intermittent; Robert Mardian, who headed the Justice Department’s Internal Security Division; military representatives; and, at an important session on 1 May, presidential assistant John Ehrlichman. The presidential adviser took a hard line. When Kleindienst observed that no decision had been made on using troops, Ehrlichman angrily declared that the president

⁵⁸ Quotes from “Nixon: He’s Back, Again,” *Newsweek* 117 (17 June 1991): 32, taken from taped Nixon-Haldeman conversation. The following pieces from the *Washington Post*: “Nixon Backed Idea of Setting Thugs on Antiwar Demonstrators,” 25 Sep 81; Haynes Johnson, “Lessons from New Nixon Tapes,” 7 Jun 91; and Haynes Johnson and Michael Isikoff, “Watergate-Era Nixon Tapes: A Portrait of Suspicion,” 5 Jun 91, the latter from a Nixon-Haldeman conversation of 5 May 1971 in which Nixon wondered if Jews were partly behind the antiwar demonstrations.

wanted the city kept open even if 100,000 troops were needed. If there were not enough troops, he declared, somebody would be in serious trouble. Immediately after this meeting, Kleindienst requested pre-positioning of federal troops in the Washington area, and troops of Task Force Military District of Washington responded the same day.⁵⁹

Directorate of Military Support planning for 1–5 May involved the usual coordination with the Department of Justice, the Military District of Washington, and the Continental Army Command. The active forces involved were the Headquarters, Task Force Potomac; units of the 82d Airborne Division at Fort Bragg that had been designated as Quick Reaction Force East, for use in case of major trouble; and Task Force Military District of Washington—a total of 11,500 federal troops. In addition, 1,800 Army and Air National Guardsmen were to be placed in annual training status and sworn in as special policemen to supplement the 5,100 Metropolitan and 400 Park Police. Task Force Potomac personnel and 82d Airborne Division troops were pre-positioned. The Directorate of Military Support meanwhile reinforced its watch team, adding intelligence, National Guard, and liaison officers, plus several logistical specialists.

Minor instances of peaceful civil disobedience began early on 1 May. Some demonstrators staged sit-ins and stand-ins at the entrances to the Department of Justice, the Selective Service, and the Department of Health, Education, and Welfare. Many were arrested when they refused to move on. That night PCPJ leaders sponsored a rock concert near the Lincoln Memorial that drew an audience of about 50,000, including some soldiers. As a lure for Sunday's demonstration, however, the concert proved to be less than successful; most of the audience left when it was over and did not return. Several thousand demonstrators camped out overnight in West Potomac Park under an agreement with the Department of Justice, only to be ejected the following morning, said Ehrlichman, to show that the government was not "aiding and abetting the protesters in their illegal plan."⁶⁰ The attendance on Sunday was disappointing to the demonstration's organizers.

When the capital went back to work on Monday, 3 May, the advertised attempt to shut down the government began. Two kinds of activities were planned: "civil disobedience marches" to the Pentagon and the Department of Justice and efforts to block traffic at intersections and bridges during the morning rush hour.⁶¹ Those involved in such attempts were only 12,000 to 15,000 strong, while the government had waiting in the wings half again as much manpower. Most of the trouble that developed was caused by enthusiasts who threw trash cans, mailboxes, and their own bodies in front of moving automobiles. Yet the results included nothing more serious than some minor traffic problems. No serious disruption of the city or government occurred. Apparently, both the radicals and the White House had grossly overestimated the number of people opposed to the war who were ready to engage in illegal activities of any sort.

Nevertheless, security forces stood guard at the bridges during rush hours. Other federal forces were deployed in various ways, providing security for the Pentagon and other key buildings and ensuring that no one obstructed key traffic circles. Guardsmen, in their

⁵⁹ Unless otherwise noted, this section is based on Florence B. Isbell et al., *Mayday 1971: Order Without Law, an ACLU Study of the Largest Sweep Arrests in American History* (Washington, D.C.: American Civil Liberties Union of the National Capital Area, July 1972), pp. 5, 51–52; DOMS Historical Summary, July 1970–June 1971, pp. 8, 22; *D.C. May Day 1971 Report*, pp. 3–4.

⁶⁰ Timothy Robinson, "Nixon Aides Tough in Mayday Talks," *Washington Post*, 28 Nov 74, based on minutes of Department of Justice meetings.

⁶¹ Quote from Halstead, *Out Now!* p. 618, and see also p. 623.



ANTIWAR PROTESTERS DEMONSTRATING IN FRONT OF THE JUSTICE DEPARTMENT,
3 May 1971

role as special policemen, served at key points, on patrol and in crowd control. Airborne troops were held in reserve at Andrews Air Force Base until released by the authorities on 4 May. Out-of-pocket military expenses totaled \$880,455, not counting normal operating costs.⁶²

The police saw most of the action, sweeping the streets left and right, and staging mass arrests that swept up many innocent bystanders. On the morning of 3 May alone, the police took into custody 7,000 persons, and before the frenzy ended the number climbed to 12,000 or more. Many were picked up without proper arrest procedures, and fewer than a hundred convictions resulted from a flurry of activity that had been caused not by actual conditions on the streets but by the agitation of federal civilian officials. Inevitably, many of those who had been illegally arrested sought with the help of the American Civil Liberties Union to have their arrest records expunged and damages paid in cases that dragged on for years. One case—that of 1,200 persons arrested on the steps of the Capitol on 5 May—would reach final disposition only in 1990. Some administration officials believed that a grave danger had been averted. The Department of Justice generously gave credit for directing the police operation to D.C. Police Chief Jerry Wilson, who won praise from President Nixon, Attorney General Mitchell, and other officials as “brilliant,” “firm,” “fair,” “vigorous,” “efficient,” and “effective.”⁶³

⁶² Gardner, “Civil Disturbance Mission,” pp. 176–77; DOMS Historical Summary, July 1970–June 1971, pp. 8, 36–37; “DCNG, Police Foil Militants,” *National Guardsman* 25 (June 1971): 22–23, 40.

⁶³ *D.C. May Day 1971 Report*, pp. 6–49 and app. D. Quotes from Isbell et al., *Mayday 1971*, p. 51, and see also pp. 7–50, 52–81.

In retrospect, the use of federal troops was unnecessary and the police, aided by guardsmen as special police, should have been able to contain the disturbances with far fewer arrests. In any case, the "May Days" saw the last pre-positioning and partial commitment of such a sizable federal force in the 1970s. One reason was the rapid decline of the antiwar movement. Its great hurrah in April seemed to have reestablished it as an organized national force, but in fact its internal divisions quickly led the National Peace Action Coalition and People's Coalition for Peace and Justice to sever their relationship. Both soon faded into political twilight as little more than "sets of mailing lists," while radical street action disappeared from the national scene.⁶⁴ In its place came normal political action. Not even the publication of the *Pentagon Papers*, which the *New York Times* began to publish in June 1971, with their revelations of official misconduct and deception, reactivated the antiwar movement. Whether the movement had helped the nation to reach a consensus or had merely exacerbated internal divisions within the nation seemed by then beside the point. Polls taken in mid-1971 indicated that the vast majority of Americans now believed that the Vietnam War had been a mistake.⁶⁵

The Elections and Their Aftermath

In late December the Army began to consider the possibility that troops might have to be deployed in connection with the national political conventions scheduled for the following summer. In February 1972 the Directorate of Military Support became involved in secret planning, which intensified in June after Richard Kleindienst, now the attorney general, and Florida Governor Reuben Askew informally agreed that troops might be necessary to protect the Democratic Party's convention in Miami. Not that the Army wished to become involved. Quite to the contrary, its leaders emphasized that commitment of federal troops could only come after all local and state forces had been exhausted. Intelligence would be provided from FBI reports and local authorities; collection of any sort by the Army itself, even the clipping of newspapers, was strictly forbidden. In briefings to both the Defense Department and other agencies, personnel of the Directorate of Military Support stressed that federal military involvement was a "last resort."⁶⁶

Joint planning by the Army and the Department of Justice was smoothed by the fact that the participants were familiar with civil disturbances and had worked together before. Increasing the harmony was the fact that the directorate's head, General Gleszer, had commanded the Military District of Washington and been appointed partly because he knew Kleindienst. Planning also went forward on the part of local officials, both in San Diego, which was due to host the Republican convention on 19–25 August, and in Miami Beach, where the Democrats would meet on 8–15 July. The Army hoped to avoid pre-positioning troops in the Miami area, and as late as April the local chief of police believed that his relatively small force of 1,900 could deal with any problem that was likely to arise.

⁶⁴ DeBenedetti and Chatfield, *An American Ordeal*, p. 321, and see also p. 320.

⁶⁵ Small, *Johnson, Nixon, and the Doves*, pp. 220–21. Small cites an opinion polling figure of 71 percent of the people thinking the Vietnam War was a mistake.

⁶⁶ DOMS Historical Summary, July 1971–June 1972, pp. 6–7. Quote from Gardner, "Civil Disturbance Mission," p. 236. Except as otherwise indicated, this and the following paragraphs on the national political conventions of 1972 are based on *Ibid.*, pp. 228–64.

The situation changed, however, when the Republicans decided to move their convention to Miami Beach as well, possibly because the city is located on an offshore island and connected to the mainland only by causeways. Local officials were concerned that the Republicans had made the move because they expected a great demonstration, evoking memories of the Democratic fiasco at Chicago in 1968.

In this changed situation, Army leaders sought to persuade Florida state officials to increase security at the conventions on their own by using Florida's National Guard. But the Army's opposition to the use of federal forces met a serious challenge from the Justice Department and foot-dragging by the state. Attorney General Kleindienst, who would have to make a recommendation to the president, believed that the presence of federal troops in a potential trouble spot both discouraged demonstrations and reassured police and guardsmen. As a fallback position, the Army sought to ensure that federal forces would be present as only a precautionary measure and that intervention would be seen as no more than a last resort, but not everyone shared this view. Although the Florida National Guard was one of the better state forces, its leaders looked upon the use of federal force as a first resort and, in order not to unduly inconvenience the guardsmen and their employers, planned to pre-position only 590 of their own soldiers. If local reinforcements were needed, they favored drawing on manpower from home-station alerts (which kept guardsmen in their local armories awaiting the word to deploy, rather than in assembly areas near the convention site). To the Army this plan meant that in an emergency, when time was critical, the regulars might be forced to intervene before the commitment of all local and state forces.

Federal leaders thus pressured the state, and by mid-June Florida had agreed to pre-position 2,000 guardsmen, provided that the federal government would help to fund the deployment. This the government did by allowing the Guard to schedule its annual training during the convention so that it could qualify for federal training funds. The Law Enforcement Assistance Administration of the Department of Justice also agreed to provide financial assistance if the Guard was committed as a state force. To further influence state officials, the president delayed approval of federal pre-positioning until early July.

As a result of these moves, Florida officials agreed by the end of June to pre-position 3,100 troops, to place an additional 1,500 on alert, and to earmark 1,700 others for possible use elsewhere in the state. With security planning on the local level leaving much to be desired, the Law Enforcement Assistance Administration provided a planning and advisory staff, and the Army became involved by working closely with the LEAA advisers. With LEAA funds, for example, training teams from the U.S. Army Military Police School provided instruction in riot control techniques to 525 Florida law enforcement personnel. Finally, following a request from Governor Askew, on the recommendations of both Attorney General Kleindienst and Secretary of Defense Melvin R. Laird, President Nixon approved the pre-positioning of troops in the Miami area. The force, a little over 3,000 strong, consisted of headquarters elements of the XVIII Airborne Corps and the 82d Airborne Division, together with three Army infantry battalions, a Marine Corps battalion, and support personnel. All were flown to Homestead Air Force Base, twenty-four miles south of Miami. The Army also reserved four additional Army brigades for use if needed.

While the Army planned for its security role during the coming May events, the Department of the Treasury requested help from the Defense Communications Agency on behalf of the Secret Service, which had to provide security for the candidates who were

campaigning for the presidential nominations. In turn the defense agency requested aid from the Army, which provided thirty communications personnel, as did the Air Force, for Secret Service support. The Army also loaned communications equipment to the Florida National Guard, and the Army Communications Command became responsible for providing all operating personnel for convention communications, other than those belonging to tactical forces, and looked toward leasing and installing the communications circuitry needed for a corps-size task force.

When the conventions met, the preparations again proved to be greatly in excess of need. Both the National Peace Action Coalition and the People's Coalition for Peace and Justice were still in existence, but neither enjoyed much success in Miami. The nonpartisan National Peace Action Coalition was unable to attract more than a handful of people to any of its demonstrations against the war. The People's Coalition turned to conventional politics, seeking votes for South Dakota Senator George S. McGovern, who was to become the Democratic candidate.⁶⁷ The Democratic convention, as a result, was almost a nonevent as far as demonstrations were concerned, and neither the federal troops nor the guardsmen were used in control operations. In all, only about 2,200 troublesome "nondelegates" showed up and, although seven demonstrations occurred during the week, the biggest involved only 1,500 persons. A minor affair on 10 July created the only disturbance of the week, when 200 demonstrators attempted to break through a fence around the convention center. The Army viewed the episode as a good training exercise for the local police.

Except for a small support element, federal troops returned to their home stations until the time came to redeploy for the Republican convention in August. This event promised to be somewhat livelier. Working with the Vietnam Veterans Against the War in a group called the Miami Convention Coalition, the People's Coalition for Peace and Justice organized many activities for the Republican convention and garnered much publicity by predicting a million demonstrators.⁶⁸ By contrast, intelligence reports received by the FBI and Secret Service put the number of nondelegates from these groups at possibly 5,000, with a hard core that would attempt to provoke mass arrests. While awaiting the opening of the convention, the Army continued to encourage and assist Florida officials while it worked with the Justice Department "to encourage reliance on the National Guard, rather than on Federal troops, as an initial back-up force to the police."⁶⁹

Two developments threatened briefly to derail the Army's policy. The Miami police proposed to assign guardsmen to duties on the first day of the convention. As Governor Askew quickly learned, the proposal ran directly counter to the Army's view that the "police must do all possible to control the situation" before the commitment of troops.⁷⁰ Deemed unacceptable because it vitiated civilian responsibility, Florida abandoned the idea. Then, only twelve days before the convention, the Secret Service requested the assistance of more than two hundred Dade County police officers. This request threatened seriously to weaken the police in the Miami area and might have led to renewed consideration of the idea of committing guardsmen at the beginning of the convention. The problem was eliminated,

⁶⁷ Halstead, *Out Now!* p. 688.

⁶⁸ *Ibid.*, pp. 688–89.

⁶⁹ Gardner, "Civil Disturbance Mission," p. 259.

⁷⁰ *Ibid.*, p. 260.



DEMONSTRATOR BEING ARRESTED FOR PROTESTING AT THE REPUBLICAN CONVENTION

however, when police agencies agreed to increase the commitment of state and local law enforcement personnel and the Secret Service agreed to reduce its request for police.

After so much preparation, the actual turnout of demonstrators—three to four thousand at the protest's peak—was unimpressive. There were, however, some thirty-seven demonstrations and a number of instances of window breaking, traffic disruption, and harassment of convention delegates, all of which received media coverage. The most serious occurred on 23 August, when demonstrators sought to block access to the convention center in an effort to delay President Nixon's acceptance address following his renomination. The situation brought the pre-positioned forces, both Guard and regulars, to a full alert and almost resulted in the commitment of some guardsmen. However, the police made more than a thousand arrests and in the end needed no assistance.

The Army considered the outcome at Miami successful and a vindication of its policy. In September Lt. Col. William A. Dunne, chief of the Directorate of Military Support's Planning and Operations Branch, told a class at Fort Gordon that the service believed it was entering a new era after a decade of large-scale political demonstrations. He expected the immediate future to be marked by smaller, more localized outbreaks that would place the responsibility for control on the local government. The goal now was "to keep the soldier—both state and federal—off the streets."⁷¹

Aided in the November election by support for third-party candidate Alabama Governor George C. Wallace, who had been paralyzed in an assassination attempt, President Nixon defeated the Democratic candidate, antiwar Senator George McGovern, by a landslide. In an attempt to force an end to the Vietnam War, Nixon then launched a massive twelve-day bombing campaign against Hanoi and its port at Haiphong. In the immediate aftermath of the so-called Christmas bombing, which aroused bitter criticism at home and abroad, on

⁷¹ Ibid., p. 228.

20 January 1973 President Nixon's second inauguration was held. The president's domestic critics felt a need for action, but antiwar groups could not agree at first on what to do. The National Peace Action Coalition called for another demonstration in Washington on inauguration day, and for lack of a better idea, the People's Coalition for Peace and Justice decided to cosponsor it. On 19 January, 15,000 persons attended a peace concert at the National Cathedral at which Leonard Bernstein conducted Haydn's "Mass in Time of War." The next day over 100,000 persons assembled at the Lincoln Memorial and marched east along Constitution Avenue to 15th Street and then south to the Washington Monument for a rally. Meanwhile, the inauguration took place at the east front of the Capitol, followed by the traditional parade along Pennsylvania Avenue to the White House. Unlike the inauguration four years earlier, it was a tame affair. Although a nervous administration pre-positioned 2,000 federal troops in Washington, D.C., as a precautionary measure, the demonstration, not to mention the official parade, was so peaceful that the troops once again remained idle. Thousands of antiwar protesters also rallied in Chicago, San Francisco, and Seattle.⁷²

Aside from its size, the distinction of the Washington antiwar gathering of 20 January 1973 was that it formed the last mass demonstration of the Vietnam War era. On 23 January President Nixon announced that a cease-fire agreement had been reached with North Vietnam. The document was formally signed four days later, and the remaining American troops were withdrawn. By the end of March 1973 the Vietnam War was over for the United States. With ever decreasing U.S. materiel, advisory, and technical aid, the regime of Nguyen Van Thieu clung to power in South Vietnam for two more years before falling to a North Vietnamese invasion at the end of April 1975. During that period, although demonstrations occurred from time to time in the United States, the organized antiwar movement, except for the traditional radical and pacifist groups, faded away. For most Americans, the war was rapidly replaced as an issue by the Watergate scandal, which obsessed the country until President Nixon's resignation under threat of impeachment in August 1974.

Looking Ahead

An era had indeed ended, its anger and violence passing away, its slogans, banners, and catchwords going into the national attic. For the Army, the time had come to heal the wounds it had suffered in Vietnam and to codify the lessons it had learned at home during a singularly difficult period of its long history. In fact, the process of analysis and self-criticism in the Army was already well under way. On 1 June 1970, the Army chief of staff ordered the Directorate for Civil Disturbance Planning and Operations to conduct an "in-depth study of the Army's approach to civil disturbances during the 1970's." The study was to consider the civil disturbance threat over the next decade in terms of "doctrine, organization, tactics, techniques, equipment, training and administrative support." Other agencies were invited to contribute, including the Air Force, the Navy, the Marine Corps, and the Department of Justice with its subordinate organizations, the Law Enforcement Assistance Administration and the FBI. The completed study went to the chief of staff

⁷² This and the next paragraph are based on DeBenedetti and Chatfield, *An American Ordeal*, pp. 312-83; Halstead, *Out Now!* pp. 677-708; and Incl, Prepositioning of Federal Forces 1968, with Ltr, Col Robert A. Hyatt, Exec, DOMS, to Christopher H. Pyle, 18 Jun 73, Historian's files, CMH.

on 17 April 1971 and then to the under secretary of the Army, who approved it on 2 September.⁷³

The final report, over a thousand pages long, proved to be not only weighty but influential. Almost all of its 108 specific recommendations were accepted, and most were quickly implemented. Drawing upon the lessons of the past, its chapters focused on the civil disturbance threat to be anticipated between 1971 and 1975.⁷⁴ Civil and military capabilities were covered, as well as doctrine, organization, tactics and techniques, training, military support for civil authorities, equipment, munitions, and funding. A substantial bibliography provided a guide for further study. While the report made no single contribution that was equal in importance to the GARDEN PLOT plan that resulted from the 1967 study, it correctly envisioned an immediate future without great disturbances when a minimal federal involvement would be appropriate. It sought to reshape the military response accordingly, while prudently providing for serious contingencies. Following completion of the report, the Directorate of Military Support updated the work at least twice, in 1974 and 1975, observing in the latter year that any major involvement of federal forces in a civil disturbance was unlikely down to 1978. Also reported at that time were the disestablishment of the Department of Defense Civil Disturbance Steering Committee, which had fulfilled its purpose, and the reduction in 1973 from two existing brigade-size quick reaction forces to one.⁷⁵

The Army also began to modify the Directorate for Civil Disturbance Planning and Operations. Since 1968, the service had possessed in its headquarters, for the first time in its history, a substantial agency devoted to quelling civil disturbances. Questions inevitably arose about what the agency would do in a more peaceful era. The civil disturbance directorate had been asked that even when the tide of domestic violence had been at its peak. From its establishment, the directorate had been a cause of concern to some civilian observers, on the grounds that institutionalizing the management of civil disturbances within the military bureaucracy constituted a potential threat to civil liberties. As one former official of the Department of Defense put it, “the directorate and the [Senior Officers Civil Disturbance Orientation] course at Fort Gordon, Georgia are both striking illustrations of the growing use of military power in domestic affairs.” Even within the military, little liking existed for the civil disturbance role—“ugly duty for the Army,” one senior officer had called it.⁷⁶

Army leaders initially sought to maintain a low profile for the civil disturbance directorate. At the same time, studies of other types of nontraditional military tasks suggested the possibility of restructuring the agency to provide military support not only in civil disturbances but also in cases of natural disaster and other analogous events. As a result, when the Directorate for Civil Disturbance Planning and Operations

⁷³ Quotes from CSM 70–186 for Heads of Army Staff Agencies, 1 Jun 70, sub: Civil Disturbances, 1970 to 1980, Historian's files, CMH. DOMS Historical Summary, July 1970–June 1971, pp. 23–24.

⁷⁴ DOMS Historical Summary, July 1971–June 1972, p. 20; CSM 71–500–112 for Heads of Staff Agencies, 29 Sep 71, sub: Implementation of Approved Recommendations of DA Civil Disturbance Study Group. Both in Historian's files, CMH. DA Study Group Final Rpt, CSM 70–347, pp. C-1 to C-36 (Consolidated Conclusion and Recommendations).

⁷⁵ DA Study Group Final Rpt, CSM 70–347; Exec Sum, Second Civil Disturbance Information Rpt, 21 Jan 75, Historian's files, CMH.

⁷⁶ Quotes from Adam Yarmolinsky, *The Military Establishment: Its Impacts on American Society* (New York: Harper & Row, 1971), pp. 170–71. Gardner, “Civil Disturbance Mission,” pp. 128–31.

became the Directorate of Military Support on 1 September 1970, it took on new and broadened responsibilities. In addition to handling civil disturbances, these included providing relief during natural disasters, aiding the District of Columbia in combating crime, and supporting civilian medical evacuation efforts with military helicopters.⁷⁷

The new arrangement, however, was still not entirely satisfactory. In the following year, the Army Civil Disturbance Study candidly discussed the problems that resulted when the military maintained forces that were constantly prepared to intervene in civil disturbances. For one, the practice was expensive, particularly when costs for extra individual and unit National Guard training were tallied. Observing that “law enforcement is a civil function,” the study group pointed out that the use of military forces for purposes of that sort was “an admission of failure within the civil enforcement structure or in the social order itself.” Involvement of the military in properly civilian roles might affect the ability of the armed services to accomplish other missions, tarnish their reputation, and leave them open to political attack. The group highlighted the dilemma the Army and the nation faced by observing that if the maintenance of internal peace and tranquillity was a manifest role for the military to fill, the use of military force “as a form of social control” was anathema to most Americans.⁷⁸

The group pointed to a possible solution by noting that the directorate could be reduced in size without risk. With that in mind, on 1 October 1973, the Army melded the organization into the Directorate of Command and Control and Military Support under the deputy chief of staff for military operations. In accord with Department of Defense requirements in civil disturbance matters, the deputy director was to be an Air Force officer, and the agency was to have a joint staff. The Army Operations Center also became part of the new organization, which took on a variety of additional duties relating to everything from civil defense to support for the U.S. Postal Service.⁷⁹

A further realignment in April 1975 split the Directorate of Command and Control and Military Support in two to create the U.S. Army Command and Control Support Agency and the U.S. Army Military Support Agency. The director of military support became coequal to the director of operations as well as to four other directors, under the deputy chief of staff for operations and plans. With this arrangement the director of military support was responsible for civil disturbances, disaster relief, and civil defense and for support of the FBI in combating terrorism.⁸⁰ Only three months later another shift established the Military Support Division under the Directorate of Operations, Office of the Deputy Chief of Staff for Operations and Plans, with a staff of about twenty. In civil disturbances, the division was to “develop and disseminate policy; devise adequate command relationships to ensure effective coordination; [and] develop plans for and exercise, through designated military commanders, direction

⁷⁷ DA Study Group Final Rpt, CSM 70–347, pp. II-2-9 to II-2-11, II-2-D-1. Msg, DA 965897 to AIG et al., 26 Aug 70, sub: Redesignation and Expansion of Mission of DCDPO; DA GO 51, 1 Oct 70; AR 10–5, *Organization and Functions: Department of the Army*, 6 Jun 72, par. 2-20; DCDPO Historical Summary, July 1969–June 1970, Introduction, p. 1. Copies of last four in Historian’s files, CMH.

⁷⁸ DA Study Group Final Rpt, CSM 70–347, pp. II-2-26 to II-2-27.

⁷⁹ DA GO 36, 26 Oct 73 (effective 1 Oct); CSM 73–10–117, 11 Oct 73, sub: Directorate of Military Support, in Historian’s files; AR 10–5, 28 Jan 74, p. 2-9. All in CMH.

⁸⁰ Telecon, author with James E. Hewes, CMH, 10 Feb 77, Historian’s files; AR 10–5, 1 Apr 75, pp. 2-11, 2-15; DA GO 5, 9 Mar 76. All in CMH.

of . . . [Department of Defense] resources assigned or committed to civil disturbance operations.”⁸¹

The U.S. Army Command and Control Support Agency took charge of the Army Operations Center upon disestablishment of the U.S. Army Military Support Agency in January 1976 but lost it the following November, when the center was transferred to the Office of the Deputy Chief of Staff for Operations and Plans and came under the Military Support Division. By early February 1977 the Military Support Division formed a part of the Directorate of Operations and Readiness, Office of the Deputy Chief of Staff for Operations and Plans. Meanwhile, the number of officers assigned to military support responsibilities such as civil disturbances and disaster relief had been reduced from fifteen to six.⁸² By June 1983 only one officer was assigned to those duties in what was by then the Military Support Branch of the Military Support Division in the Directorate of Operations Readiness and Mobilization.⁸³

Amid all the bureaucratic shuffling, the decline in manpower clearly reflected the declining frequency of civil disorders in the country. Yet much remained from the years of upheaval. Although the staff arrangements for federal management of civil disturbance operations were almost as unobtrusive as they had been when the troubles of the 1960s first erupted, elaborate contingency plans now existed that could be used again, should the need arise. A federal doctrine and specific federal guidelines on the application of force had been developed and formalized through the years. The principle of using minimum necessary force had been established more firmly than ever before in the nation’s history. The Army’s own civil disturbance doctrine and practices had been codified in a considerable number of regulations and supporting material, all backed by a substantial body of archival records. Finally, a determination existed, rooted in seasoned policy and sustained by a better prepared and experienced National Guard, to use federal troops at home only as a last resort.

⁸¹ A summary sheet of the Secretary of the Army, 10 June 1975, was prepared at the time of this change. The U.S. Army Military Support Agency was not formally disestablished until 1976 by DA GO 5, 9 Mar 76 (effective 30 Jan 76). Quote from Memo, Norman R. Augustine, Under Secy of the Army, for [standard distribution], 1 May 76, sub: Terms of Reference for the Director of Military Support, Historian’s files, CMH. For the missions and responsibilities of the director of military support in 1976, see *Ibid*.

⁸² DA GO 5, 9 Mar 76; DA GO 24, 29 Dec 76; Telecons, author with Col Erwin M. Jacobs, ACofS, Military Support Division, 10 Feb 77; with a member of the staff, AOC, 18 Feb 77; and with Lt Col Paul V. O’Connell, 14 Jun 83. Telecons in Historian’s files. All in CMH.

⁸³ Telecon, author with Action Officer, Military Support Branch, DOMS, Nov 83, in Historian’s files, CMH.

CHAPTER 15

Toward a New Century

It's clear that the Rodney King verdict alone did not set off the riots. Instead, we're looking at the accumulated results of anger, bitterness and exclusion that were manifested in this rioting.

—*San Fernando Valley Daily News*, 2 May 1992.

From the vantage point of the present, the authors of the Army's 1971 civil disturbance study could have safely extended beyond 1978 their estimate that domestic peace was finally at hand. Indeed, the thirty-odd years that followed the upheavals of 1957 to 1971 have been relatively free of major federal military interventions, and the few domestic disturbances that did occur were generally handled effectively by municipal or state police, or by the National Guard without federal intervention. Nevertheless, several minor incidents—all easily overshadowed by the momentous events of the era—suggested that the Army might not escape such domestic commitments so easily.

For example, on 18 March 1970, a postal strike began that disrupted mail service in thirteen states. Amid fears that the problem might grow and be accompanied by requests for federal assistance, President Nixon asked the Department of Defense to assist the postmaster general in maintaining peace and restoring postal service. The planning and operational responsibilities fell to the Directorate for Civil Disturbance Planning and Operations. As it turned out, no violence occurred, and Operation GRAPHIC HAND saw only a limited use of troops in sorting mail and in moving bulk mail to businesses and charitable organizations until the postal workers went back to work on 26 March. The legal justification for using troops in this instance was the Economy Act of 1932, which required no proclamation to cease and desist. The administration cited the same act later that same year to justify the use of military guards on domestic air carriers. In both cases, it was criticized for having violated the Posse Comitatus Act because the Economy Act did not expressly authorize the use of troops.¹ The Army's next test in these gray areas proved even more complex.

¹ *Department of the Army Historical Summary, Fiscal Year 1970*, comp. and ed. William Gardner Bell (Washington, D.C.: U.S. Army Center of Military History, 1973), pp. 15–16; Historical Summary of the Directorate for Civil Disturbance Planning and Operations, July 1969–June 1970, Introduction at *ns.10–11*, ch. 3, par. 9h, Historian's files, CMH; Dominic J. Campisi, "Honored in the Breach: Presidential Authority To Execute the Laws with Military Force," *Yale Law Journal* 83 (November 1973): 144–45. For more information on GRAPHIC HAND, see Mason R. Schaefer, "Operation GRAPHIC HAND, 1970: The Army Moves the Mail," presented at 2004 Conference of Army Historians, 13–15 July 2004, copy in Historian's files, CMH. For post-strike GRAPHIC HAND activity of the civil disturbance directorate and its successor, the Directorate of Military Support, see DCDPO Historical Summary, July 1969–June 1970, pp. 22–23, and DOMS Historical Summary, July 1970–June 1971, pp. 9, 17, 21.

Wounded Knee

On 27 February 1973, shortly after President Nixon's second inauguration, the Army became involved in a situation that developed following the seizure of Wounded Knee, South Dakota, by 200 members of the American Indian Movement (AIM). (*See Map 1.*) Located on the Pine Ridge Reservation of the Oglala Sioux, the town held painful memories for American Indians as the site of the last engagement of the Indian wars. For in December 1890, in what had begun as an attempt to disarm warriors of the Sioux nation, the 7th Cavalry had killed 150 men, women, and children at a cost of 25 troopers killed and 37 wounded.

Indians had always seen Wounded Knee as the site of a massacre and had sought unsuccessfully to obtain federal legislation indemnifying the descendants of the victims.² For AIM and its leader Russell Means, the town—a church, a store, a few houses, a graveyard, and a museum—seemed a likely place to dramatize Indian grievances. Complicating matters, Means and the militant AIM were at odds with officials of the Oglala Nation, who had jurisdiction at Wounded Knee and who had banned AIM from the reservation. There seemed a chance that the dispute between the two groups might end in some sort of armed clash.

Federal involvement in the affair was almost inevitable. Indian tribal governments, within their limited spheres, were independent of the states in which they exist and exercised powers of self-government based on “original, unrelinquished tribal sovereignty” affirmed by treaties with the government of the United States. Indians residing on tribal reservations thus occupied a position in relation to the national government analogous in some ways to that of the District of Columbia to Congress. Although no detailed code of law had ever been enacted for Indian groups comparable to the District of Columbia's code, the federal government exerted a general police power over their affairs.³

Hence federal civilian agencies, not only the Bureau of Indian Affairs but also other law enforcement agencies, intervened in Wounded Knee. The Department of Justice bore basic operational responsibility for the effort that followed. The Bureau of Indian Affairs augmented its reservation police, while the U.S. Marshals Service activated its Special Operations Group, a paramilitary force, and dispatched marshals to the reservation. The state of South Dakota also became involved. Although National Guard troops under state control could not legally conduct operations on the reservation, the state called over 400 guardsmen to active duty to ensure that the disturbance was confined to the reservation. In addition, the state police established roadblocks around

² U.S. Congress, Senate, *Wounded Knee Massacre*, Hearings Before the Committee on the Judiciary To Liquidate the Liability of the United States for the Massacre of Sioux Men, Women, and Children at Wounded Knee on December 29, 1890, 94th Cong., 2d sess., on S. 1147 and S. 2900, 5 and 6 February 1976 (Committee Print); James R. Gardner, “The Civil Disturbance Mission of the Department of the Army, 1963–1973: An Analysis of Perceptions, Policies and Programs” (Ph.D. diss., Princeton University, 1977. Ann Arbor, Mich.: University Microfilms, 1980), pp. 265–306. Hereafter cited as Gardner, “Civil Disturbance Mission.” Except as otherwise documented, the following account of the Army's role at Wounded Knee is based on Gardner's analysis of the Pentagon's records on the subject. See also DA AAR, Support to Federal Civil Law Enforcement Task Force, Wounded Knee, SD, 27 February to 15 May 1973, in Background Papers for the Role of Federal Forces in Civil Disturbances, 1945–1971, RG 319, NARA. Hereafter cited as Background Papers.

³ Leonard W. Levy, ed., *Encyclopedia of the American Constitution* (New York: Macmillan, 1986), 1:51–52.

the disputed area. At peak strength about 350 federal, state, and local law enforcement officers were on the scene.⁴

The Army was drawn into the affair because the other federal agencies required "equipment, expertise, and backup assistance."⁵ The practice was becoming increasingly common. Requests from civilian agencies for aid went first to the secretary of defense, who channeled them to the Directorate of Military Support through the under secretary of the Army. In meeting those needs, the service imposed some of its own priorities upon the operation. Discussing the situation with an Army observer who had been sent to the scene, the director of military support emphasized that "the name of the game is not to kill or injure the Indians. An Army involvement resulting in loss of life and injury would reflect badly upon the Army. Time is not of the essence. . . . Federal forces should not be the aggressor. . . . The object of the exercise is not to create martyrs."⁶



RUSSELL MEANS

The Army wanted no repeat of what had happened at Wounded Knee in 1890. Its aim was to resolve the conflict, to keep regular forces out, and to promote and encourage the use of minimum force—a position that reflected both established policy and concern for its own image, already tarnished by the Vietnam War. The chief fear of Army leaders was that the civilians, by an ill-considered assault on the AIM, might precipitate a situation that would force the commitment of military forces. In fact, the standoff was indeed violent at times. Exchanges of gunfire at Wounded Knee were "deadly and deliberate," killing two Indians and leaving one federal marshal permanently paralyzed. Attorney General Kleindienst himself doubted the adequacy of his forces in the confrontation and at one point sought unsuccessfully to secure 2,000 federal troops to surround the area.⁷

Under the circumstances, the resources of the National Guard were needed to support the civilian agencies. The Department of Defense authorized the South Dakota, Nebraska, and Minnesota National Guards to provide equipment and technical assistance, and the South Dakota National Guard to make an aerial reconnaissance of the area. The legal prohibition against National Guard units under state control operating on the reservation was bypassed to some extent by placing Guard maintenance and logistical personnel in a

⁴ Calhoun, *The Lawmen*, pp. 297–301.

⁵ *Ibid.*, pp. 300–301.

⁶ Gardner, "Civil Disturbance Mission," p. 273.

⁷ Quote from *Ibid.*, p. 282. Calhoun, *The Lawmen*, p. 302; Norman Kempster, "How Army Ran the Show at Siege of Wounded Knee," *Washington Star*, 1 Dec 75.



INDIANS ON GUARD AT WOUNDED KNEE

temporary federal training status. Yet even then the Army was concerned that aid might not be enough and that the forces at Wounded Knee would prove inadequate to the task before them. In that case, federalizing the Guard would have been a possible solution to the legal problem, but that alternative was never addressed in any detail for political reasons. As it was, just the assistance the service rendered to civilian agencies in the crisis raised questions in the minds of some critics about whether the Army had violated the Posse Comitatus Act, which forbade its employment “for the purpose of executing the laws, except in such cases and under such circumstances as such employment . . . may be expressly authorized by the Constitution or by act of Congress.”⁸

Presumably, military intervention might have taken place under the provisions of Title 10, *U.S. Code*, Section 332, which allows the president, after issuing a proclamation, to use military forces against illegal combinations in any state or territory that prevented enforcement of the laws through the ordinary course of judicial proceedings. But the Department of Defense and the Army general counsel resisted all pressures to intervene and instead took the position that the official military role at Wounded Knee would be “in ‘support of another Federal agency’ rather than a civil disturbance operation.”⁹ When Kleindienst sought federal troops in early March, both the Army and Defense opposed the move, with the secretary of defense rejecting the idea on the basis of “manpower, cost, and political

⁸ Quote from Coakley, *Role of Federal Military Forces*, p. 344. Clarence I. Meeks III, “Illegal Law Enforcement: Aiding Civil Authorities in Violation of the Posse Comitatus Act,” *Military Law Review* 70 (Fall 1975): 97.

⁹ Gardner, “Civil Disturbance Mission,” p. 285.

considerations.” Army Vice Chief of Staff General Alexander M. Haig, Jr., also opposed the use of troops, and the close relationship he had developed with the president during his years as a White House aide may have been a factor in preventing Nixon from siding with his attorney general.¹⁰

The Army did, however, prepare contingency plans for the employment of a 1,000-man task force from the 82d Airborne Division. In addition, enough equipment and personnel were pre-positioned at Fort Carson, Colorado, to support either an assault by civilian law enforcement officers or an Army intervention. The Army also sent observers to Wounded Knee, particularly the 82d Division’s chief of staff, Col. Volney F. Warner, who arrived on 2 March. Because of their personal qualities, military expertise, and importance as channels for logistical support, the observers became involved in decision making but directed their main efforts toward aiding the civilians from the Justice Department and the state police.¹¹

Colonel Warner recommended that the government strengthen the force at the scene by adding additional law officers, by improving its communications, and by supplying it with needed equipment. He also advised on security matters, weapons employment, and contingency plans. He urged prudence, tried to deflect pressures that periodically built up locally for greater military involvement, and sought to reduce the lethality of the weapons on hand by replacing automatic with semiautomatic rifles and by imposing better ammunition control. He also persuaded the federal law enforcement agencies involved to adopt in writing a policy of minimal force that replaced guidelines that allowed officers to shoot to kill. Overall, Warner and the other observers sought the creation of a force of lawmen capable and confident enough to take Wounded Knee by storm if necessary, but they had no wish for any move of the sort to occur until every other alternative had failed.

The Army’s role in providing equipment proved to be one of the most important means the service used to influence the situation at Wounded Knee. Army leaders refused to supply weapons that might increase the number of casualties and strictly limited the use of armored personnel carriers and gas launchers to purely defensive purposes. But they also skillfully downplayed their service’s role by wearing civilian clothes, by painting out Army markings on jeeps provided to the civilian task force, and by shipping personnel carriers on commercial trucks. Within those bounds, a great deal of Defense Department materiel went directly to the Department of Justice. More was provided indirectly through the Nebraska, Minnesota, Michigan, and South Dakota National Guards.¹²

Negotiation finally ended the crisis on 5 May, when the AIM gave up Wounded Knee, but that agreement did nothing to resolve Indian grievances and left the courts to settle the question of whether the Army’s assistance to law enforcement officials during the siege had been illegal. In cases brought by the government against AIM’s leaders, defense attorneys raised a number of legal issues, especially regarding the Posse Comitatus Act, and for several years a variety of courts offered contradictory opinions on the matter.

The Army finally obtained a clear ruling in 1975. In *U.S. v. Red Feather*, the South Dakota federal district court discussed in some detail the use by federal lawmen at Wounded Knee of equipment furnished by the Army and the South Dakota National Guard; the presence of

¹⁰ Ibid., p. 295.

¹¹ Ibid., p. 288.

¹² Ibid., pp. 297–99.

Army observers on the scene; the drafting of contingency plans for military intervention; the provision of aerial photographic reconnaissance; and the Army's counseling of Justice Department personnel on negotiations, logistics, and rules of engagement. In the decision that followed, the court distinguished between what it called active and passive military participation. The Posse Comitatus Act allowed the latter, it said, but not the former in cases where military forces intervened in civil disturbances without specific authorization from the Constitution or an act of Congress.

Activities which constitute an active role in direct law enforcement are: arrest; seizure of evidence; search of a person; search of a building; investigation of crime; interviewing witnesses; pursuit of an escaped civilian prisoner; search of an area for a suspect and other like activities. Such use of federal military troops to "execute the laws," or as the Court has defined the clause, in "an active role of direct law enforcement," is unlawful under . . . [the Posse Comitatus Act]. . . .

Activities which constitute a *passive* role . . . [and are therefore lawful] are: mere presence of military personnel under orders to report on the necessity for military intervention; preparation of contingency plans to be used if military intervention is ordered; advice or recommendations given to civilian law enforcement officers by military personnel on tactics or logistics; presence of military personnel to deliver military materiel, equipment or supplies, to train local law enforcement officials on the proper use and care of such materiel or equipment, and to maintain such materiel or equipment; aerial photographic reconnaissance flights and other like activities.¹³

For the Army this was a welcome decision, as was a finding in a 1975 North Dakota federal district court case, *U.S. v. McArthur*, that military involvement had not been sufficient to affect the legality of federal law enforcement at Wounded Knee. A critic later noted that the Posse Comitatus Act "creates no active/passive distinction," implying that the *Red Feather* decision had been a judicial invention. But the Army felt that it now had a legal basis for any advisory role it might play in a future situation similar to the one at Wounded Knee.¹⁴

An Expanding Mission

Another post-1960s mission thrust upon the military services involved the processing and care of political refugees on a grand scale. One example occurred in 1975–1976 when the fall of South Vietnam triggered an exodus that brought over one hundred thousand Vietnamese refugees to the United States. Most were temporarily housed in hastily established camps on Army reservations operated by a mix of active duty and reserve component soldiers. Law enforcement was generally provided by outside federal agencies and local police, but many looked to the Army to provide a first line of defense from any disturbances resulting from the concentration of detained civilians.¹⁵ In 1980 the situation

¹³ *U.S. v. Red Feather* (1975), 392 Federal Supplement (F. Supp.) 916, at 925 (1975). See also *U.S. v. Casper* (1976), 541 F.2d 1275 (1976), for the U.S. Court of Appeals for the Eighth Circuit's affirmation of the conviction of Red Feather and others.

¹⁴ *U.S. v. McArthur* (1975), as amended 23 Jun 76, 419 F. Supp. 186 (1976). Quote from Meeks, "Illegal Law Enforcement," p. 122. Litigation continued into the late 1980s.

¹⁵ For background, see AAR, Operations NEW LIFE/NEW ARRIVALS: US Army Support to the Indochinese Refugee Program, 1 April 1975–1 June 1976, prepared by the ODCSOPS, DA, 15 Jan 77, copy in CMH files.

was repeated in what was called the Mariel boat lift. When Cuban leader Fidel Castro suddenly opened the doors of his country to the United States, he was unpleasantly surprised by the number of citizens who chose to leave and sought to discredit the massive immigration by forcibly injecting convicted criminals and mental patients in the flow. Overall, there were fewer family units and more problem individuals than in the earlier Vietnamese refugee group. Again, the Army provided facilities for them and, due to the continuing shortage of law enforcement personnel, ended up restoring order during several disturbances at what were now called relocation centers. Continuing through January 1982, the operation also saw the federalization and use for short periods of National Guard units from a number of different states, as well as from the District of Columbia and Puerto Rico, together with several Army Reserve units on active duty. U.S. Marine Corps units encountered analogous problems supervising Haitian refugees temporarily located at their Guantanamo Bay base.¹⁶

Other missions came from a variety of sources, from U.S. Olympic officials seeking to enhance their security arrangements to local police requesting armored vehicles to deal with cornered bank robbers. However, one of the lasting tasks proved to be supporting the so-called war against drugs. In 1972 the Department of the Treasury asked for aerial reconnaissance to track private aircraft used by drug smugglers. At the time the judge advocate general of the Army held that in the absence of a presidential directive such assistance would be illegal under the Posse Comitatus Act.¹⁷ But after almost ten years of efforts to cope with the traffic faltered, in December 1981 Congress passed the Department of Defense Authorization Act of 1982. As ratified, the legislation formed a new chapter in Title 10, *U.S. Code*, with eight sections, 371–78. Although sometimes referred to as “the Posse Comitatus Act Amendment of 1981,” its effect was to provide a new exception to the 1878 act.

Under this legislation civilian law enforcement officials could make use of information, equipment, and facilities provided by the military, and military personnel could be assigned to operate and maintain such equipment. The law, however, limited the ways that the military equipment and personnel could be used, and the secretary of defense was to issue regulations to ensure that no member of the armed forces would participate directly in an interdiction search, seizure, or arrest. These limitations reflected the reluctance of the Department of Defense and the Senate to allow direct service involvement, as did another provision limiting military assistance to a level that would not affect national military preparedness adversely.¹⁸

¹⁶ On the National Guard, see Msgs, Secy of the Army to RUCDNLR/Gov of Ark. and RUEAUSA/Ch, NGB, 021735Z Jun 80, sub: Order to Active Duty for Selected Units of the Arkansas Army National Guard (the duty being voluntary and with the consent of the governor, pursuant to Title 10, *U.S. Code*, Section 772[1]), and Secy of the Army to RUCDNLR/Gov of Ark. and Others, 031954Z Jun 80, sub: Release from Active Duty for Selected Units of the Arkansas Army National Guard. Untitled and undated list of Guard units on duty at Forts Chaffee, Indiantown Gap, and McCoy, May–Aug 80. Copies of all provided by Lt Col Leonid E. Kondratiuk, Ch, Hist Svcs, NGB-PAH, in Historian's files, CMH. Pamela A. Kane, “Puerto Rico Army Guard Provides the Link,” *National Guard* 34 (July 1980): 20–23; Frank W. Pew, *The Role of FORSCOM in the Reception and Care of Refugees from Cuba in the Continental United States* (Fort McPherson, Ga.: U.S. Army Forces Command, 1 Aug 84).

¹⁷ The JAG opinion referred to (DAJA-AL 1972/3401, 7 Jan 72) is summarized in Meeks, “Illegal Law Enforcement,” p. 116.

¹⁸ P.L. 97–86, 1 December 1981, 95 Stat. 1099, 1115, 1116 (1981). Quote from Ltr, Dir, USGAO, to William J. Hughes, Chair, Subcommittee on Judiciary, H.R., 2 Nov 83, sub: The Coordination of Requests for Military Assistance to Civilian Law Enforcement Agency (GAO/GCD–84–27), p. 2. Notes of Telecon, author with John Lally, House Armed Services Committee, 8 Aug 82. Both in Posse Comitatus file, Historian's files, CMH.

Still, as the illegal drug traffic continued, Congress came under steadily increasing pressure to expand the legislation to give the military a larger role. Military leaders generally opposed any such extension but with little effect. In 1986 President Ronald W. Reagan's administration issued a defense directive that defined the international drug traffic as a national security concern and authorized military personnel to assist U.S. law enforcement agencies and foreign governments in planning assaults on drug traffickers and in transporting police forces to attack sites. Two years later, in 1988, an election year, Congress took up the subject again, and both houses passed legislation giving the military services a larger role in drug enforcement. A Senate-House conference also expanded the role of the Coast Guard, authorizing the assignment of 500 Coast Guard trained in law enforcement to duty aboard naval vessels. Enacted in 1988, it added two new sections, 379 and 380, to Title 10, *U.S. Code*.¹⁹ In January 1989 Georgia Senator Samuel A. Nunn remarked that the nation now had several posse comitatus acts.²⁰ So it may have seemed, but actually there was still only one act with exceptions.

The developing role of the military in the fight against the drug traffic aroused concern among some libertarians, and the American Civil Liberties Union sought amendments to both the 1981 and 1988 acts "to restore the clear and historic separation between civilian law enforcement and the professional armed forces."²¹ Others, however, continued to argue for expansion. In 1989 President George H. W. Bush, wanting an extra-territorial role for the military in the war on drugs, authorized the deployment of military trainers, advisers, and support personnel to Peru, Bolivia, and Colombia. At the same time he obtained an opinion from the Department of Justice that the Posse Comitatus Act did not apply outside of the United States.²² That same year in Operation JUST CAUSE, U.S. military forces attacked Panama and subsequently arrested and incarcerated the Panamanian dictator Manuel Noriega for essentially drug-related activities.

Riots in the Post-Vietnam Era

In May 1980 a serious racial disturbance broke out in the Liberty City section of Miami, Florida. Said at the time to have been the worst riot in Miami's history, it had the potential for federal involvement. Local authorities were able to restore order with the help of the Florida National Guard on state duty.²³ For a short time another riot in November

¹⁹ P.L. 100–456, 29 September 1988, 102 Stat. 2042–49 (1988). Also see 10 United States Code Annotated (U.S.C.A.) secs. 371–80, for detailed historical and statutory notes and the following articles in the *Washington Post*: Joanne Omang, "Military Role in Drug Fight Outlined," 9 Jun 86; Edward Walsh, "House Votes Antidrug Legislation," 12 Sep 86; George C. Wilson and Molly Moore, "Pentagon Warns of a No-Win Mission," 13 May 88; Caspar W. Weinberger, "Our Troops Shouldn't Be Drug Cops," 22 May 88; Helen Dewar, "Senate Votes Military Major Role in Drug War," 14 May 88; Molly Moore, "Pentagon Almost a Bust in Drug War," 3 Jun 88; Chris Adams, "Second Thoughts on the Military as Narcs," 15 Jun 88; Helen Dewar, "Proposal To Let Military Make Drug Arrests Dies," 23 Jun 88; "National Guard To Assist Customs in Drug Searches," 31 Jul 88.

²⁰ Senator Nunn's comment came during his appearance on ABC's "Nightline" program, 4 Jan 89.

²¹ Quote from 1972 Work Plan, American Civil Liberties Union, p. 6, copy in Historian's files, CMH.

²² Michael Isikoff, "Drug Plan Allows Use of U.S. Military: Classified Directive from Bush Loosens Rules of Engagement," *Washington Post*, 10 Sep 89, together with the following *Washington Post* articles: Ann Devroy, "Bush Insists U.S. Troops Have Minimum Drug Role," 12 Sep 89; Michael Isikoff and Patrick E. Tyler, "U.S. Military Given Foreign Arrest Powers," 16 Dec 89; Michael Specter, "Marines, Traffickers Exchange Gunfire: Aiding Drug Interdiction," 17 Dec 89.

²³ See the *Washington Post* for 18–21 May 80 and 10 Jul 80.

1987 appeared to be headed for federal intervention. The trouble broke out in the federal penitentiary in Atlanta, Georgia, where the rioters took some hostages. President Reagan issued a proclamation and authorized the employment of federal troops, but local authorities were able to negotiate an end to the trouble before such forces had to be committed.²⁴

Finally, two civil disturbances occurred in 1989 and 1992 that necessitated federal intervention. The first was a relatively small and isolated affair. In the wake of Hurricane Hugo during September 1989, a serious breach of law and order broke out on the Caribbean island of St. Croix, the largest of the U.S. Virgin Islands and an American territory. Initial reports indicated widespread looting with policemen and the National Guard involved in the mayhem. Following a belated request for federal intervention from the territorial governor, President Bush issued the standard proclamation and then ordered federal forces to the island. Shortly thereafter, 1,105 U.S. Army military policemen and 170 civilian law enforcement officers from the FBI and U.S. Marshals Service arrived on St. Croix. The U.S. Navy meanwhile moved two guided-missile frigates into waters near the island. The show of force was enough. Within days, property destruction ceased, lawbreaking ended, and order returned.²⁵

The disorders in the Virgin Islands paled in comparison with the second disturbance, which occurred in the black community of Los Angeles during April 1992. One of the worst riots to occur in American history, the upheaval shocked the nation. For despite marked improvement in the legal, political, and economic condition of black Americans in the years following the Watts riot of 1965, serious grievances clearly remained for inner-city minorities living in Los Angeles. Complicating matters, the city itself had changed since Watts, becoming a vast amalgam of peoples and cultures—40 percent Hispanic, 37 percent white, 13 percent black, and 9 percent Asian. Sharp differences in wealth correlated roughly with race. Unemployment was high in black and Hispanic inner-city neighborhoods, with 20 to 40 percent of the population living below the poverty line. Friction among the minority groups was sometimes intense, especially between blacks and Asians.²⁶

The spark of the 1992 rioting was the arrest and subsequent savage beating of a black motorist, Rodney King, by a number of white and Hispanic policemen after a car chase on 3 March 1991. A citizen captured the incident on videotape. Over the next thirteen months the grim scenes of a prostrate and dazed King being pummeled by uniformed Los Angeles police officers were repeatedly shown on worldwide television. In the minds of many Americans, the incident seemed to illustrate the allegedly routine brutality white police inflicted upon all minorities.

²⁴ Proclamation 5748, *Law and Order in the State of Georgia*, 24 November 1987; EO 12616, *Providing for the Restoration of Law and Order in the State of Georgia*, 24 November 1987; Statement Accompanying Proclamation 5748 and EO 12616. All in 52 F.R. 46729–30, and 23 C.F.R. 1446–47 (1987).

²⁵ Proclamation 6023, *Law and Order in the Virgin Islands*, 20 September 1989, and EO 12690, *Providing for the Restoration of Law and Order in the Virgin Islands*, 20 September 1989, both in 52 F.R. 39151 and 39153, respectively, and 25 C.F.R. 141 (1989). For useful press accounts, see the *Washington Post*, 21–22 Sep, 1 and 31 Oct, 5 and 10 Nov 89; *St. Croix Avis*, 7 Nov 89; *St. Croix Daily News*, 7 Nov 89 (St. Croix clippings courtesy of Mildred Joiner, a friend of the author).

²⁶ William H. Webster and Hubert Williams, *The City in Crisis: A Report by the Special Advisor to the Board of Police Commissioners on the Civil Disorder in Los Angeles* (n.p., 1992), pp. 13–14; Lou Cannon, *Official Negligence: How Rodney King and the Riots Changed Los Angeles and the LAPD* (New York: Times Books, 1997), pp. 112–14.



RODNEY KING

The officers involved in the beating were arrested and charged. After a change of venue, they came to trial in a heavily white, suburban jurisdiction and were acquitted. The announcement of that development on Wednesday, 29 April 1992, was followed by an outbreak of violence that spread far beyond the inner-city neighborhood where it began. “It’s clear that the Rodney King verdict alone did not set off the riots,” Los Angeles City Councilman Michael Woo would later conclude. “Instead, we’re looking at the accumulated results of anger, bitterness and exclusion that were manifested in this rioting.”²⁷

The disorders began on the afternoon of the verdict around an intersection in south-central Los Angeles. The Police Department had made some preparations for trouble, but according to the Webster Commission, which reported on the causes of the riots to the Board of Police Commissioners, relations between the police and the city government were poor. As a result, emergency plans then in possession of both the police and the city for dealing with civil disorders were inadequate. When the outbreak came, rather than making the sort of strong show of force that might have discouraged further trouble, the police withdrew from the area of the rioting. Interpreted by the mob as a sign of weakness, the

²⁷ Quote from “Bush Deploys Troops to Southland: President Promises Justice Department Probe of King Beating,” *San Fernando Valley Daily News*, 2 May 92. For a sampling of press coverage, see the *Washington Post*, 1–5 May 92; *New York Times*, 3 and 9 May 92; *Nation* 254 (18 May and 1 June 1992); “Talk of the Town,” *New Yorker* 68 (8 June 1992): 27–28; *Life* 15 (June 1992): 10–20; *Newsweek*, 11 May 92, pp. 30–38. Clippings located in 7th Infantry Division Info folder, LA Riots file, Historian’s files, CMH; Cannon, *Official Negligence*, p. 282.

move had the effect of encouraging violence. By the time the police finally swung into action, the disorders had increased beyond their control and widespread beatings, looting, arson, and even some sniping had begun. The violence that followed seemed to fall into a cyclical pattern, building through the daylight hours, reaching a climax in the evening, and then trailing off after midnight.²⁸

City officials, like their police counterparts, were unprepared for violence and slow to respond. At 2145 on 29 April, with full police mobilization at last under way but still incomplete, Los Angeles Mayor Tom Bradley declared an emergency. Shortly thereafter, he requested that California Governor Pete Wilson send in 2,000 National Guard troops. The governor notified the state adjutant, Maj. Gen. Robert C. Thrasher, who activated the Guard's emergency operations center and began to call up elements of the 40th Infantry Division and the 49th Military Police Brigade.

The California National Guard was a different organization from the one that had confronted rioters in Watts nearly thirty years before. During the 1965 riots the Guard had been a mostly white organization facing a hostile black community. In 1992 the 40th Infantry Division's commander was a Mexican-American, Maj. Gen. Daniel J. Hernandez; his chief of staff was black; and the division as a whole reflected the ethnic makeup of the Los Angeles communities from which it was drawn.

In the view of many critics, including Governor Wilson, the Guard was tortuously slow in responding on Thursday morning as rioting escalated in south-central Los Angeles. Defenders claimed that the Guard followed its normal procedures and that the delays were due to the mechanics involved in a major call-up, an extraordinarily complex task under any circumstances. Unit members had to be contacted and collected at their armories, for example, and some had to submit to refresher riot training after their arrival. In addition, Guard equipment had been loaned to various metropolitan police forces on the understanding that the Guard's function in the event of any disorder would be purely logistical. When the call-up came, the missing equipment had to be either recalled from the police units that had it or borrowed from other Guard armories. To make matters worse, the Guard discovered that it had only ten armorers available to install devices called locking plates on the troops' M16 rifles. The modification was required by federal rules of engagement to ensure that during civil disturbances the weapons could fire only semiautomatically. In spite of those problems, some 2,000 guardsmen were ready for deployment by 0800 on Thursday, 30 April.²⁹

Further delays gave more ammunition to the critics. As late as 1315 Thursday, for example, most units had no instructions regarding the specific tasks they were to perform or who was to assign them. The latter issue was resolved at 1400 in favor of the emergency

²⁸ Webster and Williams, *City in Crisis*, pp. 15–16, 20 (chart), 22–23; "L.A. Riots Called Costliest in U.S. History," *Los Angeles Times*, 5 May 92; "Gates Admits First Response to Riot Flawed," *Los Angeles Press-Telegram*, 9 May 92; Cannon, *Official Negligence*, pp. 263–347.

²⁹ Webster and Williams, *City in Crisis*, pp. 25–26. See also the following reports in the *Los Angeles Times*: "Surprised, Police React Slowly as Violence Spreads," 1 May 92, citing an aide to Mayor Bradley as source, and "National Guard Official Cites Series of Delays," 5 May 92. On units called up, see FORSCOM and DOMS California Civil Disturbance After Action Review, Information Briefing, 3 Aug 92, p. B3, in LA Riots file, Historian's files, CMH. On the Guard for the period, see John B. Conaway and Jeff Nelligan, *Call Out the Guard! The Story of Lieutenant General John B. Conaway and the Modern Day National Guard* (Paducah, Ky.: Turner Publishing Co., 1997), pp. 204–10.



POLICE MAKE ARRESTS DURING THE RIOTS IN SOUTH-CENTRAL LOS ANGELES.

operations center of the Los Angeles County Sheriff's Department. With that, the first Guard unit to deploy, the 40th Military Police Company, took up station in the Lakewood section of Los Angeles. Once on the streets, the soldiers were so effective in restoring order that more Guard call-ups followed. Within two days, more than 7,000 California National Guard troops were available for deployment.³⁰

Despite the presence of the Guard, rioting and looting continued. Hundreds of businesses burned, with those owned by Asians often the main targets of rioters. The area encompassing the disturbance was large, over fifteen square miles by some accounts. Heavily armed gangs were sometimes involved, though not as many as early news reports suggested. As the violence continued, Governor Wilson became increasingly impatient with the Guard's inability to restore order. The governor may have been reacting to complaints by Los Angeles Police Chief Darryl F. Gates that guardsmen were in assembly areas but were poorly equipped for the task at hand. Or he may simply have believed that additional forces were needed. In either case, with Guard officers bristling at his criticisms, the governor moved to obtain federal troops.³¹

³⁰ Webster and Williams, *City in Crisis*, p. 152.

³¹ Questions Posed by National Guard Bureau, n.d., pp. 5–6, in LA Riots file, Historian's files, CMH. "There appeared to be a discrepancy," noted this source, "between the Governor's expectation of when forces would be on the street and the ability of the Guard to meet this perception [*sic*]." See also Proclamation 6427, *Law and Order in the City and County of Los Angeles and Other Districts of California*, 1 May 1992, and EO 12804, *Providing for the Restoration of Law and Order in the City and County of Los Angeles, and Other Districts of California*, 1 May 1992, both in 57 F.R. 19359 and 19361, respectively, and 28 C.F.R. 750 (1992); Msg, Secy of the Army to RUWANBA/Gov of Calif. and RUWANBA/TAG, 020350Z May 92, sub: Calling of California National Guard into Federal Service (GARDEN PLOT), copy supplied by Kondratiuk, NGB-PAH, in Historian's files, CMH.

Unlike the Guard, federal forces had had some time to anticipate their involvement and to prepare for a possible deployment. Late on 30 April Secretary of Defense Richard B. Cheney had instructed Under Secretary of the Army John W. Shannon to alert 4,000 troops, including 2,500 soldiers from the 7th Infantry Division from Fort Ord, California, and 1,500 marines of the I Marine Expeditionary Force from Camp Pendleton, California, to prepare to deploy to the Los Angeles area if the president determined that they were needed. Notified during the early morning hours of 1 May, the marines moved by 0900 to the Marine Corps Air Station, Tustin. The 7th Division deployed its 2d Brigade and a variety of support units, including the 7th Military Police Company, the Division Support Command, and the Assault Command Post. The soldiers flew in C-141 Starlifters, arriving at the Marine Corps Air Station, El Toro, at 0230, 2 May, and then moved to the Los Alamitos Armed Forces Reserve Center. Most of the troops were combat veterans, having seen duty in Panama during Operation JUST CAUSE or in Kuwait and Iraq during Operation DESERT STORM.

Together, these Army and Marine forces formed Joint Task Force Los Angeles under Maj. Gen. Marvin Covault, the commanding general of the 7th Infantry Division. Their mission was simple: assist civilian authorities in restoring order. In the event that federal troops were deployed on the streets of Los Angeles, the National Guard units already on the scene were to be federalized and placed under Covault's control. In the interim, a crisis response cell was activated in the Pentagon's Directorate of Military Support, and a highly experienced and rated U.S. Army public affairs officer, Col. Don Kirchoffner, was named director of the task force Joint Information Bureau.³²

On the evening of 1 May, following Wilson's appeal for federal aid, President Bush issued the requisite proclamation. Citing the deplorable conditions in Los Angeles County; the governor's view that available law enforcement resources, including the National Guard, had proved incapable of restoring law and order; and Wilson's request for federal military forces, he commanded those involved in the disorder to cease and desist, citing Chapter 15 of Title 10, *U.S. Code*, which contains the familiar Sections 331, 332, 333, and 334. The language of the order suggested that, while responding to a governor's request as provided in Section 331, the president was doing so not to quell an insurrection, as provided in that section, but rather to suppress "conditions of domestic violence . . . endangering life and property and obstructing execution of [the] laws" of both the state and the nation, as provided in Section 332.

Issuing Executive Order 12804, Bush asserted that the disorder continued and authorized the secretary of defense to call out the armed forces and to federalize members of the California National Guard to "suppress the violence described in the proclamation and to restore law and order in and about the city and county of Los Angeles, and other districts of California." He authorized Attorney General Richard Thornburgh to coordinate the activities of the federal agencies assisting in the operation and to coordinate federal efforts with those of local governments and law enforcement officials. Shortly thereafter, Bush went on television to address the nation. Admitting that he found it "hard to understand how the verdict [in the King case] could possibly square with the video," he declared that

³² Msg, Secy of Defense to HQDA; Comdr, I Corps; Comdr, 7th Inf Div; and CG, I Marine Exped Force, 012300Z May 92, sub: Public Affairs Guidance-Joint Task Force/Los Angeles (JTF/LA), in LA Riots file, Historian's files, CMH.

the riot showed “the brutality of a mob, pure and simple” and that he would use whatever force was necessary to restore order.³³

The military chain of command ran downward from the president, through the secretary of defense, the secretary of the Army as executive agent, and the Forces Command commander in chief, to the task force commander. Following federalization of the National Guard on 2 May, General Covault named General Hernandez commander of all U.S. Army forces in Los Angeles. Control of the marines was assigned to Brig. Gen. Marvin T. Hopgood, assistant division commander of the 1st Marine Division. Since the Department of Justice was the lead federal agency in dealing with the disorder, one of its officials, FBI agent Buck Revelle, was named senior civilian representative of the attorney general. The joint task force relied on Revelle to set priorities and mission taskings that were then passed on to the task force operations officer, who forwarded them to the Army and Marine Corps commanders.³⁴ All of this was in line with well-established practices extending back two hundred years and with the more recent and detailed methodology laid out by the latest rendition of GARDEN PLOT.³⁵

As had been the case in past civil disorders, the arrival of regular forces and the federalization of the National Guard produced an immediate, sharp decrease in the levels of violence in Los Angeles, with incidents of lawlessness dropping below 100 on 2 May for the first time since the beginning of the riot. Nevertheless, the joint task force still had three basic missions to perform: guarding specific sites, securing areas after police actions, and protecting firefighters. Following the arrival of federal troops, response times in answering requests for aid and assistance improved, as did relations with the news media. Indeed, the performance of the Joint Information Bureau Colonel Kirchoffner established stood in marked contrast to that of the multitude of state and municipal public affairs agencies and officers. Those local organizations had earlier dispensed poorly coordinated, sometimes contradictory information and had treated reporters with a wariness bordering on what harassed journalists often interpreted as open hostility.

There were, however, critics of the federal intervention. Some guardsmen believed that the arrival of federal forces reflected on their own handling of the crisis and blamed Governor Wilson and Police Chief Gates for inadequate planning and preparation. More serious was an apparent discrepancy between the federal and the local understanding of what the joint task force was supposed to do. Questions arose about the Posse Comitatus Act and its relation to the federal mission. In response, Kirchoffner and his associates pointed out that if the act normally prohibited the use of the Army to enforce the law within the territorial United States, that prohibition did not apply when the use of the armed forces was specifically authorized by statute, as it was by Sections 331 to 334 of Title 10.³⁶

³³ Msg, Secy of Defense to HQDA; Comdr, I Corps; and Comdr, 7th Inf Div, 020531Z May 92, sub: President's Address, 2103 EDT 1 May 92, Proclamation, and Executive Order—JTF/Los Angeles, dtd 2 May 92, in LA Riots file, Historian's files, CMH.

³⁴ Public Affairs Update—JTF/LA, Robert W. Taylor, Principal Deputy Assistant Secretary of the Army, 2 May 92, p. 11, in LA Riots file, Historian's files, CMH.

³⁵ The version of the plan then in force was DOD Civil Disturbance Plan GARDEN PLOT, 15 Feb 91, copy in LA Riots file, Historian's files, CMH.

³⁶ Msg, Secy of Defense to HQDA; Comdr, I Corps; Comdr, 7th Inf Div; CG, I Marine Exped Force, 2 May 92, sub: Public Affairs Guidance Update, Joint Task Force/Los Angeles (JTF/LA). [Press Release], DOD JTF/LA, 7 May 92. Both in LA Riots file, Historian's files, CMH. See also Webster and Williams, *City in Crisis*, p. 153.



MAYOR BRADLEY AND POLICE CHIEF GATES

Even so, the Webster Commission would later claim that General Covault, through a misunderstanding of the law, not only refused to allow regular forces to participate in law enforcement missions, but also forbade the National Guard to do so when it was federalized. As a result, the commission charged,

Federalization . . . had a seriously dilatory impact on the responsiveness by the National Guard due to the mistaken impression that the *Posse Comitatus* Act prohibited the Guard from engaging in law enforcement activities. Before federalization of the National Guard, there had not been a single [police] request for National Guard troops which had not been fulfilled. After federalization, however, it was estimated that only 20 percent of troop requests were fulfilled by the Guard.³⁷

From the federal viewpoint, nonetheless, military forces had taken to the streets to supplement and assist civil law enforcement agencies, not to replace them. If it became necessary for a soldier, marine, or guardsmen to detain a civilian for a violation of the law, so the reasoning went, that individual was to be turned over to civilian law enforcement officials as soon as possible.³⁸ The complaints of the Webster Commission report apparently reflected a misunderstanding on the part of local officials, particularly the police, of the role of federal forces traditionally assumed during domestic interventions.

³⁷ Webster and Williams, *City in Crisis*, p. 154.

³⁸ Fax, Robert W. Taylor, Office of the Assistant Secretary of Defense, Public Affairs, to Col Kirchoffner, 7 May 92, sub: California Unrest, p. 5, in LA Riots file, Historian's files, CMH.

Despite the slackening of the riot, the forces involved in quelling the disturbances, whether regular or National Guard, became the targets of sometimes vicious attacks. Rioters attempted to run them down with cars, and they received fire from both snipers and drive-by shooters. None of the troops were injured by gunfire, but three were hurt in a traffic accident and a fourth received an accidental, self-inflicted wound when reholstering a pistol. The military did, however, inflict casualties on the rioters, including the first killing of a civilian since state forces had fired on students at Kent State University twenty-two years before. In that case, which occurred during the early evening of 3 May, a civilian named Victor Rivas tried to run down federalized guardsmen who were manning a barricade. During his third attempt to strike the troops, two guardsmen fired fourteen rounds at his automobile, striking him. He was pronounced dead shortly afterward at a local hospital. An investigation later concluded that the guardsmen had acted properly, in self-defense.³⁹

Other incidents were much less serious, ending in arrests, or, in the case of sniper fire directed against National Guard patrols, in the escape of the suspected miscreants. On another occasion, seven marines opened fire on a suspect firing from a private dwelling to provide cover to assist two wounded policemen to safety. Later, SWAT teams arrested the suspect. Elsewhere, another infantry patrol took some sniper fire from a gunman who was also subsequently arrested.⁴⁰

By Monday, 4 May, violent episodes had become the exceptions in a situation that was rapidly falling quiet. That evening Mayor Bradley lifted the curfew. When the city remained calm overnight, the joint task force began preparations to remove federal troops. The arrival of Cinco de Mayo, a Hispanic festival usually held during the first week of May, caused some concern because it was normally a troublesome time for Los Angeles County law enforcement personnel. In the wake of the riot the celebration passed quietly. Altogether 54 persons died during the five days of rioting, the highest death toll since the 1863 draft riot in New York City. Some 2,328 persons were treated for injuries, while buildings burned totaled 862, more than four times as many as the Watts riot. Property damage exceeded \$900 million, the greatest such loss in any U.S. riot to date. “Thousands of businesses were damaged or looted and many ‘mom and pop’ stores were gone forever.”⁴¹

As on other occasions, while federal representatives sought to disengage their forces as quickly as circumstances would allow, local officials were reluctant to see them depart. “At a time when we should be weaning the public away from our resources,” Joint Task Force Los Angeles Chief of Staff Col. John Ryneska commented on 6 May, “law enforcement officials at every level encourage and support increased military involvement.” Not only did the civilian leadership see the military as a free security force, they saw it as the only power on the scene that everyone trusted.⁴²

³⁹ G-2, 40th Inf Div, Situation Summary, Period 032000 May 92 to 040800 May 92, p. 3, in LA Riots file, Historian's files, CMH.

⁴⁰ Ibid.

⁴¹ Cannon, *Official Negligence*, p. 317, the most recent of the sources used. In *n3*, p. 646, Cannon calls attention to figures from the Los Angeles coroner's office, “which excluded fatalities not directly attributable to the riot.”

⁴² Quote from Sitrep 6, JTF/LA to Comdr, FORSCOM, 051300Z May 92, sub: 7th ID, SITREP #6, p. 2, in JTF SitRep folder, LA Riots file, Historian's files, CMH.

In this as in other aspects of the intervention, circumstances in 1992 were little different from what they had been in earlier years. The tendency of inner cities to explode as a result of racial and class antagonisms clearly remained the same as in the past, as did the need for trained military forces to resolve the problem lawfully and with a minimum of bloodshed. As the events of 1992 showed, even a long period of domestic peace provided no guarantee that violent outbreaks would not occur in what remained a divided and turbulent society.

In Retrospect

In many ways the three volumes on domestic disorders reflect the political, social, and economic history of the United States. Two centuries have passed since President George Washington issued a proclamation in 1794 summoning the militia to act against the Whiskey Rebellion in Pennsylvania. Over the eighty years that followed, the federal government established its power to enforce its laws and to assert its authority over dissident groups throughout the territories and the states. The process culminated in the government's responses to the disorders that broke out during the Civil War and during the period of Reconstruction that followed.

The legal foundation for federal action lay in the Constitution, whose Article I, Section 8, gave Congress the power "to provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions." The establishment of a statutory groundwork expressing that authority began with the Calling Forth Act of 1792, which permitted the president to call the militia into federal service to enforce federal law. Subsequent legislation empowered the president to use regular military forces as well, and laws passed during the Civil War and Reconstruction periods further strengthened the executive's hand. It was the free use of federal troops in the South for supposedly partisan political ends that provoked the limitations of the Posse Comitatus Act of 1878, which restored an earlier national consensus that military intervention in civil affairs should occur only when specifically authorized in the law.

If the period between 1789 and 1878 established the rule that federal power should supersede that of the states in certain cases and saw the evolution of fundamental laws, precedents, and traditions regulating the relationship that resulted, the era that followed between 1878 and 1945 was a time of testing in which traditional methods encountered new and serious challenges. The period was one of headlong development for the United States, a time in which the nation not only emerged as a world power but also experienced explosive growth in its cities, rapid modernization in its industries, heavy immigration from eastern and southern Europe, and all the social and economic discontinuities that can follow from unrestrained growth. Called on to respond to the civil disturbances that sometimes accompanied the process, the Army had no choice but to formalize the procedures and methods it used when restoring order. And with the preparation of civil disturbance plans under a newly organized War Department General Staff, a doctrine began to emerge. It was often expressed in terms familiar to soldiers, as though domestic civil disturbances were somehow foreign wars and the protesters involved foreign enemies. Whatever the theory, the Army responded to actual domestic confrontations with prudence and restraint, very much as George Washington had during the Whiskey Rebellion, by employing only the minimum force necessary to restore order.

Despite the moderate behavior of federal troops and the firm legal foundation for what the Army was called upon to do, federal interventions into the civilian sector were often

distinctly advantageous to small segments of the American population, particularly property owners and employers. As a result, the Army was often viewed with considerable hostility by organized labor and the working classes. The transformation of the militia into the National Guard during the late nineteenth century helped to remedy the problem. An increasingly reliable force subject to state control but trained and supervised by the Regular Army, the Guard tended to shield the Army from the worst aspects of domestic interventions by providing a first line of defense against internal disorder. Abuses occurred during World War I, when civilian authorities used the Army and the Guard to violate the Posse Comitatus Act and other legal safeguards that regulated the employment of troops under federal control on the domestic scene, but a backlash following the war reestablished the preeminence of prewar laws and policies and the necessity for strict adherence to them.

Except in rare outbreaks such as the Bonus March of 1932, circumstances combined by 1940 to relieve regulars of civil disturbance duty. New municipal and state police forces, as well as the National Guard, provided local government with the means for strong, quick responses when trouble arose. The election of Franklin D. Roosevelt as president meanwhile gave the nation a chief executive who declined to use federal forces to protect employers' property by breaking strikes and by trampling upon what many had come to view as the legitimate right of labor to organize and to protest against injustice.

As social stresses eased in society at large with the rise of labor and the absorption of immigrant groups into the national fabric, the Army's civil disturbance doctrine also evolved. Distinguishing clearly between foreign wars against national enemies and disturbances involving American citizens, planners brought theory and practice closer together by stressing the need for minimum force whenever federal forces responded to civil unrest. The development of tear gas during the 1920s constituted a major breakthrough in that regard by placing an effective, yet nonlethal weapon in the hands of those seeking to control hostile crowds. The final domestic interventions of the period took place during World War II. With the exception of two deployments to quell race riots, those efforts involved soldiers serving as business managers and plant administrators rather than in riot control duty.

A new era involving civil disturbances emerged between 1952 and 1971, when the Army was called on to respond to turmoil associated with the rise of the civil rights movement in the United States and the growth of public discontent with the Vietnam War. At the beginning of the period, the president summoned the Army, sometimes in the face of state authorities who declined to bow to Supreme Court decisions, to enforce laws that overturned legalized racial segregation, particularly in the South. Then, when racial violence enveloped the nation's large urban centers during the 1960s, the president used the Army to assist civil authorities in restoring order. Finally, with the rise of the antiwar movement and the growth of protests against America's involvement in Vietnam, the military was instructed both to guard against the threat of disorder and to protect the public, the government, and the government's leaders from small, unruly bands of radicals who attempted to use larger masses of legitimate, peaceful demonstrators as shields for their own disruptive activities.

As the era lengthened, it was marked by a growing sophistication in the adaptation of modern means to traditional policies and ends. The formation of the Department of Defense, the designation of the Army as the executive agent for civil disturbances, and the development of close working relations between the military and the U.S. Department of Justice in the management of civil disorders highlighted the period and the process. The

refinement of rules of engagement designed to provide maximum restraint on the use of lethal force while enabling guardsmen and regulars on the street to protect themselves marked another notable achievement in the evolution of civil disturbance doctrine. All the while, with the introduction of consistent civil disturbance training and the adoption by the individual states of federal rules of engagement, relations between the regulars and the Guard improved. In that way, by employing those means in the context of its traditional concern for minimum force, the Army moved the nation through a period of disorder and strife with the least cost in human terms possible.

The crises of the Vietnam War era, however, had a darker side. Military intelligence activities proliferated in the domestic arena under the lash of both civilian and military officials who sought information on all those they deemed a threat to national security with little regard for the cost to individual rights that the gathering of such intelligence entailed. The tragedy at Kent State perpetrated by troops of the National Guard likewise remains a blot upon the official record. Nonetheless, the overall behavior of the troops themselves in the many confrontations that occurred during those years, despite sometimes severe provocations, was always restrained, disciplined, and professional. Indeed, the soldiers of the United States Army protected the right of their fellow Americans to dissent even as they restrained some who sought to abuse that right.

Remarkably, in over two hundred years of involvement in often serious civil disturbances, there have been only a few instances in which federal troops have caused a loss of life, and only one or two in which it may be said that the troops acted irresponsibly. This restraint is especially notable when it is borne in mind that for decades Army regulations gave commanders the right to employ combat weapons in the suppression of such civil disorders. Such a heritage underlines the deep social compact between the nation's government and its citizens, whose significance cannot be measured in words alone.

Other generalizations are more self-evident. Presidents have customarily been reluctant to commit troops when domestic disturbances occurred, and the troops themselves have never favored the duty. Yet when ordered, the Army did as directed and, in so doing, demonstrated an ability to learn quickly and to adapt its combat organizations and doctrines to nonlethal confrontations with great success. The experience also showed that such operations had to be grounded more than ever in legal authority, from beginning to end. At the same time, the record also illustrated the Army's propensity for planning for worst-case scenarios, a bent that eventually embroiled its leaders in the legal implications of pre-positioning troops and gathering domestic intelligence.

In the end, the Army gained vast experience, much of which has been distilled into a substantial body of civil disturbance literature that includes not only revisions of old materials but also new plans and regulations, a revised training schedule, and a thoroughly updated field manual for use in the years to come. Meanwhile, the service has coordinated its efforts with those of the National Guard, assisting that force with the adoption of equipment, training plans, and rules of engagement that meet federal standards. But the last quarter of the twentieth century also evidenced strong political pressures to keep the Army involved in the area of domestic law enforcement, if only in a supporting role that was often hard to quantify.

In sum, the record of the Army's conduct in civil disturbances says much about the United States and the dedication of its people to the rule of law. For if the nation was founded upon opposition to the use of military force in the maintenance of order, it has still been able on occasion to call upon its soldiers to preserve the rights and well-being

of its citizens without fear that the troops would betray its ideals. That the Army, despite occasional lapses, has carried out that task with moderation and restraint is a testament to the common sense of the service's officers and to the high regard both they and their soldiers hold for the values that have made the nation great. The precedents set by the Army in these areas thus bode well for the nation as it prepares to enter a new century with high hopes for peace and prosperity.

Bibliographical Note

The foregoing account, a history of one aspect of civil-military relations during a troubled period in our national history, has been woven from the various sources official and unofficial, primary and secondary, described and listed in this bibliography. The central military account of this volume rests squarely on the official records as supplemented by other materials to provide detail; to give context, depth, and breadth to the work; to shed light on policy decisions; and to provide interested readers with guidance for further research.

Many of the documents examined for this volume that had been at the U.S. Army Center of Military History (CMH) in the civil disturbance files and Historian's files are now in the keeping of the National Archives and Records Administration (NARA). In earlier years a number of these records acquired job or accession numbers when initially retired to courtesy storage at the Washington National Records Center. At this time, they are also part of various record groups, particularly Record Group (RG) 319, for staff records, and 338, for Army command records.

Two military monographs written from the records of the interventions in Little Rock, Arkansas, and Oxford, Mississippi, require brief comment because of their importance in the author's preparation of the Little Rock and Oxford chapters of this volume. The first is Robert W. Coakley's *Operation ARKANSAS*, which he began under temporary assignment to the Pentagon in 1957–1958 while the operation was in progress. Coakley worked with the staff officers involved in the operation and learned much from them as well as from the paper record to which, he reports, he had “almost complete access.” Indeed, given his finding that some of the papers he used were stripped subsequently from the records, his monograph stands as almost an original source. Accordingly, upon Coakley's advice and with his very generous permission, the author has used the monograph freely in his account of the trouble at Central High School, but supplementing it at a number of points with new, primarily published, material and by treating some topics that Coakley himself excluded from his narrative. A significant and very useful body of records, unavailable to Coakley but used by the author, is a substantial file of Little Rock investigative reports made by FBI agents in 1957.

The second of the monographs is the author's own account of the Oxford, Mississippi, riot, which the Office of the Chief of Military History (OCMH), now the Center of Military History, issued under the title *The Role of the Army in the Oxford, Mississippi, Incident, 1962–1963*. It is a severe condensation of another unpublished draft, retired in the Records of the Army Staff, RG 316, NARA, entitled *The Army's Role in the Oxford Troubles, 1962–1963*. The author has based the Oxford chapters in the present volume on this monograph but necessarily has supplemented his earlier research with newly available material. The monograph itself grew out of experiences similar to those of Coakley's since the author was assigned to the Pentagon during the Oxford crisis, working closely with contemporary Army action officers such as Lt. Col. Gordon C. Jung. During 1962–1963 the author inventoried and arranged the departmental Oxford records, visited the troops at Oxford, and ultimately brought not only the Pentagon action officer records but also the extant field records back to OCMH to support this study.

Staff documents relating to the military role during the racial troubles in Birmingham and at the University of Alabama in 1963, designated as the Records of Operations OAK TREE–PALM TREE, constitute another excellent set of archives. Following those endeavors, these records also went to OCMH where they were inventoried, organized, and ultimately retired by the author. Generally, declassification of civil disturbance records was not a great problem once an operation was completed, especially after September 1964 when the Army provided for automatic declassification of “an implementing plan, order, or directive” following its execution (see DA Msg 987484, 242304Z Sep 64).

The Records of the Directorate of Military Support, 1968–1970s, which the author surveyed in the directorate and of which there is a partial inventory in the Center of Military History, turned up a number of useful materials for this study, including a series of four annual reports, 1968–1972. These records, however, contain other materials still to be mined.

At the Center of Military History, the author collected extensive civil disturbance files, which have subsequently been retired as Background Papers in RG 319 at NARA. The Historian’s files, a subset of the aforementioned files, have also been retired to the Background Papers. They contain some record material and copies of such material (the author’s rationale for classifying them as primary sources) together with a great deal of nonrecord information collected from a variety of sources. Significant relevant documentation not separately listed in this bibliography can be found in these files.

Of the presidential records listed, the recordings and transcripts of the integration of the University of Mississippi, among the Papers of John F. Kennedy, are revealing concerning what actually went on in the White House during the crisis, particularly concerning President Kennedy’s personal involvement. Although some of the transcripts are made from audiotapes of extremely poor quality, most originate from clear dictabelt recordings.

The *Public Papers of the Presidents of the United States* are a ready source of public presidential pronouncements, including reports of press conferences, proclamations, and executive orders. Proclamations and executive orders are also available in the *Code of Federal Regulations* (C.F.R.) and in the *Federal Register* (F.R.), which are convenient to use and easy to cite.

In preparing this volume the author undertook little formal interviewing but used a number of available transcripts of oral history interviews. Of these the most disappointing was undoubtedly the interview with Ross R. Barnett, who had little to say, while probably the most valuable, and certainly the most detailed, were the long interviews with Robert Kennedy and Burke Marshall conducted by Anthony Lewis. Edwin O. Guthman, Robert Kennedy’s press secretary, and Jeffrey Shulman later edited and published these interviews, which make them readily available. Although uneven in quality, many of the interviews are quite good, and altogether they are invaluable sources of information.

Besides using these interviews, the author was able to clear up important points, as his research progressed, through a number of informal conversations with some participants in and eyewitnesses to events, as well as through correspondence and telephone calls. Among those who responded very helpfully to inquiries were, for example, general officers such as Creighton W. Abrams, Jr.; Alexander R. Bolling; Harold K. Johnson; George R. Mather; and John L. Throckmorton. Thanks go to James William Silver, whose father

had befriended James H. Meredith at the University of Mississippi. The author spent a pleasant, although not very informative, evening with Meredith in Washington sometime in the fall of 1963.

The more useful, as well as interesting, materials for supplementing the official papers include a number of personal accounts by former students, faculty members, journalists, soldiers, government officials, including cabinet officers and presidents, and others, together with a large number of secondary works. Among these narratives, Numan V. Bartley's volume on massive resistance in the South and Neil R. McMillen's on the Citizens' Councils document the South's hatred of, and organized opposition to, racial integration. The federal government had to contend with that at Little Rock and elsewhere following the *Brown v. Board of Education of Topeka* decision. John T. Elliff's dissertation, published in 1987, is a useful background study of the federal government's policy regarding individual rights to 1962.

Harry S. Ashmore, former executive editor of the *Arkansas Gazette*, included much on Little Rock's school crisis in his volume *Hearts and Minds*, a personal chronicle of race relations in the United States. Richard Kluger's impressive history of the *Brown* case is recommended as background reading. Jack W. Peltason's volume on judicial enforcement of school desegregation is valuable, as is Michal R. Belknap's work on federal law and southern racial violence in the post-*Brown* period.

Much, as might be expected, has been written about President Eisenhower and his administration, as well as about Little Rock specifically. A selection from this material useful for understanding Eisenhower's policy toward the Little Rock crisis, includes his own volume on 1956–1961 (in which he finally opined that *Brown* was correct), together with those by Sherman Adams, his White House chief of staff; the recent admirable memoir by former Attorney General Brownell; Stephen E. Ambrose's biographical account; and the more narrowly focused studies by Robert F. Burk, James C. Duram, Tony Freyer, and Elmo Richardson. Eisenhower, as these works reveal, was cautious with reference to the *Brown* decision and did not treat it as involving a great moral issue. Brownell, a strong supporter of *Brown*, is defensive of Eisenhower's cautious position, but Freyer, a lawyer viewing Little Rock as a constitutional crisis, concludes that neither Governor Faubus nor Eisenhower was willing to subordinate narrow political goals "to the enforcement of moral principle." Freyer also felt that under their leadership both Arkansas and the federal government "approached racial justice not as a moral imperative but in terms of deference to constitutional symbolism and the rule of law," which made confrontation inevitable.

President Eisenhower's use of troops at Little Rock provoked a legal debate over the lawfulness of their use, which the contenders fought in a number of law journals and at least one book. Those who opposed the use of troops on legal grounds, among them Charles J. Bloch, Alfred J. Schweppe, and John C. Stennis, were unconvincing in their states' rights arguments and were forced to leave the field to Daniel H. Pollit and others who found ample authority for using troops in the Constitution, statutes, and case law. Not to be overlooked is Robert W. Coakley's description, in the first volume of this implicit subseries, of the basic legal framework respecting the domestic use of troops, or Brownell's opinion on the subject prepared for the president.

In the 1970s David E. Engdahl, a law professor in the Colorado School of Law, who represented plaintiffs in some of the Wounded Knee cases, launched a liberal and more

sophisticated constitutional criticism of the use of troops, taking his argument back to old English law. Although some of his historical reasoning can be faulted, his arguments are interesting and, concerned as they are with democratic due process, deserve consideration.

Fleshing out the Little Rock account is Superintendent Virgil T. Blossom's perspective on integrating Central High School and the more recent volume by Elizabeth Huckaby, a teacher and assistant principal, who offers an intimate look at the serious problems at the school together with a sympathetic view of the military guards. Supplementing these volumes is the recent recollection by Melba Pattillo Beals, one of the black students at Central High, who bases the memory of her traumatic experiences and those of her fellow black students on a diary she kept at the time. The troops of the 101st Airborne Division, she declares, were "brave men." Finally, there is a recent reprinting of the volume by Daisy Bates, the remarkable black newspaper publisher and civil rights leader in Little Rock, who assisted the black students.

In the 1980s former Governor Orval E. Faubus came forth with a two-volume memoir of his gubernatorial years, the first volume of which presents his view of the school crisis. Entitled *Down from the Hills*, the memoir is somewhat disjointed, but enlivened by numerous snippets of information, reprinted newspaper stories, editorials, photographs, and political cartoons. An excellent biography of Faubus is Roy Reed's *Faubus: The Life and Times of an American Prodigal*, which came out in 1997. Published in 1959, Brooks Hays' *A Southern Moderate Speaks* traces the author's efforts to prevent a federal confrontation over the Little Rock school crisis, which ultimately caused the loss of his congressional seat. Corinne Silverman's case study of what happened in Little Rock, which is succinct, factual, and altogether quite useful, should not be overlooked, and neither should Coakley's essay in *Bayonets in the Streets*, which deals with the use of the National Guard at Little Rock—the first presidential use of the militia in a domestic disturbance since 1867. In 1999 Will Counts et al. published *A Life Is More Than a Moment: The Desegregation of Little Rock's Central High*, a photojournalistic account of the trouble at Central High, displaying Counts' remarkable photographs together with insightful essays by Will Campbell, Ernest Dumas, and Robert S. McCord.

Several authors include in their volumes good general accounts about the 1961 freedom rides and particularly the trouble at the First Baptist Church in Montgomery, Alabama. In Montgomery the Kennedy administration used a number of federal marshals or deputy marshals while making contingency plans for using troops, which was the precedent for its handling of the integration of the University of Mississippi at Oxford the following year. Although the marshals had a major role at Montgomery, Frederick S. Calhoun, the historian of the U.S. Marshals Service, failed to give this matter the attention that it deserved both in its own right and as a precedent for Oxford. Both at Montgomery and Oxford the Kennedy administration employed marshals at the outset hoping to avoid using federal troops. The practice was both legally proper and good law enforcement as it reflected the principle of using only the minimum force necessary. Robert S. Rankin, an early member of the U.S. Commission on Civil Rights and one of the few persons to advocate the use of marshals in this context, dealt with the subject in a 1963 address and in the volume he coauthored with Winfried R. Dallmayr the following year. The author took up the subject of the use of marshals in an article in *Bayonets in the Streets*. It was the use

of marshals at Oxford that so distinguished the Kennedy policy there from the Eisenhower policy at Little Rock.

In some cases, as at the Pentagon in 1967, marshals have been used at the outset along with troops. Referring to the thin line of marshals backed by troops facing the demonstrators at the Pentagon, Calhoun makes the important observation that "in a government based on civilian supremacy, the military was restricted to emergency support." This is, of course, the rationale underlying the initial separate use of marshals as a primary force at both Montgomery and Oxford. Calhoun's history of the marshals is disappointing, however, in that it is often sketchy and provides little detail about the operational relationships of the marshals with the military when both were used on the occasions recounted in the present volume.

Two brief and unpublished personal accounts respecting the troubled integration at the University of Mississippi deserve special mention. One, by Murry C. Falkner, a young National Guard officer, is a dramatic account of the arrival of his local contingent of guardsmen at the scene of the riot. The other is an equally exciting story by Fred J. Villella, a Regular Army officer, of the first regulars.

James H. Meredith's memoir, mostly about his integration of the University of Mississippi, in accordance with, as he believed, his "divine mission," is valuable for its view from the eye of the storm. While generally speaking well of the Army (except when he called a press conference to protest assignment of black soldiers to a garbage detail), Meredith clearly favored the federal marshals with whom he practically lived and whom he regarded as examples "of the American ideal."

Indispensable for understanding the social milieu that nurtured Mississippi's racism and for providing eyewitness accounts of the Oxford rioting are the volumes by James Wesley Silver and Russell H. Barrett, who in 1962 were on the faculty of the University of Mississippi. Edwin O. Guthman's warmly conceived and written volume about Robert Kennedy's Department of Justice is very valuable for its treatment of the Oxford crisis as well as the other similar events leading up to Kennedy's death in 1968.

Walter Lord's volume on the Oxford riot, based on numerous interviews with all manner of persons (excepting those of the military) from Robert Kennedy to William Simmons of the Citizens' Council, and with considerable cooperation from the Department of Justice, is easily one of the best accounts of the affair, particularly of the events leading to the final confrontation. The small volume of lectures by Marshall, as assistant attorney general under Robert Kennedy, who wrote the foreword, sets forth succinctly Marshall's and the Kennedys' view of federalism.

The 1971 volume by Victor S. Navasky, which focused on decision making in the Kennedy Department of Justice, contains much on the Oxford crisis. In the course of his narrative Navasky faults the Kennedys for reliance on federalism and a gentleman's reliance upon negotiation, even with barbarians, rather than upon force, and he calls to the defense of his view the preference of Jack Greenburg of the National Association for the Advancement of Colored People for troops at Oxford rather than "a handful of marshals." He also quotes Katzenbach, deputy attorney general, as later observing that the small force of marshals at Oxford was too small to keep order but "large enough to provoke the crowds." Navasky thought that the FBI, with thousands of agents, might have done the job, although the FBI and the Justice Department itself did not view the FBI as "a protection agency."

The University of Mississippi and the Meredith Case was the university's account, published in 1962, of its difficult position between the courts and a governor who was an unreconstructed segregationist, together with a brief summary of the riot. Mississippi's legislature produced a record of the occurrence in 1962 with *A Report by the General Legislative Investigating Committee to the Mississippi State Legislature Concerning the Occupation of the Campus of the University of Mississippi September 30, 1962, by the Department of Justice of the United States*, which was not exactly a great state paper.

In 2001 William Doyle published *An American Insurrection: The Battle of Oxford, Mississippi, 1962*, an account of the riot over the admission of James Meredith to the University of Mississippi, which contains useful details about the crisis obtained from numerous interviews and FBI reports. But Doyle fails to highlight in any way the efforts of the Kennedy administration to distinguish between a civil disorder and a military engagement in planning for the use of minimum force in quelling the riot.

An absolutely indispensable study of the Army's civil disturbance mission in the years 1963–1973 is the unpublished dissertation by James R. Gardner, a young Army officer when he completed it in 1977. Another work dealing with the events of 1963, and one of the most recent, is that of E. Culpepper Clark, an Alabama educator, on integration of the University of Alabama from the *Lucy* case through the final push in 1963 that prompted federal intervention and Governor Wallace's theatrical stand in the schoolhouse door. Thomas Gentile's history of the 1963 march on Washington appears to be the only full-length treatment of that seminal event and is therefore especially valuable. But see also the material on the march in Taylor Branch's *Parting the Waters* and in David J. Garrow's *Bearing the Cross*.

Garrow has dealt with the period of the 1965 Selma-Montgomery march in both of his listed volumes, there being a good summary of the march itself in *Bearing the Cross*. Benjamin Muse's *The American Negro Revolution*, which he published in the terrible year of 1968, is a good source of information on race relations for the immediately preceding period, 1963–1967. Robert Conot, in his *Rivers of Blood, Years of Darkness*, and Spencer Crump, both newspapermen, wrote about the violent 1965 riot in the Watts section of Los Angeles. According to Joseph A. Califano, Jr., in his important memoirs of the Johnson presidency as a key staff member, the president was determined to avoid involvement in the Watts riot, although he was well disposed toward Governor Pat Brown and, in the absence of a formal request for federal assistance, permitted the Army and Air Force to aid the California National Guard logistically and with air support.

Ramsey Clark's volume, published in 1970, is a forthright statement of his sometimes controversial views on civil disturbances and other matters that occupied his attention in the 1960s, including his years as President Johnson's attorney general at the end of the decade. Disturbed by three granted requests for federal troops in 1968 alone, Clark urged great restraint in making such requests. "Our primary reliance," he declared, "must be upon local police." Secondary reliance should be upon a trained National Guard, with federal forces used only as a last resort. He also worried about unilateral federal intervention based on the Ku Klux Klan Act (codified in Title 10, *U.S. Code*, Chapter 15, Section 333), which he believed in some cases was tantamount to "a federal seizure of police power." A useful study of the military establishment, with some excellent material on the riots of the 1960s including a number of tables, is the 1971 Adam Yarmolinsky volume prepared for the Twentieth Century Fund.

Useful too is Harry McPherson's recollections of his experience on President Johnson's staff, as are Johnson's own presidential recollections in *The Vantage Point* (1971). Another important volume on this period, but not published until 1982, is Roger Wilkins' introspective autobiographical account in which he deals with a number of the major domestic events of the 1960s, first as a spectator and in the latter half of the period, to 1969, as the director of the Community Relations Service in the Department of Justice under Ramsey Clark.

In his recollections of the Johnson presidency, Joseph Califano presents an excellent description of Johnson's reaction to the Newark riot of July 1967. This was comparable to his account of the president's reaction respecting Watts but with the added vignette of a president irate in the mistaken belief that Vice President Humphrey had promised federal aid to their friend Governor Hughes. On the heels of Newark came the devastating Detroit riot of August 1967 in which the president was not so well disposed toward Michigan's Governor Romney, a Republican and potential rival. As Califano puts it, "the static of presidential ambitions, and political suspicion fouled the lines." The president, with the help of his friend Abe Fortas, then formulated a policy to be carried out by Ramsey Clark that forced Romney, when requesting troops, to comply with the law to the last detail. At the same time, Califano makes it clear, as he had done respecting Watts and Newark, that the president "believed [as did Ramsey Clark] that local and state authorities should maintain order."

More commonly than not, studies of civil disturbances give relatively little attention to the military role, which is one of the principal reasons for the Center's initiation of the three volumes with that focus. A notable exception to this rule is Sidney Fine's comprehensive and altogether excellent history of the 1967 Detroit riot. A professor of history at the University of Michigan, Fine devotes part of one chapter to the arrival of the National Guard and two chapters to the continuing military operations after federalization and the arrival of regular troops. His volume is in every way a model account of a major riot in all of its aspects. Other useful works dealing with the Detroit riot are Robert Conot's *American Odyssey*, the author of which had been a consultant to the Kerner Commission, and the small volume by Hubert G. Locke, at the time of the riot an assistant to the Detroit police commissioner. Two volumes underscoring the violence are the one by John Hersey, on the incident at the Algiers Motel, and one by Van Gordon Sauter and Burleigh Hines, which focuses on the victims of the riot.

In October 1967, shortly after the Detroit riot, which clearly was one of the greatest racial disturbances in our history, came the march on the Pentagon, the first of the great Vietnam antiwar demonstrations in Washington. It marked, Roger Wilkins said, "the absolute end of the civil rights movement as we had known it in the sixties." Notable among personal accounts dealing with the antiwar movement are Norman Mailer's long 1968 articles in *Harper's* magazine—"The Steps of the Pentagon" and "Miami Beach and Chicago." The developing antiwar movement extended beyond the Pentagon in 1967 into the Nixon administration in the 1970s. Notable personal accounts of participants include the encyclopedic work by Fred Halstead of the Old Left and the memoir by Thomas E. Hayden, a prominent member of Students for a Democratic Society and a principal architect of the New Left who later became a prominent California legislator.

Mention of Hayden's memoir calls to mind the 1987 volume by James Miller, a member of the New Left and later an author and critic, and the 1988 work by David Farber, an eleven year old in 1968 who grew up to be a historian. Miller's account is a history of the SDS to

1968, while Farber's is a full-length treatment of the disturbances at the 1968 Democratic national convention for which the Army pre-positioned troops. That the SDS was but a part of the Vietnam antiwar movement is clear from Halstead's work as well as from the scholarly work by Charles DeBenedetti, who died before its completion, and his friend Charles Chatfield, who finished it. Stephen Ambrose's second volume of his biography of Richard M. Nixon, who looked upon dissenters as troublemakers or worse, is important to an understanding of the antiwar movement and the Army's involvement in its demonstrations during the period of the Nixon administration.

David Cortright's 1975 volume on the antiwar sentiment within the military, including the participation of soldiers in demonstrations and a great deal of information on the GI underground newspapers and coffeehouses of the Vietnam period, is a valuable addition to the literature of the antiwar movement. James A. Michener's 1971 volume, too, is one of several good accounts of the tragic disturbance at Kent State University in 1970, of a response to the invasion of Cambodia, and of special relevance to the present work because it was a notorious example of a state's National Guard failing, while on state service, to follow the Army's rules of engagement for a disturbance.

Paranoia over the antiwar movement led to highly questionable and in some cases illegal intelligence activities. The Army in particular became involved in widespread surveillance of civilian politics. The best available unofficial examination of the matter is Christopher H. Pyle's immensely useful 1974 dissertation, which he based partly on the testimony of individuals with recent experience in military intelligence. Pyle, a young lawyer and former captain in military intelligence, disclosed the surveillance in January 1970 and set off a Senate investigation. Also useful on the Army's role is the wide-ranging and encyclopedic volume published in 1980 by Frank J. Donner, a prominent civil liberties lawyer, now deceased. Lawrence Baskir, chief counsel and director of the Senate committee investigating Army surveillance, wrote an excellent article in the *Indiana Law Journal* on the subject from his vantage point in 1974. The volumes by Richard E. Morgan and Athan Theoharis, one a professor of constitutional law and the other a professor of history, also contain material pertinent to these matters.

Early 1968 saw a violent racial confrontation at Orangeburg, South Carolina, between local and state police on the one hand and students on the other. The Army monitored the situation, although there was no federal intervention, and reviewed it afterward at the under secretary and vice chief of staff level. The volume by Jack Bass and Jack Nelson, first published in 1971 and brought out in a new edition in 1984, is a good account of what happened. It was in April 1968, however, when all hell seemed to break loose following the assassination of Martin Luther King, Jr. Since King played such an enormous role in so many of the major events recounted in the present volume, including his planning of the Poor People's Campaign just prior to his death, it is appropriate to call attention to the volumes of Taylor Branch and David J. Garrow, as well as to such works not mentioned previously like those of Jim Bishop, David L. Lewis, Stephen B. Oates, and the coauthors Flip Schulke and Penelope O. McPhee.

With regard to the major riots of 1968, only the Washington, D.C., riot seems to have received full-length treatment. The volume by Ben W. Gilbert and others of the *Washington Post* staff therefore is especially important. Published in 1968, the work is essentially a journalistic account but contains a great deal of information, including a

number of photographs. David Farber, previously mentioned, gives some attention to the April 1968 Chicago riot, and John J. Peterson, in a small volume, provides an exceptionally good account of the role of the Maryland National Guard in the Baltimore riot. *Into the Cauldron* is the only such treatment of the Guard's role in any of the disturbances covered in the present account. In 1968 Jean R. Moenk, a historian for the Continental Army Command, prepared a brief history of CONARC's role in the April riots following King's death. A useful source of information, it contains among other things material on previous domestic operations not otherwise readily available.

Useful descriptions of Resurrection City, set up in Washington by the Poor People's Campaign following the April riot, can be found in the volumes by Jill Freeman, a photographer traveling with the marchers, who put together a remarkable collection of photographs; by Gilbert and his colleagues; and by Roger Wilkins.

Several very different personal and secondary accounts relate what happened during the trouble at Wounded Knee in 1973 and the ways in which the various parties involved, including the Army and the Department of Justice, dealt with the situation. James R. Gardner's excellent dissertation includes the best available account of the Army's role at Wounded Knee, although he wrote before all the Wounded Knee cases involving claimed violations of the Posse Comitatus Act were concluded. Stanley D. Lyman's diary, published in 1991, edited by his widow and others, provides a view of the Wounded Knee trouble from his vantage point as superintendent of the Pine Ridge Reservation. The volume by Ward Churchill and Jim Vander Wall, both involved in Indian affairs, presents the Indian side of the affair as viewed by the American Indian Movement, which initiated the trouble. Rolland Dewing's sober work, based partly on an extensive FBI file and other sources, makes abundant use of the periodical press, while Bill Zimmerman's volume has some exciting chapters on his organization—including the flying of an amateur airlift to aid the Indians under siege at Wounded Knee—interspersed with chapters about the besieged.

The trouble at Wounded Knee in 1973 is especially pertinent because it gave rise to cases involving judicial interpretation of the Posse Comitatus Act of 1878. A general brief account of the origins of this act can be found in Robert W. Coakley's volume, the first of the books on the role of federal military forces in domestic disorders. In addition, two articles on the act, both by lawyers, are especially useful: H. W. C. Furman's 1960 piece on restrictions under the act and Clarence I. Meeks' 1975 essay on violations of the act.

Of the secondary publications listed and not thus far mentioned, there are some that deserve comment. The two volumes on *Civil Rights* compiled by Lester A. Sobel and Steven D. Price, covering the years 1960–1968, are summarizations of newspaper material, as are their siblings *Facts on File* and *Facts on File Yearbook*, and they are among the most useful, convenient references to current affairs. Several processed works by Coakley, Scheips, and others, prepared at the Center of Military History from easily available materials, deal with many of the disturbances covered in the present volume. Being little more than narrative outlines, written mostly in response to staff requests, they are quite different from the monographs on Little Rock and Oxford previously mentioned, serving primarily as quick references to what happened, where and when it happened, and what troops were used.

The published reports and other publications of the Kerner, Eisenhower, and Scranton Commissions are indispensable for a study of the events of the period that saw the Detroit

Riot of 1967, the assassinations and rioting of 1968, and the violence at Kent State and Jackson State in 1970. The Eisenhower Report (*To Establish Justice, To Insure Domestic Tranquility*), with its accompanying task force reports, deals broadly with the subject of violence and proved helpful in preparing this volume in various ways. For example, its task force report on *Rights in Concord* was helpful in dealing with the 1969 counterinaugural activities in Washington.

Anthony M. Platt's book carries critiques of riot commission reports of the years 1917–1970 and reprints portions of the reports themselves. States and cities have also issued similar documents, among them California's report on the 1965 Watts riot (the *McCone Report*), the text of which is published as an appendix to Spencer Crump's volume; New Jersey's report on the 1967 Newark riot; Chicago's report on the confrontation at the 1968 Democratic national convention; the District of Columbia's report on the 1968 riot; and the report by William H. Webster and Hubert Williams on the 1992 Los Angeles riot.

Various congressional hearings and reports contain a great deal of valuable information, particularly on the Army's civilian surveillance activities that would not be otherwise easily available—if available at all. While all have been useful, the following have been especially so: the 1967 House hearings on the National Guard's capability for coping with civil disturbances; the Senate's 1971 hearings on federal data banks and related matters; the Senate subcommittee's 1972 staff documentary analysis of Army surveillance of civilians; the Senate's 1974 hearings on military surveillance; the Senate's 1973 report on military surveillance; and the Senate's 1976 final report on intelligence activities, especially its third book. Also revealing with respect to domestic dissent is the relatively short 1975 Rockefeller Commission report on the Central Intelligence Agency's activities.

Among the most authoritative departmental documents are Department of Defense directives concerning the military role in civil disturbances, especially Directive 3025.12; Army field manuals, particularly FM 19–15, which serves as a training guide for both federal and National Guard troops; and Army regulations, particularly AR 500–50.

Of great importance because of their comprehensiveness and the wealth of information they contain, including copies of important documents, are two studies of the Army's role in civil disturbances made in accordance with Chief of Staff Memorandums 67–316 (1967) and 70–347 (1971), which the Army issued for its own use.

The importance of contingency planning for any study of the Army's role in civil disturbances is readily apparent, and for that reason a great deal of information on the subject had been pulled together in the civil disturbance files of the Center of Military History, which, as mentioned earlier, have been retired to the National Archives. Among this material are copies of various editions of GARDEN PLOT, the departmental plan first issued in 1968. For information of a more technical nature, on such ingenious nonlethal means of riot control as instant mud or instant banana peel, as well as other less benign innovations, see the work of the Army's Land Warfare Laboratory at Aberdeen, Maryland, as reported by Richard W. Wilsnack and others.

Although the focus of this volume is on the use of federal troops in civil disturbances, there is necessarily much in it about the National Guard, not only about the Guard when federalized, but when serving in its state role. This is a consequence of the close relationship between the Guard and the Army in so many areas: equipment, recognition standards,

training, and in the Army's efforts to persuade the Guard to follow federal rules of engagement. The 1967 House hearings on the Guard's capability to cope with civil disturbances have been mentioned but also worth noting is the Hollingworth Report, a lengthy review also made in 1967 of the Guard's federal recognition and promotion standards and procedures.

The author has frequently cited articles in the *National Guardsman* (now the *National Guard*), the journal of the National Guard Association, because it regularly covered the Guard operations dealt with in this account. Indeed, it has been a steady and excellent source of operational information on units, their strengths, and what they did. However, for more critical analyses of such operations, the researcher must look elsewhere. A similar criticism can be made of the National Guard after action reports. Although such official documents are highly valuable operational sources, their quality is uneven, no better than most Regular Army after action reports or any institution attempting to evaluate somewhat publicly its own performance. A case in point was the after action report of the Ohio Guard following the Kent State affair, which declared that the troops had simply encountered no problems.

Guard after action reports on purely state operations were unavailable in Washington until a need for them arose in preparing civil disturbance studies at the Center of Military History. Subsequently, the National Guard Bureau began collecting such material and forwarding it to the Center on a regular basis, so that after action reports from the various state Guards for the years 1968–1973 can be found in the Historian's files retired to NARA.

Not surprisingly judicial decisions have played an important role in the history of civil disturbances, in some cases even causing disturbances and in others confirming government actions through interpretations of the law. However, the fact that almost a hundred years had to pass before the courts became involved in interpreting the provisions of the Posse Comitatus Act was highly unusual. The first significant case did not arise until 1961, and it was not until the 1973 troubles at Wounded Knee that other cases—a whole spate of them—arose. The decisions are all quite interesting, but perhaps not yet the last judicial word on the subject of what the Army can and cannot do, as at Wounded Knee, when it becomes involved in nonoperational ways. For the historian, some of the decisions are useful for the historical information they contain, the *Red Feather* case being an example.

Finally, given the contemporary nature of the events covered in this volume, the author was able to develop a substantial clipping file, now mostly in the Howard University library, and make good use of newspaper articles. Newspapers, of course, are not always accurate and are often best used to supplement other sources and for purposes of illustration. At the same time, news stories are often eyewitness accounts and news editors often reprint actual documents, making newspapers something of a primary source. In sum, this bibliography places them in a separate category, and the author must recommend that such sources be used with great care.

Primary Sources Records

Records of the Department of the Army

Background Papers for the Role of Federal Forces in Civil Disturbances, 1945–1971.

Records of the Army Staff, RG 319, NARA, Washington, D.C. A very substantial body of materials, both primary and secondary, which includes some record material (for example, important records of the 1968 Washington riot), but especially nonrecord copies of documents and other material on and relevant to the major operational and nonoperational subjects covered in this volume. Among them are after action reports, bibliographies, chronologies, clippings, directives, regulations, letters of instruction, letters to the author, notes on telephone interviews, manuals, notes by the author (and Robert W. Coakley's notes for his monograph on Operation ARKANSAS), messages, studies, plans and planning papers (including copies of White Plans and of GARDEN PLOT), legal materials (including law review articles and judicial decisions), abstracts from published material, material on military intelligence, and material on the National Guard. Also included in this collection, but cited separately, are copies of selected miscellaneous documents from the files of the Deputy General Counsel (Military and Civil Affairs), Office of the General Counsel, who had important responsibilities concerning military intervention in civil disturbances.

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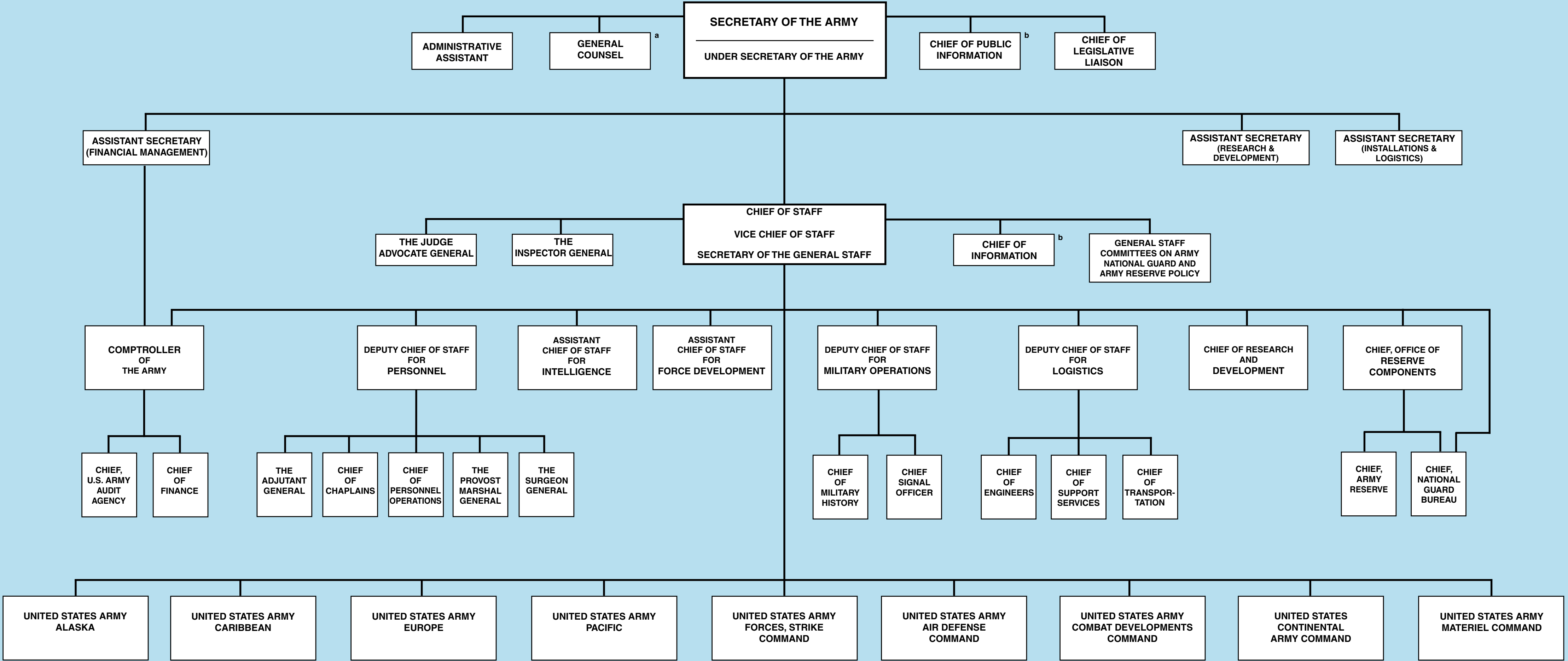
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CHART—ORGANIZATION OF THE DEPARTMENT OF THE ARMY, APRIL 1963



^a The General Counsel also serves as assistant to the Secretary of the Army for civil functions.

^b The Chief of Public Information also serves as Chief of Information.

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