

MILITARY SURVEILLANCE

Hearings before the Subcommittee on Constitutional Rights
of the Committee on the Judiciary, United States Senate
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April 9 and 10, 1974

Testimony of Col. John W. Downie, U.S. Army (Retired), and William J. Bowe, Esq.

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Summary

On April 9, 1974, the Senate Judiciary Committee's Subcommittee on Constitutional Rights, chaired by Senator Sam Ervin (D-NC), heard testimony on S. 2318, a bill to amplify the Posse Comitatus Act of 1878 by restricting the Armed Forces' collection of information on the beliefs, associations, and political activities of civilians.

The subcommittee heard from two witnesses appearing together: Colonel John W. Downie, U.S. Army (Retired), former director of Army counterintelligence and a veteran of several domestic intelligence assignments, and William J. Bowe, an attorney who had served in the Pentagon as a domestic intelligence analyst under Downie during his 1968-71 service in the Army. Colonel Downie also submitted for the record an unclassified Army staff estimate, The Civil Disturbance Threat 1971-75, prepared by Mr. Bowe in 1970.

Colonel Downie testified that he supported the purpose of S. 2318 but wanted the bill to clearly preserve four categories of legitimate military activity: conducting military operations in foreign countries, detecting and neutralizing foreign espionage against the Armed Forces, maintaining the morale, discipline, and loyalty of service members, and other business properly entrusted to the military. He and Senator Ervin sparred over how much the bill actually restricted, with Ervin insisting it barred only the collection of information on the beliefs, associations, or political activities of people unconnected to the Armed Forces, and touched nothing else.

Downie agreed that the Army had been overused for civil disturbance control in the 1960s, citing Detroit in 1967, and described his own limited role representing the Assistant Secretary of Defense on the Interdepartmental Intelligence Evaluation Committee formed after the 1970 Huston Plan episode, where he said Defense Department participation was restrained by comparison to civilian agencies.

Ervin, for his part, summarized the Posse Comitatus Act as narrowly barring direct military enforcement of civil law except where an insurrection or conspiracy made ordinary enforcement impossible, and both men agreed that reliance on the military for civil disturbance duty was, as Downie put it, often simply cheaper for local governments than expanding their own police forces. He also discussed the decades-old Delimitations Agreement governing jurisdiction among intelligence agencies and acknowledged, under questioning from subcommittee counsel, that he was unaware of exceptions the Department of Defense had reportedly authorized for domestic collection under its own directive.

Bowe told the subcommittee that his work involved analyzing raw intelligence from the Army, Navy, Air Force, National Guard, FBI, CIA, DIA, NSA, and civilian law enforcement agencies. He reported it also included service on a special task force reviewing the role of the Army in dealing with civil disturbances created by the Secretary of the Army, and concluded that this experience left him convinced that legislation along the lines of S. 2318 was essential.

He noted that, absent such legislation, the Army had twice built extensive domestic intelligence networks on civilians without any legal necessity to do so—once from World War I through 1924, and again in the 1960s, when computerization vastly amplified the collection of personal information on people guilty of no crime.

Bowe proposed two specific amendments: deleting a subsection that would have let state militia collect otherwise-prohibited information whenever not under federal control, replacing it with language (Exhibit A) protecting only the ordinary, unavoidable contacts arising from military installations in civilian communities. He also supported adding a new section (Exhibit B) authorizing the Armed Forces to maintain limited, proper data bases needed for lawful military operations to control civil disorder.

In an exchange with Ervin, Bowe raised the risk that the Directorate for Civil Disturbance Planning and Operations, a large standing command, might be tempted, in a period of declining unrest, to inflate threat assessments to justify its own continued mission, and he recommended an independent, nonoperational estimating function within the Army to keep such judgments free of institutional or political pressure. Bowe also pressed Ervin on where the bill's line actually fell—raising, as one example, whether a serviceman's possession of a Congressional Directory could itself run afoul of the statute by pinpointing civilians' political affiliations. Ervin maintained that such ordinary, incidental contacts were never the bill's target.

The Civil Disturbance Threat 1971-75 estimate, which Bowe prepared after the Kent State shootings using only unclassified, publicly available sources, assessed the likely nature and scale of domestic disorder through 1975. It looked at seven categories: racial disturbances, student disturbances, mass demonstrations, political terrorism and guerrilla warfare, labor disturbances, newly developing sources of unrest, and natural disasters.

Reviewing two decades of history, the estimate found that active federal troops had rarely been committed to domestic disorders. This occurred recently during major racial violence in Detroit, Washington, Baltimore, and Chicago, and briefly during the 1970 postal strike. In these cases, the National Guard had shouldered far more of the burden, and local police remained the primary responders in nearly every category.

The report forecasted projected continuing but generally stable or declining levels of disturbance through 1975, with federal military intervention expected to remain as rare in the years ahead as it had been in the recent past.

In Bowe's view, the estimate served as concrete proof that the Army could produce the threat assessments its training and planning missions required entirely from open sources, without maintaining any dedicated intelligence-collection apparatus directed at American civilians, the central point both witnesses urged in support of the bill.

**TESTIMONY OF COL. JOHN W. DOWNIE, U.S. ARMY (RETIRED);
ACCOMPANIED BY WILLIAM J. BOWE, ESQ.**

SENATOR ERVIN. Counsel, call the next witness.

MR. BASKIR. Mr. Chairman, our next witness is Col. John W. Downie.

[p. 38] Until his retirement last year, Colonel Downie served in a variety of important counterintelligence assignments here in the United States for the Army.

From July 1968 until April 1971, he was director of counterintelligence in the office of the Army's Assistant Chief of Staff for Intelligence.

In early 1971 he was in charge of a special 30-man task force appointed by the Army Chief of Staff to investigate charges of military surveillance in preparation for our hearings that year.

Later, Colonel Downie served as Deputy Commander of the U.S. Army Intelligence Command.

Mr. Chairman, accompanying him is Mr. William J. Bowe, an attorney and former domestic intelligence analyst with the Army's Counterintelligence Analysis Branch who worked with Colonel Downie.

SENATOR ERVIN. I wish to welcome both of you gentlemen to the committee and express our appreciation for your willingness to come and give us the benefit of your views in respect to what I consider an important piece of legislation, not only from the standpoint of privacy of civilians, but also from the standpoint of the military.

COLONEL DOWNIE. Mr. Chairman, thank you very much for your kind invitation.

My statement, of course, is made at your invitation. In it I express my own opinions as an individual citizen.

I am no longer an active military officer; my statement has not been coordinated with, and does not represent the views of, the Department of Defense.

The purpose of S. 2318, as I understand it, is to amplify the Posse Comitatus Act of 1878. I believe there is a need to amplify that act. I leave comment on the details of S. 2318 to those more skilled at technicalities; I have no objection to this bill as it applies to the act. I believe the application of the bill is far more sweeping than intended. I do not claim to be a constitutional lawyer, but I am a citizen. The limitations on the bill which I suggest are, in my opinion, perfectly compatible with the objectives stated in the preamble to the Constitution.

The need to expand and clarify the Posse Comitatus Act of 1878 has been very recently demonstrated. The contemporary media headlines of 1967 to 1970 make evident the stimuli of the need among national leadership for information on impending and actual civil disturbances. Initially, it was expedient to use the Army to gather the information. Perhaps, in the long run, use of the Army spared the effort, time and cost of organizing, equipping and maintaining a civil

element to perform the task. Patriotic, well-intentioned men of character did not weigh either the propriety or the principle involved in using the Army for this purpose. The current political and military leadership of the Armed Forces do not need the guidance of S. 2318. There will be new leaders in the future, however, [p. 39] who will face changing social and political situations. The Posse Comitatus Act was not forgotten in the late 1960's; it was not believed to apply. The lessons of the past should not be forgotten. The future deserves additional guidance in law.

I have said I have no objection to the provisions of the proposed bill as it amplifies the Posse Comitatus Act but that I believe the application of the bill is far more sweeping than may have been intended. In my opinion, the bill should recognize certain functions necessary to the successful accomplishment of the mission of the Armed Forces. These functions should be not only recognized but exempted from the application of the bill. These relate to the collection, storage and use of information necessary to:

The successful conduct of military operations in foreign sovereignties;

The detection and neutralization of foreign espionage directed against the Armed Forces;

The maintenance of the morale, discipline and loyalty of members of the Armed Forces;

The rational, equitable and legal conduct of that part of the business of the United States which is entrusted to the Armed Forces.

In the past 30 years or so the Armed Forces have been committed to a number of overseas missions; in some cases they are still there. The circumstances which require commitment are not susceptible to long-range prediction and the decision for commitment is never within the authority of the Armed Forces. One has only to reflect on the problems of World War II and the absolute necessity of distinguishing between collaborationist and pro-ally, not to mention the distinctions between Gestapo, Abwehr, the Allgemeine SS, the NSKK, the HJ, the RAD and so on. To a greater or lesser extent, similar problems were present in Korea, the Dominican Republic, Lebanon and Vietnam. Commanders must be capable of identifying friendly and hostile orientations among the local populace and within the local government. It is conceivable that the security of the command and the success of the mission may be dependent upon such judgments. This information must be collected, analyzed and prepared for use within the United States in advance of contingencies. Once the overseas expedition is landed at its destination, the collections of all Government agencies are assembled in the United States in order to provide support to the overseas element. Because the bill does not exempt this form of foreign intelligence, it prohibits its practice among the Armed Forces, in the United States and overseas.

The detection and neutralization of foreign espionage directed against the Armed Forces involves both operational investigation and education in the United States and overseas. For both investigation and education, information on espionage organizations and personalities is important. Unfortunately, the occasion has arisen in which this information must be collected and stored for court-martial purposes. The bill, as now written, denies this capability to the Armed Forces.

The Armed Forces must be reliable, disciplined and loyal. There is no democracy at the tip of a bayonet. The individual citizens [p. 40]oldier is entitled to his political beliefs, but the Armed Forces, as an entity, must be politically neutral. Desertion counselling, incitement to refuse duty, inducement to mutiny have, in the recent past, come from without the Armed Forces both in the United States and overseas. Had these efforts succeeded in creating an unruly, mutinous and disloyal military, the results would have been catastrophic to our national interests and, quite possibly, to our constitutional form of government. Intelligent defense against such efforts within

the Armed Forces does require information on the individuals and organizations involved. The bill does not permit the acquisition of this information.

Finally, there are a multiplicity of occasions in which intelligent response is required of Defense agencies to actions originating outside the military. These range from the bidder for the purchase of surplus military equipment to the requester for the provision of a guest speaker.

Unless some information is available upon which to base a reasoned response, the public business will be reduced to absurdity.

In none of the four areas which I have discussed do I propose extending the investigative jurisdiction of the Armed Forces. I argue the need to receive appropriate information from the civil agencies properly charged with investigative jurisdiction and the need to retain appropriate information.

SENATOR ERVIN. Colonel, you speak on page 3:

In none of the four areas which I have discussed do I propose extending the investigative jurisdiction of the Armed Forces. I argue the need to receive appropriate information from the civil agencies properly charged with investigative jurisdiction and the need to retain appropriate information.

I take it that the four areas discussed at the top of page 2: first, a successful conduct of military operations in foreign sovereignties; second, the detection and neutralization of foreign espionage directed against the Armed Forces; third, maintenance of the morale, discipline and loyalty of members of the Armed Forces; and fourth, the rational, equitable and legal conduct of that part of the business of the United States which is entrusted to the Armed [p. 69] Forces are areas where the military may need information of civilians. I don't think there is a thing in this bill that would prevent the military from receiving such information from all civil agencies properly charged with investigative jurisdiction or would prohibit them from retaining information which they receive from those civil agencies.

COLONEL DOWNIE. It may be necessary—first of all, as I say, I don't advocate extending the jurisdiction, Mr. Chairman. The Armed Forces now have jurisdiction in the United States in the case of espionage committed by the Armed Forces. First, this fellow doesn't do espionage in a vacuum, and the man who is handling him, directing him, is a civilian. The civilian investigative jurisdiction of the FBI requires close collaboration between the two services. In that sense I am not saying the Army should investigate the civilians, but they should investigate that military man and receive information concerning the military.

SENATOR ERVIN. I am unable to find a single syllable in this bill which restricts in any way the ability of the Armed Services to obtain information from any person who is a member of the Armed Services. It just doesn't apply to them at all. It only applies to individuals or organizations which are not a part of the Armed Services.

COLONEL DOWNIE. But, I am afraid, Mr. Chairman, that is my problem. Without naming any foreign intelligence organizations neither they nor their members are members of our Armed Services, and yet we would need to collect information.

SENATOR ERVIN. Well, I don't think the Congress of the United States has jurisdiction to legislate to protect the rights of foreign civilians.

COLONEL DOWNIE. This is in the United States, Mr. Chairman, as well as overseas.

But I am also afraid that I, as a professional intelligence officer, reading your bill, would say that ends my profession. I am not going to investigate anybody in these four areas. I am afraid we would misinterpret your intention.

SENATOR ERVIN. This doesn't really keep the Armed Forces from investigating anybody with respect to anything except their beliefs, their associations and their political activities, nothing else. If they find any sabotage or espionage this bill doesn't apply to them.

We found in the course of the subcommittee's investigation that the Army collected a tremendous amount of information about people's political beliefs, about not only their associations which were perfectly legitimate, but the associations of some of their kinfolk, some of their wives or husbands. There was information collected and stored as to what people's political views were, and I don't think that is any business of the government, much less the Armed Forces.

COLONEL DOWNIE. I would agree with you on that, Mr. Chairman.

SENATOR ERVIN. I wouldn't object to putting an amendment in that this bill does not apply to any collection of information that is directed towards the detection or neutralization of foreign espionage directed against the Armed Forces. I wouldn't object to an [p. 70] amendment taking care of that objection, because it certainly is not intended to be that.

COLONEL DOWNIE. Mr. Chairman, you would console an elderly gentleman, retired, from Pennsylvania, if you would.

SENATOR ERVIN. Thank you.

Do you have any questions?

MR. BASKIR. Colonel Downie, I wonder, since you are familiar with the information collected in the period the subcommittee investigated, I wonder if you would give an evaluation of that information in terms of what the military mission was at that time? How useful was it? Was it good information? Would it have served a purpose?

COLONEL DOWNIE. I am not sure that 99 percent of it served a useful purpose at the departmental level, that is, in Washington; it was undoubtedly of use to local commanders, if only to reassure them that everybody is looking around and there is no imminent civil disturbance.

In my personal opinion, the Army was as a civil disturbance instrument overused. I can see in Detroit in 1967 the unexpected situation requiring a considerable amount of force and the Army might be required. I can see in the April 1968 disturbances, they were so widespread, civil authorities simply couldn't extend themselves. But I believe that the Army should not be employed in the civil disturbance role under any circumstances. That may sound dreadfully revolutionary, but it isn't.

Pennsylvania boasts the first civil disturbance under this Constitution, the Whisky Rebellion, and George Washington did not use the regular Army. George Washington brought in militia from other States because his principle was that the regular Army should not be used against American citizens. I think that is a heck of a fine principle. As he applied that principle there is undoubtedly a need someplace in the executive branch for information on what is happening, how many of them are there, where are they, do they have clubs, where am I going to put whatever element I am going to use to suppress this thing, but I think it is purely academic as far as the utility of the Army is concerned. The Army or the Navy or the Air Force should not be used.

MR. BASKIR. Your feeling that the military has been called upon too often in civil disturbances leads to the next question I have.

During the course of the mid-1970's there was the development of what has come to be known as the Huston Plan. I know that plan was never carried out but there was subsequent to that the creation of something called the IEC or the Intelligence Evaluation Committee, which did include representation from the Department of Defense. About November or December, the President did say he disapproved of Army intelligence activities in the area of civilian activities, and in March came the DOD regulation.

Was the participation of the Defense Department considered an exception to the DOD regulation or just not covered?

COLONEL DOWNIE. I am afraid I am going to be lost in time. The Huston plan was in the summer of 1970, I believe.

MR. BASKIR. That is right.

[p. 71] **COLONEL DOWNIE.** I believe in the version of the thing which I have seen printed in the newspapers, there is a startling statement, the current limitations or restrictions on the military will continue. There was no DOD Regulation at that time. The reference was to the restrictions imposed by the Military Departments on themselves. The Army was the most limited. There was no DOD policy involved in that one.

The IEC came about in December of 1970. I represented the Assistant Secretary of Defense for Administration on my attendance in this thing, and the DOD policy already was at that time that you accept nothing unless it has a direct bearing on the military. This policy was carried to the point where papers manufactured by the IEC were not taken into the Pentagon.

MR. BASKIR. I was going to ask you to describe the role of the Defense Department in the role of the operations of the IEC during December and the following few months.

COLONEL DOWNIE. Fundamentally, I think the role was a very restrained one in the sense that as the representative to the IEC my instructions were that you do not accept any requirement for any military service, DOD or DIA, unless that requirement clearly bears on the mission of the military and is a legitimate requirement by the military, and no matter what the IEC produces you will not accept any products unless it was of clear value to the military and the military mission. I don't believe there was ever any formal instruction. Mr. Froehlke sat me down and made it clear enough to me that it was a good solid policy to stick with, and I stuck with it.

MR. BASKIR. Mr. Jordan testified earlier this morning about the inability of the civilian authorities in the Justice Department to appreciate any limitations on the role of the military in this kind of activity. Did you find a similar thing about a year or so later with respect to the IEC?

COLONEL DOWNIE. I think the civilian professional members did, that is, the representatives of the intelligence agencies, because we have been well aware for years of the limitations which clearly keeps the military out of the investigation of civilians in the United States. This is not news to them.

Perhaps some of the Justice Department people who were more legally oriented than investigatively oriented had difficulty grasping that point.

MR. BASKIR. They should have been more alert to that. If they are legally oriented, they are supposed to know what limitations are on the Defense Department.

COLONEL DOWNIE. Here again the Delimitations Agreement is an agreement that originated back in 1942 with Mr. Hoover and the chiefs of the Naval Intelligence organization. It is not a law.

MR. BASKIR. I think an example would be the Posse Comitatus Act of 1878 and the tradition of military separation.

MR. SNIDER. Colonel Downie, you noted the DOD directive does not apply overseas. Do you see any problems with applying that directive overseas?

COLONEL DOWNIE. Now, remember that I left the working Army in April of 1972, so I can't give you current information. Subsequent to my last Army assignment I worked with a Defense organization. But there seemed to be no problem that I was aware of while I was still with the Army.

MR. SNIDER. Insofar as collecting information on civilians and their political activities abroad is concerned, don't you think the DOD directive should apply or do you think we should have some other sort of restrictions on this activity?

COLONEL DOWNIE. I think there may be problems with the DOD directive in the legal sense. Berlin, as I understand, is one of those places where the United States has tried to provide as much local sovereignty as possible, but it is still technically an occupied country. I can see where the application of U.S. law doesn't work. You have no substitute such as the Justice Department which you would find in the United States.

MR. SNIDER. Other law enforcement agencies?

COLONEL DOWNIE. That is right.

MR. SNIDER. There is also a section in the DOD directive that permits certain special operations that are defined as covert penetrations of civilian groups in the United States. Do you see any reason for that sort of exception?

COLONEL DOWNIE. No; but I think whoever put it in probably thought the thing might pop up some day and he was doing two things. He was leaving an escape valve for himself in case he needed it, and he was directing, channeling information on the contemplation of such a thing to his office. It is sometimes better than to flatly prohibit something to say, ask me. At least you know the guy has it on his mind.

MR. SNIDER. The Department has informed the subcommittee they have actually authorized a number of exceptions. They haven't given us the details—but no more than three a year since 1971. So we could have had as many as nine covert penetrations.

COLONEL DOWNIE. Are these in the United States?

MR. SNIDER. Yes, in the United States.

COLONEL DOWNIE. News to me.

SENATOR ERVIN. The Posse Comitatus Act is pretty narrow in scope. It has three provisions in effect. The first is that the President can use the Armed Forces only when unlawful obstructions, combinations, or assemblages are impending against the authority of the United States, making it impractical to enforce the laws of the United States in a State or territory by the ordinary course of judicial proceedings. I don't think you need any political spying for that purpose.

The second is that when there is an insurrection or domestic violence which so hampers the execution of the laws of that State within the United States that any part of its people are deprived of their rights, privileges, immunities, and protections named by the Constitution as secured in the law the civil authorities are unable to protect that right, privilege, or immunity.

The third is when this insurrection or conspiracy makes impossible the execution of the laws of the United States or impedes the course of justice under those laws.

[p. 73] Now, I agree with you. I think that the military has been used too much. Of course, local people are always glad to have military brought in, because it not only gives them aid but also relieves them of a great deal of responsibility.

COLONEL DOWNIE. And it is cheaper, also, Mr. Chairman.

SENATOR ERVIN. This bill is not intended in any way to interfere in any manner with the control of the military over its own personnel, and it is certainly not intended to obstruct the gathering of information on any person engaged in espionage. I think under the law of the United States, anybody is entitled to believe anything he wants to, no matter how foolish it may be. In fact, the Supreme Court has said a man has a right to believe anything as long as he takes no action against the United States. I think the first amendment also gives the right to everybody to pick his own associations and his own associates. This word "political activity" as used in the bill doesn't trouble me, because I think that political activities are not illegal activities. I don't think they have anything to do with espionage. I think it is just exercising your right to express yourself and to carry on activities relating to government.

But I would be glad to have any suggestions for drafting which would remove the objection you voice, because it is certainly not my intention to interfere with such matters.

COLONEL DOWNIE. I appreciate that, Mr. Chairman, I really do.

TESTIMONY OF WILLIAM J. BOWE

MR. BASKIR. Mr. Bowe, do you have a statement, also?

MR. BOWE. Yes; I have a statement which I have submitted to the staff, and I would like to make a few comments from the statement with respect to the bill.

Mr. Chairman, I appreciate the opportunity to make a few comments today concerning the Senate bill before the committee.

I was assigned, when I entered the Army in 1968, to the Counterintelligence Analysis Branch of the 902d Military Intelligence Group headquartered in Washington, D.C.

Among the functions of the branch was the requirement to respond to intelligence and analytical requirements levied by the Office of the Assistant Chief of Staff for Intelligence of the Army at the Pentagon. It is in this connection that I had the opportunity to work with Colonel Downie, and in connection with this work, I received a great deal of familiarity with the issues that have been under discussion here today.

Reflecting the turmoil of the period of service in the Army, 1968 to 1971, I was engaged in the preparation of intelligence estimates on the necessity for deploying or employing Regular Army troops for use in the control of civil disturbances unable to be handled by State National Guards and local security forces.

The estimate which was submitted for the record, I think, extends for the proposition that no large collection mechanism of the Army or any of the other services was required in order for the Army to prepare reasonable threat estimates which are an essential guide to [p. 74] training functions

related to this most sensitive of Army missions, control of civil disturbances involving citizens of the country.

In connection with the preparation of estimates relating to the commitment of Regular Army troops, I was engaged in the analysis of and was familiar with raw intelligence data produced by or disseminated to the Departments of Army, Navy, and Air Force, State National Guards, the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, the Community Relations Division of the Department of Justice, the Law Enforcement Assistance Administration and city and State police agencies.

In the winter of 1971, during earlier hearings conducted by this subcommittee, I served as a member of the special task force that was established by the Secretary of the Army in order to collect information necessary to respond to the questions raised in the course of such hearings. Data on computerized and manual counterintelligence retrieval systems of the Army and the interface between such systems and other intelligence bureaucracies was developed by the special task force for use by the General Counsel of the Department of Defense, J. Fred Buzhardt, and the Secretary of the Army, Robert F. Froehlke.

As a result of the foregoing, I believe I am in a fair position to evaluate the need for legislation restricting the ability of the Armed Forces to conduct domestic intelligence activities of the nature and extent conducted in the 1960's and early 1970's.

There is no doubt in my mind that it is essential that a bill along the lines of Senate bill 2318 be enacted into law. In the absence of restrictive legislation, the Army has twice become deeply enmeshed in developing national intelligence networks aimed at the compilation of political data concerning civilians. The first period began during the First World War and continued through roughly 1924. The second period occurred during the 1960's. The unsupervised application of computers to domestic intelligence activities in this latter period by major and minor Army commands alike proved an enormous stimulus to the collection of personal information relating to individuals guilty of no violations of law.

The estimate entitled Civil Disturbance Threat, 1971-1975, which Colonel Downie submitted for the record and which was ordered prepared after the Kent State shooting, stands for the proposition that no direct intelligence collection effort by the Army was required in order for the Army to prepare from unclassified sources reasonable threat estimates which are an essential guide to training functions related to this most sensitive of Army missions, the control of civil disturbances involving citizens of the country.

With the vast potential for abuse inherent in the new technology and with the twice proven tendency of the military to unnecessarily expand domestic intelligence functions in a period of severe civil disorder, the Congress would be shirking its responsibility, in my opinion, if it did not pass legislation defining clear limitations on the domestic intelligence functions of the military. Department of Defense and Armed Forces regulations alone will not be a sufficient [p. 75] safeguard against the dangers inherent in coupling military surveillance of civilians with the new computer technology.

The key difficulties in the proper drafting of such necessary legislation are: (1) to permit the Armed Forces and the State Militia to carry out innocent housekeeping functions related to their presence in and around civilian communities; and (2) to permit the military to carry out effectively their missions under law to restore domestic order, without having either of these two functions improperly expanded in a period of upheaval and civil dislocation into a broad warrant to intrude into what must remain, essentially, the civil realm.

In my view, the bill before us today does not fully surmount these two difficulties. Therefore, I respectfully offer the following suggestions for amending Senate bill 2318.

First, the proposed new subsection 1386(b)(4) of chapter 67, title 18, United States Code, found on page 3, lines 10 to 12 of the bill, should be deleted in its entirety in my view. This subsection, as presently drafted, provides an escape hatch whereby State militia are excepted from the limitations of the bill whenever such militia are under other than Federal control. This is virtually all of the time. It seems to me that the restrictions imposed by the bill are not unreasonable and to permit State militia units to compile otherwise prohibited information, except during the very limited period when they are subject to Federal control, would be to open a back door through which Federal Armed Forces could gain access to otherwise proscribed information.

Second, I would recommend a section in lieu of the deleted section, and I have submitted to your committee a text of this proposed section, which appears as exhibit A to this statement. I believe the proposed text makes clear that the ordinary and inevitable contacts of the Armed Forces with civilians, which arises out of the presence of military installations in civilian communities, are not proscribed by the bill.

SENATOR ERVIN. What effect does this bill have on those contacts? I can't see it. This bill is very narrow.

MR. BOWE. I can see speech requests coming in for military people. I believe Colonel Downie mentioned that there is, inevitably, information collected pursuant to the sale and disposal of certain surplus military equipment. Since I don't feel that a myriad activity—

SENATOR ERVIN. There is nothing in this bill that would affect the sale of surplus military property. It doesn't even touch the subject. The only thing this prevents would be the collection or the acquisition of information by the military relating to beliefs, associations, and political activities of people not having a relation to Armed Forces.

MR. BOWE. Query whether the possession of Congressional Directory by a member of the Armed Forces would involve a proscribed activity under this legislation in that it would pinpoint information on the political beliefs of civilians?

SENATOR ERVIN. I can't concede that. I cannot see how this would [p. 76] affect the ordinary relationship between the military and civilians. I am at a total loss to understand that. I am willing to receive information and suggestions for drafting, but I can't see it. It doesn't undertake to regulate this. It simply undertakes to regulate the use of the military to spy on civilians for the purpose of obtaining information about their beliefs or their associations or their political activities.

I will say this: I don't think Congress ought to regulate the State militia unless it is called into service for the Federal Government or into training. I don't think Congress ought to undertake to regulate what the Governor of a State, as the commander in chief of a militia, can do.

MR. BOWE. I suppose if you fail to treat the State militia in the same way you treat Federal Armed Forces, you run a clear likelihood in a period of disruption that the State militia, prior to being called into Federal service, will collect a vast amount of information concerning political beliefs of civilians and this information will be spread in files up and down the chain of command. Then the militia will be called into Federal service and the storage and use of this information will all be illegal.

SENATOR ERVIN. I think the right of a Governor to use the militia is much broader than the right of the President to use the Army, because most State laws provide that the Governor in his discretion can use the militia for the purpose of assisting the civilian authorities when the civilian

authorities are unable to cope with the situation. That is quite broader than the Posse Comitatus Act.

MR. BOWE. Except it seems to me that whether or not a State militia, in collecting information, is acting legally or illegally depends upon a presidential proclamation placing the militia in Federal service. Following the giving of such a proclamation, State militia could find they were in violation of a law. On their way to control a civil disturbance situation, State militia could be destroying the very information that under this law they had collected through the exception.

I believe that this is a technical problem which should be addressed.

While it is always possible that individual commanders may attempt to broadly construe their permitted activities under this legislation in a way not intended, it is my feeling that if Senate bill 2318 is enacted into law, such activities will never get out of hand in the way they did two other times in this century when no legislation existed and there was no legislative history offering guidelines for proper domestic military intelligence activities.

Finally, I would like to suggest that a section be added to the bill which would specifically authorize the maintenance of limited but proper data bases essential for the efficient conduct of military operations undertaken pursuant to 10 U.S.C., sections 331 through 333. A draft of this proposed section has been submitted as exhibit B to this statement.

It seemed quite clear to me during my work with Colonel Downie that there was absolutely no question but that there was a broad educating function to be served within the Army and the other [p. 77] services in order to give commanders at all levels an accurate and undistorted view of their missions in periods of civil dislocation. Also, there clearly was a need to collect and disseminate general planning data without which military operations could not be effectively conducted.

If you do not properly bat down alarmist opinions, which become very widespread in a period of unrest, then you run the risk that troops and commanders, when they finally are committed to a situation, will be unfamiliar with the nature of the threat that they are addressing. Since the commitment of Armed Forces to control civil disorders involves the use of a blunt instrument to begin with, if you send in people with an incorrect perspective of what they are actually going to be dealing with, you may find yourself faced with the kind of tragedy that occurred at Kent State. It would be my recommendation that some estimating function at the departmental level be specifically authorized by the bill in order to serve the training and informational purposes essential to prevent unnecessary loss of life.

It is felt that the section set out in exhibit B would be a useful addition to the bill in that it would more precisely strike a proper balance between the legitimate needs of military forces in preparing for civil disturbance activities and the illegitimate collection, storage, and dissemination of information on individuals and organizations beyond the limits of strict military necessity. It is further believed that a section along these lines would be in keeping with the recommendations made by Cyrus Vance in his afteraction report prepared following his service as a special representative of the President in Detroit during the riots in that city in July 1967.

It is also necessary to insure that the Armed Forces, and particularly the Army, have a clear idea of whether or not there is in fact a military requirement for them to be committed to a particular situation. There is a long tradition in this country of keeping Regular Armed Forces from being committed to civil disturbances except where absolutely necessary. I think it is important that the commitment of the Federal Armed Forces never be made on political grounds. With the departmental level estimating function that I have suggested be retained, I think it is more likely that commitments will be made on military grounds alone. Officers with operational responsibility will have disorders placed in proper perspective and you will also insulate the Army

from political pressures that might improperly intrude into the question of whether or not Federal forces should be committed in a given case.

SENATOR ERVIN. That is one of the purposes of this bill, to keep the Army out of political affairs. I don't think it is any business of the Army to collect information concerning political activities of people with no connection with the Army.

MR. BOWE. One thing that I encountered as an analyst in the later part of the 1960's was the fact that there was a lieutenant general of the Army and an Air Force major general in command of 180 officers and enlisted men assigned to the Directorate for Civil Disturbance Planning and Operations, later the Directorate for [p. 78] Military Support or DOMS, the operational arm established to coordinate Federal troops once they had actually been committed to a civil disturbance. One hundred or so enlisted men is not a large command for officers in such a Directorate unless civil disturbances actually give rise to the opportunity to exercise the potentially broader command functions that they are charged with. When civil disturbances require Army intervention, task forces are mobilized and the command function of these officers is expanded. Inevitably, in a period of declining civil disorders, if you have a large organization searching for a mission, there will be a tendency, I think a perfectly innocent one, for those charged with operational responsibilities to inflate the likelihood that Federal troops will have to be committed. This, in turn, increases the chance that an atmosphere will be created which will make more commitment or deployment of Federal troops more likely, even though they may not be strictly required due to military necessity. Upon reflection, it seems to me that it is in the interests of both the citizenry and the Army to have somewhere within the Army a nonoperational element charged with giving independent analyses of the situations that are likely to involve, or more importantly not involve, the Army.

SENATOR ERVIN. There is nothing in this bill that would interfere with that, unless they send out military agents to get information about the beliefs and associations and views of political activities. This bill wouldn't affect that at all.

MR. BOWE. Well, I am pleased to hear that is your view.

SENATOR ERVIN. I don't think you can draw a bill and specify everything it doesn't apply to. You would have to draw a bill as long as the U.S. Code, I am afraid.

I think the bill only applies to the things it says it applies to.

Any questions?

MR. BASKIR. No.

SENATOR ERVIN. Thank you very much. I appreciate your appearance.

COLONEL DOWNIE. Thank you.

MR. BOWE. Thank you.

[The exhibits referred to follow:]

Exhibit A

(b) The provisions of this section shall not apply to the use of the Armed Forces of the United States or the militia of any State * * *

(4) to collect, maintain, store or disseminate information relating to liaison with local, state and federal officials or community organizations and groups for the purpose of establishing and maintaining community relations in the vicinity of military installations or defense facilities.

Exhibit B

(c) Nothing in this section shall be construed to prohibit the collection, maintenance, storage, dissemination or development of:

(1) Strategic and tactical information reasonably required for adequate preparation for operations undertaken pursuant to Title 10, United States Code, Sections 331, 332 and 333, including, but not limited to, identification of bivouac locations, preparation of maps, development of logistics data, ground and air reconnaissance and such other general planning and operational information as the Secretary of Defense by regulation, may provide;

(2) Liaison information related to local, state and Federal officials and [p. 79] non-governmental persons and organizations useful in the support of military operations undertaken pursuant to Title 10, United States Code, Sections 331, 332 and 333; or

(3) Estimates as to the likelihood of deployment or employment of military forces in connection with military operations undertaken pursuant to Title 10, United States Code, Sections 331, 332 and 333, prepared through the analysis of unclassified sources of information generally available to the public or other sources of information received through liaison with local, state and federal agencies.

Provided, however, that nothing in this subsection 1386(c) shall be construed to permit the maintenance, storage or dissemination of extensive files and records, whether manual or computerized, relating to individuals or organizations; and provided, further, that all information permitted to be collected pursuant to this section which relates to the political, social or religious beliefs, associations or activities of individuals or organizations which is not transferred to civilian authorities for law enforcement purposes, shall be destroyed within sixty days following the completion of military operations conducted pursuant to Title 10, United States Code, Sections 331, 332 and 333.

SUBMISSION BY COL. JOHN W. DOWNIE OF THE CIVIL DISTURBANCE THREAT 1971-75 ESTIMATE PREPARED BY WILLIAM J. BOWE

In summary, I support the purpose of S. 2318. I believe its provisions in amplification of the Posse Comitatus Act are practical. I believe there is a requirement to limit the application of the bill, however, or, to put the matter more positively, to describe the permissible activities of the Armed Forces.

That concludes my formal statement, Mr. Chairman.

I would like to add one item, if I may.

Very recently I received a copy of an Army estimate, an unclassified civil disturbance threat estimate for the 5-year period 1971 to 1975. The author of this estimate, incidentally, is Mr. Bill Bowe, if there are any questions to be put to the author of the estimate, there he is.

My first point is that the Army staff insisted on the specific authorization of the Under Secretary of the Army before this 5-year estimate was undertaken in 1970.

But second of all, this estimate is based on unclassified publicly available information. There is no covert system at all. I think when your staff reviews it they will find it isn't a bad estimate for a 5-year estimate. I would like to offer it to the committee, and I will be glad to receive any questions.

SENATOR ERVIN. Yes, sir. The committee will be glad to receive it and note it an exhibit.

[The exhibit referred to follows:]

The Civil Disturbance Threat 1971-75

I. SCOPE

A. This study deals with the nature, extent, and form of the domestic civil disturbance threat as it is expected to exist over the period 1971-1975. Following a background section, the study will break down the range of possible disorders into seven broad categories of disruption. While there is some degree of overlap, these seven fundamental categories of disturbances are sufficiently distinct to provide a useful framework for analysis of the total civil disturbance threat. The different types of disturbances to be taken up in order include: (1) racial disturbances; (2) student disturbances; (3) mass demonstrations; (4) political terrorism and guerrilla warfare activity; (5) labor disturbances; (6) newly developing sources of civil disturbances; and (7) natural disasters and other emergencies.

B. Each of the seven categories noted above will be separately discussed with specific reference to the present situation, the likely size, tactics and composition of the groups which might be engaging in various disorders, the manner in which such disorders may be affected by leadership elements, and the impact of such disturbances on civil police, National Guard and active Federal military forces. The seven sections of the study will conclude with forecasts of the civil disturbance threats as they are expected to exist over the period, ending April 1972, and over the five year period ending in 1975. These forecasts are consolidated for easy reference in a separate section at the end of the study.

II. BACKGROUND

Before beginning the discussion of the probable sources of disorder in the years immediately ahead, it is useful to look back at the historical emergence of civil disturbances as a law enforcement problem, with emphasis on the post World War II period.

A. Employment of Active Federal Forces

1. The commitment of active Federal forces in the control of domestic disturbances has been relatively rare in the 20th Century. Race riots have involved the Army on several occasions, in Washington, D.C. and Omaha in 1919; in Detroit in 1943 and 1967; and in Washington, D.C., Baltimore, and Chicago in 1968. State-Federal conflicts over the enforcement of Federal antidiscrimination laws also brought alive Federal forces to Little Rock in 1957 and Oxford, Mississippi, in 1962. With the exception of the Bonus Army's removal from Anacostia Flats in Washington, D.C. in 1932, labor disputes have been the only other source of conflict to involve the Army. In 1907, a Nevada mining disturbance resulted in the commitment of Federal troops. In 1914 and 1921, in Colorado and West Virginia, respectively, coal mining disputes required Army intervention. In 1919, the Secretary of War instructed commanders to respond to state requests for assistance on the theory that states were without protection from internal disorders due to the service of the National Guard in World War I. The use of active Federal forces in the Gary steel strike and elsewhere in 1919 was without presidential proclamation or other formalities. In the spring of 1970, a strike by post office employees resulted in the use of Federal troops in New York

City. This employment differed from previous Army commitments in labor unrest in that troops restored an essential service and were not employed to maintain law and order.

2. While domestic violence became widespread during the 1960's, it was for the most part of a predominantly low order of magnitude. Other than the employment of regular Army troops on five occasions related to racial disturbances in the 1960's, the only other events of major significance for the Army in the recent past occurred when sizeable numbers of troops were prepositioned in three cities in anticipation of possible disorders. These cities were: (1) Chicago, in connection with the Democratic National Convention in August, 1968; (2) Washington, D.C. in connection with the Presidential inauguration in January 1969, the Vietnam Mobilization demonstration in November 1969, and again during the protest demonstration against the commitment of troops to Cambodia in May 1970; and (3) New Haven, Connecticut, during protests against the trial of Black Panther leaders near Yale University in May 1970. In contrast to the spontaneous race riots of the 1960s, the prepositionings involved demonstrations organized for the purpose of achieving well-defined political goals. On each of these occasions, the overwhelming majority of demonstrators were peaceful in their protest, and the small minority which chose to provoke violence was at all times able to be brought under control by local or state police or National Guard forces.

3. Another problem has been the occasional threat to the security of Federal installations. A number of political demonstrations involving Federal installations did on occasion involve minor troop movements and confrontations with protestors, such as the Pentagon demonstration in October 1967, or the Fort Dix protest in October 1969. These incidents bear no relationship to the large scale racially oriented outbursts of violence which put the Army on the streets in 1967 and 1968 in Detroit, Baltimore, Washington, and Chicago. Providing for the security of military installations differs markedly from the control of massive civil disturbances in American cities.

4. Finally, active Federal forces were alerted for an unusual function beginning in the Fall of 1970, when the President, in response to the hijacking threat, ordered the temporary emplacement of Military Police on domestic and international air carriers. This use pointed up the increasing importance of air travel and the need to move quickly to secure the nation's air commerce from the rapidly developing piracy problem. Due to the preventive, deterrent character of this employment, active Federal forces were turned to only because of the immediate need for manpower and budget considerations. The use of military personnel as sky policemen is not related to usual benefits deriving from the use of Army personnel, namely the benefits inherent in the use of collective, organized, and overwhelming military force.

5. Unrest during the past decade gives insight into what may lay ahead in the 1970's. Three primary social currents were responsible for turning the decade of the 1960's into an era of turbulence. First, there were widespread social frictions and dislocations caused by the emergence from political apathy of the Negro minority and the resultant drive for equality within the American system. Second, there was mounting opposition to the war in Vietnam and increasing verbal attacks on the basic responsiveness of the institutions of government and the manner in which power in the society was distributed. Third, there was a nascent cultural revolution based in large part on the emergence of youth as a separate and distinct subclass of society with political and social values antithetical to older age groups. The spirit of protest, with increasing violence became the dominant theme of the 1960's.

6. The major conclusion to be drawn concerning the Army's role in civil disturbance in the 1960's is that the situations requiring limited commitments of forces to suppress disorders arose solely from racial frictions in the society. While student and anti-war associated violence had become relatively widespread by 1970, no precedents existed to firmly fix any need for Federal forces to be committed to the control of such disorders. The primary civil disturbance threat as the decade

of the 1960's closed remained that of racially oriented disorders. Trends in evidence towards the end of the decade did indicate a possible widening of the sources of violent discontent likely to have a direct impact on the civil disturbance mission of the Army. To date, however, no other wellsprings of violence have forced commitment of regular Army troops to control a civil disorder, nor were they imminently likely to.

B. Employment of the National Guard in a Federalized Status

1. Since 1945, the National Guard has been employed in a Federalized status on only 12 occasions. The first occurrence was in 1957 when the Little Rock, Arkansas school integration crisis took place. In 1962, 1963, and 1965, the Mississippi and Alabama National Guards were Federalized six times, in connection with school integration disorders and racial disturbances in Birmingham. In 1967, the Michigan National Guard was Federalized during the Detroit race riot. In 1968, National Guard units were employed in a Federal status for the Washington, Baltimore, and Chicago racial disorders. Finally in the Spring of 1970, National Guard units were called to Federal duty for the postal strike.

2. As can be seen from the above review, there are two general situations in the post-war period which have resulted in the Federalized control of National Guard units for domestic purposes. First, units have been called to Federal duty when conflicts have arisen between the Federal government and state governments over the enforcement of Federal laws relating to racial discrimination. Second, when disorders or crises grow to proportions requiring intervention of active Federal forces, as was true for the Detroit, Baltimore, Washington, and Chicago racial disturbances, and in the case of the postal strike, local National Guard units usually will be placed under Federal authority. The first form of call-up reflects an inherent tension in the Federal system, with state governments ultimately responsible to national authority. [p. 43] Force or the threat of force may be necessary whenever conflicts of this nature occur over matters of a deeply disputed nature. The second form of call-up relates to the need for unified command and control procedures when active Federal forces must be committed for domestic peace keeping operations or the restoration of essential services.

3. The relative rarity in the employment of National Guard units in a Federal status in the post-war period, only 12 occasions in a quarter century, is indicative of the extraordinary nature of Federal-state conflicts, accounting for seven of the call-ups, and the extraordinary and infrequent need for intervention of active Federal forces with the concomitant need for a unified Federal chain of command, accounting for the remaining five call-ups. Finally, it is important to take note of the obvious fact that racial divisions in the society have produced the need for fully 11 of the 12 calls to Federal status the National Guard has experienced in the entire post World War II period.

C. Employment of the National Guard in a State Status

1. In the post-war period there has been a markedly accelerating trend in the employment of the National Guard in a state status for the purpose of civil disturbance control. In the entire period between 1945 and 1959, the National Guard was used for such purposes only 55 times. There were 33 call-ups during the 1960-1964 period. Employment accelerated over the next five years with the National Guard employed 248 times. This included the Watts, California riot in 1965, which involved the largest single National Guard employment in riot control ever experienced. The first five months of 1970 saw the Guard employed 43 times in connection with civil disturbances.

2. The use of the Guard only 55 times in civil disturbance operations over the 1945-1959 period largely reflected the untroubled nature of the times. Although racial unrest had begun to emerge as an issue it was not until the 1960's that this aspect of American life grew to its present dimensions. The first student disorder traceable to those which predominate today occurred in 1964 at Berkeley and, by 1970, growing numbers of students had become involved in frequent

large scale disturbances. Just over the 1-21 May 1970 period, Guard forces were employed in 43 cities and 23 states in connection with the student disorders following the Cambodian incursion and the incident at Kent State University. In addition to student and other disturbances the Guard has, of course, also been employed in times of natural disasters or other emergencies.

3. The National Guard has traditionally borne the brunt of effort and responsibility for large scale civil disturbance operations in the country, particularly over the last decade. Whereas active Federal forces were committed for the control of only six civil disturbances between 1945-1970 the National Guard was employed 336 times. The tradition of local responsibility for law enforcement has remained strong and the commitment of Federal forces has been extremely rare.

D. Employment of Civil Police

1. The prime responsibilities for smaller civil disturbances have rested, as they always have, with local and state police forces. The increasing urbanization of the society, the increase in the numbers of young people in the cities, and the concentration of low income minority groups in urban areas, have all contributed to the rise in crime seen in the post-war period. Not only have police forces had to expand to cope with their primary mission of containing and preventing criminal acts, but also, beginning in the 1960's, they have had to adapt increasingly in order to perform the secondary and more specialized mission of civil disturbance control. This secondary mission is of critical importance, since the expertise with which it is performed by local police departments often will determine whether a confrontation grows into a problem for National Guard or active Federal forces.

2. Police forces exhibit a great variance in the skill and competence with which they deal with civil disturbance problems. This is due in part to the decentralized nature of law enforcement in this country. It also reflects the diversity of experience among various police forces. Many large city departments have developed considerable expertise, while smaller cities often have a more varied exposure to such problems and have had difficulties in acquiring adequate resources to do the job. The needs of the nation's police departments began to receive Federal attention for the first time in the late 1960's, with the establishment of the Omnibus Crime Control Act of 1968. Under this law, the Law Enforcement Assistance Administration (LEAA), under the Department of Justice, has funneled Federal funds through the states to many local police forces. Similarly, more funds have become available at the local level with the increasing public concern over law enforcement.

3. Generally speaking, through adaptations in equipment, training and tactical experience, those police departments in this country which have had substantial civil disturbance responsibilities have grown more proficient since these problems began to develop in the early 1960's. This upgrading process should continue as long as public concern over crime remains high and social problems in the society remain reflected in civil disturbance incidents. Civil police departments, up to the present time, have been able to contain most disorders. Reliance on the National Guard has usually been both the result of small departments being unable to contain even moderately sized disorders, as well as, the result of having disorders grow to sizes which have exhausted the resources of more sizeable police forces. There has been a continuing increase in mutual aid agreements among nearby police forces. This has obviated the need for National Guard employment in some instances. The number of these agreements should increase as the need for such pacts becomes apparent in differing locales. Despite these pacts, employment of the National Guard in prolonged disorders may be turned to as a cost saving mechanism, since police overtime can be a significant budgetary burden on local government.

E. Civil Disturbance Preparedness

1. As noted above, the differing levels of violence which may be associated with civil disturbances may result in an impact on local or state police, the National Guard, or active Federal forces. In addition to the greatly varying levels of a civil disturbance, there are also substantial differences in the forms of violence which may occur. Thus, police may one day deal with a clash between students at a high school football game and the next day be facing sniper fire in attempting to gain entrance to a heavily defended apartment. National Guard forces may be used to assist in traffic control so that police may be freed for coverage of a potentially disruptive demonstration or they may find themselves dealing with a full fledged riot. Similarly, the recent past has seen active Federal forces suppressing riots as well as sorting mail in the restoration of an essential service.

2. This diversity of need, at each level of government, means that all of the different security forces must be structured, equipped, trained, and prepared for a multiplicity of missions within the broad spectrum of civil disturbance operations. Due to the high visibility of such operations, intense public scrutiny follows the execution of civil disturbance control plans and procedures. Public confidence in the agencies responsible for civil disturbance control is essential, both because of the democratic nature of our society and because of the danger that increased tensions following controversial incidents may further inflame already difficult situations. Consequently all levels of government are and will continue to be under great pressure to anticipate civil disturbance problems and insure that their security forces are as well prepared as possible to discharge their sensitive responsibilities.

F. Factors Involved in Civil Disturbances

1. The civil disturbance phenomenon cannot be predicted with assurance. Just as no one could have foreseen in 1965 the five years of student turmoil which lay ahead, so no one can predict now what the next five years may hold in the way of further disorders. A careful assessment of the present situation, and reasonable extrapolation therefrom, can give some idea, however, of the likely parameters of disorder ahead, particularly over the short run period of one year. Nevertheless, over the five year period, the possible impact of volatile political, economic, demographic, and cultural factors may upset current expectations considerably. Psychological attitudes are particularly likely to vary widely and unpredictably.

2. In addition to these variables, unexpected, highly disruptive incidents may set off a chain of events ordinarily deemed inconceivable. Thus, a scenario could be imagined in which a temporary breakdown in local law enforcement [p. 45] could result in an enormously increased and unanticipated role for National Guard or active Federal forces. A police strike or slowdown in a city, growing out of dissatisfaction with pay or the hazardous nature of the work, would be one such instance. Another might be the rapid growth of vigilante movements in response to either a sharply escalated criminal atmosphere or a substantial wave of political terrorism. The development of physically and psychologically "liberated" enclaves could also lead to drastically different civil disturbance situations.

3. One of the major factors which will affect the civil disturbance picture in the years ahead will be in continuing development of a counterculture among the young. Many young people, joined by an increasing number of older people, will be adopting life-styles and values sharply different from those which have predominated in our society in the past. Strong pressures for political and social change have already grown out of this developing counterculture. Some leadership, financially self-supporting and receiving much media coverage, has attempted to take advantage of growing alienation and has tried to profit from the unrest which inevitably accompanies broad and fundamental changes. Similarly, in the area of race relations, the most strident voices on both sides have received the greatest amount of attention. However, other more responsible leadership, working within the system, has been present as well. These elements have not invited violence

and have exerted a stabilizing influence in this regard. While these latter voices may be overshadowed in the media, they constitute an important mitigating factor. Civil disturbances broadly related to these cultural changes will be a part of the future, but they will not be the greatest part or even, in the final analysis, an important part.

4. The United States is not a Banana Republic. The traditions and shared values which hold the country together as a society are strong. Our political and social institutions have proved responsive and stable over two centuries. They are not going to crumble in the five years covered in this estimate. While the stresses ahead may be unprecedented, they will not be apocalyptic. The civil disturbance threat estimate which follows should be read with this borne in mind.

III. THE CIVIL DISTURBANCE THREAT 1971-1975

A. Racial Disturbances

1. Present Situation

a. Substantial black disorders in the nation's cities began to occur with increasing frequency in the early 1960s. Little Rock and Oxford, Mississippi, on the other hand, had their roots in white-initiated violence. Relatively minor incidents in the 1960s often touched off extensive destruction in predominantly black neighborhoods. Looting, arson, vandalism, and occasional sniping were the normal patterns of violence. By the middle of the 1960s, racial disorders had become a regular summer feature of American life and they had also escalated in size and violence. The riot in the Watts area of Los Angeles in 1965 was a landmark of this period. The peak of such disorders came in the latter part of the 1960s in Detroit in July 1967 and in 144 other American cities in April 1968 in the aftermath of the assassination of Dr. Martin Luther King, Jr. Active Federal forces were never committed during this period to a city of under 800,000 population and were committed a total of only five times. From April 1968 until the present, extremely large scale racial violence has been on the decline. Federal troops have not been used for controlling racial violence since April 1968. While the very large scale riots in the black neighborhoods of the nation's big cities now appears to have receded, smaller disorders of a racial character, among white as well as blacks, continue to occur. There has emerged a substantial and continuing level of racially oriented violence of varying orders of magnitude in many cities, both large and small. Frictions arising from the desegregation of various school systems has produced much of this violence in the last few years. Such violence has not grown beyond local and state control, however, and it has remained largely a police and National Guard problem.

b. While there has been a diminution in the levels of violence associated with racial disturbances in the recent past, the year 1969 saw sharply increased levels of racial tension in the society. Localized disorders with markedly different threats to police began to develop. Over the entire period 1960-1969, 561 law enforcement officers were killed. In 1969, a total of 86 law enforcement officers were murdered. This was a 34 percent increase over 1968. Many of these incidents have racial overtones. FBI compilations through the second week of September 1970 showed that 19 law enforcement officers had been killed and 152 wounded during 1970 in 162 attacks having racial overtones. These developing threats have received substantial attention from the media, although to date they have not impacted to any degree on National Guard or active Federal forces. Urban police forces, however, have had to carry out their missions in an increasingly charged atmosphere, with violence specifically directed at them by individuals and small groups often espousing racial hatred and revolutionary ideals.

2. Nature, Extent, and Forms of Racial Disturbances

a. Nature.—(1) As noted above, racial disturbances vary greatly, both as to the numbers of individuals participating, and the extent of damage which may be caused. The most severe racial

disturbance which has occurred to date took place from 23 July to 2 August 1967 in Detroit. When the riots ended there were 43 dead, hundreds injured, and more than 7,200 persons arrested. Damages approached \$40 million. Detroit also marked the first time since 1943 that a President had committed active Federal forces to control a disorder which had grown beyond the capabilities of local and state security forces to contain. At the lower end of the scale of disorders are the small street altercations which often occur in connection with police arrests or other activities in black neighborhoods. These are usually contained with a minimal reaction necessary on the part of police. This order of magnitude is by far the most prevalent level associated with racial disturbances, although sudden escalation to higher orders of magnitude is often possible.

(2) There has never been evidence of central control or direction of large scale racial disorders. Such events have been spontaneous. It is usual to find the leadership of local groups on the streets in such situations. Those leaders with any institutional base, however, are generally concerned with preventing the destruction of the community. This is not to say that there are not those who urge on violence during a riotous episode. These elements tend to be ad hoc leaders, creatures of the moment. They briefly articulate deeply felt hates and lead small groups in the destruction of specific targets of their animosities, as when for instance white commercial interests in a neighborhood may be singled out as external exploiters of the local residents. Beyond the immediate context of a riot, there is another dimension in the impact which certain leaders and extremely militant groups may have. For example, if the leaders of a militant revolutionary group disseminate propaganda over a long period attempting to justify and provoke the murder of "fascist pigs," which is to say policemen, then at some point there will begin to be evidence that there are those who take the propaganda seriously. While very few may be swayed by such appeals, in relation of the total number of people exposed to such propaganda, enough have responded to create a climate of violence and to pose a serious and relatively new threat to police officers. This has increased the tensions of police work and these tensions in turn are often fed back into a community as mutual fear and distrust increase. Militant calls for violence have tended to set the outside parameters of what can be expected.

b. Extent.—While the racial disorders began in the South in the 1960s, they quickly spread north and west. Today, racial tensions are such that where there is a sizeable Negro community in a town or city there is likely to be a potential for disputes of a racial nature. For instance, cities such as Cairo, Illinois, population 9,348, with a police force of 14, has had a degree of racial violence equal to that in many of the nation's larger cities. Racial disturbances occur nationwide, in communities of all sizes.

c. Forms.—(1) There exists a wide variety of racial disturbances. Disorders range from well thought out sniper attacks on symbols of established authority such as the police, to the disorganized mob violence seen in the larger disorders. There is a clear break between premeditated and spontaneous incidents. In the former category can be lumped much youth gang and revolutionary activity. Police clashes with such groups are on the increase, although the more frequent disturbance is still the spontaneous one which breaks out without warning and involves participants who have had no prior [p. 47] relationship with one another. The mutual suspicion between police and neighborhood residents feeds the discontent which already exists and leads to abuses on both sides.

(2) Police often have disturbances accompanying arrest situations in minority neighborhoods. As a crowd of curious forms, epithets may begin to be hurled, attempts to free the suspect may occur, bricks, bottles and other missiles may be thrown, and attempts to seize law enforcement officers or destroy their vehicles may follow. As a disorder grows progressively more violent, increasing crowds are brought out into the streets. Police reinforcements attract further attention. The locus of the disturbance may then begin to move away from the scene of the original altercation. As this occurs, the crowds become more amorphous and distended. Strip commercial areas are often the

primary target of roving bands of rioters. As a disturbance escalates to this level, there continues to be no centralized control or direction of the ensuing violence. Small bands of roving rioters are responsible for much of the subsequent window breaking, looting, arson, and molotov cocktail throwing. Reports of sniping will often begin to come in, although many of these will remain unconfirmed. Usually, rumors will exaggerate the areas and extent of damage. Should the National Guard have to be called to state active duty, it will be indicative of fears on the part of police and local officials that the disturbance will be sustained over a substantial period of time. The need to relieve overworked police will often be a factor as well. The appearance of uniformed military personnel on the streets, whether National Guard or active Federal forces, and high visibility patrolling, which usually follows, will begin to alter the nature of the disorder. Sniping and missile throwing as well as taunting and refusal to follow directions may continue for a substantial period of time, however. While large crowd concentrations will begin to be broken down, significant damage may continue to be perpetrated by small groups or individuals.

(3) It is exceptional for the violence to extend outside black neighborhoods, although there may be sporadic and isolated incidents of assault, breaking of windows, or attempted arson in downtown commercial or white residential areas. Protection may have to be provided for whites who enter the disturbance area, either intentionally or inadvertently, by car or by foot. Incidents may also occur as both black and white businessmen attempt to protect their investments. Very often groups of concerned citizens will be organized to attempt to calm tensions and disperse crowds. Significant counterviolence on the part of whites, in the form of assaults, sniping, or firebombing, has been known to occur, although this is not the usual pattern. Centers of particular violence have often been public housing projects, from which sniper fire has been directed and where, in any event, there are large concentrations of residents who may attract police or National Guard attention.

(4) Sabotage of police or military vehicles and equipment may be attempted. The extremely low percentage of Negroes in the National Guard often has added to animosities, since this often equals and, in some instances far exceeds, the segregation evident in the indigenous police force on the scene. This problem does not carry over significantly when the use of Federal forces becomes necessary, due to more equal representation of the races visibly evident there. There is a cooling effect when Federal military personnel are involved, growing out of the realization on the part of many residents that the young soldier is merely doing a job that he probably considers distasteful and he may have easily come from a neighborhood similar to the one he now finds himself in. The use of Federal military forces does not evoke quite the same image of an alien occupation force that a largely white police force or National Guard may.

(5) Most injuries, arrests, and damage in racial disturbances occur during the evening hours. The largest single cause of arrest is usually curfew violations. The arrest of arsonists or snipers is the exception to the rule. Large disorders are a cathartic experience for a community and are unlikely to occur twice in the same area in a given year. Substantial racial disorders have been and remain largely spring and summer phenomena, although minor disorders involving police occur throughout the year.

3. Threat Forecast

a. One year projection.—The threat of racial disturbances is expected to continue at roughly current levels through the period ending in April 1972. The [p. 48] likelihood of active Federal forces having to be employed for the containment of such disorders should remain small. National Guard elements can be expected to be employed for such disturbances, particularly over the Spring and Summer of 1971. Local and state police forces will continue to bear the brunt of responsibility for controlling racial disturbances. Although there will be a wide variance in the problems experienced by different police forces in this regard, it is quite possible that the increase in racial

tensions noted in 1970 will continue to rise over the period ending in April 1972. Should this prove to be the case, urban police departments can be expected to be forced to deal with a higher level of incidents and disturbances having racial overtones. Some of these problems will be directly associated with militant groups, a number of which have already exhibited a penchant for becoming involved in shootouts with police. The increasing resort to counterforce against police, including bombing and sniping, could also be expected to carry over to situations in which the National Guard or active Federal forces were employed. Controversies and racial frictions in many secondary school systems will be a pervasive problem throughout this period, although it should remain a matter for police authorities.

b. Five year projection.—The five year period ending in 1975 should see some amelioration in racial cleavages in the society. Increasing access to all levels of the job market, the resultant growth of the black middle class, and the increasing diversion of resources to the nation's cities, all should contribute to this mitigation of racial tensions. Racial problems will not be resolved during this period, however. Many cities will be entering transitional situations with respect to the shifting of political power. Such shifts will be reflecting earlier migratory patterns. Racial disturbances may decline somewhat in size and frequency, but they are unlikely to disappear. Local circumstances will determine when and where such disturbances occur. The likelihood of active Federal force involvement in the control of such situations is not expected to increase beyond the current low levels. Disorders will probably continue to involve National Guard forces from time to time, although the latter part of the five year period may see a decline in the frequency of such employments compared to the late 1960s. Local police forces will probably be expanding over the five year period, in response to public concern over crime. This expansion, while largely unrelated to the separate problem of civil disturbance control, will nonetheless give such police forces a greater capability to deal with such situations. The earlier part of the five year period may see police dealing with a continuing rise in incidents and disorders with racial overtones. This rise will largely remain within the realm of police control. Police forces in the latter part of the five year period may begin to see a decline in some of this activity. Negro "law and order" constituencies in many cities may begin to develop and press for the control of both individual and collective violence.

B. Student Disturbances

1. Present Situation

a. The current wave of student disorders began at the University of California at Berkeley in the Fall of 1964. While it at first appeared that this kind of disruption grew out of frustrations with the increasing depersonalization of students in California's unique "multiversities," it was not long before smaller, private universities also began to experience disruptions, such as that at the University of Chicago in 1966. Student protests and sit-ins became more widespread in 1967 and national attention was focused on Columbia University in the spring of 1968, when protests organized by the Students for a Democratic Society (SDS) succeeded in bringing the normal operations of that school to a complete halt. This feat was duplicated by SDS a year later at Harvard University, with national attention again directed at the disturbances in higher education. Prior to the spring of 1970, it was still relatively rare for student disturbances to require National Guard forces for their control. When the National Guard was called out, it was usually at predominantly black southern colleges or at universities such as Wisconsin or Berkeley, where radicals on and off the campus were relatively numerous and a tradition of campus militance had been established.

b. The Spring of 1970 saw a sharp escalation in both the extent and severity of campus disorders, although radical students continued to constitute only a small minority. The decision to commit troops to Cambodia at the end of [p. 49] April, coupled with the killing of four students by Ohio

National Guardsmen at Kent State University on 4 May, produced a wave of disruption and violence at colleges and universities across the country. Over 400 campuses went "on strike" for varying lengths of time. Arson and vandalism directed at ROTC and other facilities were commonplace. While the National Guard was called out to restore order on many campuses previously untouched by significant disruptions, there was no need for Federal forces to assist in this control function.

c. Active Federal forces have never been used in dealing with campus disorders. However, such forces were prepositioned in May 1970 as a precaution against disruption at Yale University in New Haven, Connecticut, in connection with protests against the trial of black revolutionaries there.

2. Nature, Extent and Forms of Student Disturbances

a. Nature.—(1) Student disturbances have been a growing phenomenon over the last six years. They have not only grown in numbers, but there has also been an increase in the range of violence experienced. The prime articulated issues have been the war in Vietnam, the racist nature of the university and other institutions of the society, and the need for reform of the university community and a redefinition of its goals. The prominence of these issues has tended to obscure certain underlying shifts in values that have had much to do with the increasing alienation of many students. The new malaise reflected in the attitudes of many college students, now seen in substantial magnitude at the high school level as well, is part of a developing counter-culture. This counter-culture finds vacuous and repudiates many of the aspects of life heretofore taken for granted in technologically advanced, consumer oriented, post-industrial states. The disinclination to become a part of the highly organized, hierarchial bureaucracies that increasingly influence and dominated the citizens of such states has certainly been one underlying cause of student disorders. Many students are wondering what brought them to pursue an education seemingly designed only to turn out efficient technocrats able to manage the new industrial state. Much of the violence which has occurred in connection with student disturbances can be attributed in part to frustration with "the system."

(2) Student leadership has had much to do with the course of this growing disaffection. At one extreme have been radicals who have chosen Che, Mao and Kim Il Sung as appropriate symbols to celebrate the use of force to achieve revolutionary goals. Arson and bombing directed at targets associated with the war of racism have been a product of this end of the student political spectrum. There is no evidence of any coordinated national conspiracy responsible for the numerous disorders seen in the last few years. Rather, there is the natural impact of new ideas, able to be spread with unprecedented rapidity due to the speed of modern travel and communications. Conferences may be held from time to time to lay out strategy and choose issues to concentrate on, but each campus has ultimately been left to do pretty much its own thing. Sometimes issues fail one place and do well in another. Sometimes, as in May 1970, there is such a confluence of outrage that the entire system of higher education, and, indeed, the entire society, have felt the shock waves. The killings at Kent State and the death of a student in a bombing at the University of Wisconsin in the Summer of 1970 may have brought about the end of innocence as far as the campus disorders go. Moderate student leadership, no longer afraid to note the costs of violence, has begun to be heard more frequently. President Nixon's letter to college and university presidents in the fall of 1970, along with the promulgation of the Scranton Commission Report on Campus Unrest have both attempted to grapple with the problem of student disorders. In addition, the entire matter has also become a political issue in many places. The quality of leadership, whether exercised by campus radicals or by established authorities, will determine to a great extent the course of campus unrest in the future. Continuing student deaths may serve to isolate radical elements, to the extent they are associated with the bringing about of such tragedies. The demise of the strongest national student radical group at the end of the 1960s can

be directly attributed to their involvement in escalating acts of violence. This alienated much of their existing and potential following. The lack of a mass base supporting such violence, however, will not prevent determined individuals or small groups from continuing to disrupt campus communities. The student arsonist or bomber will continue to pose a problem, in the same manner such individuals may pose a threat to the outside community.

[p. 50] b. Extent.—In 1970, there were 7,377,000 students pursuing degrees in 2552 American colleges and universities. Campus disorders have occurred in many of these schools and no area of the country is immune from these disruptions. The Carnegie Commission on Higher Education, in a fall 1970 survey of 2551 college and university presidents, found that colleges and universities in the Northeast reacted to the events of May 1970 more than elsewhere in the country. The survey also found that colleges and universities which admitted freshmen from the top ten percent of high school classes had more reactions than schools with open admissions policies. Thirty-five percent of the more selective schools had strikes lasting one day or more. Five percent of these schools had violent demonstrations. Only nine percent of the schools with more open admission policies had strikes and only five percent had violent demonstrations. To the extent that the reactions to Cambodia and Kent State reflected continuing nationwide attitudes and possible reactions, these figures may provide an insight into the extent of such disorders in the future.

c. Forms.—(1) Student disturbances run the gamut from peaceful demonstrations and rallies on campus, to violent mob actions which spill from the campus into adjacent communities. The disorders in May 1970 involved all forms of campus disturbance, from peaceful protest to sabotage.

(2) Although the numbers of students participating in demonstrations of one sort or another is often very substantial, the number who have engaged in violence remains small. The situation facing the Ohio National Guard at Kent State is instructive as to this point. On the Friday following the President's speech on Cambodia, a number of students from the campus of 20,000, vandalized property in the downtown area of nearby Kent, Ohio. The town had a population of only 30,000 and it was felt that the small police force was overtaxed. The Ohio National Guard, already activated for a nearby teamster strike, prepared to enter the situation. On Saturday evening the ROTC building on campus and its contents were destroyed in a fire set by a crowd that included many who were not Kent students. Damage was assessed at \$86,000. Railroad flares had been used to start the fire and machetes and ice picks were used to gouge and cut fire hoses. The skirmish line of Guardsmen was peppered by missiles thrown by students. Missiles included: tree limbs, heavy boards and an estimated 340 rocks weighing up to seven and a half pounds. According to the Scranton Commission report, there was no evidence that the disorders were planned by student radicals or that there was sniper fire directed at the National Guard. The crowd of students into which the Guard fired on Monday was estimated at 2,000 or only 10% of the campus population. Within this number were many who had assembled either unaware of a ban on mass demonstrations or indifferent to it. Some were on their way to classes and others merely bystanders or curious onlookers. The number of those actually engaged in provoking violence was therefore a further faction of the crowd of 2,000.

(3) The disturbance at Kent State was not entirely typical of serious disorders, however. First, people were killed. Second, the adjacent community suffered extensive vandalism. Third, there was more property damage on the campus than is usually the case in student disturbances. Most campus demonstrations do not require intervention by National Guard forces nor do they always involve even local police intervention.

(4) The temporary seizure of buildings has been a common tactic used in the past to gain attention and support for various "non-negotiable" demands. Individual acts of violence on campus such as

window breaking, defacement, arson or bombing are difficult to prevent and are often dealt with after the fact by the school security forces or adjacent police forces.

(5) Where a large campus is located in or near a small city and crowd violence spills off the campus, as has happened at Berkeley with the People's Park dispute, in Santa Barbara with the burning of the Isle Vista branch of the Bank of America, or as in Kent State, National Guard forces are more likely to be called in to support the local police forces.

(6) Once a significant disturbance is under way, patterns of violence have certain similarities. Security forces, whether police or National Guard, are likely to be the object of much verbal abuse and will have acts of violence directed specifically at them. Whereas earlier there might have been present only intangible issues or targets of animosity such as an ROTC building, the arrival of security forces puts living players into the game. Many crowds are saved from incipient boredom in this fashion. New issues related to the presence of police or Guardsmen are developed. Many students raise the issue of police brutality. They believe society is bankrupt because of what they consider its reliance on brute force. Roving groups may attempt to damage equipment or otherwise interfere with security forces. Traffic in the area on and off the campus may be disrupted, as students attempt to take their message to the passive citizens of the world outside the campus.

(7) The more serious or romantic rioters may affect costume appropriate to street battle, including: gas masks, to protect against tear gas or produce a fearsome visage; clubs, with which to break windows or vanquish foes; and molotov cocktails, to burn symbols of the establishment or perhaps shed a little light on things, as the case may be.

(8) Increasingly, so-called "street people" have become involved with the demonstrations at the larger colleges and universities. These are often people not affiliated with the school, except by reason of their living in the immediate environs of the campus. These elements tend to be younger than the student demonstrators and are often more irresponsible with respect to the violence which they are willing to commit.

3. Threat Forecast

a. One year projection.—Student disturbances are expected to continue through the period ending in April 1972. The pace of withdrawal from Vietnam, and the continuance of the war, will still be issues, though this may diminish towards the end of this period as American disengagement proceeds in accordance with the President's decisions. The social inequities and cultural patterns of American life will continue to be a source of frustration to college and university populations which are acutely sensitive to the gap between what ideals the society professes and what the society in fact practices. Issues of environmental quality and technological impact will also develop over this period and may give vent to some disturbances. The security problems associated with student disturbances will usually be within the province of school security forces and local police departments. However, the National Guard will probably be committed occasionally over this period to deal with the larger disorders. An escalation in tactics, to include use of firearms, cannot be ruled out. It is unlikely that there will be a wave of massive, simultaneous disturbances, such as was seen in May 1970, although there remains the possibility that some incident of national proportions could again spark this kind of widespread disruption. It is possible that legislative support for higher education may be affected. This could touch off disturbances in the short range period. In the long run, this might dampen such activity. The likelihood of having to employ active Federal forces should remain extremely remote. The limited size of campus populations alone should insure this. Active Federal forces would have to be employed only in the unlikely event sizeable multiple campus disorders occurred in a state where the National Guard was already employed in other capacities. This situation has never occurred

and, due to the size of most National Guards, it is extremely doubtful that such a situation will develop.

b. Five year projection.—The control problems associated with the campus disorders experienced to date have not grown beyond local and state capabilities due to the fact that the students were pursuing their studies in 1970 in more than 2552 separate institutions. While some of the largest state universities exceeded 30,000 students, institutions of this size were the exception rather than the rule. The rise in the student population over the period 1971-1975 will increase both the number of schools and size of some educational institutions. There will not come into existence student metropolises of a radically different type, say on the order of 75,000 or 100,000. Over the five year period, there is likely to remain a problem of student disturbances, although the size and frequency may be somewhat diminished from the levels seen in the late 1960s and early 1970s. The war in Vietnam will have receded as an issue, but some of the other concerns which have been involved in campus disorders will not have been eliminated and, in fact, may be somewhat broadened. The developing campus concerns with issues of ecology and technological impact will not find the same convenient targets offered by classified military research or the presence of ROTC. Curriculum reform and university governance along with pressures for a less competitive academic environment should come more to the fore in this period. General antagonisms of young people towards what is regarded as a crassly materialistic society will probably grow over this period.

[p. 52] These attitudes will be strongest in the institutions of higher education. In short, it is likely that there will continue to be sharp social, cultural and political differences between the college and university populations and the society at large. This will not necessarily result in regular employment of the National Guard, however. Campus police forces will be strengthened during the next five years, as will the capacities of many of the adjacent local police forces. This may help lessen somewhat the frequency of National Guard employment.

C. Mass Demonstrations

1. Present Situation

(a) One of the most notable developments of the 1960s was the growing ability of political organizers and promoters to assemble extraordinarily large crowds at a particular place at a particular time for a common purpose. Generally agreed upon estimates give some insight into the proportions of the phenomenon. In 1963, over 250,000 came to the Lincoln Memorial grounds in Washington to hear Martin Luther King's "I have a dream" speech, in retrospect a high point of the early civil rights struggle. In New York City in the spring of 1967, 200,000 demonstrators gathered to protest the war. Perhaps 70,000 demonstrated at the Pentagon in October 1967. The Democratic National Convention attracted 10,000 protestors to Chicago in August 1968. The year 1969 saw 400,000 members of the "Woodstock Nation" assemble at Bethel, New York, for a rock concert and "festival of life." In October and November of 1969, the largest anti-war demonstrations yet to occur took place in cities across the nation. A quarter of a million protestors came to Washington, D.C. Numerous mass gatherings of lesser size had become widespread and frequent in the nation's cities by the end of the decade.

(b) The security problems associated with such large demonstrations and gatherings are quite different from the problems associated with the racial disorders which involved the Army in direct fashion five times in the 1960s. With rock festivals, such as Woodstock, the primary security problem is that faced by promoters wishing, but unable, to exclude non-paying attendees. Public concerns lay largely in the areas of drug use, proper land use regulation, traffic congestion, and public health. These worries are primarily of a local police nature, though the National Guard has on occasion become involved. Collective violence has usually not grown out of such gatherings, which are motivated more by cultural tribalism than political disaffection. Mass demonstrations

organized around political objectives have posed a more direct, though still quite limited, threat of civil disorder. The early mass demonstrations associated with the civil rights movement were explicitly non-violent, both in theory and in fact. By contrast, the later large scale anti-war demonstrations came to be marred by peripheral violence. This problem largely derived from a small minority of individuals who used the large demonstrations to engage in acts of civil disobedience or vandalism and other street violence. The overwhelming majority of political protestors have remained peaceful in their expressions of dissent at such gatherings, although the number of violent demonstrations has been growing. The Pentagon demonstration in 1967 saw confrontations with demonstrators and a substantial number of arrests for acts of civil disobedience. The Democratic National Convention in Chicago in 1968 was the scene of more substantial confrontations with police and National Guardsmen. The so-called "Counter-Inaugural" demonstration in Washington in January 1969, witnessed a repeat of police confrontations involving small bands of roving demonstrators. The militant Weatherman faction of SDS collected 300-400 street fighters for their "Days of Rage" and "Wargasm" action in Chicago in October 1969. The Vietnam Moratorium on 15 October 1969 was noted for its peaceful demonstrations nationwide, but the 15 November 1969 Mobilization gathering in Washington saw a return of vandalism, street violence, and police and National Guard confrontations. New Haven, Connecticut, experienced minor confrontations in connection with the protests against the trial of black revolutionaries there in May 1970. Similar police problems arose in May 1970, at the conclusion of a demonstration in Washington, which attracted 60,000 persons protesting the commitment of troops to Cambodia.

2. Nature, Extent, and Forms of Mass Demonstrations

a. Nature.—(1) Mass demonstrations may be divided into those producing violence and those which remain peaceful. Local, state, and Federal statutes [p. 53] have been enacted to preclude violence at mass demonstrations; however, the nature of the issues, composition of demonstrating groups, nature of the leadership, the sites of demonstrations, and the likelihood of counter-demonstrations, all bear on the factor of violence and the preparations of security at any given demonstration.

(2) The leadership of groups capable of calling together significant numbers of demonstrators at a given time have been basically involved with civil rights, anti-war, religious, social, political, labor, and patriotic causes. Some of the leadership, particularly in the anti-war and political categories have, as part of their demonstration activities, sought to encourage acts of civil disobedience and confrontations. However, most leaders of mass demonstrations have not desired confrontations with authorities, in part because this may reduce crowd attendance.

b. Extent.—Mass demonstrations have mainly occurred in large cities or on college and university campuses throughout the United States. Sufficient people supporting the espoused demonstration aims must be within a reasonable traveling distance. On occasion mass demonstrations have drawn participants from almost every area of the country, but generally participants seldom come from distances greater than 1000 miles, with the great majority coming from a radius under 250 miles from the demonstration. One exception has been noted, the rock festival. While not strictly a mass demonstration, the rock festival or similar gathering has drawn enormous crowds into relatively remote areas of the country. Such festivals have usually been peaceful. However, the large numbers of participants pose unique problems for remote areas served by only a few police.

c. Forms.—(1) Mass demonstrations are essentially large gatherings of individuals at a given place at a given time in support of a given cause or for entertainment purposes. The patterns taken by these demonstrations are similar. The event is publicized by the groups involved and in the mass media, to include the legitimate press, campus press, and the underground press. Television press

conferences are common. Normally an agenda is announced which calls for assembly of the participants at a given area to attend a rally and listen to speeches, or a march leads to a demonstration area where a rally is held with speeches and entertainment. Most notable examples of this form of demonstration are the 1967 march on the Pentagon and the October and November 1969 Vietnam Moratorium and Mobilization demonstrations. Spin-off demonstrations by radical participants have occurred, often with ensuing violence. This was true of the November 1969 Mobilization demonstration. Counter-demonstrations at peaceful gatherings have occurred more frequently in the recent past. Some of these counter-demonstrations have involved violence.

(2) While the great majority of demonstrators have been peaceful, a small fringe has produced confrontation and violence. This segment, basically amorphous but occasionally with some identifiable leadership, often equips itself with protective gear, including crash helmets and body padding, and may have clubs, concealable missiles, chains, and cans of caustic spray. Prior to going underground, the Weathermen conducted training for police confrontations. Such tactics are directly opposite to the more common tactics of civil disobedience, where participants may become limp and do not otherwise resist authorities. Civil disobedience, while nonviolent, has been used from time to time. Lying or sitting down in streets or hallways of public buildings has posed problems in the past. One demonstration organizer has recently called for such tactics to be employed in future demonstrations. In addition, plans have been developed to place inoperable vehicles at critical intersections in Washington, D.C., to tie-up the city.

3. Threat Forecast

a. One year projection.—Mass demonstrations will probably continue, commencing in the Spring of 1971. Anti-war groups have called for a return to Washington for mass demonstrations, with an emphasis on civil disobedience. Civil rights groups have also called for demonstrations in Washington, but plan to forgo a second "Resurrection City." Such demonstrations are likely to draw substantial numbers in view of their timing in the Spring and their already advanced planning. The nature of further demonstrations in the remainder of the period will depend, basically, upon the criticality of issues or the advent of another significant event such as the Cambodian incursion. The issue [p. 54] of Vietnam should fade as withdrawal proceeds, although demonstrations are likely to continue in some form. Ecological, racial or economic problems will probably produce other demonstrations. Mass demonstrations are subject to periods of waning size and effectiveness. Worries about possible violence tend to have a negative effect on the willingness of many potential demonstrators to participate in an action. In addition, fear of prosecution under local, state, or Federal law has an inhibiting effect on open appeals for organized street violence on a large scale. Thus, the problem of street disorders associated with large political demonstrations should not grow into a matter for the regular employment of active Federal forces in this period. It has been and should remain, with the possible exception of Washington, a matter of primarily local and state concern. The National Guard, particularly in Washington, D.C., may be used from time to time to supplement local police whenever it is feared that violence or crowd size may exceed the capabilities of local authorities. Threats of counter-demonstrations, as exemplified by the situations in Portland, Oregon, at the American Legion convention in the Summer of 1970, will probably continue to cause local officials to look to the National Guard as a reserve force.

b. Five year projection.—In the early 1970s it may be expected that mass political demonstrations and other large gatherings will continue to occur. The seeming immediacy of national problems and the deep personal involvement with complex issues not subject to immediate resolution (both largely brought about by the technological revolutions in the communications media), together with an ever increasing freedom of mobility, should insure that whether the issue be a mere desire for entertainment, withdrawal of overseas military commitments, national policies relating to race, the environment or other, as yet unperceived issues, large numbers of people are likely to

continue to be drawn to mass demonstrations and gatherings. Security should remain within the capabilities of local law enforcement authorities with some support from the National Guard. While present trends indicate a growing polarization and increasing resort to violence on the part of some protestors, barring some cataclysmic and as yet unforeseen political crisis, disorders associated with mass demonstrations, to the extent they continue through 1975, should not require active Federal forces for their control. This conclusion would be subject to major change only if the domestic political climate were to degenerate to the point where open street conflicts, including those between opposing political factions greatly exceed their present levels.

D. Political Terrorism and Guerrilla Warfare

1. Present Situation

a. For purposes of this section, political terrorism is deemed to include organized conspiratorial activity with selective violence and revolutionary goals, but with limited participation. Guerrilla warfare is defined as a large scale organized, but irregular, paramilitary activity designed to promote civil strife in furtherance of revolutionary goals and the overthrow of the governing regime.

b. Research published by the National Commission on the Causes and Prevention of Violence in 1969 has given some insight into the quantitative and qualitative nature of political violence in contemporary America as compared with earlier periods in our history. What the evidence suggests is that political violence increased in the 1960s over previous decades, but that it remained less than the magnitude of civil strife experienced in the latter part of the 19th Century and early 20th Century, when the turmoil of the Reconstruction period was followed by massive racial and labor violence. The injuries caused by political violence over the last 30 years were found to be, proportionate to population, less numerous than those which occurred in the previous 30 years, 1909-1938.

c. The Commission found that the five year period, mid-1963 to mid-1968, had witnessed 239 hostile outbreaks by Negroes which resulted in 8,000 injuries and 191 deaths. This violence is discussed in the previous section dealing with racial disturbances. There were in the same period 170 anti-war demonstrations noted, which involved a total of about 700,000 people. Violence was initiated in about 20 cases. The sections covering student disturbances and mass demonstrations deal in part with this category. Finally, over 1,000,000 people participated in this five year period in 370 reported civil rights demonstrations, [p. 55] almost all of which were peaceful. None of these forms of mass protest fall within the definition of political terrorism.

d. The most significant form of political terrorism in the recent past developed in the early 1960s with white attacks on blacks and civil rights workers. The bombing of a church in Birmingham, which killed four young Negro children, and the killing of the civil rights workers Schwerner, Chaney, and Goodman in Mississippi, are indicative of this development. There were about 20 deaths between 1963 and 1968 involving this kind of white terrorism. Black terrorism against whites, mostly police, began in 1968. Overall from 1963 to 1968 there were about 220 Americans killed in violent civil strife. About 19 police deaths in the first nine months of 1970 could be attributed to such terrorism. The phenomenon has clearly accelerated in the immediate past.

e. In comparison with other countries, Americans have seldom organized for purposes of carrying out political terrorism. Had there been truly effective revolutionary organizations in existence, the levels of political violence which this country has experienced would have been much higher. The decade of the 1960s made the nation extremely sensitive to the problem of political assassinations, with the killings of President John Kennedy, Senator Robert Kennedy, Medger Evers, Malcolm X, and Dr. Martin Luther King, Jr. While these assassinations were in a sense political, in that the victims were chosen for reasons associated with their positions of political leadership, they were

carried out by individuals for highly personal and, in some cases, deranged motivations. There is no evidence they were conspiratorial acts carried out by revolutionary organizations.

f. The recent past has noted a sharp increase in acts of political terrorism. Overall, from 1 January 1968 to 15 April 1970, 4,330 bombings, 1,475 attempts to bomb, and 35,129 threats to bomb were reported. Bombing and arson attacks on Federal buildings alone increased from 13, in the 12 month period ending 30 June 1969, to 38, in the corresponding period in 1970. Property damage increased accordingly, from \$7,250 to \$612,569. Threats against such buildings rose from 46 to 383 over this period.

g. In the 36 percent of the bombing cases where law enforcement officers were able to categorize perpetrators, 56 percent could be attributed to campus disturbances, 19 percent to black extremists, 14 percent to white extremists, 2 percent to labor disputes, and 1 percent to attacks on religious institutions. Eight percent were in aid of criminal activities such as extortion, robbery, and arson for insurance. These figures suggest that the current problem of bombings has been primarily the product of young radicals. The next biggest source of such incidents has grown out of racial tensions in the society.

h. To date, the overwhelming majority of the acts of terrorism, such as attacks on police and the 4,330 recent bombings, have not been carried out by nationally organized, conspiratorial, revolutionary groups or organizations. Rather they have been carried out by individuals or very small affinity groups who may share the revolutionary goals of some organizations, but who are acting essentially on their own without extensive coordination. This is not to say that there are not in existence radical groups and black revolutionary organizations whose goals and plans encompass such activity. One small radical organization of this nature has gone underground in the past year and one black revolutionary organization maintains a position which favors attacks on police, although only under a self-defense justification.

i. Guerrilla warfare, as defined above, involving widespread and coordinated paramilitary attacks on the structure of the state for the purpose of overthrowing the regime, does not now exist nor has it existed in our past, with the exception of guerrilla activity associated with the Revolutionary War and the Civil War. The evidence of political terrorism in our past and our more recent history does not rise to the level of what is commonly classed as guerrilla warfare or insurgency. Urban terrorism has been on the increase and this has led some to loosely categorize this as urban guerrilla warfare.

2. Nature, Extent, and Form of Political Terrorism and Guerrilla Warfare

a. Nature.—(1) The nature of political terrorism in our society as it presently exists involves two basic sources. The first has to do with the radical student movement which began to be evident in institutions of higher learning in the 1960s. Some of the individuals associated with this movement are no longer students and have shifted their attention to constituencies beyond the campus. The second major source of political terrorism involves acts of violence [p. 56] perpetrated by blacks in the furtherance of political goals. Both of these categories encompass individuals whose activities may be more a product of underlying psychic needs than rational pursuit of enunciated goals. A potential third source of political terrorism lies in the development of right wing violence, which might grow to significant levels in the future. It is not presently a problem of any substantial degree, although occasional incidents of terrorism and counter-terrorism have taken place within the recent past. This potential problem is discussed more fully below.

(2) The leadership of traditional leftist groups in the United States do not now advocate violence to attain their objectives. The basic objective of some of these older groups is to promote a Marxist-Leninist society through nonviolent means. The leadership of some of the newer revolutionary groups do advocate acts of violence as a method for furthering their goals. As noted

above, however, the incidents which can be directly traced to the activities of such organizations make up only a small fraction of the total number of acts of terrorism. One of the major ancillary effects of the new revolutionary leadership and propaganda involving advocacy of terrorism is to give an articulated justification for terrorist acts carried out both by members of such groups as well as the more numerous unaffiliated individuals who are merely exposed to such thinking. Acts of terrorism, such as sniping and kidnapping, carried out by isolated individuals or small affinity groups have been hailed by leaders of revolutionary organizations as acts which further revolutionary objectives. This should not be misconstrued as necessarily indicating that these groups have either perpetrated or counseled such acts. Such incidents offer convenient publicity or propaganda ploys and are often seized upon for these reasons.

b. Extent.—Terrorist activity generally occurs in urban areas and on campus communities nationwide. Acts of destruction of property have also occurred at military installations and other targets associated with the Federal government and its war policies. Occasional attacks on isolated communications facilities have occurred in the past, although this is not common.

c. Forms.—(1) Arson, bombing, sniping, attacks on police, assassination, physical intimidation, beatings, kidnapping and hijacking are the most common forms of terrorism currently turned to.¹ Such acts may or may not occur with political motivation. The present political terrorism has mostly been carried out by individuals or small groups of dissidents. Tactics vary, but with the case of arson, acts of property destruction, and bombing, the usual targets are symbolic of the existing political system. Thus, police stations and equipment, Federal facilities, National Guard, and Reserve armories, ROTC facilities, Armed Forces Entrance and Examination Stations, selective service offices, campus research facilities working on military contracts, and corporations engaged in production of war materials and munitions, or otherwise symbolic of the corporate state, have all been targets. The less proficient bombers also have been known to inadvertently select themselves as subjects for obliteration.

(2) Arson is normally accomplished by the use of molotov cocktails. Military vehicles have been destroyed by placing wicks in the gas tanks and lighting them. Forewarning is usually not present in arson cases. However, with the case of explosive bombings forewarnings are common, both to prevent the loss of life as well as to take credit for the act. Bombs are usually left in areas of buildings accessible to the public, such as washrooms, trash receptacles, and hallways. The use of explosive laden automobiles has recently come to light. There have been several instances of attempted bombings from light aircraft. Bomb threats as well as actual bombings are quite common against all of the targets noted above, since these serve to harass and disrupt normal courses of activity.

(3) Sniping and other assaults on police usually occur on normal patrols, sometimes after a false report designed to lure police to an ambush area. Terrorist tactics are presently evolving, depending both on the immediate situation as well as the media attention given to other successful terrorist attacks.

3. Threat Forecast

a. One year projection.—The rise in political terrorism, as exemplified by attacks on police, bombing and arson, is likely to continue over the next year.

¹ Airplane hijacking has already had a limited effect on active Federal forces, as a result of the decision to temporarily place military guards on selected aircraft in the fall of 1970.

[p. 57] Campus communities will remain focal points for much of this activity, particularly those attacks directed at symbols of the Federal government and its policies in Indochina. Additional deaths of students might help bring about a more unfavorable atmosphere for such activity, however. Attacks on police will continue to be seen in the larger urban areas, particularly in black

communities. Kidnapping of officials, already common elsewhere, may also become a problem in this country in the next year. There has already been one instance of the kidnapping of a judge and this may indicate a trend in the offing, particularly in view of the wide media coverage of such activity elsewhere. Hijacking of airliners may decline somewhat, as it did over this past year, particularly as increased security measures come into play. Political terrorism will have the greatest impact on urban police forces and local, state and Federal investigative agencies. Political terrorism is not likely to involve National Guard or active Federal forces, except perhaps in security guard roles or in the restoration of essential public services disrupted by sabotage. The use of Canadian Armed Forces personnel to protect government officials from kidnapping in the Fall of 1970 may be a precedent for this country. The short term use of National Guard or active Federal forces as guards for state or Federal facilities is also a possibility.

b. Five year forecast.—Political alienation in campus communities will probably continue and some terrorist activity will probably remain associated with such alienation. The end of the war in Vietnam should reduce the most important source of moral and political outrage, although other issues may provide suitable pretexts for acts of terrorism. Overall, the end of the five year period may see a decline in the levels of this kind of activity, as repercussions from all levels of society begin to be felt. It is conceivable that the society will polarize to such an extent, politically, socially, and culturally, that such activity continues to rise as such frustrations on both sides grow. Stabilizing forces in the society should preclude this occurring, although it remains a possibility. Whatever the impact of political terrorism during this period, it will remain largely a police problem at the local level. National Guard or active Federal forces should be involved only in ordnance disposal problems, security roles, or in the restoration of essential public services which may have been disrupted by terrorist activity.

E. Labor Disturbances

1. Present Situation

a. The legitimization of the labor union in the middle 1930s and the subsequent functioning of the system of collective bargaining has largely ended serious labor violence in the United States. The institutionalizing of labor-management relations and the overall effectiveness of the resultant arbitration machinery has been a stabilizing influence in American society. Most unrest and violence deriving from labor disputes has traditionally been concerned with picket line activity. This has largely remained a police matter. Serious labor violence has involved the National Guard on occasion. Active Federal forces have not been used in connection with labor violence since 1921. A severe railroad strike during World War II and a steel strike during the Korean War did produce Presidential threats that active Federal forces might be used to restore services and production. It was not until the postal strike in 1970, however, that active Federal forces actually became involved in restoring an essential public service.

b. The postal strike pointed up a major area of unresolved issues which began to come to the fore in the 1960s. The "no strike" tradition at all levels of government had begun to be called into question by increasing numbers of local, state and Federal employees. One of the bargaining threats of governments involved in such disputes is that National Guard or Federal forces may be called in to perform necessary functions. Strikes or slow-downs by police, firemen, teachers, sanitation and hospital workers, and other public employees, have occurred in the recent past. Such strikes or slow-downs have a substantial impact on the health, safety and welfare of both large and small communities. Other than with the postal strike, however, the large scale assumption of health, welfare, or safety duties by National Guard or active Federal forces has not occurred to date.

2. Nature, Extent and Forms of Labor Disturbances

a. Nature.—(1) As noted above, labor disruptions impacting on law enforcement agencies fall into two broad categories. First, there are those which have [p. 58] enough associated violence to require police or National Guard intervention. Second, there are disruptions, such as the postal strike, which involve the interruption of an essential public service. The former category has been a declining feature of American life since the 1930s, although there remain occasional requirements for police or National Guard forces to enter in a peace keeping role. The latter category is a developing one. There has been little impact on National Guard or active Federal forces in connection with the interruption of essential public services so far, although erosion of the "no strike" tradition among government workers may change this in the future.

(2) Labor leadership in the nation is fully committed to making the system of collective bargaining work. Many strikes are long and bitter. What violence occurs from time to time almost never has the sanction, expressed or implied, of union leadership. Jurisdictional disputes among unions may also become bitter and on occasion violent. As with strike violence, however, violence associated with jurisdictional disputes or organizing efforts is not encouraged by union leadership. Violence almost always is the result of individuals or small groups acting without approval of leadership elements.

b. Extent.—Labor violence is normally centered, as might be expected, in the more highly industrialized areas of the nation. Plants and industrial sites have been the scene of most picket line violence. Other disruptions are common in downtown areas of cities or other construction areas.

c. Forms.—The most common forms of labor violence are scuffles at picket lines, where scabs or other individuals or goods may pass through lines of striking workers. Such violence may involve threats or other forms of intimidation. There may be the use of clubs, chains, brass knuckles or firearms. Strikes against trucking firms have often involved sniping at vehicles on the open road. There may also be the use of stench bombs, molotov cocktails or explosives. Spontaneous acts of vandalism, such as the overturning of vehicles, the setting of fires or the breaking of windows or furniture can occur. In the more recent past, efforts of minority groups to protest union discrimination have produced some violence at construction sites. Where collective violence occurs, there are unlikely to be more than a few hundred workers gathered at any one time.

3. Threat Forecast

a. One year projection.—Strikes and other labor disputes involving violence will occur over the period ending April 1972. They should remain only a police problem. Only in exceptional cases should disputes require National Guard intervention. There should be no need for active Federal forces to contain violence growing out of labor disputes. In addition to the violence traditionally associated with some labor disputes, the period may see a rise in disturbances connected with minority group pressures for equal employment opportunities, particularly in the construction and automotive trades. This also should remain a police problem. Strikes by public workers and other labor disputes may lead to the interruption of essential public services. It is possible that this may result in the employment of National Guard or active Federal forces to restore such services.

b. Five year projection.—There should be no substantial rise in the levels of violence associated with traditional labor disputes over the five year period. Conflicts over minority group employment may grow somewhat. Both matters should remain a matter primarily of police concern, although the National Guard may be called out occasionally in connection with particularly bitter strikes. Active Federal forces should not have any peace keeping functions to perform. Both the National Guard and active Federal forces may be more likely to become involved in the restoration of essential public services than over the one year period. This

development will depend primarily on how well the "no strike" tradition of public employees holds up.

F. Developing Sources of Civil Disturbances

1. Introduction

There are a number of developing sources of civil disturbances. Some of these have previously been addressed in prior portions of the study. This section will deal with those sources which have not yet been firmly established as significant problems, but which by their very nature deserve separate examination due to their potential impact on the law enforcement authorities should [p. 59] they evolve into mature threats. The incipient nature of some of these phenomena prevents firm predictions of their development.

2. Other Minorities

a. The most significant development of minority consciousness in the post World War II period has been the growth of Negro group awareness. This new awareness has had a profound political, social, and economic impact and has helped create a climate of change in the country which has nurtured the latent consciousness of other racial and ethnic minorities and other previously inchoate groups sharing common interests. The largest of these minorities which has begun to achieve a sense of unity are the Americans of Mexican descent, also known as Chicanos. In the Summer of 1970, a substantial civil disturbance involving Chicanos occurred in Los Angeles. This pointed up the fact that in the Southwest and West there are large concentrations of Chicanos who have begun to sense a group identity and will in the future be pressing for common goals. Substantial frictions could develop and, as already witnessed with respect to the situation of Chicano migrant workers in California, economic and political matters are already an issue in some areas. Puerto Ricans in some of the larger cities of the Midwest and Northeast have also begun to manifest a new group consciousness. In addition, American Indians over the last few years have similarly begun to press for common objectives.

b. Some violence and police problems have been associated with the changes in attitudes of each of these three groups. As noted above, Chicanos have been involved in rioting in Los Angeles. In New York City and Chicago, Puerto Rican youth groups have occupied public buildings. American Indians have "liberated" Alcatraz and have been involved with police in disputes over fishing rights in the Northwest. Beyond these three groups, there are other minority groups which may be subject to the same kinds of changes in outlook. This would include the large numbers of Americans of Chinese and Japanese descent in many cities. Law enforcement problems have been relatively minor to date. The size and frequency of disorders may increase in the future, however, and may come to have a significant impact on National Guard employment. The sizes of the minority populations involved are such that there should be no need for active Federal forces to contain civil disturbances which may be associated with these groups.

3. Threat Forecast

a. One-year projection.—The Spring or Summer of 1971 may see civil disturbances involving Chicanos in the Southwest or West. If they do occur, it is unlikely that containment problems would exceed the capabilities of local or state police. The use of National Guard forces should be unlikely, although it cannot be ruled out. There should be no need for active Federal forces. The likelihood of Puerto Rican involvement in significant civil disturbances should be less, with civil authorities able to control any disorders which may develop. This period may also see small scale incidents involving American Indians, although this too should remain a matter of only police concern.

b. Five-year projection.—The five year period may see substantially increased minority unrest grow out of an awakening sensitivity to existing social and economic injustices. The civil disturbances which have been associated with the growth of racial tensions may be paralleled by disturbances related to the drive for equality on the part of Chicanos, Puerto Ricans, American Indians, or other ethnic groups. Should such disturbances occur they should be able to be contained by local and state security forces. It is possible, however, that the National Guard may have to be employed on occasion. There should be no requirement for intervention on the part of active Federal forces.

4. Development of Right-Wing Violence

The rapidity of social change experienced in the 1960's has not to date led to the development of significant violence by right-wing extremist groups. Such groups have remained small, poorly led, factionalized, and without significant resources. These groups encompass both racist and fascist ideologies. It is possible that the growth of left-wing violence may lead to the development of counter-violence and vigilante movements from those who see a threat to their livelihood and way of life. The increasingly visible signs of the developing [p. 60] youth culture, as evidenced by changing dress and hair styles, drug use, and altered sexual mores, may further frighten those who see their personal values and the values they associate with the nation under fatal attack. Should this lead to street confrontations or other altercations, it would pose a problem for police and possibly the National Guard.

5. Threat Forecast

a. One-year projection.—Given the current small size of right-wing extremist groups, their fragmented nature and their lack of substantial resources, the period ending in April 1972 should not see the development of significant right-wing violence. Violence associated with such groups should remain isolated, infrequent, and generally within the purview of local police forces. There should be no impact on National Guard or active Federal forces.

b. Five-year projection.—It is conceivable that more significant right-wing violence may develop over the five year period. If events in Indochina come to be looked on as a defeat for the United States, the search for scapegoats may begin. Some may conclude the enemy was really here at home and try to take what they consider to be appropriate measures to deal with this fact. Sharply escalated radical or racial violence over this period might also set in motion vigilante movements or other counter-reactions. The continuing growth of sharply different values and lifestyles among the young could add to the possibility of right-wing violence developing. Stabilizing forces in the society should minimize such violence, should it begin to develop. The most likely form of violence would be street clashes between opposing political factions, violent counter-demonstrations, or hit-and-run attacks on headquarters or symbols of opposing political groups. Most of such activity would be a police problem. It would not involve the National Guard, except perhaps as they might be called upon to supplement local police forces where potentially violent demonstrations were expected. There should be no impact on active Federal forces.

6. Violence Associated With Street People

a. One of the more recent civil disturbance developments is the growing violence associated with groups of young people who have begun to congregate in some university and college communities and in certain urban areas. The term "street people" has been used to describe this amorphous class of youth, whose most common bonds are a general disaffection with societal values and a common cultural bond with one another. Many cities have now developed an identifiable community complete with underground press where these young people find themselves comfortable and where, in some cases they approach or already constitute a majority status. The prototype of this development was the Haight-Ashbury district in San Francisco. In the recent

past, some of the street people have become engaged in confrontations with police in Los Angeles, Berkeley, Cambridge, Massachusetts, Washington, D.C. and Atlanta.

b. Police interference with the life styles of these groups, particularly as related to drug usage and anti-loitering ordinances, have precipitated much of this violence. The street people consider the police and often local merchants as obnoxious symbols of the alien culture they repudiate.

c. Confrontations to date have involved assaults on police, throwing of missiles, looting, smashing of windows, and other acts of vandalism. Protective helmets, padding and anti-tear gas equipment has become evident.

7. Threat Forecast

a. One-year projection.—The period ending April 1972 will probably see this phenomenon spreading to other cities. It should remain a police problem, however.

b. Five-year projection.—The five-year period ending in 1975 may see violence of this character continue to spread and possibly escalate in intensity. Continued confrontations with police may lead to the use of firearms on a regular basis. This might sufficiently alter the nature of these disorders to the point where National Guard intervention could be more likely. There should continue to be no impact on active Federal forces.

G. Natural Disasters and other Emergencies

1. Present Situation

Natural disasters and other emergencies fall within a broad definition of civil disturbances, since they often produce extensive civil disruption and [p. 61] frequently have a substantial impact on local law enforcement authorities, the National Guard or active Federal forces.

2. Nature and Impact of Natural Disasters or Other Emergencies

a. Nature.—Natural disasters include: blizzards, floods, tidal waves, smog concentrations, hurricanes, forest fires, tornadoes, ice jams, drought, and avalanches. Other emergencies include train and truck wrecks, plane crashes and ship disasters. In addition to loss of life in connection with these latter events, dangerous cargoes may be involved. Thus, there may be associated problems with nuclear radiation, chemical toxicity or explosions. Power failures or communication interruptions due to natural causes or possibly sabotage are also capable of causing wide civil disruption.

b. Impact.—The year 1969 gives a typical picture of the impact of these problems. In 1969, National Guardsmen were summoned on 87 occasions, in 27 states, to assist civil authorities in disasters and related emergencies. In all, approximately 14,000 Guardsmen were involved in duties of this nature. The use of active Federal forces is unusual. Other than in the area of explosive ordnance disposal, the National Guard is the primary source of assistance to local authorities.

3. Threat Forecast

a. One-year projection.—Natural disasters or other emergencies are sporadic and unpredictable. Local meteorological records, insurance statistics or other such compilations may assist in drawing geographical patterns and noting the frequency of particular occurrences. However, anticipation rather than prediction of such events is usually all that can be accomplished to assist in preparations. Civil authorities will be the primary agencies with responsibilities in this area. The National Guard will also be frequently employed in giving assistance in such cases. The use of active Federal forces will be unusual and will depend on local circumstances.

b. Five-year forecast.—Again, natural disasters are sporadic and not predictable. The five year period may see an increase in emergencies traceable to the growing technological complexity of our society. Smog emergencies, electrical power shortages or "brown outs", or possibly, nuclear incidents are a reflection of this development. As with the one year projection, civil authorities and the National Guard will be the primary agencies of responsibility, with active Federal forces acting only in an infrequent and supplementary capacity.

IV. CONSOLIDATED THREAT FORECASTS

A. Racial Disturbances

1. One-year projection

The threat of racial disturbances is expected to continue at roughly current levels through the period ending in April 1972. Controversies and racial frictions in many secondary school systems will be a pervasive problem throughout this period, although it should remain a matter for police authorities. The likelihood of active Federal forces having to be employed for the containment of such disorders should remain small. National Guard elements can be expected to be employed for such disturbances, particularly over the Spring and Summer of 1971. Local and state police forces will continue to bear the brunt of responsibility for controlling racial disturbances. Although there will be a wide variance in the problems experienced by different police forces in this regard, it is quite possible that the increase in racial tensions noted in 1970 will continue to rise over the period ending in April 1972. Should this prove to be the case, urban police departments can be expected to be forced to deal with a higher level of incidents and disturbances having racial overtones. Some of these problems will be directly associated with militant groups, a number of which have already exhibited a penchant for becoming involved in shootouts with police. The increasing resort to counterforce against police, including bombing and sniping, could also be expected to carry over to situations in which the National Guard or active Federal forces were employed.

2. Five-year projection

The five year period ending in 1975 should see some amelioration in racial cleavages in the society. Increasing access to all levels of the job market, the resultant growth of the black middle class, and the increasing diversion of resources to the nation's cities, all should contribute to the beginning of a mitigation of racial tensions. Racial problems will not be resolved during this [p. 62] period, however. Many cities will be entering transitional situations with respect to the shifting of political power. Such shifts will be reflecting earlier migratory patterns. Racial disturbances may decline somewhat in size and frequency, but they are unlikely to disappear. Local circumstances will determine when and where such disturbances occur. The likelihood of active Federal force involvement in the control of such situations is not expected to increase beyond the current low levels. Disorders will probably continue to involve National Guard forces from time to time, although the latter part of the five year period may see a decline in the frequency of such employments compared to the late 1960s. Local police forces will probably be expanding over the five year period, in response to public concern over crime. This expansion, while largely unrelated to the separate problem of civil disturbance control, will nonetheless give such police forces a greater capability to deal with such situations. The earlier part of the five year period may see police dealing with a continuing rise in incidents and disorders with racial overtones. This rise will largely remain within the realm of police control. Police forces in the latter part of the five year period may begin to see a decline in some of this activity as Negro "law and order" constituencies in many cities may begin to develop and press for the control of both individual and collective violence.

B. Student Disturbances

1. One-year projection

Student disturbances are expected to continue through the period ending in April 1972. The pace of withdrawal from Vietnam, and the continuance of the war, will still be issues, though this may diminish towards the end of this period as American disengagement proceeds in accordance with the President's decisions. The social inequities and cultural patterns of American life will continue to be a source of frustration to college and university populations which are acutely sensitive to the gap between what ideals the society professes and what the society in fact practices. Issues of environmental quality and technological impact will also develop over this period and may give vent to some disturbances. The security problems associated with student disturbances will usually be within the province of school security forces and local police departments. However, the National Guard will probably be committed occasionally over this period to deal with the larger disorders. It is unlikely that there will be a wave of massive, simultaneous disturbances, such as was seen in May 1970, although there remains the possibility that some incident of national proportions could again spark this kind of widespread disruption. It is possible that legislative support for higher education may be affected. This could touch off disturbances in the short range period. In the long run it might be likely to dampen such activity. The likelihood of having to employ active Federal forces should remain extremely remote. The limited size of campus populations alone should insure this. Active Federal forces would have to be employed only in the unlikely event sizeable multiple campus disorders occurred in a state where the National Guard was already employed in other capacities. This situation has never occurred and, due to the size of most National Guards, it is extremely doubtful that such a situation will develop.

2. Five-year projection

The control problems associated with the campus disorders experienced to date have not grown beyond local and state capabilities due to the fact that these students were pursuing their studies in 1970 in more than 2552 separate institutions. While some of the largest state universities exceeded 30,000 students, institutions of this size were the exception rather than the rule. The rise in the student population over the period 1971-1975 will increase both the number of schools and size of some educational institutions. There will not come into existence student metropolises of a radically different type, say on the order of 75,000 or 100,000. Over the five year period there is likely to remain a problem of student disturbances, although the size and frequency may be somewhat diminished from the levels seen in the late 1960s and early 1970s. The war in Vietnam will have receded as an issue, but some of the other concerns which have been involved in campus disorders will not have been eliminated and, in fact, may be somewhat broadened. The developing [p. 63] campus concerns with issues of ecology and technological impact will not find the same convenient targets offered by classified military research or the presence of ROTC. Curriculum reform and university governance along with pressures for a less competitive academic environment should come more to the fore in this period. General antagonisms of young people towards what is regarded as a crassly materialistic society will probably grow over this period. These attitudes will be strongest in the institutions of higher education. In short, it is likely that there will continue to be sharp social, cultural and political differences between the college and university populations and the society at large. This will not necessarily result in regular employment of the National Guard, however. Campus police forces will be strengthened during the next five years, as will the capacities of many of the adjacent local police forces. This may help lessen somewhat the frequency of National Guard employment.

C. Mass Demonstrations

1. One-year projection

Mass demonstrations will probably continue, commencing in the Spring of 1971. Anti-war groups have called for a return to Washington for mass anti-war demonstrations, with an emphasis on civil disobedience. Civil rights groups have also called for demonstrations in Washington, but plan to forgo a second "Resurrection City." Such demonstrations are likely to draw substantial numbers in view of their timing in the Spring and their already advanced planning. The nature of further demonstrations in the remainder of the period will depend, basically, upon the criticality of issues or the advent of another significant event such as the Cambodian incursion. The issue of Vietnam should fade as withdrawal proceeds, although demonstrations are likely to continue in some form. Ecological, racial or economic problems will probably produce other demonstrations. Mass demonstrations are subject to periods of waning size and effectiveness. Worries about possible violence tends to have a negative effect on the willingness of many potential demonstrators to participate in an action. In addition, fear of prosecution under local, state, or Federal law has an inhibiting effect on open appeals for organized street violence on a large scale. Thus, the problem of street disorders associated with large political demonstrations should not grow into a matter for the regular employment of active Federal forces in this period. It has been and should remain, with the possible exception of Washington, a matter of primarily local and state concern. The National Guard, particularly in Washington, D.C., may be used from time to time to supplement local police whenever it is feared that violence or crowd size may exceed the capabilities of local authorities. Threats of counter-demonstrations, as exemplified by the situation in Portland, Oregon, at the American Legion convention in the Summer of 1970, will probably continue to cause local officials to look to the National Guard as a reserve force.

2. Five-year projection

In the early 1970s, it may be expected that mass political demonstrations and other large gatherings will continue to occur. The seeming immediacy of national problems and the deep personal involvement with complex issues not subject to immediate resolution (largely brought about by the technological revolutions in the communications media), together with an ever increasing freedom of mobility, should insure that whether the issue be a mere desire for entertainment, withdrawal of overseas military commitments, national policies relating to race, the environment or other, as yet unperceived issues, large numbers of people are likely to continue to be drawn to mass demonstrations and gatherings. Security should remain within the capabilities of local law enforcement agencies, with some support from the National Guard. While present trends indicate a growing polarization and increasing resort to violence on the part of some protestors, barring some cataclysmic and as yet unforeseen political crisis, disorders associated with mass demonstrations, to the extent they continue through 1975, should not require active Federal forces for their control. This conclusion would be subject to major change only if the domestic political climate were to degenerate to the point where open street conflicts, including those between opposing political factions, greatly exceed their present levels.

[p. 64] D. Political Terrorism and Guerrilla Warfare

1. One-year projection

The rise in political terrorism, as exemplified by attacks on police, bombing and arson, is likely to continue over the next year. Campus communities will remain focal points for much of this activity, particularly those attacks directed at symbols of the Federal government and its policies in Indochina. Additional deaths of students might help bring about a more unfavorable atmosphere for such activity, however. Attacks on police will continue to be seen in the larger urban areas, particularly in black communities. Kidnapping of officials, already common elsewhere, may also become a problem in this country in the next year. There has already been

one instance of the kidnapping of a judge and this may indicate a trend in the offing, particularly in view of the wide media coverage of such activity elsewhere. Hijacking of airliners may decline somewhat, as it did over this past year, particularly as increased security measures come into play. Political terrorism will have the greatest impact on urban police forces and local, state and Federal investigative agencies. Political terrorism is not likely to involve National Guard or active Federal forces, except perhaps in security guard roles or in the restoration of essential public services disrupted by sabotage. The use of Canadian Armed Forces personnel in Fall 1970 to provide protection for government officials may be an unwelcome precedent for this country. The short term use of National Guard or active Federal forces as guards for state or Federal facilities is also a possibility.

2. Five-year forecast

Political alienation in campus communities will probably continue and some terrorist activity will probably remain associated with such alienation. The end of the war in Vietnam should reduce the most important source of moral and political outrage, although other issues may provide suitable pretexts for acts of terrorism. Overall, the end of the five year period may see a decline in the levels of this kind of activity, as repercussions from all levels of society begin to be felt. It is conceivable that the society will polarize to such an extent, politically, socially, and culturally, that such activity continues to rise as such frustrations on both sides grow. Stabilizing forces in the society should preclude this occurring, although it remains a possibility. Whatever the impact of political terrorism during this period, it will remain largely a police problem at the local level. National Guard or active Federal forces should be involved only in ordnance disposal problems, security roles or in the restoration of essential public services which may have been disrupted by terrorist activity.

E. Labor Disturbances

1. One-year projection

Strikes and other labor disputes involving violence will occur over the period ending April 1972. They should remain only a police problem. Only in exceptional cases should disputes require National Guard intervention. There should be no need for active Federal forces to contain violence growing out of labor disputes. In addition to the violence traditionally associated with some labor disputes, the period may see a rise in disturbances connected with minority group pressures for equal employment opportunities, particularly in the construction and automotive trades. This also should remain a police problem. Strikes by public workers and other labor disputes may lead to the interruption of essential public services. It is possible that this may result in the employment of National Guard or active Federal forces to restore such services.

2. Five-year projection

There should be no substantial rise in the levels of violence associated with traditional labor disputes over the five year period. Conflicts over minority group employment may grow somewhat. Both matters should remain a matter primarily of police concern, although the National Guard may be called out occasionally in connection with particularly bitter strikes. Active Federal forces should not have any peace keeping functions to perform. Both the National Guard and active Federal forces may be more likely to become involved in the restoration of essential public services than over the one year period. This [p. 65] development will depend primarily on how well the "no strike" tradition of public employees holds up.

F. Developing Sources of Civil Disturbances

1. Other minorities

a. One-year forecast.—The Spring or Summer of 1971 may see civil disturbances involving Chicanos in the Southwest or West. If they do occur, it is unlikely that containment problems would exceed the capabilities of local or state police. The use of National Guard forces should be unlikely, although it cannot be ruled out. There should be no need for active Federal forces. The likelihood of Puerto Rican involvement in significant civil disturbances should be less, with civil authorities able to control any disorders which may develop. This period may also see small scale incidents involving American Indians, although this too should remain a matter of only police concern.

b. Five-year forecast.—The five year period may see substantially increased minority unrest grow out of an awakening sensitivity to existing social and economic injustices. The civil disturbances which have been associated with the growth of racial tensions may be paralleled by disturbances related to the drive for equality on the part of Chicanos, Puerto Ricans, American Indians, or other ethnic groups. Should such disturbances occur they should be able to be contained by local and state security forces. It is possible, however, that the National Guard may have to be employed on occasion. There should be no requirement for intervention on the part of active Federal forces.

2. Right-wing violence

a. One-year forecast.—Given the current small size of right-wing extremist groups, their fragmented nature and their lack of substantial resources, the period ending in April 1972 should not see the development of significant right-wing violence. Violence associated with such groups should remain isolated, infrequent, and generally within the purview of local police forces. There should be no impact on National Guard or active Federal forces.

b. Five-year forecast.—It is conceivable that more significant right-wing violence may develop over the five year period. If events in Indochina come to be looked on as a defeat for the United States, the search for scapegoats may begin. Some may conclude the enemy was really here at home and try to take what they consider to be appropriate measures to deal with this fact. Sharply escalated radical or racial violence over this period might also set in motion vigilante movements or other counter-reactions. The continuing growth of sharply different values and lifestyles among the young could add to the possibility of right-wing violence developing. Stabilizing forces in the society should minimize such violence, should it begin to develop. The most likely form of violence would be street clashes between opposing political factions, violent counter-demonstrations, or hit-and-run attacks on headquarters or symbols of opposing political groups. Most of such activity would be a police problem. It would not involve the National Guard, except perhaps as they might be called upon to supplement local police forces where potentially violent demonstrations were expected. There should be no impact on active Federal forces.

G. Natural Disasters and Other Emergencies

1. One-year projection

Natural disasters or other emergencies are sporadic and unpredictable. Local meteorological records, insurance statistics or other such compilations may assist in drawing geographical patterns and noting the frequency of particular occurrences. However, anticipation rather than prediction of such events is usually all that can be accomplished to assist in preparations. Civil authorities will be the primary agencies with responsibilities in this area. The National Guard will also be frequently employed in giving assistance in such cases. The use of active Federal forces will be unusual and will depend on local circumstances.

2. Five-year forecast

Again, natural disasters are sporadic and not predictable. The five year period may see an increase in emergencies traceable to the growing technological complexity of our society. Smog emergencies, electrical power shortages or [p. 66] "brown outs", or possibly, nuclear incidents are a reflection of this development. As with the one year projection, civil authorities and the National Guard will be the primary agencies of responsibility, with active Federal forces acting only in an infrequent and supplementary capacity.

FEDERAL TROOP OPERATIONS IN CONUS

Year	Location	Situation
1907	Nevada	Labor.
1914	Colorado	Do.
1919	Washington, D.C	Racial.
	Omaha, Nebr	Do.
	Gary, Ill., etc.	Labor.
1921	West Virginia	Do.
1932	Washington, D.C.	Bonus army.
1943	Detroit, Mich	Racial.
1957	Little Rock, Ark	Do.
1962	Oxford, Miss	Do.
1967	Detroit, Mich	Do.
	Washington, D.C	Defense of Federal property.
1968	Baltimore, Md	Racial.
	Washington, D.C	Do.
	Chicago, Ill	Do.
		Civil disturbance prepositioning.
1969	Washington, D.C	Do.
		Do.
1970	New York City	Essential services.
	New Haven	Civil disturbance prepositioning.
	Washington, D.C	Do.

EMPLOYMENT OF NATIONAL GUARD IN FEDERAL STATUS

Year	State	Occurrence
1957	Arkansas	Little Rock school integration crisis.
1962	Mississippi	University integration disorders.
1963	do	Do.
	Alabama	Racial disturbances in Birmingham.
	do	University Integration disorders.
	do	School integration disorders in Three Cities.
1965	do	Civil Rights March—Selma to Montgomery.
1967	Michigan	Detroit riots.

1968	Chicago	Racial disorder.
	Baltimore	Do.
	Washington, D.C	Do.
1970	New York	Postal strike.

EMPLOYMENT OF NATIONAL GUARD IN STATE STATUS—1945-70

Year	Times employed	Total troops employed
1945-59	55	33,539
1960-64	33	65,867
1965	17	25,051
1966	17	18,598
1967	40	43,300
1968	107	150,000
1969	67	49,264
1970 (Jan.-May)	43	41,046

Note: In the printed table the 1965–1969 "Times employed" figures are bracketed together with a subtotal of 248.
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BOMBINGS JANUARY 1968-APRIL 1970

NUMBER	
Bombings	4,330
Attempts to bomb	1,475
Threats to bomb	35,129
PERPETRATORS	Percent
Student radicals	56
Black extremists	19
White extremists	14
Labor extremists	2
Religious extremists	1
Criminal	8

ONE YEAR PROJECTION (LIKELIHOOD OF EMPLOYMENT)

	Police	National Guard	Active Federal forces
Racial disturbances	Very likely	Very likely	Not likely.
Student disturbances	do	do	Do.
Mass demonstrations	do	Likely	Do.
Political terrorism and guerrilla warfare	do	Not likely	Do.
Labor disturbances	do	Likely	Do.
Developing sources of civil disturbances	do	Not likely	Do.
Natural disasters and other emergencies	do	Very likely	Do.

Very likely: Constant impact on the security force in question.

Likely: Probability of sporadic impact on the security force in question.

Not likely: Remote or little probable impact on the security force in question.

FIVE-YEAR PROJECTION (LIKELIHOOD OF EMPLOYMENT)

	Police	National Guard	Active Federal forces
Racial disturbances	Very likely	Likely	Not likely.
Student disturbances	do	do	Do.
Mass demonstrations	do	do	Do.
Political terrorism and guerrilla warfare	do	Not likely	Do.
Labor disturbances	do	Likely	Do.
Developing sources of civil disturbances	do	Not likely	Do.
Natural disasters and other emergencies	do	Very likely	Do.

Very likely: Constant impact on the security force in question.

Likely: Probability of sporadic impact on the security force in question.

Not likely: Remote or little probable impact on the security force in question.

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In addition to the above published studies and official reports, information on which the estimate has been based derives from FBI and Department of Justice sources as well as newspapers (including the underground press), periodicals, radio and television.

The Civil Disturbance Threat 1971-75—Update

1. The civil disturbance threat study was originally written in September and October of 1970. By mid-winter 1971, a number of shifts in public mood had occurred bearing on the civil disturbance problem. The major shifts are noted below. With these modifications, the civil disturbance threat study remains generally valid at this time as a basis for the Study Group's deliberations.

2. The most notable change in the civil disturbance picture was what one university president referred to as the "eerie tranquillity" which had come to prevail over the nation's campuses. In

marked contrast to the student disorders in May 1970, the Fall of 1970 and the Winter of 1971 saw a new calm present on many campuses. This calm was not substantially disturbed by the movement of South Vietnamese troops into Laos in February 1971. The difference in this student reaction compared to the reaction to the Cambodian incursion may be in part only a reflection of seasonal distinctions, winter versus spring. However, the extended quiescence tends to support the view that May 1970 marked the high water mark for the six year long period of increasing student unrest. Campuses might again become highly inflamed in conjunction with some new military action or political policy deemed particularly provocative. Nevertheless, it now appears that the decline in large scale campus disorders may be occurring at a significantly faster pace than foreseen in the October threat estimate. This may result in a sharper decline in the likelihood of police and National Guard employment on campuses than was predicted in October 1970.

3. The alteration of mood on the nation's campuses was only one part of what seemed to be a more general relaxation of tensions. Increasing polarization in the society was a hallmark of the 1960s. While mid-winter of 1971 saw no healing of the racial, political or cultural cleavages in the society, the widespread sense of a continuing degeneration of public order seemed to clearly abate. Of course there remains the possibility that this new sense is merely the calm before the storm, that it is indeed an "eerie tranquillity" subject to abrupt alteration. It is currently felt, however, that something more than a mere pause in the momentum of past disorders is involved. It is quite possible that there has been a distinct reversal of the trends towards increasing large scale civil disorders. Only time will bear out the validity of this assessment. If it is valid, then an accelerated return to more normal conditions will be particularly evident in the areas of racial disturbances, student disturbances, and mass demonstrations with associated violence. There will no doubt be significant civil disturbances over the 1971-1975 period. Calls have been made recently, for instance, for anti-war protests involving civil disobedience in Washington, D.C. this Spring. At the present time, however, it is judged that the levels of these disorders may generally diminish at a faster pace than noted in the October estimate.