

CIVIL DISTURBANCE PLANNING

Subcourse Number MP 1004

EDITION C

United States Army Military Police School
Fort McClellan, Alabama 36205-5030

6 Credit Hours

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SUBCOURSE OVERVIEW

We designed this subcourse to teach you to understand the causes of social unrest, crowd behavior, psychological influences and the legal aspects of managing civil disturbances.

There are no prerequisites for this subcourse.

This subcourse reflects the doctrine which was current at the time it was prepared. In your own work situation, always refer to the latest official publications.

Unless otherwise stated, the masculine gender of singular pronouns is used to refer to both men and women.

TERMINAL LEARNING OBJECTIVE

ACTION: You will identify the behavioral aspects of social unrest, legal aspects of civil disturbance, control force behavior and community/news media relations.

CONDITION: You will have this subcourse paper and pencil.

STANDARD: To demonstrate competency of this task, you must achieve a minimum score of 70 percent on the subcourse examination.

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TITLE 10 US CODE, CHAPTER 15
AMENDMENT X

Use the above publication extracts to take this subcourse. At the time we wrote this subcourse, these were the current publications. In your own work situation, always refer to the latest publications.

Student Inquiry Sheets

ADMINISTRATIVE INSTRUCTIONS

1. Number of lessons in this subcourse: Five.
2. Materials you need in addition to this booklet are a number 2 pencil and the ACCP examination response sheet and preaddressed envelope you received with this subcourse.
3. Supervisory requirements: None.

GRADING AND CERTIFICATION INSTRUCTIONS

Examination: This subcourse contains a multiple-choice examination covering the material in the five lessons. After studying the lessons and working through the practice exercises, complete the examination. Mark your answers in the subcourse booklet, then transfer them to the ACCP examination response sheet. Completely black out the lettered oval which corresponds to your selection (A, B, C, or D). Use a number 2 lead pencil to mark your responses.

When you complete the ACCP examination response sheet, mail it in the preaddressed envelope you received with this subcourse. You will receive an examination score in the mail. You will receive six credit hours for successful completion of this examination.

LESSON 1

BEHAVIORAL ASPECTS OF SOCIAL UNREST

OVERVIEW

LESSON DESCRIPTION:

In this lesson you will learn to describe the nature and causes of disaffection and social unrest; define the potential for social unrest in the United States; identify the types of confrontations; define crowd behavioral and psychological influences; identify patterns of disorder.

TERMINAL LEARNING OBJECTIVES:

ACTION: Learn the behavioral aspects of social unrest: nature and causes; types of confrontations.

CONDITION: You will have this subcourse, paper and pencil.

STANDARD: To demonstrate competency of this task you must achieve a minimum score of 70 percent on the subcourse examination.

REFERENCES: The material contained in this lesson was derived from the following publication: FM 19-15.

INTRODUCTION

Civil disturbances may be riots, violent uprisings, or unlawful actions. As a member of the military forces, you may be ordered under certain conditions to help restore law and order and protect property. The National Guard is likely to face most of the violence during demonstrations. To gain successful control of a civil disturbance, it will require an understanding of the reason for social unrest and basic human behavior patterns. Planning control strategy depends on knowing why people behave as they do. Group behavior sets the scene for civil disturbances. However, it is individual behavior which in the end is the most important.

A study of past civil disorders shows that civil disturbances will follow definite stages. Understanding individual attitudes and behavior factors which influence these basic stages will be helpful in stopping civil disturbances.

PART A - CAUSE

Behind all disturbances is a cause which can be traced to one or more existing problems in a particular community. Causes change with the times. For example, economic and nuclear control are the main new issues for the 80's. It matters little whether the problem is real or imagined. The impact is the same. Problems can be divided into two basic categories: political-ideological and socioeconomic.

1. Political-ideological. Protests and demonstrations can be traced to the political spectrum. (See Figure 1-1.) The people not represented in government are from the left or right of the spectrum. To gain representation, such groups must bring about sympathy and support for their cause. Political-ideological causes are associated with frustration or when a certain group feels threatened by changes in society.

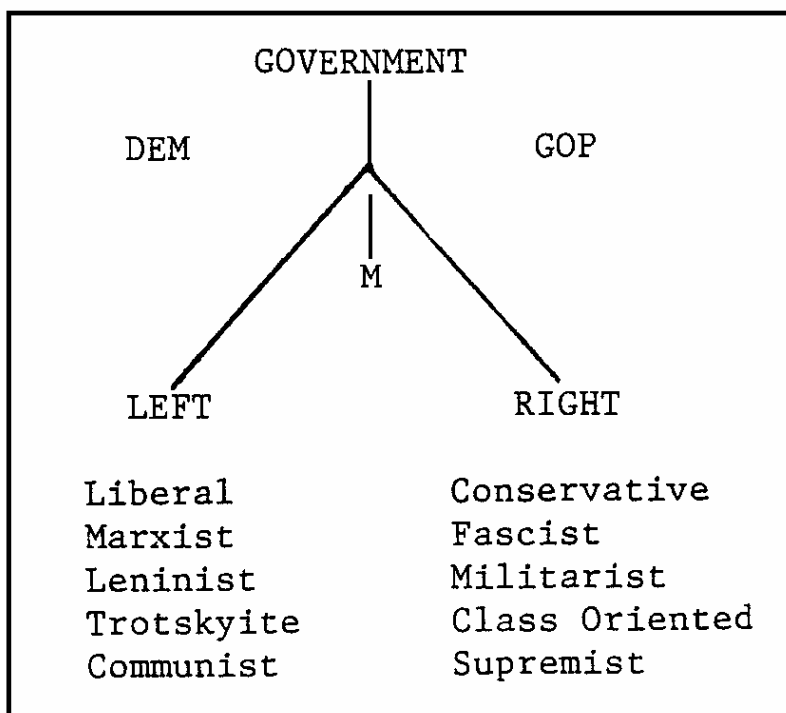


Figure 1-1. Political Spectrum.

Leftist anti-war groups who actively supported North Vietnam during the war have reorganized. New issues have been adopted. Many of the leaders of these groups are now the leaders of groups supporting economic and antinuclear issues.

2. Socioeconomic. These causes may include substandard living conditions, i.e., housing, health care, and education. Unemployment, poverty, poor educational facilities, police brutality, and under representation in the political arena, all provide for disorder.

PART B - POTENTIAL FOR SOCIAL CONFLICT

1. Disaffection. Disaffection is the attitude or state of mind of persons who are concerned about, alienated from, or dissatisfied with the operation of socioeconomic and political systems. This disaffection produces a desire to change the system itself. These individuals believe in and have faith in the present form of government and the present values of American society. Their desire may be for some small or major change of a wrong that they believe exists within the social structure. Still having faith in society, they believe that their concerns can be achieved through the proper channels or through lawful protest activities. These people still support the system, i.e., the establishment, democracy, and capitalism. Since their attitudes develop over a number of years, it is thought to be a changing process.

2. Radicalism. Some elements of our society feel that reform will only take place as a result of hostile action, forcing society to change the system. Within this radical group, there are those who do not want to change the system, but want to destroy the system completely in order to build a new system. Radicalism can be explained as a extreme extension of disaffection. Radicalism and disaffection are useful tools, or concepts, to help us understand the difficult social problems which are happening within our society.

PART C - COLLECTIVE BEHAVIOR

1. Collective Behavior.

Collective behavior refers to the actions of a group of persons in situations where normal standards of conduct may not be practiced. The crowd is the most common form of collective behavior.

2. A crowd.

A crowd is defined as a large number of persons gathered temporarily together. There are many types of crowds which are based on their reasons for getting together.

a. Causal crowds. This type has no common bond other than the immediate reason for being present. An example would be a football game or a symphony orchestra performance where the only bond is enjoyment.

b. Planned crowds. Planned crowds are likely to be more organized. A leader will call a meeting to establish a goal in which members have a common interest.

Normally, when a crowd is orderly, not violating any laws and not causing a threat to life or property it does not represent a problem. Crowds, however, are subject to control by skillful troublemakers and therefore capable of violence and disregard for law and order.

3. Mob. The extreme crowd behavior is a mob. A mob is a crowd whose members

have lost their concern for law and authority and follow their leaders into unlawful and disruptive acts.

PART D - PSYCHOLOGICAL INFLUENCES ON CROWD BEHAVIOR

Crowds tend to change the normal behavior pattern of a person which is usually different when that person is alone. Both psychological and outside conditions will influence this type of behavior.

1. Anonymity. As an individual in a crowd, one loses his own identity and assumes the faceless role of the crowd. He is protected from recognition by the number of people around him. This loss of identity gives a person the feeling that he will not be recognized and cannot be blamed or punished for his actions, since he feels moral responsibility has been shifted from him to the crowd.
2. Impersonality. Group behavior is impersonal. Each member of a certain group is considered to be as good or as bad as other members of the same race, ethnic, or interest group. In this regard, individual acts of violence on the part of a single person in a crowd may well cause an unnecessary act by a group.
3. Suggestibility. In group situations, certain persons will likely look to others to justify their actions, especially if a suggestion is made by a person(s) who speaks with authority. These suggestions are often carried out without thinking about the end result. Only a strong willed person can resist the need to go along with the group.
4. Emotional Contagion. The emotional build-up which members give to one another is a dynamic feature of group behavior. A continuation of stimulation occurs. One excited person stimulates excitement in another person, who in turn, stimulates a third person, who may in turn stimulate the first person to a higher degree of excitement. Individual self-discipline tends to be low; the release of inner feelings is encouraged and ordinary behavior is not permitted or encouraged by elders and stronger members of the crowd. Emotional contagion provides the crowd with psychological unity. This unity is based on common emotional responses, but it may be the only momentum a crowd needs to turn into a mob.
5. Released from Repressed Emotions. The prejudices and unsatisfied desires of a person, which are normally controlled, are readily released in a mob. This temporary release is a powerful motive for a person to participate in a crowd because it gives him an opportunity to do things which he has always wanted to do but would not try to do alone.

PART E - EXTERNAL FACTORS INFLUENCING CROWDS

1. Rumors. Nothing can increase the tempo of disorder or change an orderly demonstration into violence more than the circulation of an irritating rumor.
 - a. Responsible agencies must recognize the importance of an information center to counter the rise of tension inside and outside the riot area. Such an operation can drive away the fears of people asking about the welfare of relatives and friends in the disorder area and also counter false and irritating rumors.
 - b. Rumor control centers can function as a source of information for the intelligence-gathering units.
2. Publicity. Through the use of extensive publicity, leaders can influence crowds to gather at a location decided upon in advance, to protest their

grievances. Television, radio, newspapers, magazines, and specially prepared bills are widely used means of publicizing a cause.

3. Forceful Speech. A forceful speech is probably the most effective method of raising the pitch of a mob to the point where it can be led to violence. A well-trained speaker using strong words and phrases, can take advantage of local prejudices, changing facts, and using body movements to influence persons to do things they would not normally do.

4. Appearance of Provocative Personality or Symbol. The appearance of a personality who is well-known for his dislike of the system can be used to increase the strong feelings of the situation. This is usually done as a climax of a speech in order to totally control the emotions of a crowd.

5. Control Force Response. Members of the control forces who have contempt for certain parts of society must be careful not to express such contempt in certain situations, since it could stimulate mob reaction and cause further violence.

PART F - STAGES OF CIVIL DISORDER

Knowledge of the five stages through which a civil disturbance may evolve will prove very helpful in managing a crisis. Proper identification of the stage will greatly increase the control force's ability to select and perform appropriate activities in order to control the situation. The evolutionary stages are discussed below:

1. Basic Problems. As discussed earlier, all civil disorders can be traced to real or imagined problems within a community. The problems may be socioeconomic or political in nature but are potentially threatening when they become emotional community issues.

2. Rise to Tension. Problems that have not been solved can cause a great rise in tension. Disorder can happen spontaneously after a build-up of frustration and tension. Violence is usually sparked by a routine incident which is not the true cause of the disorder, such as a police officer making an arrest of a criminal suspect in an area where tension has built up over police brutality. Outside troublemakers often take advantage of such opportunities and build the momentum of the disorder, thus you have disaffection and radicalism behind a disorder.

3. High-Tension Occurrences/Confrontation. A confrontation is likely to occur in a high tension situation between the community and the direct or indirect object of their anger. In high-tension situations, the police have perhaps the most direct impact. Local departments must be sensitive to rise in tensions and the high-tension environment. If tension exists in a community, especially between residents and the police, a routine event can be the beginning of a disturbance. In such instances, the crucial factor is how the high-tension situation is handled by the individual police officer and the decisions he makes. The actions he takes may be the deciding factor as to whether the situation will increase into the initial violence stage.

4. Initial Violence. The next stage involves the commission of an initial act of violence on the part of those who have gathered as a result of the high-tension happening. The violence will certainly be the result of either psychological factors, outside factors, or radicalism. The violence will be directed against personnel or property which are the direct or indirect objects of frustration. The initial violence may be the act of one or several persons.

5. Spread of Violence. The final stage of disorder involves the spread of

violence over a wide area, i.e., violence moves beyond the scene of the initial high-tension happening and includes more and more people as it spreads. As previously discussed, rumors, publicity, strong speeches, and radical troublemakers may cause the disorder to spread. At this point, the type of violence will change and include:

- a. Vandalism. The act of maliciously destroying property.
- b. Looting. Stealing of property in the middle of a disorder. Looting at first was done with a purpose in mind, but it quickly became without purpose and spread to any type of establishment.
- c. Arson. Purposely fire bombing buildings or other property. Fire service operations are sometimes held back by crowds thus allowing the fire to spread.
- d. Sniping. Gunfire and sniping cause a great deal of confusion among the control forces as well as the crowd. Innocent bystanders may be injured and control force operations are slowed down. Return of gunfire by control forces may greatly increase existing tension, also.
- e. Bombing. Purposely using explosive devices against buildings or other property, to include the control force.

PART G - CIVIL DISTURBANCE ENVIRONMENTS

There are two civil disturbance environments of interest to military forces. They are domestic and foreign.

1. Domestic Areas of Conflict.

Domestic areas of conflict include those areas most likely to become the main point for disturbances.

- a. Urban areas. Community problems in low socioeconomic areas and the vast ethnic make-up of various residents.
- b. Nuclear power plants. Three Mile Island and Diablo Canyon.
- c. Federal Installations. Seneca Army Depot and Rock Island Arsenal.
- d. Refugee camps. Fort Chaffee, Arkansas and Fort McCoy, Wisconsin--Cuban, Haitian, and Vietnam Boat People. We must also be careful to not only relate the word "refugee" to person(s) from other countries. Natural disasters such as hurricanes and tornados can result in American citizen's becoming "refugees."
- e. Other government facilities.

2. Overseas Areas of Conflict.

Foreign areas of conflict present special legal consideration for control forces. Military forces should seek to avoid becoming involved in civil disturbances in foreign countries due to the possible international political consequences. Still, there are instances where US military forces will provide control forces to protect US property and items vital to national interest. Commanders should consult their Staff Judge Advocate for explanations of Status of Forces Agreements in order to fully understand the extent US control forces may become involved in foreign civil disorder. Host nation authorities should be used to confront demonstrators wherever possible. Lack of host nation support may make the situation impossible for US forces

to control. A graphic example is the Iranian capture of the US Embassy in Iran. Areas of concern include:

- a. DOD installations.
- b. US consulates.
- c. US embassies.

PART H - TYPES OF CONFRONTATIONS

Civil disturbances, in the past, have been directly identified with illegal activities. However, it is also used to include a broad range of confrontations which varies from a peaceful assembly in a public place to violent destructive attacks on people and property. Many demonstrations are legal with legitimate permits authorizing assembly. Regardless of the purpose of a group the possibility always exists for such a group to become disorderly. Responsible agencies must understand the characteristics of each type of confrontation in order to plan, train, and conduct successful control force operations. The types of confrontations include:

1. Mass Demonstrations. Mass demonstrations involve hundreds or thousands of people. The vast majority are simply concerned citizens who are practicing their individual rights to protest, and not necessarily inclined towards violence. They are publicly displaying concern about some social, political, economic or other conditions.
2. Idealistic Protests. This type confrontation involves dedicated participants who have very strong feelings about a cause and are not easily discouraged by the threat of arrest or use of force. These individuals are prone to acts of violence such as sniping and bombings.
3. Terrorism. Terrorism involves extremely violent attacks on society seeking to overturn existing institutions, at any price.

PART I - US CIVIL DISORDERS: PAST AND PRESENT

1. Civil Disorder Similarities.

Studies of civil disorder have revealed some important similarities. Most disturbances have increased from minor incidents, i.e., police issuing a traffic ticket in lower income areas, such as Watts. A minor disturbance can spread quickly and gain in strength and force. One must always be aware that any crowd, regardless of its purpose, is a potentially violent group. Violent civil disturbances can be described as arson, rock throwing, and looting.

2. Examples of Civil Disturbances.

a. In Shay's Rebellion 1786, angry Massachusetts farmers protested the state's decision to foreclose on mortgages and give prison sentences to debtors. The militia was called in to prevent the riots.

b. In 1892, union members fought with plant guards in Homestead, Pennsylvania, The Carnegie Steel Plant shut down rather than meet union demands, the Pennsylvania governor ordered the National Guard to break up the rioters.

c. In Little Rock, Arkansas, 1957, the State National Guard was federalized to make sure that court ordered school desegregation was carried out in the midst of an angry mob.

d. In April, 1968, federal troops were employed in Washington D.C. after the assassination of Dr. Martin Luther King, Jr., to control mob action.

e. At Kent State University, May 1970, National Guard troops were used to control student demonstrations in protest of President Nixon's decision to increase the Vietnam War by extending operations into Cambodia. Four students were killed by National Guard troops.

f. At Seneca Army Depot, NY in 1983, Federal troops were sent to the

depot to increase security in the wake of nuclear arms protests by a combination of peace groups. This resulted in a nonviolent demonstration involving civil disobedience where the demonstrators trespassed on restricted federal property.

g. In April 1993 at Los Angeles, CA, federal troops were used to help restore "law and order" after riots erupted due to "Not-Guilty" verdicts in the trial of four policemen accused of beating Rodney King.

LESSON 1

PRACTICE EXERCISE

REQUIREMENT. The following questions are multiple choice and/or true/false. You are to select the one that is correct. Indicate your choice by CIRCLING the letter beside the correct choice directly on the page. This is a self-graded lesson exercise. Do not look up the correct answer from the lesson solution sheet until you have finished. To do so will endanger your ability to learn this material. Also, your final examination will tend to be lower than if you had not followed this recommendation.

1. Preparation for civil disturbance control operations need only be concerned with control of violent confrontations.
 - A. True.
 - B. False.

2. Which of the following is true concerning a crowd? A crowd _____
 - A. has no common bond.
 - B. always has potential for violence.
 - C. always gathers for a purpose.
 - D. is not easily swayed by emotional appeal.

3. Disorder which seeks to destroy existing social system as a means of reform is a description of?
 - A. political behavior.
 - B. radicalism.
 - C. social evolutionary process.
 - D. affection.

4. You are preparing for civil disturbance training. It is important that troops are able to recognize the stages of a civil disturbance. These stages are:
 - A. basic problems, socioeconomic problems, rise in tension, high tension, and initial violence.
 - B. political incidents, basic problems, tension, high tension, and initial violence.
 - C. basic problems, rise in tension, high tension, initial violence, and spread of violence.
 - D. tension, political incidents, initial violence, basic problems, spread of violence.

5. The loss of individual identity in a crowd describes--

- A. impersonality.
- B. social personality.
- C. anonymity.
- D. behavioral unaccountability.

LESSON 1

PRACTICE EXERCISE

ANSWER KEY AND FEEDBACK

<u>ITEM</u>		<u>Correct Answer and Feedback</u>
1.	B.	FALSE To gain successful control of a ... (page 1-1, Introduction)
2.	B.	Always has potential for violence Crowds, however, are subject ... (page 1-4, Part C, para 2b)
3.	B.	Radicalism Within this radical group ... (page 1-4, Part B, para 2)
4.	C.	Basic problems, Rise in Tensions, ... The stages are discussed below: ... (page 1-6, Part F, para 2, 3, 4, 5)
5.	C.	Anonymity Anonymity (page 1-4, Part D, para 1)

LESSON 2

LEGAL ASPECTS OF CIVIL DISTURBANCE

OVERVIEW

LESSON DESCRIPTION:

In this lesson you will learn: laws governing civil disorders; define the role and responsibility of Armed Forces in civil disorder; define the relationship between Local, Federal, and State Agencies.

TERMINAL LEARNING OBJECTIVE:

ACTION: Learn the legal aspects of civil disturbance.

CONDITION: You will have this subcourse, paper and pencil.

STANDARD: To demonstrate competency of this task you must achieve a minimum score of 70 percent on the subcourse examination.

REFERENCES: The material contained in this lesson was derived from the following publication: FM 19-15.

INTRODUCTION

Civil disturbances in the US did not start with the racially inspired riots of the 1960's or the anti-Vietnam protest demonstrations. Civil disturbances have been widespread since the founding of this nation. Religious differences were, in fact, a prime factor which caused the Puritans to leave England. The following historical events demonstrate civil disturbance in this country.

- The Boston Tea Party (1773)
- Shay's Rebellion (1787)
- The Pullman Strike (1894)
- Newark Riots (1967)
- Kent State (1970)
- Antioch College (1973)
- Miami's Overtown District (1983)
- Los Angeles (The Verdict) Riots (1993)

As a member of the control force, you should understand the legal issues surrounding civil disturbances.

PART A - DEFINITIONS

1. Dissent - a difference of opinion. It may be in opposition to established authority or doctrine. Dissent may be either social, political, religious, or economical in nature.
2. Civil disobedience - The public, purposeful breaking of the laws. The refusal to obey the demands or commands of the government, especially as a nonviolent group means of forcing concessions from the government.
3. Civil disturbances are group acts of violence and disorders. These acts are prejudicial to public law and order, and include all domestic conditions requiring or likely to require the use of Federal Armed Forces under 10 U.S.C. Chapter 15.

PART B - LEGAL CONSIDERATIONS OF FIRST AMENDMENT RIGHTS

Many laws in the US are adapted from English law and from documents such as the Magna Carta and the English Bill of Rights. The First Amendment rights to freedom of speech, press, and peaceful assembly are American laws, based on lessons learned in early English history. During the early 1700's opposition to the sovereign power in England was an act of treason made punishable by death. There was no freedom of speech, press, or assembly to redress grievances against the government. Additionally, kings often suspended other laws without consent of Parliament in order to keep their subjects from expressing themselves.

The drafters of the American Bill of Rights sought to forbid suppression of freedom of the press, speech, and assembly. Based on this first amendment right as clarified through judicial decisions, citizens have a right to dissent. Much of the Constitution is written in broad general terminology, therefore, courts assumed policy making authority as they decide constitutional issues. Policies regulating civil disturbances are Supreme Court decisions establishing protected rights as well as restrictions on civil disturbance participants. Since you are likely to be employed for civil disturbance control operations, it is important that you be aware of legal rights of citizens as well as the responsibilities, authority, and restrictions of law enforcement officials.

1. Right to Parade, Sit in, and Picket in Public. Parades, sitins, and pickets are strategies used by organized groups. The Supreme Court has held these to be constitutional rights protected by the first amendment. The following cases demonstrate Supreme Court policies on these issues.

a. Thornhill v. Alabama, 310 US 88, (1946) established the right to engage in picketing. Thornhill was convicted of violating the antipicketing section of the Alabama Code. The state court of appeals affirmed the judgement and the Supreme Court of the United States granted certiorari. Certiorari is a writ from a high court to a lower one, requesting the record of a case for review. The US Supreme court reversed the decision and decided that Thornhill had a constitutional right to picket.

b. Edwards v. South Carolina, 372 US 299, (1963) prohibited states from abridging first amendment right of parades and marches as an expression of dissent. Edwards was held on criminal charges for participating in a demonstration which was forbidden by the state statute. States do have a right to regulate parades and marches through statutes and ordinances, but the right to march and parade is a first amendment right of citizens.

c. Cox v. Louisiana, 379 US 536, (1965) guidelines on street rallies, parades, and sidewalk demonstrations were established. When public facilities are used in protests the ultimate concern must be the rights of the community as a group. While not prohibited as free expression of speech, these activities can be regulated to avoid disruption and prevent unlawful acts from occurring.

2. Restriction on Content of Speech. Feiner v. New York, 340 US 315, (1951) - in this case, the Supreme Court determined that any type of communications subject to give rise to law enforcement problems and create friction in a community was not a first amendment right. Feiner's arrest was based on the potential for starting a riot and not as an attempt to stop him from speaking his views. A related ruling determined that a person does not have the right to scream "fire" in a crowded building, causing panic.

3. Restriction on Place of Protest. Adderly v. Florida, 385 US 39, (1967) - the courts rejected the concept that people can protest where they choose. Local authorities can limit areas by passing statutes or ordinances. Hospitals and schools during hours of operation are examples of areas where demonstrations would cause problems.

4. Summary.

The cases summarized above were cited to illustrate how difficult it is to demonstrate when the exercise of a first amendment right becomes unlawful. You should contact the staff judge advocate for such assistance.

PART C - ARMY MISSION

The mission of the military, when properly committed to a civil disturbance, is to help keep the law and order. It is important to recognize that in most cases requiring federal aid, the primary means to fulfill the mission is for federal forces to help state and local authorities. They must not take over for them. Local and state officials have a responsibility to take the necessary measures to put an end to disturbances before asking for federal help.

PART D - CONSTITUTIONAL AND STATUTORY FOUNDATIONS OF FEDERAL MILITARY INTERVENTION AND ASSISTANCE

1. General.

Federal military forces have been needed when civil disturbances exceeded

the power of local civil authorities to keep order. The Constitution and various statutes provide for the use of federal military forces at such times. But, the use of federal military forces is also limited by Federal law.

2. Constitutional Requirements.

The Constitution imposes on the President the duty to see that the laws of the United States are faithfully executed (Article II, Section 3). The Constitution requires the United States to protect every state against domestic violence (Article IV, Section 4). The Fourteenth Amendment to the Constitution forbids the states from denying equal protection of the laws to any person.

Congress has enacted laws to enforce the constitutional requirements mentioned above.

a. 10 USC Section 331 authorizes the President to use the Armed Forces to suppress an insurrection if the legislature or the governor of a state requests assistance.

b. 10 USC Section 332 authorizes the President to use the Armed Forces to enforce the laws of the United States when unlawful combinations or assemblies, or rebellion make it impractical to enforce the laws through the normal use of the courts.

c. 10 USC Section 333 authorizes the President, if unlawful actions are depriving a person of a right under the Constitution and the State cannot or will not protect the person's rights, to use the Armed Forces to protect these rights.

3. Posse Comitatus and Exceptions. There are limits to the use of the Federal Armed Forces. The Posse Comitatus Act (18 USC Section 1385) forbids the use of the Army or the Air Force to enforce civilian laws. The act was passed in 1878 in reaction to the use of Federal troops to guard polling places during Reconstruction. The act is a general prohibition against the military acting in a civilian law enforcement role. There are exceptions to this general prohibition.

a. The act itself excepts cases and circumstances expressly authorized by the Constitution or Acts of Congress. So, actions taken under the provisions cited above (Article II, Section 3; Article IV, Section 4; the 14th Amendment; and 10 USC 331-333) are not violations of the act. There are three statutes that come up frequently in this area.

(1) 10 USC Section 371. This allows the military to pass information to civilian law enforcement officials if the information was collected during the normal course of military operations.

(2) 10 USC Section 372. This allows the military to make equipment, base facilities, or research facilities available to civilian law enforcement agencies.

(3) 10 USC Section 373. This allows the military to train civilian law enforcement officials in the use and maintenance of equipment and to provide them with expert advice.

b. Another exception to the act is the United States' inherent right and power to maintain order and to carry out its responsibilities. The federal government must be able to act quickly to maintain order and to keep the government functioning. Emergencies, whether natural or caused by man, are situations where quick action is taken to protect life and or property and to keep the government functioning. The federal government can always act under this inherent power to protect federal property and functions.

c. The final exception is that of a military interest. When Armed Forces personnel are being used to pursue a valid military purpose, there is no violation even though an incidental result may be the enforcement of civilian law. Be careful! The courts will look at the whole situation. If the courts feel that the military purpose is a sham, they will find a violation of Posse Comitatus.

PART E - LEGAL AUTHORITY TO CONTROL CIVIL DISTURBANCES

1. Types of Intervention and Aid.

a. The authority to commit federal military forces to control civil disturbances and aid in disaster relief comes from the Constitution, acts of Congress, and executive orders of the President. Protecting life, protecting property, and keeping law and order within a state's territory are the primary responsibilities of state and local authorities. Use of federal troops will take place only:

(1) After state and local authorities have used all their own forces and are unable to control the situation.

(2) When the situation is clearly beyond the power of state and local authorities.

(3) When state and local authorities will not take the necessary action.

NOTE: See Appendix A for a more detailed discussion of the laws concerning civil disturbances and Federal intervention.

b. The more common types of intervention are discussed below:

(1) Request of the state. Section 4, Article IV, of the Constitution makes it the duty of the federal government at the request of legislature of any state (or of the governor if the legislature cannot be convened) to protect a state against domestic violence (See Figure 2-1). Congress has authorized the President to intervene with federal military forces for this purpose (10 USC 331). A state requests federal assistance to help restore and

maintain law and order to the Attorney General of the United States. The Attorney General has been designated by the President to receive and coordinate preliminary requests from states for federal assistance. Only the President can commit federal troops to assist a state.

(2) To enforce the laws of the United States. Section 3, Article II, of the Constitution makes it the President's duty to faithfully execute the laws of the United States. Whenever the President thinks that it is impossible to enforce the laws of the United States within any state or territory through ordinary proceedings, he is authorized by Congress to try to settle the situation with any federal military forces that he thinks is necessary to restore order (10 USC 332).

(3) To protect the rights of citizens within a state. The 14th Amendment of the Constitution forbids any state to deny the equal protection of the laws to any person within its jurisdiction. In carrying out this provision, Congress has provided that whenever insurrection, domestic violence, unlawful combinations, or conspiracies in any state to obstruct or hinder the execution of the laws of that state and of the United States, as to deprive any of the people of that state rights, privileges, immunities, or protections named in the Constitution and secured by law, and the constituted authorities of that state are unable, fail, or refuse to provide such protection, will be deemed a denial by that state of the equal protection of the laws. Thereupon, the President shall take such measures, by intervention with federal military forces or by any other means, as he may deem necessary to put a stop to such disturbances (10 USC 333).

(4) To protect federal property. The right of the United States to protect its functions and property by intervention with federal military forces is well established. The exercise of this right is an executive function. It extends to all federal functions and property. Intervention is necessary where the need for protection exists, and the local authorities cannot or will not give the proper protection.

(5) To assist state and local governments in major disasters.

(a) Public Law 93-288, Title 1, S101, 22 May 1974, 88 Statute 143, Chapter 68, Title 42, United States Code Disaster Relief Act of 1974, authorizes federal assistance to state and local governments in major disasters to help with damage and suffering. The military is authorized when directed by the President to provide such assistance. The law also provides the President with the power to determine whether a disaster is a major disaster.

(b) The Administrator, Federal Disaster Assistance Administration (FDAA) of the Department of Housing and Urban Development (HUD), is delegated the authority (by the President) to plan the activities of Federal agencies in providing assistance to state and local governments during a "major disaster" declared by the President (AR 500-50).

(6) To help in emergency flood control activities, Section 5 of the

Flood Control Act of 1941 (55 Stat. 650), as amended (33 USC 701n) authorizes the Chief of Engineers to provide assistance in connection with rescue operations and other emergency flood control activities. The Continental United States Army Military District of Washington (CONUSAMDW) commanders, when requested, will help the Civil Works Program field agencies of the Corps of Engineers in providing such assistance. Administration of this act is under the direction of the Secretary of the Army and the supervision of the Chief of Engineers. No declaration of a major disaster is required.

(7) To help civil defense operations. Public Law 920, 81st Congress (the Federal Civil Defense Action of 1950, 64 Stat. 1245) as amended (50 USCA 2251 et. seq), provides a plan of civil defense in the United States. See AR 500-70 and FM 20-1 for guidance concerning emergency employment of Army resources in civil defense.

2. Request for Federal Intervention.

When the President receives a request, he must judge whether or not to send federal troops. When the governor makes contact with the United States Attorney General, and before the formal request is issued, the Attorney General tells the President. Then a senior civilian representative to the Attorney General (SCRAG) will probably be sent to the disorder area to check the situation. In Detroit, no federal official was sent to the city at first.

The federal representative was only sent after the formal request, which came 11 hours later. After the governor's formal request has been received by the President, a Department of the Army liaison team (DALT) will leave immediately for the disorder area. Before the President orders the National Guard or federal troops to control a confrontation, he issues a proclamation ordering the troublemakers to leave and retire peaceably. The proclamation is followed by an Executive Order which authorizes the Secretary of Defense to call into active federal service members and units of the state's National Guard, and to use the Armed Forces as he thinks is necessary to restore law and order and to protect people and their property. The Executive Order is followed by:

a. A delegation of authority from the Secretary of Defense to the Secretary of the Army. The Secretary of the Army becomes the executive agent.

b. The Secretary of the Army's designation of the Chief of Staff as the Commander of the Armed Forces and the federalized National Guard members and units to be employed.

c. The Chief of Staff's letter of instruction to the task force commander (US Army commander of all federalized troops).

d. It is important to understand formal Army procedures. Yet, many of the above steps have been simplified because an action plan is always readily available.

PART F - POLICIES. USE OF MILITARY FORCES IN DOMESTIC CIVIL DISTURBANCES

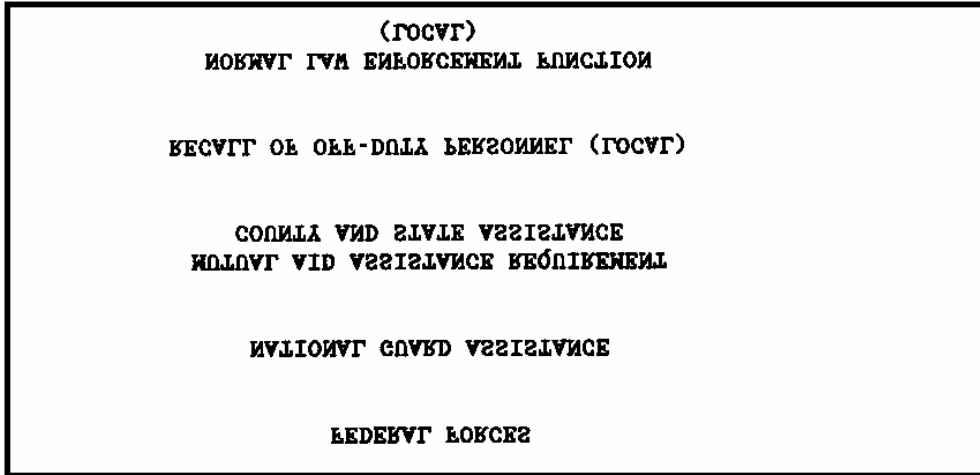
NOTE: See Figure 2-1, Escalation of Civilian Law Enforcement Response and

Figure 2-2, Chain of Command for Civil Disturbance.

1. Basic Policies.

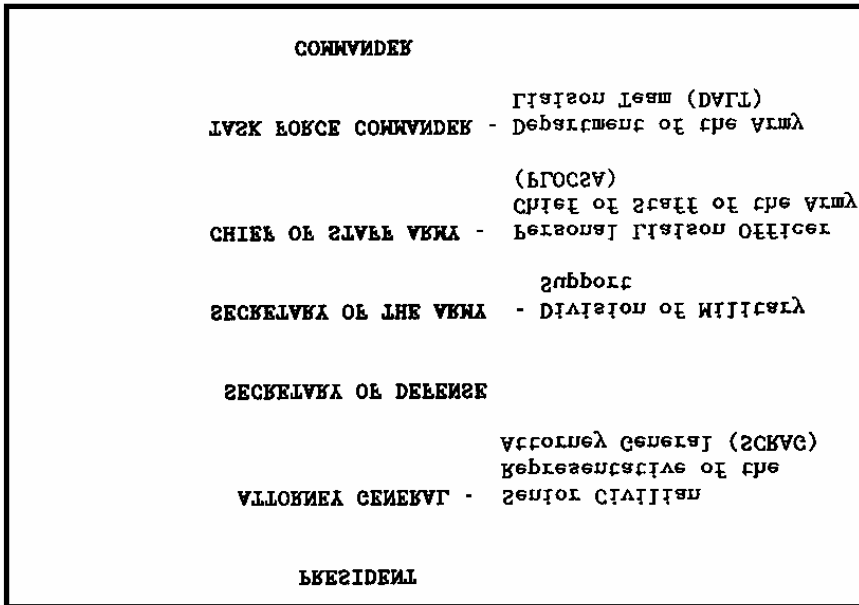
a. Military aid to civil authorities in domestic civil disturbances may be given by the Army when it is requested or directed in accordance with the laws and Executive Orders cited above. Commanders may also act without prior authorization if the situation requires action under the above conditions.

FIGURE 3-1 ESCALATION OF CIVILIAN LAW ENFORCEMENT RESPONSE



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FIGURE 3-3: CHAIN OF COMMAND FOR CIVIL DISTURBANCE



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FIGURE 2-3: CIVIL DISTURBANCE ALERT CONDITIONS (CIDCOM)

CIDCOM 1	Maximum force requirements (called 1 hour before to H hour).
	Alert of aircraft loading.
CIDCOM 5	Further increase and movement of ground forces to aircraft and the
	ports.
CIDCOM 3	Reorganization of aircraft ground forces (aircraft loading within 2
	hours before force requirements increased and possible
	15 hours to arrive).
CIDCOM 4	Initiation of detailed planning for CD operations (normally given
	increased monitoring and analysis of CD situation and the
	planning and requirements.
CIDCOM 2	Forces designated for CD operations are maintained in normal

0

b. Military commanders must be ready to aid civil authorities in domestic civil disturbances based on plans for such disorders (see Figure 2-3). Commanders must put together the necessary plans with civil authorities at state and local levels.

c. Military resources and other military actions in civil disturbances will be on an as needed basis and will stop as quickly as possible. A commander making his resources available to civil authorities is subject to no authority except his military superiors.

d. The military service with the resources closest to the area will be the first to aid civil authorities. Further aid will be agreed on by the senior service commanders concerned.

2. The Military Commander's Relations with Other Authorities.

a. In case the military is used, the commander will cooperate fully with the governor and other state and local authorities, unless it interferes with his mission. The commander's policy is to stop the violence without undue force.

b. Liaison and coordination. The commander puts together the plans at all levels with civilian authorities to get the best cooperation in giving military aid. Joint cooperation between military and civilian authorities is needed to set up command posts. Among the major areas requiring coordination are:

- (1) Keeping law and order.
- (2) Custody of offenders.
- (3) Documentation of evidence.

- (4) News releases.
- (5) Traffic control.
- (6) Exchanges of intelligence information.
- (7) Care of the injured.
- (8) Evacuation, housing, and feeding.
- (9) Protection of key areas or facilities.
- (10) Compatibility of communications.
- (11) Delineation of areas of responsibility and establishment of joint patrols.
- (12) Removal of debris and restoration of normal conditions.

3. Public Information. The use of federal military forces in a civil disturbance or disaster causes some public information problems which must be remembered when making emergency plans at all levels.

a. The public in the area will be directly affected by military actions, individually and as a group. The public outside the area will be interested in area events.

b. The press will rely on rumor if they are not given timely and accurate data. Regular news conferences and briefings should be held by senior civilian and military officials to inform the press. Where practical the press should be allowed to tour the affected area with senior officials.

c. Troop conduct will get special press and public attention. All troops should be oriented and kept informed while in the area.

d. Cooperation and coordination between all information agencies at the scene are very important to the exchange of information and the general news gathering efforts.

e. The area commander should be the official Army spokesman and should be given the authority and resources to:

(1) Make news releases concerning operations and instructions or public cooperation.

(2) Hold press briefings and broadcast reports.

(3) Approve press coverage of units including escorts.

f. Except for the task force commander, military personnel should talk to

the press only with the approval of the public affairs officer.

4. Command.

a. Military Forces. When federal military forces come in, the assigned commander must act to fulfill his mission. In the fulfillment of his mission, he must measure his authority. The people in the affected area must know the rules of conduct and other measures to be taken by the military. These should be announced by local order. They should be given the widest possible publicity.

b. Limitations. Federal military forces will not be placed under the command of an officer of the state defense forces, the National Guard, or any state, local, or federal civilian official (AR 500-50).

c. Command of State Troops. State defense forces or state National Guard troops not in federal service may be directed by a United States Army officer with the consent of the governor or other appropriate state official. The Directorate of Military Support is directly responsible for aiding in making policies and procedures for calling the National Guard to active federal service. It also orders other Reserve Components to active duty for use in civil disturbance operations, as well as developing the appropriate measures for employing federal troops. The Personal Liaison Officer, Chief of Staff, Army (PLOCSA), gets state authorities to cooperate with state forces or state National Guard troops not in federal service. They must also cooperate with the military commander in the area.

PART G - THE MANAGEMENT AND CONTROL OF LAW ENFORCEMENT AGENCIES

Whenever different government agencies coordinate their efforts, control problems begin. Many officials have said that they don't really know the procedures to bring in agencies from other government levels. We have already discussed the problem of requesting federal military forces. The same problem was in the report of the National Advisory Commission of Civil Disorder. It said that in the Chicago disturbance (summer of 1968), the first call for state police aid came from a local police department inspector to the head of the state police. State law required that the mayor ask for aid from the governor. The confusion caused much time to be lost. Many states have the same problem concerning who has the authority to call the National Guard as a state militia force. Though all states allow judges, mayors, sheriffs, the state adjutant general, or the senior National Guard officer on the scene to make the call. Many state laws do not give the conditions authorizing state assistance. All emergency plans must consider the statutory procedures for requesting assistance. All responsible officers should know them.

1. Mutual Coordination. Who commands the state police, the state National Guard, and federal military forces in a civil disturbance? The answer is found in the National Guard Bureau. Statistics of 46 states from a command and control study of units called into state service have revealed the following:

a. Seventeen states practice coordination without stating whether military or civil agencies come first.

b. Fifteen states authorize the state National Guard to be under civil authority.

c. Seven states grant authority over civil agencies to the adjutant general of the state National Guard.

d. Three states place the National Guard under civil agency control.

e. Three states place civil agencies under National Guard control.

f. One state noted that the adjutant general has directive authority of civil agencies by law. Actually, the National Guard is under civil directive authority.

2. Command Relationship.

Obviously state laws are not the same on command. As a result, answers to the command problem vary. Federal military forces support local agencies. They do not take orders from local civilian authorities. Federal task force commanders command federal military forces. Agreements must be made with all agencies in a disturbed area.

PART H - RELATIONSHIP BETWEEN THE GOVERNMENT AND THE CAMPUS

1. Colleges. College administrators should be responsible for their campuses. Yet, when campus confrontations go beyond the capability of the college authorities, it becomes a matter for the civilian police agencies. With more than 40,000 separate, often overlapping, police agencies in this country, jurisdiction becomes an issue.

2. Jurisdiction. Jurisdiction is a problem that is always with us. You cannot ignore it. Information on jurisdictional boundaries must be known by all enforcement agencies who aid local authorities. Using the war tactics concept, such as drawing battle lines down the center of the streets totally disregarding the existing legal boundaries can only cause confusion and legal problems. All agencies in the area must know their legal boundaries and authority during a confrontation.

PART I - OTHER MUNICIPAL AGENCIES

Up to this point the discussion has been mainly concerned with law enforcement agencies. Other agencies must be involved if you commit all community resources.

1. Fire/Police Departments.

The fire department aids the police in civil disturbances with regard to fire protection and emergency rescue.

2. Civil Defense Centers.

Civil defense centers are vital in confrontation management. They help coordinate with all community agencies. They have many resources available.

PART J - ROLE OF THE ARMED FORCES

1. Civil Authorities.

Civil authorities enforce and maintain domestic law and order. As long as they do, Americans rightly believe that the military should not interfere. The Posse Comitatus Act prohibits use of military personnel to enforce civilian law, except where legally authorized.

2. Military Authorities.

The responsibility of the military is mainly to protect the country from any hostile nation or group of nations. Yet there are other threats to the country that the military must be ready to meet. Widespread civil disturbance threatens the government. It lowers public morale; it destroys public relations, confidence, and progress. The experiences in Detroit (1967), Chicago, Baltimore, and Washington (1968), show the need for federal aid during extreme civil disturbances. There is also the threat of natural disasters.

a. The Department of the Army is responsible for aiding civil authorities in civil disturbances and for coordinating all the military services in this area. It must also be ready to provide military support in disasters within the United States.

b. Department of the Army policy rests on the point that law and order is the responsibility of state and local governments (AR 500-50). Disaster aid rests mainly with persons, private industry, local and state governments, the American National Red Cross, and certain federal agencies. Department of Defense components may aid civilian authorities as directed.

c. The military has been called in for civil disturbances and to give support in disaster relief operations. In this way, military units need special training and the plans relating to man-made and natural disasters. Military units are well-organized and equipped for such missions. Yet, civil disturbance control and disaster relief operations must be thought of within the overall context of the community.

LESSON 2

PRACTICE EXERCISE

REQUIREMENT: The following questions are multiple choice and/or true/false. You are to select the one that is correct. Indicate your choice by CIRCLING the letter beside the correct choice directly on the page. This is a self-graded lesson exercise. Do not look up the correct answer from the lesson solution sheet until you have finished. To do so will endanger your ability to learn this material. Also, your final examination score will tend to be lower than if you had not followed this recommendation.

1. The amendment which addresses citizens rights to dissent would be the ____
 - A. first.
 - B. second.
 - C. fourth.
 - D. sixth.

2. The President is authorized to use federal troops in any civil disturbance to protect federal property.
 - A. true.
 - B. false.

3. A request for assistance from the federal government from a state, during civil disturbances, must come from the
 - A. Attorney General.
 - B. State Legislature.
 - C. Lt. General.
 - D. State Supreme Court Judge.

4. With four exceptions, it is a crime to use the Army or Air Force to enforce civilian criminal statutes. This is found in
 - A. 10 USC 333.
 - B. the Presidential Proclamation.
 - C. The Posse Comitatus Act.
 - D. 18 USC 262.

5. Military forces employed during civil disturbances are under the authority of the civilian commanding officer.
 - A. True.
 - B. False.

6. Calling Reserve Component other than the National Guard to active federal service is the responsibility of the

- A. Army Chief of Staff.
- B. Secretary of the Army.
- C. Directorate of Military Support.
- D. Personal Liaison Officer.

7. Maintaining domestic law and order is the responsibility of the state and local law enforcement authorities. Which amendment has the equal protection clause, allowing the use of federal troops to ensure equal protection of the laws.

- E. First.
- F. Fourth.
- G. Sixth.
- H. Fourteenth.

LESSON 2

PRACTICE EXERCISE

ANSWER KEY AND FEEDBACK

<u>ITEM</u>	<u>Correct Answer and Feedback</u>
1. A.	First The First Amendment Rights (page 2-2, Part B)
2. A.	True The Right of the United States (page 2-6, Part E, 1b(4))
3. B.	State Legislature Section 4, Article IV, of the (page 2-6, Part E, 1b(1))
4. C.	The Posse Comitatus Act Posse Comitatus and Exceptions (page 2-4, Part D, 3)
5. B.	False A commander making his (page 2-9, Part F, 1c)
6. C.	Directorate of Military Support The Directorate of Military Support is ... (page 2-11, Part F, 4c)
7. D.	Fourteenth The 14th Amendment of the (page 2-6, Part E, 1b(3))

LESSON 3

LEGAL ASPECTS OF CIVIL DISTURBANCE II

OVERVIEW

LESSON DESCRIPTION:

In this lesson you will learn: legal requirements of search and seizure within the limits of civil disorders; mass arrest procedures.

TERMINAL LEARNING OBJECTIVE:

ACTION Learn the legal requirements of search and seizure in civil disorders and mass arrest procedures.

CONDITION: You will have this subcourse paper and pencil.

STANDARD: To demonstrate competency of this task you must achieve a minimum score of 70 percent on the subcourse examination.

REFERENCES: The material contained in this lesson was derived from the following publication: FM 19-15.

INTRODUCTION

On 19 July 1967, heavily armed state troopers and National Guardsmen helped city police conduct a house-by-house search of a black section in Plainfield, New Jersey. They were searching for 46 semiautomatic rifles which had been stolen from a nearby firearms plant. State officials, with the governor's consent, but without warrants, broke the law in an attempt to enforce it. Because of this and other area incidents during the riots of 1967, approximately 3,000 citizens filed lawsuits against the city of Newark totaling over \$6 million. The claim is that certain constitutional rights and guarantees were disregarded by the law enforcement officials in their zeal to recover the stolen weapons. If some of the weapons had been found and the people holding them arrested, the stolen weapons could not have been used as evidence in a trial. One other bad effect of this type of unlawful activity is that the public may side with rioters in opposing law enforcement authority. During a civil disturbance, you should remember that the first concern is to end the disturbance. It is also important to bring law breakers to justice. Unless certain procedures are followed by law enforcement officers in making arrests and gathering evidence they will find "the criminal is going free because we made a mistake." You should be concerned with these three areas: search and seizure, arrest, and mass arrest procedures.

PART A - SEARCH AND SEIZURE

Searches are of two types, search with or without warrant, reasonable searches under special exceptions such as search incidental to arrest or stop and frisk. The fourth amendment to the Constitution provides that, except in certain carefully defined classes of cases, searching private property without the owner's consent is unreasonable, unless there is a valid search warrant. The aim of the fourth amendment is to protect an individual's person, property, and right to privacy. A search warrant does this by providing a judicial check on the law enforcement officers. The judicial check makes sure that a search is legally justifiable under the facts of the particular situation. No one but a judge or magistrate can issue search warrants. In Newark, if the authority to search had come from a judge, the search would have been, in all likelihood, legal. The statement, "in all likelihood," is made because the final determination of whether or not a search is legal is made by the courts. Even if a judge or magistrate issues a search warrant, a court may later feel that his decision was wrong and rule the search illegal.

Even so, the initial determination must come from a local magistrate or judge. It is important to note that the fourth amendment requires that a search warrant will not be issued, except on probable cause. A search warrant must further name the place to be searched and the articles to be seized. During routine police activities or during a civil disturbance, the requirements of probable cause will not change. The judge will approve a search warrant, but first must be convinced that a crime has probably been committed and that there is a great likelihood that if a search is conducted, evidence will be found. The policeman's procedure in this regard does not change because he must be able to present facts to a judge or magistrate that show probable cause. Probable cause is the amount of evidence which is strong enough for reasonable belief. Probable cause is normally based on several sources, i.e., informants, physical evidence, witnesses, and police observation. During a civil disturbance, a judge or magistrate may not be available. Also, the law enforcement agent may not be able to quickly leave the area to gain the hearing of the issuing magistrate. Something must be done to aid coordination between those who want to search and those who want to authorize the search. The answer is the "mobile magistrate." Obviously, we will not find many judges willing to operate on the front lines. However, with prior planning, it may be possible for the judge to move closer to the civil disturbance. If possible, he should see the area to be searched. The move requires security. A temporary office near the area could also be established. This mobile magistrate would meet two goals. First, the time required to obtain a search warrant would be cut. Second, the magistrate on the scene could make personal observations, thus lending considerable weight to his decision to authorize the searches. This means that there would be a greater chance that the courts would agree with the judge's decision to authorize the search. The judge or magistrate issuing the warrant must be neutral and detached with no interest in the issuance of the warrant.

1. Fourth Amendment.

a. The fourth amendment's first requirement is that the warrant must name the place to be searched. For normal police operations, this requirement is

strict. Searching all the buildings on a city block, an apartment complex, or even a large building would not be legal even if there was a search warrant. The fourth amendment strictly limits the place to be searched. During a civil disturbance, this requirement might be relaxed to allow a judge to authorize a search of a more general area. A civil disturbance does not justify unreasonable searches without warrants.

b. The second requirement of the fourth amendment is to specify the things to be seized. This requirement prohibits general exploratory searches. A request to search for "stolen property," "evidence of criminal conduct," or "contraband" is wrong. It is not specific enough. The law enforcement officer seeking the authorization must be able to specify the particular "things to be seized." In the Newark situation, this requirement could have been met if a search warrant had been issued for "stolen automatic weapons." If a department store has been looted and televisions and other electrical appliances stolen, a search warrant authorizing a search for "televisions and other electrical appliances" would be proper. If there is probable cause that a certain building is being used as a factory for molotov cocktails, a search warrant would authorize a search for these items. If possible, search warrant requests should be made by local law enforcement officers. They should be responsible for the use of these warrants. Of course, other agencies can help local officials. If federal military forces are in a situation that demands immediate action and no civilian policeman is available, the soldier should do the search. Obviously, if a policeman sees a sniper in a building, he may immediately enter the building to search for both the sniper and his weapons without a warrant. The best way is to surround the building and then have a special reaction team (SRT) go in. The SRT will use chemical agents to force out and disable the sniper if possible. Only specially trained SRT's will be used to control snipers. Normal control forces will be used to warn innocent bystanders and to secure the area to contain this problem. The burden of obtaining a warrant would likely frustrate the public interest which justifies the search.

2. Legal Considerations.

During a civil disturbance, it would be good if the law enforcement agencies could cut off the disturbed area. This would cut down on the weapons flow and ammunition. While this has clear advantages, is it legal? If not, civil lawsuits may arise. A federal court may order an injunction against the police commissioner forbidding further searches; however, this will seem to give approval for the civil disturbance. Evidence seized would not be admissible in court later. Yet, if roadblocks are set up near the area boundary and inspections are given only at the roadblocks to each vehicle, the inspections would be lawful. They give another exception to the fourth amendment. This can be understood by comparing them to inspections by military police at the gates to military installations and bases. These inspections have been upheld by the courts because of the public interest and national security; however, during a civil disturbance, national security might not be at stake. Public safety and welfare justifies this activity. Vehicle inspections are not made at random stops throughout the city. They are only at roadblocks outside a civil disturbance.

3. Search and Seizure.

As a law enforcement official you are advised to be aware of current court rulings in the search and seizure area, since they are likely to affect the performance of your duties. Protected areas against search under the fourth amendment are presented.

a. Property interest vs. privacy interest. Current doctrine is that the fourth amendment protects people and not places. Anything exposed to the public view whether in your home, business, or public street is not protected by the fourth amendment. The determining factor in fourth amendment protection is privacy. If a person attempts to hide an item from the public, his privacy is protected under the fourth amendment. The use of voice and handwriting samples, for example, during criminal investigations does not carry fourth amendment protection because they are exposed to the public without any expectation of privacy.

b. The plain view doctrine allows a lawful seizure of illegal and unlawful items found in plain view by the officers using their natural senses, i.e., smell, hearing, and sight, providing the officer is in a place where he can lawfully be.

(1) Listening to or looking at a resident. These acts are not considered as searches requiring a warrant if officials are positioned on public property and utilizing their natural senses.

(2) Vehicles. Officials are not required to obtain a warrant to examine the exterior of a vehicle or look through its window. If illegal or unlawful items are seen inside the car by looking through its windows, current case law allows the official to enter the car and seize the items. (Michigan vs. Thomas, 102 SCT 3079.)

PART B - ARRESTS

Another requirement of the fourth amendment is that the law enforcement officer must show probable cause that those in his area of custody have committed or are about to commit a crime.

1. Who Can Make an Arrest? State law enforcement officials in their jurisdictions can make arrests. City and county police have broad powers of arrest. Their authority covers almost all crimes of civil disturbance. State police powers range from those similar in the local police to limited powers of arrest for only traffic related offenses. Except for nine states, the National Guard has no powers of arrest other than the right of citizen's arrest. Citizen's arrest is the authority of one citizen to arrest another who committed a crime in his presence. While this seems to cover most situations that confront the National Guard, it may not be enough. Federal civilian authorities have arrest powers only for offenses which break federal law. Most crimes only break state laws.

2. Federal Arrest Authority.

Federal military personnel have no statutory authority to arrest civilians during a civil disturbance. They are not acting in a private civilian capacity. This does not mean that federal military personnel have no powers of arrest. Though no statutes give arrest powers to soldiers in a civil disturbance, they must do the task they were sent to do. Several legal writers have said that federal forces sent to help local officials in a civil disturbance have arrest powers similar to those of local law enforcement officers. Yet, whenever possible, civilian police should arrest civilians. If it is necessary for the military to act, the soldier will immediately seek a civilian police officer to take custody of the civilian. In a civil disturbance, identifying an arrested person is hard. It is especially hard if he is being arraigned by someone who did not actually witness the criminal act. Many answers have been suggested. They include photographing the accused and the arresting officer and the use of detention forms by the soldier.

3. Stop and Frisk.

The Supreme Court expanded the authority of law enforcement officers to exercise control over other individuals. The decision gives police the authority to "stop and frisk" suspicious people under certain conditions based on reasonable suspicion. This extension of the fourth amendment was justified by the police officer's need to protect himself in confronting possible criminals. During a civil disturbance, the need for self-protection is even greater than in normal police activities. The Supreme Court has ruled that a police officer may stop an individual if a police officer feels criminal activity is in progress and that there is a well-founded belief that a person is armed and dangerous, the officer may temporarily stop and frisk the individual for weapons. The two requirements, stated above must be met before the police can "stop and frisk."

4. Civil Disturbance Emergency Planning.

The police should have emergency plans for civil disturbances, with clear rules on when to arrest and special plans to follow when an arrest is not needed. The rules should consider when and why arrests are to be made (major offenses, minor offenses, etc.). Plans should also include alternatives to arrest and detention, such as issuing a summons or a notice to appear. The alternatives to arrest need to be operational before the emergency arises. In the event of mass violation of minor offenses (curfew violations, etc.), a summons would be available in relieving overcrowding in detention facilities.

PART C - MASS ARRESTS

1. Facilities. During a civil disturbance, many people are arrested. Some cities have had as many arrests in 1 week of rioting as in a 6-month period of normal activity. The May Day disturbance in Washington, 1971, witnessed

12,000 arrests in 1 week by the Washington Police Department. Any civil disorder may mean setting up emergency jails; however, existing jails should first be filled to capacity. If possible, regular inmates and arrestees of a riot should be separated. Most civil disturbance arrestees need only minimal security facilities. It is important that possible civil disturbance facilities be checked out in advance. The following factors should first be considered:

- Make detention facilities accessible.
- Rapid mobilization of personnel.
- Adequate communication facilities.
- Availability of supplies to meet minimum standards of comfort and sanitation.
- Transportation.
- Inspection by community leaders.
- Detention centers are the responsibility of the local, state, and federal (Department of Justice - Bureau of Prisons) authorities, in that order.

2. The Booking Process. Before a person can be jailed, he must be booked. Booking at the precinct station doesn't work for mass arrests. Therefore, facilities must be provided near the temporary detention centers. Mobile booking vans could house the necessary personnel and equipment. After the booking, arrestees can be moved to the jail or detention facility.

3. The Arraignment Process. Next the arrested person must be brought before a judge or magistrate for arraignment. The defendant must learn the precise charge(s) against him. His bail must be set at this time and a preliminary hearing is scheduled. During mass arrests, several potential problems must be taken care of to see that the process runs smoothly. This would include more courthouses, clerks, security, and judges. Extra judges may be obtained from other areas or by requesting temporary judges from the local bar association.

From prior planning, you will know that state laws allow the temporary appointment of judges, prosecutors, bailiffs, and supporting personnel. If not, laws should be written to permit this.

4. Prosecuting and Defense Attorney. Prosecuting attorney's offices are staffed for an average number of cases. Help may come from public attorneys and the aid of private attorneys may be required also. While many former prosecutors may be available for emergency volunteer duty, detailed planning is called for. In large scale civil disorders, there is usually a shortage of lawyers who are skilled in the defense of criminal cases as past civil disturbances have shown. The extreme confusion of civil disturbances strains the quality of justice through sheer numbers. The source of extra defense counsel is the local bar association. The profession has always felt bound to

provide representation for each accused person, with or without money. Local planning prior to emergencies would help both lawyers, who volunteered their services and the accused.

PART D - USE OF FORCE

1. Looters. During civil disturbance, looters present a big problem to law enforcement officials. One problem is telling how much force to use in preventing crimes or making arrests. State law enforcement officials are familiar with the rules and policies of the phrase "use of force." These rules provide that deadly force will only be used to stop a felony or prevent an escape as a last resort. There is no typical looter, sometimes women and children are involved. Looting is usually followed by the burning of buildings so that all records of stolen goods will be destroyed. The federal military forces may use force "reasonably necessary" to prevent arson, but under no circumstances will they fire on looters. Warning shots will NOT be fired because of the potential danger to innocent bystanders. When shooting is necessary, shots will be aimed to wound, not to kill. Riot control agents followed by an arrest is one of the best ways to stop looters.

2. Snipers. Snipers also pose a problem. They threaten lives and slow down other police operations. The well-trained combat soldier responds to sniper fire with a mass of fire power. In a civil disturbance, this endangers other people more than snipers. The best way is to isolate the area and use a special reaction team (SRT). A well trained SRT will have the best chance to neutralize the sniper with minimum danger to all involved.

PART E - FRIENDLY CITIZENS

Another problem may be the friendly citizens who should be removed and separated from the rioters. However, removal cannot be mandatory because "friendly citizens" have the right to remain to protect their property. Since many will be armed, the law enforcement agency should tell them where its officers are located.

PART F - MARTIAL LAW (Also see Appendix A)

1. General. Martial law depends on public necessity. The extent of the military force and the measures taken will depend upon the actual threat to order and public safety. The decision to impose federal martial law is normally made by the President. (See Appendix A for details of martial law.)

2. Legal Effects of Martial Law. In an area where martial law is maintained by federal military forces, the local civil and criminal laws will continue. Their actual enforcement may be suspended because of the inability of the civil authorities to function. Laws may also be suspended by order of the President or by order of the military commander acting under authority of the President. Under martial law, the President may cause military agencies to arrest civilians charged with offenses against special rules and regulations issued by the military commander. They may stay in military custody until they can be released safely or delivered for trial.

3. General Restrictions on Civilian Population in the United States. In martial law, the military commander manages the local government. He may have to protect civil officials. He may also provide for emergency public service to prevent or relieve human suffering. Proclamations and restrictions on the rights of citizens or on the civilian economy are normally issued by the commander through the media.

PART G - CIVIL AND CRIMINAL LIABILITY OF MILITARY PERSONNEL

When federal military forces are used, regardless of martial law, the acts of individual military personnel are subject to review by the civil courts in actions for damages or in criminal proceedings. They are still subject to the UCMJ. In a criminal prosecution, the civil courts ordinarily do not convict a military subordinate for acts done in good faith in obedience to orders from superiors. If its illegality is obvious, obeying the order probably would not be a valid defense. The use of force in a military mission does not make an otherwise unlawful act by military personnel legal. The reckless or malicious use of force may subject military personnel to civil or criminal liability, or both.

PART H - RIGHT TO TRIAL BY FEDERAL COURT

The following quotation is taken directly from the law. It guarantees the right of any member of the Armed Forces to a trial before a federal court, rather than a state court, for a charge or claim against him for an act performed within his duty. "A civil or criminal prosecution in a court of a state of the United States against a member of the Armed Forces of the United States on account of an act done under color of his office or status, or in respect to which he claims any right, title, or authority under a law of the United States respecting the Army Forces thereof, or under the law of war, may at any time before the trial or final hearing thereof be removed for trial into the district court of the United States in the district where it is pending in the manner prescribed by law, and it shall thereupon be entered on the docket of the district court, which shall proceed as if the cause had been originally commenced therein and shall have power to hear and determine the cause." (28 USC 1442a.)

PART I - DETENTION OF CIVILIANS

Federal troops of federalized National Guard units in civil disturbance operations are acting as agents of the federal government. It may be necessary to detain civilians involved in the civil disturbance. However, civilians arrested by military personnel should be restricted to serious offenses. This includes incidents involving destruction of property or injury or death. The detention is made under the authority of the Executive Order or on instructions from the commander. Civil authorities (police, sheriff, US marshal) should make the arrest. When this is not possible, the detained person must be quickly turned over to local, state, or federal civilian authorities. If force is required, it must be reasonable and prudent under the circumstances.

PART J - WRIT OF HABEAS CORPUS

The writ of habeas corpus is an order issued by a court. It is addressed to the custodian of a prisoner. It states that the custodian bring the prisoner into the court for the judicial decision of the legality of his arrest and detention. A federal military officer must obey the writ when it is issued by a court of competent jurisdiction. He should consult JAG as to the procedures to follow.

PART K - LAWS AND ORDINANCES

Many state and local laws and ordinances can help control civil disturbances. They vary from state to state and from city to city. The type of laws and ordinances named below identify some regulations which can help civil authorities and military commanders counter threats of civil disturbance. If there are no laws and ordinances, military commanders on JAG advice, should encourage the civil authorities to make them.

1. Noncongregation. When gatherings tend to create a civil disturbance, it may be possible to restrict or regulate them through laws and ordinances.

a. Laws and Ordinances to Prevent Gatherings. Under civil disturbance conditions, people should not assemble. This may range from prohibiting congregation at any place and time to restrictions only in certain places at certain times. This type of law should set the maximum number of people that may lawfully gather. Such laws or ordinances serve to stop disorders at an early stage.

b. Permits to Gather. When tension eases, public or private gatherings should be allowed. A group representative should apply for a permit to meet at a certain place and time for a specific reason. The requirement allows police officials time to prepare for possible outbreaks. Permits are appropriate for events involving large numbers of persons, such as festivals, parades, and other gatherings. The civil authority must tell group leaders of local laws and ordinances which apply to the contemplated group activity.

2. Restriction of Circulation. The movement of people after dark can be controlled by curfew and pass system. Passes are issued so that businesses and public utilities can operate during the curfew period. As tension eases, restrictions should gradually stop. All travel may stop until the trouble ends. As tension eases, limited travel by permission should begin. Such laws can be enforced by the use of roadblocks and checkpoints.

3. Registration. Laws which require registering people, aid in keeping track of troublemakers, and provide a good source of information. At a minimum, name, date and place of birth, occupation, and home address are usually available. Laws may also require registration of all new residents, those leaving, and visitors.

4. Communications. All communications equipment transmitting or interfering with official messages must be registered. Also, authority to seize or take over such equipment should be defined. The law should include all electronic or wire communications equipment whether professional or homemade. Sound trucks and electronic megaphones should also come under laws of this type. Such laws serve a dual purpose. They first reduce the possibility of any interference with official messages. Secondly, they keep troublemakers and mob leaders from reaching large numbers of people.

5. Conspiracy Related Civil Disorders. Laws can make it illegal for two or more persons to meet to plan forms of civil disturbances. They might also ban starting or joining any civil disturbance. Acts which break this type of law include dangerous speeches, threats to public officials, or acts aimed at the overthrow of the government. Any other group action which might result in civil disorder should be banned by law.

6. Interference with Government and Public Functions. Since the government must function, the law should make certain actions that would hinder the government, a crime. Public transportation, communications, and other services and utilities must also be able to continue through periods of unrest. Disruption of such services increases the possibility of violence.

7. Banning the Possession of Weapons. It may be necessary for civil authorities to make laws banning the carrying of, or requiring the registration of firearms, ammunition, and explosives. These laws should deal with such items as automatic weapons, grenades, sporting rifles and shotguns, pistols, revolvers, firing devices, and certain chemical agents. It may be necessary to seize other items. Laws requiring the inspection of automobiles may become necessary. These laws may allow for the confiscation of such items as clubs, bottles, chains, and other potential weapons. Receipts should be used to keep record of the property seized and to make the return run smoothly.

8. Other Restrictions. The sale of alcoholic beverages, volatile liquids, flammable materials, and any other locally available materials should be stopped. They could be used either to inflame crowds or as weapons or arson materials.

9. Use of News Media to Inform the Public. News media can bring laws to the attention of the public. Media cooperation should be sought for such actions. The media can help prevent or minimize civil disturbances.

PART L - ROLE OF THE MILITARY POLICE

Helping civil authorities in an emergency is a mission the Army has performed before. Military police officers must understand how federal troops are used. Because of the organization and training of military police units, it is possible that military police will be the first troops used for this type of mission.

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LESSON 3

PRACTICE EXERCISE

REQUIREMENT. The following questions are multiple choice and/or true/false. You are to select the one that is correct. Indicate your choice by CIRCLING the letter beside the correct choice directly on the page. This is a self-graded lesson exercise. Do not look up the correct answer from the lesson solution sheet until you have finished. To do so will endanger your ability to learn this material. Also, your final examination score will tend to be lower than if you had not followed this recommendation.

1. During the course of a civil disturbance, which of the following is authorized to issue a search warrant?
 - A. US Marshal.
 - B. National Guard Commander.
 - C. JAG.
 - D. Judge.

2. A valid search warrant must:
 - A. name the place to be searched.
 - B. authorize general exploratory searches if there is probable cause.
 - C. be executed only in the presence of a military officer.
 - D. allow systemic search of all dissenters during a civil disturbance.

3. During a civil disturbance, vehicles are subject to inspections at random by roving patrols operating throughout the city.
 - A. True.
 - B. False.

4. A suspicious person is observed by law enforcement officials pacing near an automobile on the city block where widespread looting and sniping have been reported. The individual is not only suspicious, but the police reasonably fear he is armed and dangerous. Law enforcement officials are authorized to "stop and frisk" this person.
 - A. True.
 - B. False.

5. Due to the nature of civil disturbance, normal criminal justice procedures such as booking, arraignment, etc., can be suspended.
 - A. True.
 - B. False.

6. Military personnel cannot be held liable for criminal or civil action committed under martial law.

- A. True.
- B. False.

7. Primary responsibility for detention centers during civil disturbances belong to which level of government?

- A. State.
- B. Local.
- C. Federal.
- D. State and Federal.

8. An order issued by a court to determine the legality of an apprehension and detention is referred to as:

- A. Writ of Certiorari.
- B. Mandamus.
- C. Writ of Habeas Corpus.
- D. Writ of Detention.

9. The individual arraignment of a person arrested during a civil disturbance would:

- A. inform him of the charges.
- B. allow for an entering of a plea.
- C. determine probable cause for detention.
- D. set a trial date.

LESSON 3

PRACTICE EXERCISE

ANSWER KEY AND FEEDBACK

<u>ITEM</u>		<u>CORRECT ANSWER AND FEEDBACK</u>
1.	D.	Judge No one but a judge (page 3-2, Part A)
2.	A.	Name the place to be searched A search warrant must further ... (page 3-2, Part A)
3.	B.	False Vehicle inspections are not ... (page 3-3, Part A, 2)
4.	A.	True The decision gives police authority to ... (page 3-5, Part B, 3)
5.	B.	False The Booking Process ... (page 3-6, Part C, 2)
6.	B.	False When federal military ... (page 3-8, Part G)
7.	B.	Local Detention centers are ... (page 3-6, Part C, 1)
8.	C.	Writ of Habeas Corpus It states that the custodian ... (page 3-9, Part J)
9.	A.	Inform him of the charges The defendant must learn the ... (page 3-6, Part C, 3)

LESSON 4

CONTROL FORCE BEHAVIOR

OVERVIEW

LESSON DESCRIPTION:

In this lesson you will learn: The factors influencing control force behavior during civil disturbances; stresses confronting control forces; control force discipline.

TERMINAL LEARNING OBJECTIVE:

ACTION: Learn the factors influencing control force behavior, stresses confronting control forces and control force discipline.

CONDITION: You will have this subcourse, paper and pencil.

STANDARD: To demonstrate competency of this task you must achieve a minimum score of 70 percent on the subcourse examination.

REFERENCES: The material contained in this lesson was derived from the following publication: FM 19-15.

INTRODUCTION

The influence which can affect a crowd can also affect you as a control force member. You feel unknown as part of your unit and easily influenced by strong emotions. You may feel tempted to let go of some emotions of your own, but you must not let your position or tension of the moment make you do something you will later regret. You are a self-disciplined, trained member of a control force, and keeping this in mind will help you not fall victim to them.

PART A - CONTROL FORCE DISCIPLINE

The actions of control forces in an area of civil disturbance are critical in restoring order. You must know what you can and cannot do, not only to fulfill the mission and keep order, but to protect yourself physically, mentally, and legally. The mission and orders of your commanding officer will govern your activities.

1. Appearance. Your appearance must be beyond reproach. This is a psychological factor which influences how the people perceive you. Your uniform must be neat and meet regulatory requirements.

2. Professionalism. Dissidents and the control force are competing for the crowd's sympathy in some cases. If the crowd sees that the control force members know their jobs and can handle the situation properly, their opinion of that force will be favorable.

a. Carry out your assigned duties in a military manner and present a neat military appearance at all times. Be sure that everything you do reflects credit upon your country, the military service, your unit, and yourself.

b. Have regard for the human rights of all persons. Be as courteous toward civilians as possible under the circumstances. Do not mistreat anyone or withhold medical attention from anyone needing it. Do not damage property without cause.

c. Use only the minimum amount of force required to fulfill your mission and, if necessary to defend yourself. When under the control of an officer, you will load or fire your weapon only on his orders. When not under the control of an officer, you will load or fire your weapon only when required to protect your own life or the lives of others, to protect specified property designated as vital to public health and safety, or to prevent the escape of persons endangering life or vital facilities, you are not authorized to use firearms to prevent offenses which are not likely to cause death or serious bodily harm, nor endanger public health or safety.

d. When firing is necessary, shoot to wound, not to kill.

e. When possible, let civilian police arrest lawbreakers; but when aid is necessary or in the absence of the civilian police, you have the duty and the authority to take lawbreakers into custody. Take such persons to the police or designated military authorities as soon as possible. Cooperate fully with the police by safeguarding evidence and completing records as instructed.

f. Allow properly identified news reporters freedom of movement, as long as they do not interfere with the mission of your unit.

g. Do not talk about this operation or pass on information or rumors about it to unauthorized persons, refer all civilians who ask for information about what you are doing to your commander.

3. Courtesy and Assistance. Many people find themselves caught in an affected area and will look to you as an authority figure to aid them. Always be ready to offer aid in a courteous manner.

PART B - MENTAL PREPARATION OF TROOPS

1. General. Persons must be fully prepared for the mental and physical stress of civil disturbance control operations. Training in this area should be geared toward understanding crowd and mob behavior and preparing troops to control their own actions and emotions. Typical causes of civil disorders should be studied to give the troops a better understanding of why they may be called upon to control civil disorders. Group behavior should be thoroughly

discussed to show individuals what to expect. Further, troops must be made aware of the influence of psychological factors upon their own behavior.

2. Individual Response to Stress.

a. Troops engaged in civil disturbance operations will be exposed to the noise and confusion created by large numbers of people facing them. Individual soldiers may be shouted at, insulted, or called cruel names. They must learn to ignore these taunts and not allow personal feelings to stop them from fulfilling their mission. In addition, troops can expect objects to be thrown at them, but must learn to avoid thrown objects by evasive movements; they must never throw objects back. Troops must hold back their emotions and carry out their orders firmly and actively whether in formation, patrolling, or posted as guards. They must be emotionally prepared for unusual actions, such as members of the crowd screaming and rushing toward them, tearing off their own clothes, or deliberately injuring or maiming themselves. Troops should understand that the well-disciplined fulfillment of orders is the most effective force applied against rioters. They must be taught all aspects of self-control so that they may be mentally prepared for participation in civil disturbance operations.

b. An effective way to familiarize a soldier with the stress of confronting a mob is to conduct an exercise employing part of the unit as violent demonstrators, with the remainder acting as the control force. Have the mob harass those acting as the control force in a manner as realistic as possible keeping safety in mind.

3. Psychological Influences.

a. A crowd can be swept into violence by the strong suggestions of the leaders. Persons in a crowd feel that they can remain unknown, therefore they feel free to release repressed emotions. The control force reaction may be unsuitable because of the effect of such factors on them. Both the leader and the control force members must be informed of these factors so that they can cope with them in a civil disturbance.

b. Control forces must be made fully aware of the reasons for which they have been committed. The growing effect of psychological factors may cause too great a response by control force personnel who come into contact with persons who show hostility. They cannot handle hostility unless they have been properly trained. The fatigue factor must also be considered. Studies of recent disorders show that control forces tend to suffer strain and fatigue when they are kept on duty for a long time. Control force personnel must be able to deal with being provoked, tempted, taunted, offered food and drink, physical missiles, tracts, and leaflets. Rumors or violent acts committed against fellow members of the force also increase tension. This may result in the use of excessive force by control force members. After a while, they begin to believe that they are in a war, and that all dissidents are their enemies. Sniping incidents tend to confirm their suspicions and provide assumed justification for revenge, such as excessive use of force. In situations where the control forces become extremely emotionally involved, the

commanders may lose control over the actions of their men. If they are not fully aware and prepared for the situation, they may act improperly or fail to act on command. Official reports stress the importance of training to develop self-discipline and teamwork.

PART C - COMMUNITY RELATIONS

Troops entering any community to restore order will eventually have a difficult task relating to the people of the community who are engaged in the disturbance. This effort at understanding is necessary, however, if the disturbance is to be calmed in a nonviolent and efficient manner as possible, the problems, causes, and factors of the disturbance must be determined and the strategic approach of the troops must be formed accordingly. It would be impossible to examine all possible combinations and consequences of the contributing causes and factors but, as one example, the Regular Army troops employed in the Detroit disturbances of 1967 were successful in part because of the fact that many of those troops were members of a racial minority. Those of the local masses who were of this minority group and who were engaged in active or passive support of the disturbances were favorably impressed with the apparent objectiveness of these troops in particular and all the troops in general. This factor was important in that these disturbances involved a racial cause. In general, however, the troops can build toward good community relations by keeping high standards of military discipline and courtesy and adhering to their special orders.

At this point, it must be stressed that it is clear from the foregoing that the traditional military picture of public relations is only a small part of the community relations picture. Building a good military image in the minds of the public is important. This is especially true in times of civil disturbances. The best community relations system is one that shows positively that the troops are interested in helping the community better itself.

PART D - MILITARY DISCIPLINE AND COURTESY

The unit commander must ensure that all personnel refrain from acts which may be damaging to the high standards of personal conduct and discipline in the Army. Most US citizens have respect for the law and want to support authority. The misconduct of a single person can reflect upon the entire military force. Even a rumor of misconduct can extend and distort mistakes to major proportions. This may result in area-wide hostility and lack of citizen cooperation. Leaders must ensure that all personnel are clean, well-groomed, neat in appearance, and conduct themselves in accordance with the highest standards of military courtesy and discipline. Prescribed standards of conduct and fair treatment of civilians must be stressed constantly. Soldierly appearance and military discipline are factors that are psychologically impressive to the masses and will help the fulfillment of the mission. Development of the leadership traits and adherence to the principles discussed above provide a sound foundation for the achievement of acceptable levels of military courtesy and discipline.

PART E - TRAINING IN SPECIAL ORDERS

During riot training all named components of the US Army, Navy, Air Force, and Marine Corps will be given training to become familiar with the following special orders:

b. The intent of these special orders is to strike a balance in the use of force so as to avoid unnecessary firing in civil disturbance situations while still protecting the person's native right of self-defense.


c. All personnel will have a copy of the special orders while engaged in civil disturbance operations. They are available through publications distribution channels as GTA 21-2-7. Copies are stockpiled at suitable locations for easier distribution. (See Figure 4-1 and Figure 4-2.)

FIGURE 4-1. GTA 21-2-7

SERIOUS BODILY HARM, OR EVIDENCE PUBLIC HEALTH OR SAFETY.
 LIKENESS TO PRESENT OFFENSES WHICH WERE NOT PERMITTED TO CAUSE DEATH OR
 ENDANGERING LIFE OR LIMB OF OFFENSES: YOU WERE NOT AUTHORIZED TO USE
 FORCE TO PUBLIC HEALTH OR SAFETY OR TO PREVENT THE ESCAPE OF PERSONS
 THE FLEE OF OTHERS TO PROTECT SPECIFIED PROPERTY DESIGNATED AS
 OR LIFE YOUR MENTION ONLY WHEN REQUIRED TO PROTECT YOUR OWN LIFE OR
 HIS ORDERS. WHEN NOT UNDER THE CONTROL OF AN OFFICER, YOU MUST FOLLOW
 CONTROL OF AN OFFICER, YOU MUST FOLLOW OR LIFE YOUR MENTION ONLY ON
 YOUR MISSION AND, IF NECESSARY, TO DEFEND YOURSELF. WHEN UNDER THE
 3. USE ONLY THE MINIMUM AMOUNT OF FORCE REQUIRED TO ACCOMPLISH

ADVISE PROPERTY IMMEDIATELY.
 VIOLATION OF MILITARY MEDICAL ATTENTION FROM ANYONE NEEDING IT. DO NOT
 LOANED CIVILIANS AS POSSIBLE UNDER THE CIRCUMSTANCES. DO NOT MISLEAD
 3. HAVE RESPECT FOR THE HUMAN RIGHTS OF ALL PERSONS. BE AS COURTEOUS
 AND POLITE AS POSSIBLE.
 DO NOT ACCEPT CREDIT FROM ANY COMPANY, THE MILITARY SERVICE, YOUR UNIT,
 A MILITARY AGENCY OR AT ANY TIME. BE SURE THAT EVERYTHING YOU
 1. CARRY OUT YOUR ASSIGNED DUTIES IN A MILITARY MANNER AND BE READY

FOR ALL MILITARY PERSONNEL ENGAGED IN CIVIL DISTURBANCE OPERATIONS
 SPECIAL ORDERS



JANUARY 1968)
 CIV 21-2-7
 (SUPERSEDES)
 DECEMBER 1960
 CIV 21-2-7

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CBO : 1831 O - 414-823

PERSON ENCAGED IN CIAI DISTURBANCE OBSERVATIONS:
DISTRIBUTION: 1 PER EACH OFFICER, SEVERAL OFFICERS, AND EMPLOYED

OBSERVATIONS:
ON YOUR PERSON AT ALL TIMES WHEN ENCAGED IN CIAI DISTURBANCE
8. BECOME FAMILIAR WITH THESE SPECIAL ORDERS, AND CARRY THIS CARD
INFORMATION ABOUT WHAT YOU ARE DOING TO YOUR COMMANDING OFFICER,
ABOUT IT TO UNAUTHORIZED PERSONS: NEVER TALK TO ANYONE WHO ASK FOR
1. DO NOT TALK ABOUT THIS OBSERVATION OR BASIS ON INFORMATION OR KNOWLEDGE
20 LONG AS THEY DO NOT INTERFERE WITH THE MISSION OF YOUR UNIT.
9. ATTEMPT PROMPTLY IDENTIFIED NAME PERSONS FREEDOM OF MOVEMENT,
EVIDENCE AND COMPETING RECORDS AS INSTRUCTED.
AS SOON AS POSSIBLE, COOPERATE FULLY WITH THE POLICE BY SURRENDERING
TAKE SUCH PERSONS TO THE POLICE OR DESIGNATED MILITARY AUTHORITIES
HAVE THE DUTY AND THE AUTHORITY TO TAKE SUSPECTS INTO CUSTODY.
ASSISTANCE IS NECESSARY OR IN THE ABSENCE OF THE CIAI POLICE, YOU
2. WHEN POSSIBLE, TELL CIVILIAN POLICE ABOUT SUSPECTS, BUT WHEN
4. WHEN FIRING IS NECESSARY, SHOULD TO MOUND, NOT TO KILL.

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PART F - LEADERSHIP

The conduct of civil disturbance control operations places unusual demands upon leadership skills. Soldiers and small leaders should be aware of these unusual demands and be prepared to cope with them. Training for civil disturbance control operations must include a careful review of military leadership and should state the importance of the following traits:

Bearing. Creating a favorable impression on the civilian community through proper posture, dress, and personal conduct.

Courage. The need for each individual soldier to control fear and emotion through self-discipline in order to present the impression of strength and ability to take necessary action in the face of popular disfavor and accept responsibility for his actions.

Decisiveness. The need for each individual soldier and small unit leaders to make prompt decisions when confronted with situations not covered by special orders.

Initiative. The need for each person to recognize tasks that need to be done and do them without having to be told.

Judgement. The ability to weigh facts and possible solutions on which to base sound decisions in various situations that may develop.

Knowledge. The need for each person to know his job and build confidence in himself as well as in others.

Tact. The ability to deal with others without creating offense to the feelings of others.

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LESSON 4

PRACTICE EXERCISE

REQUIREMENT. The following questions are multiple choice and/or true/false. You are to select the one that is correct. Indicate your choice by CIRCLING the letter beside the correct choice directly on the page. This is a self-graded lesson exercise. Do not look up the correct answer from the lesson solution sheet until you have finished. To do so will endanger your ability to learn this material. Also, your final examination will tend to be lower than if you had not followed this recommendation.

1. Community relation can be improved by control forces
 - A. demonstrating an interest in helping the community better itself.
 - B. maintaining an apathetic and professional appearance.
 - C. assimilating in the community.
 - D. show of force.

2. Special orders required by personnel controlling a disturbance is found in.
 - A. GTA 2-21-7.
 - B. GSA 2-21-7.
 - C. GSA 21-2-7.
 - D. GTA 21-2-7.

3. Control forces response to civil disturbance may be influenced by exhaustion.
 - A. True.
 - B. False.

4. As a commander of the control forces, you should restrict news reporters at all times.
 - A. True.
 - B. False.

5. Stress training in preparation of civil disturbances should focus primarily on
 - A. mob behavior and troop emotions.
 - B. troop emotions and community mood.
 - C. media influence--mob behavior.
 - D. community mood--mob behavior.

LESSON 4

PRACTICE EXERCISE

ANSWER KEY AND FEEDBACK

<u>ITEM</u>		<u>Correct Answer and Feedback</u>
1.	A.	Demonstrating an interest in ... The best community ... (page 4-4, Part C)
2.	D.	GTA 21-2-7 All personnel will have a copy ... (page 4-5, Part E, c)
3.	A.	True Studies of recent disorders ... (page 4-3, Part B, 3b)
4.	B.	False Allow properly identified ... (page 4-2, Part A, 2f)
5.	A.	Mob behavior and troop emotions Training in this area should be ... (page 4-2, Part B, 1)

LESSON 5

COMMUNITY/NEWS MEDIA RELATIONS

OVERVIEW

LESSON DESCRIPTION:

In this lesson you will learn: principles of an effective news media/community relations program.

TERMINAL LEARNING OBJECTIVE:

ACTION: Learn the principles of effective news media/community relations program.

CONDITION: You will have this subcourse, paper and pencil.

STANDARD: To demonstrate competency of this task you must achieve a minimum score of 70 percent on the subcourse examination.

REFERENCES: The material contained in this lesson was derived from the following publication: FM 19-15.

INTRODUCTION

It is easy to say that news stories are lies. Remember, if the reporter had received your story he wouldn't have had to rely on the other side for information. We know there are newsmen who want nothing but that "sensational headline" and the dissident's side of the story. Two examples occurred in Newark. Television cameramen, according to Newark officials, crowded into and in front of police headquarters. They interfered with police to get that "sensational headline." In a separate incident, a New York photographer convinced a black youngster to throw a rock for the camera. Fortunately, reports of this type are few. The question is, "Why can't you depend on getting a decent story in your own local paper or on the local TV and radio station?" During this lesson we will discuss the basics of a good news media relationship. If you apply these principles, they will help you in solving local news media problems. They may help decide how to get your side of the story across.

PART A - DEVELOPING AN EFFECTIVE NEWS MEDIA RELATIONS PROGRAM

The first need is a series of informal gatherings and workshops, which should include your organization, all media employees, and a cross section of city officials. You should establish "get acquainted sessions" to air complaints and discuss common problems. The working reporter should know the

law enforcement officers who may draw duty in a civil disturbance. Police and city officials should use the sessions for frank briefings on possible problems. They should also discuss official plans for dealing with disturbances.

1. Public Affairs Officer (PAO). The task force PAO should establish and maintain liaison with other public affairs/information agencies, military and civilian, for the purpose of exchanging information and coordinating activities designated to keep the news media informed and to assist them to cover the operation.

2. Creation of Central Information Center. A nerve center for police and official government information should be planned and ready for action when a civil disturbance reaches a certain point of strength. It should be near your operations center. All officials should keep a steady flow of correct information coming into the center.

PART B - PRINCIPLES OF AN EFFECTIVE NEWS MEDIA RELATIONS PROGRAM

1. Honesty and Full Disclosure. Honesty and full disclosure are two ideas that you may find hard to accept. They may be very hard to sell to your agency. "Why should we tell the reporter everything?" is the usual question.

If we try to keep unfavorable information from reaching the public, we may find that when it does break, it may be one-sided and exaggerated. The phrase "full-disclosure," does not mean you should give a reporter every detail. In the military, there is an answer for situations of this type. "The military does not discuss details of the operational plans." The military tries to handle it as tactfully as possible. There are those reporters who won't let you be tactful. If this happens, you have no choice but to be blunt.

2. Facts. This principle relates closely with the last one. If you want your side of the story told, you must make sure that correct and timely information reaches the media. Otherwise, they are going to put together a story based on the information they have. If you haven't made your information available. You cannot criticize the media.

PART C - THE MEDIA AND ITS MEMBERS

1. Know Your Media. In working with media, you should be familiar with media, their capabilities and limitations. This is important when planning that central information center. You should also know the local station and press deadlines. Your information should be available in time for release.

2. Know Media Personnel. Knowing the media is a must. Meet the publishers, reporters, editors, station managers, and program directors. Include all media organizations in your planning. Include the media in your plans for an operational control center. A good working relationship with the media will always be helpful.

PART D - MEDIA COURTESY

If a reporter tells you something or asks for an exclusive on a news story, protect his confidence, as you would any other source of information. Don't violate his trust. Also, credit reporters for good accurate reporting.

Remember, their job is similar to your own. Most people jump at the chance to criticize. They often forget to give thanks for a job well done.

PART E - MEDIA DON'TS

Up to this point the discussion has been concerned with the things you should do to improve and or build a successful media relationship. Now we will discuss the areas you should avoid.

1. Don't Compromise Security. Recall that earlier in the discussion we talked about "full disclosure." Here is a situation where you have to say, "We can't discuss that," or "We don't have information to release on that subject." Certain subjects cannot become general knowledge. You should be tactful, but don't endanger your plans and operations by trying to make friends with the news media. Don't use security as an excuse for not knowing an answer or just not answering a fair question. You will get caught every time. Also, don't classify something that really should be unclassified. Good or bad, the reporter will dig to find an answer. It would be better if you gave the unclassified facts which are available.

2. Don't Insist on Retractions. Retractions are hard for the reporter to make. Try not to place the reporter in a position where he will have to refuse you.

3. Don't Show Partiality. This is a difficult point to follow when you are dealing with both local and out-of-town media representatives, or with those who see things your way, rather than those who do not. However, if you treat everyone fairly, you will find that all reporters and commentators will look favorably on your side of the story.

4. Don't Pass Out Trivia. The media is not likely to use trivia. If you get a reputation for passing out needless information, it will definitely affect the important information which you are trying to get to the media.

PART F - OUT-OF-TOWN REPORTERS

Much of the difficulty during a civil disorder is the relations between local law enforcement officials and out-of-town reporters. These reporters are likely to be less sensitive about preserving the "image" of the local community; still, local officials serve their city badly when they ignore national media representatives. They should welcome them, tell them about the city, and cooperate with their attempts to cover the story. City and police officials should name liaison officers, provide telephone numbers of other appropriate officials and any other information that may be useful.

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LESSON 5

PRACTICE EXERCISE

REQUIREMENT. The following questions are multiple choice and/or true/false. You are to select the one that is correct. Indicate your choice by CIRCLING the letter beside the correct choice directly on the page. This is a self-graded lesson exercise. Do not look up the correct answer from the lesson solution sheet until you have finished. To do so will endanger your ability to learn this material. Also, your final examination will tend to be lower than if you had not followed this recommendation.

1. An effective tool in managing media questions is to declare that the subject is question is classified.
 - A. True.
 - B. False.

2. The Public Affairs Officer is designated as liaison between control forces and media.
 - A. True.
 - B. False.

3. A principle of an effective news media relations program is honesty.
 - A. True.
 - B. False.

LESSON 5

PRACTICE EXERCISE

ANSWER KEY AND FEEDBACK

<u>ITEM</u>		<u>Correct Answer and Feedback</u>
1.	B.	False Don't use security as an excuse ... (page 5-3, Part E, 1)
2.	A.	True Public Affairs Officer ... (page 5-2, Part A, 1)
3.	A.	True Honesty and Full disclosure ... (page 5-2, Part B, 1)

APPENDIX A

MARTIAL LAW

1. INTRODUCTION.

a. Purpose. Except in the event of an overwhelming enemy attack, it is unlikely that federal martial law would be imposed. Circumstances may never justify federal martial law in a civil disturbance. However, in an extreme emergency where the nation's existence is threatened, federal martial law would be justified in the national interest. This annex is a guide for the administration of martial law.

b. Basic Authorities.

(1) Article I of the United States Constitution gives Congress the power to declare war and to raise and support armies.

(2) Article II of the United States Constitution provides that the executive power is vested in the President. He is the Commander in Chief of the Armed Forces. The President has to make sure that the laws are faithfully followed.

(3) Article IV, section 4, of the United States Constitution provides that each state may have a Republican form of government and will be protected by the United States against invasion.

c. Definitions.

(1) Martial law. Martial law is the exercise of federal military power to preserve order, and ensure public safety in domestic territory in time of emergency, when civil governmental agencies are unable to function or their functioning would itself threaten the public safety (AR 500-50). Martial law may be declared by governing executives--mayor, governor, or president, or in their absence, the military commander. Usually federal martial law is proclaimed upon, and by express direction of the President except that in circumstances involving an extreme emergency, commanders of troops may make the decision to impose martial law in accordance with the provisions of AR 500-50.

(2) Domestic Territory. Domestic territory is an area entitled to the protection of the United States Constitution.

(3) Necessity. Necessity, as used in the field of martial law, indicates a need for military force to repel or contend with the results of force exerted by action of a hostile person.

(4) Writ of Habeas Corpus. The writ of habeas corpus is a writ issued by a civil court upon proper cause to inquire into the legality of any restraint upon the liberty of a person.

(5) Military Commander. Military commander refers to the military authority who has been named as the person responsible for exercising immediate martial law powers. The term military commander also applies to commanders of troops who, acting without prior permission from higher authority, declares martial law (AR 500-50).

(6) Martial Law Tribunals. Martial law tribunals (military commissions and provost courts) are courts employed by the military commander to try violators of martial law proclamations, orders, rules, and regulations, and in addition thereto to try violators of federal civil and local laws, when civil courts are not open and functioning.

2. DECLARATION OF MARTIAL LAW:

a. General. Martial law declared because of an enemy attack would require the military to control the civilian population, to restore law and order, provide for the relief and rehabilitation of the people, the resumption of industrial production, and restoration of a shattered economy, the protection of life and property, the control and evacuation of traffic, and the prevention of sabotage and other crimes.

b. Nature of Martial Law.

(1) Basic Concepts. Martial law is the right of the public to defend itself. When ordinary civil authorities cannot deal with a public danger, extra military forces may be used. Martial law depends on public necessity. Necessity creates it, justifies it, and limits it. How much military force depends on the size of the disturbance. When dealing with a major disaster, the force and the means are greater than when dealing with a small riot.

(2) Distinguished from Military Law. Martial law is different from military law in that it is temporary government by military forces over civilians in domestic territory. Military law is the jurisdiction by military forces over their own members to promote good order and discipline. Confusion must be avoided.

(3) Distinguished from Military Government. Military government is concerned with control of foreign territory. When the Army controls civilians in domestic territory under martial law, it is limited by the Constitution as well as the limits in the declaration of martial law. Military government operations over civilians in foreign territory are not limited.

APPENDIX B

PUBLICATION EXTRACT

TITLE 10 US CODE, CHAPTER 15

Section 331. Federal Aid for State Governments.

Whenever there is a disturbance in any state against its government, the President may, upon request of its legislature or of its governor if the legislature cannot be assembled, call into federal service militia from other states. He may send as many as he considers necessary to stop the disturbance.

Section 332. Use of the Militia and Armed Forces to Enforce Federal Authority.

Whenever the President considers that unlawful disturbances, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any state or territory by the ordinary course of judicial proceedings, he may call into federal service such of the militia of any state, and use such of the armed forces as he considers necessary to enforce those laws or to stop the rebellion.

Section 333. Interference with State and Federal Law.

The President, by using the militia or the armed forces, or both, by any other means, shall take measures as he considers necessary to stop any disturbance, domestic violence, or conspiracy if it--

(1) so hinders the execution of the laws of that state, and of the United States within the states, that any or part or class of its people are deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that state are unable, fail, or refuse to protect that right, privilege, or immunity, or to give the protection; or

(2) opposes or obstructs the execution of the laws of the United States or slows down the course of justice under those laws.

In any situation covered by clause (1), the state shall be considered to have denied the equal protection of the laws secured by the Constitution.

Section 334. Proclamation to Disperse.

Whenever the President considers it necessary to use the militia or the armed forces under this chapter, he shall, by proclamation, immediately order the troublemakers to leave and retire peaceably to their homes within a limited time.

OTHER PROVISIONS

AMENDMENT X, Constitution of the United States

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

18 US CODE,
Section 1385. Use of the Army and Air Force as Posse Comitatus.

Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, wilfully uses any part of the Army or the Air Force as posse comitatus or otherwise to execute the laws shall be fined not more than \$10,000 or imprisoned not more than two years, or both.

Valid and complete criminal laws are an important part of any effective law enforcement operation. This is especially true for police activities designed to prevent or control a violent civil disturbance.

In accordance with the Constitutional framework, most criminal laws must be made by various state legislatures. Though a few uniform laws have been passed, few state criminal statutes are the same. Some state criminal codes define many offenses, in addition to the so-called common law crimes. Any individual or agency, with police functions in a state, should check the state criminal code for the types of conduct that are prohibited.

All federal law enforcement officials face problems in finding all applicable laws in their areas. The answer is not in any one book.

The federal government is constitutionally limited in the sort of criminal statutes which it may enact for application throughout the United States. Those federal offenses, which do apply throughout the nation are tied to some power given to the federal government in the Constitution, e.g., regulation of interstate commerce, national defense, protection of property owned by the federal government. These sorts of offenses seldom regulate the day-to-day relationships between individuals, as do state criminal codes.

The federal government does have some territory where it has either exclusive jurisdiction or shares jurisdiction with the state where the territory is located. In these cases, the federal government is concerned with ordinary criminal law objectives and has enacted a few criminal statutes.

To fill the gaps in the federal criminal code, Congress has enacted the Assimilative Crimes Act which adopts the law of the surrounding state as federal law.

Just as federal law coexists with state law, both sets of laws plus special federal laws discussed above apply in areas where the federal government has exclusive jurisdiction. State laws do not apply except where they are made federal law by the Assimilative Crimes Act.

Below are some of the federal criminal statutes that apply to civil disturbance operations. The jurisdictional application of these statutes is shown.

I. Federal Laws Which Apply Throughout the United States Without Regard to Jurisdictional Statutes of Land.

5 USC,
Section 7313. Riot and Civil Disorders.

(a) An individual convicted by any federal, state, or local court of competent jurisdiction of--

(1) inciting a riot or civil disorder,

(2) organizing, prompting, encouraging, or participating in a riot or civil disorder;

(3) aiding or abetting any person in committing any offense specified in clause (1) or (2), or

(4) any offense determined by the head of the employing agency to have been committed in advancement of, or while participating in a riot or civil disorder shall, if the offense for which he is convicted is a felony, be ineligible to accept or hold any position in the government of the United States or in the government of the District of Columbia for the five years immediately following the date upon which his conviction becomes final shall be removed from such position.

(b) For the purpose of this section, "felony" means any offense for which imprisonment is authorized for a term exceeding one year.

18 USC,
Section 231. Civil Disorders.

(a) (1) Whoever teaches or demonstrates to any other person the use, application, or making of any firearms or explosive, or technique capable of causing injury of death to persons, knowing or having reason to know or intending that the same will be unlawfully employed for use in, or in furtherance of, a civil disorder which may in any way or degree obstruct, delay or adversely affect commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function; or

(2) Whoever transports or manufactures for transportation in commerce any firearms, or explosives, knowing or having reason to know or intending that the same will be used unlawfully in advancement of a civil disorder; or

(3) Whoever commits or attempts to commit any act to obstruct, slow down, or interfere with any firearm or law enforcement officer lawfully

engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or performance of any federally protected function--shall be fined not more than \$10,000 or imprisoned not more than five years or both.

(b) Nothing contained in this section shall make unlawful any act of any law enforcement officer which is performed in the lawful performance of his official duties.

18 USC,
Section 232. Definitions.

For the purposes of this chapter:

(1) The term "civil disorder" means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual.

(2) The term "commerce" means (A) between any state or District of Columbia and any place outside thereof; (B) between points within any state or the District of Columbia, but through any place outside thereof; or (C) wholly within the District of Columbia.

(3) The term "federally protected function" means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof, and such term shall specifically include, but not be limited to, the collection and distribution of the United States mails.

(4) The term "firearm" means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive; or the frame or receiver of any such weapon.

(5) The term "explosive or incendiary device" means (A) dynamite and all other forms of high explosives, (B) any explosive bomb, grenade, missile, or similar device, and (C) any incendiary bomb or grenade, fire bomb, or similar device, including any device which (i) consists of or includes a breakable container including a flammable liquid or compound, and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and (ii) can be carried or thrown by one individual acting alone.

(6) The term "fireman" means any member of a fire department (including a volunteer fire department) of any state, any political subdivision of a state or the District of Columbia.

(7) The term "law enforcement officer" means any officer or employee of the United States, any state, any political subdivision of a state, or the District of Columbia, while engaged in the enforcement or prosecution of any of the criminal laws of the United States, a state, any political subdivision

of a state, or the District of Columbia; and such term shall specifically include, but shall not be limited to, members of the National Guard, as defined in Section 101(9) of Title 10, United States Code, members of the organized militia of any state, or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, not included within the definition of National Guard as defined by such Section 101(9), and members of the Armed Forces of the United States, while engaged in suppressing acts of violence or restoring law and order during a civil disorder.

18 USC,
Section 233. Preemption.

Nothing contained in this chapter shall be interpreted as indicating an intent on the part of the Congress to occupy the field in which any provisions of the chapter operate to the exclusion of state or local laws on the same subject matter, nor shall any provision of this chapter be construed to invalidate any provision of the state law unless such provision is inconsistent with any of the purposes of this chapter or any provisions thereof.

18 USC,
Section 1361. Malicious Mischief, Government Property of Contracts.

Whoever willfully injures or commits depredation against any property of the United States, or of any department or agency thereof, or any property which has been or is being manufactured or constructed for the United States, or any department or agency thereof, shall be punished as follows:

If the damage of such property exceeds the sum of \$100, by a fine of not more than \$10,000 or imprisonment for not more than ten years, or both; if the damage to such property does not exceed the sum of \$100, by a fine of not more than \$1,000 or by imprisonment for not more than one year, or both.

18 USC,
Section 1505. Obstruction of Proceedings Before Departments, Agencies, and Committees.

Whoever corruptly, or by threats of force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress--

Shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

18 USC,
Section 1507. Picketing or Parading.

Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the United States, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent uses any sound truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

18 USC,
Section 1701. Obstruction of Mails Generally.

Whoever knowingly and willfully obstructs or retards the passage of the mail, or any carrier or conveyance carrying the mail, shall be fined not more than \$100 or imprisoned not more than six months, or both.

NOTE: The above statute merely illustrates the many federal laws, some carrying much greater penalties, which serve to protect the US mails.

18 USC,
Section 1856. Fires Left Unattended and Unextinguished.

Whoever, having kindled or caused to be kindled, a fire in or near any forest, timber, or other flammable material upon any lands owned, controlled, or leased by, or under the partial, concurrent or exclusive jurisdiction of the United States including lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted...leaves without totally putting out the fire, or permits said fire to burn or spread beyond his control, or leaves said fire without totally extinguishing the same, or permits or suffers said fire to burn or spread beyond his control, or leaves said fire to burn unattended shall be fined not more than \$500 or imprisoned not more than six months, or both.

18 USC,
Section 2071. Mutilation of Records.

(a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, destroys, or attempts to do so, with intent to do so takes and carries away any record proceeding, map, book, paper, document, or any other thing, filed, or deposited with any clerk or officer of any court of the United States, shall be fined not more than \$2,000 or imprisoned not more than three years, or both.

(b) Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys the same, shall be fined not more than \$2,000 or imprisoned not more than three years, or both; and shall

forfeit his office and be disqualified from holding any office under the United States.

18 USC,
Section 2101. Riots.

(a) (1) Whoever travels in interstate or foreign commerce or uses any facility of interstate commerce, including, but not limited to the mail, telegraph, telephone, radio, or television, with intent--

(A) to incite a riot, or

(B) to organize, promote, encourage, participate in, or carry on a riot; or

(C) to commit any act of violence in furtherance of a riot, or

(D) to aid or abet any person in inciting or participating in or carrying on a riot or committing any act of violence in furtherance of a riot; and who either during the course of any such travel or use or thereafter performs or attempts to perform any other overt act for any purpose specified in subparagraph (A), (B), (C), or (D) of the paragraph--shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

18 USC,
Section 2112. Robbery of Personal Property of United States.

Whoever robs another of any kind or description of personal property belonging to the United States, shall be imprisoned not more than 15 years.

18 USC,
Section 2115. Breaking Into Post Office.

Whoever forcibly breaks into or attempts to break into any post office, or any building used in whole or in part as a post office, with intent to commit in such post office, or building or part thereof, so used, any larceny or depredation, shall be fined not more than \$1,000 or imprisoned not more than five years, or both.

18 USC,
Section 2383. Rebellion or Insurrection.

Whoever starts, assists, or engages in any rebellion or uprising against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States.

18 USC,
Section 2387. Activities Affecting Armed Forces Generally.

Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined not more than \$10,000 or imprisoned not more than two years, or both; and shall be incapable of holding any office under the United States.

(1) Advises, counsels, urges, or in any manner causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States; or

(2) Distributes or attempts to distribute any written or printed matter which advertises counsels, or urges insubordination, disloyalty, mutiny, or refusal of duty by any member of the military naval forces of the United States--

Shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both, shall be ineligible for employment by the United States or any department or agency of, for the five years next following his conviction.

II. Federal Laws for Application Within Areas of Exclusive or Concurrent Jurisdiction.

18 USC,
Section 7.

The term "special maritime and territorial jurisdiction of the United States": ...includes:...(3) Any lands reserved or acquired for the use of the United States and under the exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the state in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

18 USC,
Section 13.

Whoever within or upon any of the places now existing or hereafter reserved or acquired as provided in...(18 USC, Section 7), is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the state, territory, possession, or district in which such place is situated, by the laws thereof in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.

NOTE:18 USC, Section 13 is the Assimilative Crimes Act, which was mentioned earlier. Basically this act operates to fill in gaps in federal law for areas of exclusive or concurrent jurisdiction, by adopting as federal laws the laws of the surrounding state. The act will not

assimilate a state law when there is a specific federal law defining the offense, or when the state law is contrary to some federal policy.

18 USC,
Section 81. Arson.

Whoever, within the special maritime and territorial jurisdiction of the United States, willfully and maliciously sets fire to or burns or attempts to set fire to or burn any building, structure or vessel, any machinery or building materials or supplies, military or naval stores, munitions of war, or any structural aids or appliances for navigation or shipping, shall be fined not more than \$1,000 or imprisoned not more than five years, or both.

If the building be a dwelling or if the life of any person be placed in jeopardy, he shall be fined not more than \$5,000 or imprisoned not more than 20 years, or both.

18 USC,
Section 113. Assaults.

Whoever, within the special maritime and territorial jurisdiction of the United States, is guilty of an assault shall be punished as follows:

(a) Assault with intent to commit murder or rape, by imprisonment for not more than 20 years.

(b) Assault with intent to commit any felony, except murder or rape, by fine of not more than \$3,000 or imprisonment for not more than ten years, or both.

(c) Assault with a dangerous weapon, with intent to do bodily harm without just cause or excuse, by fine of not more than \$1,000 or imprisonment of not more than five years, or both.

(d) Assault by striking, beating, or wounding, by fine of not more than \$500 or imprisonment for not more than six months, or both.

(e) Simple assault, by fine of not more than \$300 or imprisonment for not more than three months, or both.

(f) Assault resulting in serious bodily injury, by fine of not more than \$10,000 or imprisonment for not more than ten years, or both.

18 USC,
Section 1363. Malicious Mischief, Government Property or Buildings.

Whoever within the special maritime and territorial jurisdiction of the United States, willfully and maliciously destroys or injures or attempts to destroy or injure any building, structure or vessel, any machinery or building materials and supplies, military and naval stores, munitions of war or any structural aids or appliances for navigation or shipping, shall be fined not

more than \$1,000 or imprisoned not more than five years, or both, and if the building be a dwelling, or the life of any person be placed in jeopardy, shall be fined not more than \$5,000 or imprisoned not more than 20 years, or both.

Miscellaneous offenses punishable within exclusive or concurrent jurisdiction areas:

1. Maiming - 18 USC, Section 114.
2. Murder - 18 USC, Section 1111, Manslaughter - 18 USC, Section 1112, Attempted Murder or Attempted Manslaughter - 18 USC, Section 113.
3. Robbery of Personal Property - 18 USC, Section 2111, Theft of Personal Property - 18 USC, Section 661; Receiving Stolen Goods - 18 USC, Section 662.
4. Rape - 18 USC, Section 2031; Carnal Knowledge - 18 USC, Section 2032.

111. Offenses Punishable by Virtue of GSA Regulations.

40 USC,
Section 318a.

The administrator of General Services or officials of the General Services Administration duly authorized by him are authorized to make all needful rules and regulations for the government of the federal property under their charge and control, and to annex to such rules and regulations such reasonable penalties, within the limits prescribed in... (Section 381c of this title), as will ensure their enforcement: Provided, that such rules and regulations shall be posted and kept posted in a conspicuous place on such federal property.

40 USC,
Section 318c.

Whoever shall violate any rule or regulation promulgated pursuant to... (Section 318a of this title) shall be fined not more than \$50 or imprisoned not more than 30 days, or both.

NOTE: The GSA regulations which have been announced officially under the above noted authority prohibit such acts as gambling, solicitation, distribution of handbills, carrying weapons, taking unauthorized photographs, and other activities.

The District of Columbia Court Reform and Criminal Procedure Act of 1970 (Public Law 91-358, 91st Congress, 29 July 1970) as reported in THE CRIMINAL LAW REPORTER, VOL 7, NO 20, dated 19 August 1970 at page 3282, added the following to its criminal code:

EXPLOSIVE DEVICES

Sec 209. The Act entitled: "An act to control the possession, sale, transfer and use of pistols, and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes," approved July 8, 1931 (D.C. Code, sec 22-3215) the following new section:

"MOLOTOV COCKTAILS AND OTHER EXPLOSIVE DEVICES"

"Sec. 15A (a) No person shall within the District of Columbia manufacture, transfer, use, possess, or transport a molotov cocktail.

As used in this subsection, the term 'molotov cocktail' means (1) a breakable container containing flammable liquid and having a wick or similar device capable of being ignited, or (2) any other device designed to explode or produce uncontained combustion upon impact; but such term does not include a device lawfully and commercially manufactured primarily for the purpose of illumination, construction work, or other lawful purpose."

"(b) No person shall manufacture, transfer, use, possess, or transport any device, instrument, or object designed to explode or produce uncontained combustion, with the intent that the same may be used unlawfully against any person or property."

"(c) No person shall, during a state of emergency in the District of Columbia declared by the Commission pursuant to law, or during a situation in the District of Columbia concerning which the President has invoked any provision of chapter 15 of Title 10, United States Code, manufacture, transfer, use, possess, or transport any device, instrument or object designed to explode or produce uncontained combustion, except at his residence or place of business."

"(d) Whoever violates this section shall (1) for the first offense, be sentenced to a term of imprisonment of not less than one and not more than five years, (2) for the second offense, be sentenced to a term of imprisonment of not less than three and not more than 15 years, and (3) for the third or subsequent offense, be sentenced to a term of imprisonment of not less than five years and of any term of years up to life imprisonment. In the case of a person convicted of a third or subsequent violation of this section, chapter 402 of Title 18, United States Code (Federal Youth Corrections Act) shall apply."