

# U.S. MILITARY CIVIL DISTURBANCE PLANNING: THE WAR AT HOME

By Frank Morales

Under the heading of "civil disturbance planning", the U.S. military is training troops and police to suppress democratic opposition in America. The master plan, Department of Defense Civil Disturbance Plan 55-2, is code-named, "Operation Garden Plot". Originated in 1968, the "operational plan" has been updated over the last three decades, most recently in 1991, and was activated during the Los Angeles "riots" of 1992, and more than likely during the recent anti-WTO "Battle in Seattle."

Current U.S. military preparations for suppressing domestic civil disturbance, including the training of National Guard troops and police, are actually part of a long history of American "internal security" measures dating back to the first American Revolution. Generally, these measures have sought to thwart the aims of social justice movements, embodying the concept that within the civilian body politic lurks an enemy that one day the military might have to fight, or at least be ordered to fight.

Equipped with flexible "military operations in urban terrain" and "operations other than war" doctrine, lethal and "less-than-lethal" high-tech weaponry, US "armed forces" and "elite" militarized police units are being trained to eradicate "disorder", "disturbance" and "civil disobedience" in America. Further, it may very well be that police/military "civil disturbance" planning is the animating force and the overarching logic behind the incredible nationwide growth of police paramilitary units, a growth which coincidentally mirrors rising levels of police violence directed at the American people, particularly "non-white" poor and working people.

Military spokespeople, "judge advocates" (lawyers) and their congressional supporters aggressively take the position that legal obstacles to military involvement in domestic law enforcement civil disturbance operations, such as the 1878 Posse Comitatus Act, have been nullified. Legislated "exceptions" and private commercialization of various aspects of U.S. military-law enforcement efforts have supposedly removed their activities from the legal reach of the "public domain". Possibly illegal, ostensible "training" scenarios like the recent "Operation Urban Warrior" no-notice "urban terrain" war games, which took place in dozens of American cities, are thinly disguised "civil disturbance suppression" exercises. In addition, President Clinton recently appointed a "domestic military czar", a sort of national chief of police. You can bet that he is well versed in Garden Plot requirements involved in "homeland defense".

Ominously, many assume that the training of military and police forces to suppress "outlawed" behavior of citizens, along with the creation of extensive and sophisticated "emergency" social response networks set to spring into action in the event of "civil unrest", is prudent and acceptable in a democracy. And yet, does not this assumption beg the question as to what civil unrest is? One could argue for example, that civil disturbance is nothing less than democracy in action, a message to the powers-that-be that the people want change. In this instance "disturbing behavior" may actually be the exercising of ones' right to resist oppression. Unfortunately, the American corporate/military directorship, which has the power to enforce its' definition of "disorder", sees democracy as a threat and permanent counter-revolution as a "national security" requirement.

The elite military/corporate sponsors of Garden Plot have their reasons for civil disturbance contingency planning. Lets' call it the paranoia of the thief. Their rationale is simple: self-preservation. Fostering severe and targeted "austerity", massive inequality and unbridled greed, while shifting more and more billions to the generals and the rich, the de-regulated "entities of force" and their interlocking corporate directors know quite well what their policies are engendering, namely, a growing resistance. Consequently, they are systematically organizing to protect

their interests, their profits, and their criminal conspiracies. To this end, they are rapidly consolidating an infrastructure of repression designed to "suppress rebellion" against their "authority". Or more conveniently put, to suppress "rebellion against the authority of the United States." And so, as the Pentagon Incorporated increases its imperialist violence around the world, the chickens have indeed come home to roost here in America in the form of a national security doctrine obsessed with domestic "insurgency" and the need to pre-emptively neutralize it. Its code-name: "Garden Plot".

Recently, Pentagon spokesman Kenneth H. Bacon "acknowledged that the Air Force wrongfully started and financed a highly classified, still-secret project, known as a black program without informing Congress last year." The costs and nature of these projects "are the most classified secrets in the Pentagon."(1) Could it be that the current United States Air Force Civil Disturbance Plan 55-2 Garden Plot is one such program financed from this secret budget? We have a right to know. And following Seattle, we have the need to know.

As this and numerous other documents reveal, U.S. military training in civil disturbance "suppression", which targets the American public, is in full operation today. The formulation of legitimizing doctrine, the training in the "tactics and techniques" of "civil disturbance suppression", and the use of "abusable", "non-lethal" weaponry, are ongoing, financed by tax dollars. According to the Pentagon, "*US forces deployed to assist federal and local authorities during times if civil disturbance will follow use-of-force policy found in Department of Defense Civil Disturbance Plan-Garden Plot.*" (*Joint Chiefs of Staff, Standing Rules of Engagement, Appendix A, 1 October 1994.*)

## **ORIGINS OF OPERATION GARDEN PLOT: THE KERNER COMMISSION**

"Knowledge makes a man unfit to be a slave."  
Frederick Douglass,

Rochester, New York is the former home of Frederick Douglass's, North Star newspaper. In 1964, it erupted in one of the first large-scale urban outbursts of the decade. Precipitated by white police violence against the black community, the July uprising lasted several days, subsiding only after the arrival of 1500 National Guardsmen. In "the fall of 1964, the FBI, at the direction of President Johnson, began to make riot control training available to local police departments, and by mid-1967 such training assistance had been extended to more than 70,000 officials and civilians."(2)

On July 29, 1967, President Johnson issued Executive Order 11365, establishing the National Advisory Commission on Civil Disorders. It is more commonly known as the Kerner Commission, named for its chair, former Major General, and then Governor of Illinois, Otto Kerner. The creation of the commission came hot on the heels of the violence in Detroit, a conflict which left 43 dead, several hundred wounded and over 5,000 people homeless. Johnson sent troubleshooter Cyrus Vance, later Secretary of Defense, as his personal observer to Detroit. The commission issued its final report, completed in less than a year, on March 1, 1968.

Although the Kerner Commission has over the years become associated with a somewhat benign, if not benevolent character, codifying the obvious, "we live in two increasingly separate America s" etc., the fact is that the commission itself was but one manifestation of a massive military/police counter-insurgency effort directed against US citizens, hatched in an era of emergent post-Vietnam "syndrome" coupled with elite fears of domestic insurrection. While the movement chanted for peace and revolution, rebellious, angry and destructive urban uprisings were occurring with alarming frequency, usually the result of the usual spark, police brutality, white on black crime. The so-called urban riots of 1967-1968 were the zenith, during this period, of social and class conflict. "More than 160 disorders occurred in some 128 American cities in the first nine months of 1967."(3)

The executive order establishing the commission called for an investigation of "the origins of the recent major civil disorders and the influence, if any, of organizations or individuals dedicated to the incitement or encouragement of violence."(4) The work of the commission was funded from President Johnson's "Emergency Fund." *The executive order sought recommendations in three general areas: "short term measures to prevent riots, better measures to*

*contain riots once they begin, and long term measures to eliminate riots in the future.*"(5) Their two immediate aims were "to control and repress black rioters using almost any available means", (6) and to assure white America that everything was in hand. Commission members included Charles B. Thorton, Chairman and CEO, Litton Industries, member of the Defense Industry Advisory Council to the DoD and the National Security Industrial Association, John L. Atwood, President and CEO, North American Rockwell Corporation ("Commission Advisor on Private Enterprise"), and Herbert Jenkins, Atlanta Chief of Police and President of the International Association of Chiefs of Police.

During the early stages of staff recruitment, commission Deputy Executive Director Victor H. Palmieri "described the process as a war strategy"(7) and so he might given the overwhelming presence within the commission and its consultants of military and police officials. One quarter of over 200 consultants listed were big-city police chiefs, like Daryl F. Gates, former chief LAPD. Numerous police organizations, including the heavily funded Law Enforcement Assistance Administration (financiers of SWAT), guided the commission s deliberations. No less than 30 police departments were represented on or before the commission by their chiefs or deputy chiefs.

A key player within the commission, "consultant" Anthony Downs, stated at the time that, "it would be far cheaper to repress future large-scale urban violence through police and military action than to pay for effective programs against remaining poverty." (8) As for the military, twelve generals, representing various branches of the armed services appeared before the commission or served as contractors. The commission s "Director of Investigations", Milan C. Miskovsky, was "on leave as assistant general counsel of the treasury, and formerly connected to the Central Intelligence Agency."(9)

*The Kerner Commission s "study" of "civil disorder" lead directly to (civilian) recommendations regarding the role of the military in domestic affairs.* The report dutifully "commends the Army for the advanced status of its training." Further, it states that "the Department of the Army should participate fully in efforts to develop nonlethal weapons and personal protective equipment appropriate for use in civil disorders." In addition, "the Army should investigate the possibility of utilizing psychological techniques to ventilate hostility and lessen tension in riot control, and incorporate feasible techniques in training the Army and National Guard units."

## **THE ARMY AND CIVIL DISORDER**

Under the heading, "Army Response To Civil Disorders", the commission report states that "the commitment of federal troops to aid state and local forces in controlling a disorder is an extraordinary act An Army staff task group has recently examined and reviewed a wide range of topics relating to military operations to control urban disorders: command and control, logistics, training, planning, doctrine, personnel, public information, intelligence, and legal aspects." The results of the Army brass s study was subsequently, "made known to the National Guard and to top state and local civil and law enforcement officers in order to stimulate review at the state and local level."(10)

The Army Task Force which assisted the Kerner Commission issued its own report in early 1968. In it, the Pentagon took a multi-pronged approach to solving the civil disturbance problem. "Expanding the suggestion of Cyrus Vance, Military Intelligence working with the FBI, local, county and state police forces undertook a massive domestic intelligence gathering operation the Senior Officers Civil Disturbance Course was instituted at the Military Police Academy in Georgia Security forces ranging from Army troops to local police were trained to implement their contingency plans Contingency plans, called planning packets, were prepared for every city in the country that had a potential for student, minority or labor unrest."(11)

In addition, "the Army Task Force that had designed this program took on a new name, the Directorate of Civil Disturbance Planning and Operations. The Army Task Force transformation into the Directorate occurred during the massive rioting that broke out in black ghettos of 19 cities after the assassination of Martin Luther King in April 1968."(12) At that time "seven army infantry brigades, totaling 21,000 troops were available for riot duty. And a hugh, sophisticated computer center kept track of all public outbursts of political dissent, thereby furnishing the first of the Army Task Force s prescribed remedies: intelligence."(13)

By June of 1968, the Directorate had become the Directorate of Military Support, setting up shop in the basement of the Pentagon. "Better known as the domestic war room, the Directorate had 150 officials to carry out around-the-

clock monitoring of civil disorders, as well as to oversee federal troop deployments when necessary. At the cost of \$2.7 million, this massive directorate also developed policy advice for the secretary of the Army on all disturbances and maintained intelligence packets on all major U.S. cities."(14)

Even though the full extent of US military intelligence activities during this period is far from generally known, *"by 1968, many Justice Department personnel knew that the military was preparing to move in massively if needed to quash urban riots, and some officials feared the development of a large national military riot force. It was well known among top officials that the Department of Defense was spending far more funds than the Justice Department on civil disorder preparations* indicative of the growing trend at the federal level toward repression and control of the urban black rioters."(15)

By 1971, Senator Sam Ervin, later of Watergate reknown, had convened his Subcommittee on Constitutional Rights which "revealed that Military Intelligence had established an intricate surveillance system covering hundreds of thousands of American citizens. Committee staff members had seen a master plan - Garden Plot that gave an eagle eye view of the Army-National Guard-police strategy."(16) "At first, the Garden Plot exercises focused primarily on racial conflict. But beginning in 1970, the scenarios took a different twist. The joint teams, made up of cops, soldiers and spies, began practicing battle with large groups of protesters. California, under the leadership of Ronald Reagan, was among the most enthusiastic participants in Garden Plot war games."(17)

As time went on, "Garden Plot evolved into a series of annual training exercises based on contingency plans to undercut riots and demonstrations, ultimately developed for every major city in the United States. Participants in the exercises included key officials from all law enforcement agencies in the nation, as well as the National Guard, the military, and representatives of the intelligence community According to the plan, joint teams would react to a variety of scenarios based on information gathered through political espionage and informants. The object was to quell urban unrest "(18)

Unrest of a different sort took place on the evening of February 27<sup>th</sup> 1973. At that time, a group of Native Americans occupied a trading post in the village of Wounded Knee on the Pine Ridge Reservation in South Dakota. By the 2<sup>nd</sup> of March the takeover had "triggered the army contingency plan for domestic disturbances. Emergency Plans White now coded as Garden Plot brought the Army into South Dakota Three army colonels, disguised as civilians, and reconnaissance planes assisted", while "the Justice Department used the army to conduct intelligence for civilian law enforcement around Wounded Knee."(19) Information on other instances in which Garden Plot was "triggered" over the intervening years is presently locked in Pentagon vaults.

In essence, the contemporary roots of militarized efforts to suppress domestic rebellion lie in the US Army s master plan, Department of Defense Civil Disturbance Plan 55-2, Garden Plot. Since at least 1968, the military has expended billions of dollars in this effort. The plan is operative right now, most recently during and after the Los Angeles uprising of 1992. A view into details of this plan is possible by way of an examination of United States Air Force Civil Disturbance Plan 55-2, Garden Plot which is the "implementing" and "supporting plan for the Department of the Army (DA) Civil Disturbance Plan - GARDEN PLOT dated 1 March 1984 (which) provides for the employment of USAF forces in civil disturbances." It is specifically drawn up "to support the Secretary of the Army, as DOD Executive Agent for civil disturbance control operations (nicknamed GARDEN PLOT), with airlift and logistical support, in assisting civil authorities in the restoration of law and order through appropriate military commanders in the 50 States, District of Columbia, the Commonwealth of Puerto Rico and US possessions and territories, or any political subdivision thereof." The plan "is effective for planning on receipt and for execution on order."(20)

## **U.S. AIR FORCE 55-2 - GARDEN PLOT**

"The long title of the plan is United States Air Force Civil Disturbance Plan 55-2, Employment of USAF Forces in Civil Disturbances. The short title of this document is USAF Civil Disturbance Plan 55-2. The nickname assigned by Department of the Army is GARDEN PLOT." It's dated July 11, 1984.

The plan opens with some basic "assumptions", namely that "civil disturbances requiring intervention with military forces may occur simultaneously in any of the 50 States, District of Columbia, Commonwealth of Puerto Rico, US

possessions and territories." And like the current situation in Vieques, Puerto Rico, "civil disturbances will normally develop over a period of time." In the event it evolves into a confrontational situation, under Garden Plot, it is a "presidential executive order" that "will authorize and direct the Secretary of Defense to use the Armed Forces of the United States to restore law and order."

According to the Air Force plan, the military will attempt "to suppress rebellion whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impractical to enforce the laws of the United States in any state or territory by the ordinary course of judicial proceedings (10 USC 332)". Applying its own version of equal protection under the law, the military can intervene "when insurrection, domestic violence, unlawful combinations, or conspiracies in a state so hinder or obstruct the execution of the laws as to deprive individuals of their Constitutional rights, privileges, and immunities or when the insurrection impedes the due course of justice, and only when the constituted authorities of the state are unable, fail or refuse to protect that right, privilege, immunity, or to give that protection (10 USC 333)." In other words, the Army makes an offer of "protection" that the citizenry can't refuse.

T.Alden Williams, in a sympathetic 1969 treatment of the Army in civil disturbances, put it this way: "Where officials have not shown determination, or have invited violence by predicting it, violence has developed. Hence, it follows that with few exceptions, serious riots are evidence of police failure and that, implicitly, it is at the point of police failure that states and their cities redeem their national constitutional guarantees and the Regular Army may be asked to intervene."(21) Some redemption.

According to the Air Force plan's "Classification Guidance", the roughly 200 page document "is UNCLASSIFIED and does not come within the scope of direction governing the protection of information affecting national security. *Although it is UNCLASSIFIED, it is FOR OFFICIAL USE ONLY as directed by AFR 12-30. This plan contains information that is of internal use to DOD and, through disclosure, would tend to allow persons to violate the law or hinder enforcement of the law.*" Consequently, the plan's "operations orders and operating procedures must be designed to provide the highest degree of security possible." Therefore "the entire staff should identify known or suspected opposition awareness of previous operations and operations plans", while "procedures should be designed to eliminate the suspect sources to the degree possible." And "in the event of organized opposition some sort of advisory intelligence gathering capability should be assumed."

The Air Force document warns, under the heading of "Open Literature Threat", presaging current military discourse on "info-war", that "any information/document, though seemingly unclassified, which reveals information concerning this Plan is a threat to OPSEC (operational security)" This is especially true given the nature of the "Human Intelligence (HUMINT) Threat." Recognizing that, "prior to and during sustained military operations in Support of the Plan, the potential HUMINT threat could be considerable", the plan recommends that "every effort should be made to reduce vulnerability to this threat by adhering to OPSEC procedures and safeguarding Essential Elements of Friendly Information (EEFI)."

Under "Operations to be Conducted: Deployment", the Air Force plan states that "a civil disturbance condition (CIDCON) system which has been established to provide an orderly and timely increase in preparedness for designated forces to deploy for civil disturbances control operations, will be on an as required basis for USAF resources for such operations as aerial resupply, aerial reconnaissance, airborne psychological operations, command and control communications systems, aeromedical evacuation, helicopter and weather support." The Air Force does have some experience in this area. "In response to the US invasion of Cambodia, student unrest broke out. Under Operation Garden Plot, from 30 April through May 4, 1970, 9<sup>th</sup> Air Force airlift units transported civil disturbance control forces from Ft. Bragg to various locations throughout the eastern US."(22) In fact, two years earlier, "Air Force Reserve C-119 and C-124 units participated in Garden Plot operations set up to quell domestic strife that followed the assassination of Martin Luther King."(23)

Although the section on "Counterintelligence Targets and Requirements" is "omitted", the plan does specify its targets, namely, those "disruptive elements, extremists or dissidents perpetrating civil disorder." A "civil disturbance" is defined as a "riot, acts of violence, insurrections, unlawful obstructions or assemblages, or other disorders prejudicial to public law and order. The term civil disturbance includes all domestic conditions requiring the use of federal armed forces pursuant to the provisions of Chapter 15, Title 10, United States Code." Conditions

precipitating Garden Plot activation are "those that threaten to reach or have reached such proportions that civil authorities cannot or will not maintain public order." As for legal authority, "the Constitution of the United States and numerous statutes provide the President with the authority to commit Federal military forces within the United States DOD Directive 3025.12 provides guidance in committing Federal armed forces."

## **FORCE STRUCTURE**

The "application of forces should be in the following order: local and state police, Army and (in support role) Air National Guard under State control, Federal civil law enforcement officials, federal military forces to include Army and (in support role) Air National Guard." According to the plan, "State Adjutants General prepare civil disturbance plans for the employment of National Guard units under state control." Specifically, "as a general rule for planning purposes, the minimum forces to be supported in any single objective area is 5,000. The maximum to be supported is 12,000 for any objective area other than Washington, DC and 18,000 for Washington, DC." The "objective areas" are "those specified by the Presidential Proclamation and Executive Order in which the Secretary of Defense has been directed to restore law and order", and as "further defined by the Letter of Instruction issued to Task Force Commanders by the Chief of Staff, US Army."

In order to avoid the unseemly implications of "martial law", "requirements for the commitment of Federal military forces will not result in the declaration of a National Emergency". In this regard, the "Public Affairs Objectives" include the development of "procedures for the public release of appropriate information regarding civil disturbance control operations." Media and other queries "concerning employment of control forces may be locally answered by an interim statement that the: Department of Defense policy is not to comment on plans concerning the possible employment of military units and resources to carry out assigned missions."

*Concerning "Force Requirements", the plan states that, "US Army and Marine Corps units designated for civil disturbance operations will be trained, equipped and maintained in readiness for rapid deployment, (with) ten brigades, prepared for rapid deployment anywhere in CONUS. A Quick Reaction Force (QRF) will be considered to be on a 24 hour alert status and capable of attaining a CIDCON 4 status in 12 hours "* Upon receipt of orders, "the Task Force Commander assumes operational control of the military ground forces assigned for employment in the objective area", including "specials operations assets." In case the soldiers are unfamiliar with "urban terrain", the "Defense Mapping Agency Topographic Center provides map services in support of civil disturbance planning and operations."

The "Summary of the Counterintelligence and Security Situation" states that "spontaneous civil disturbances which involve large numbers of persons and/or which continue for a considerable period of time, may exceed the capacity of local civil law enforcement agencies to suppress. Although this type of activity can arise without warning as a result of sudden, unanticipated popular unrest (past riots in such cities as Miami, Detroit and Los Angeles serve as examples) it may also result from more prolonged dissidence." USAF Garden Plot advises that "if military forces are called upon to restore order, they must expect to have only limited information available regarding the perpetrators, their motives, capabilities, and intentions. On the other hand, such events which occur as part of a prolonged series of dissident acts will usually permit the advance collection of that type of information "

The United States Army Training and Doctrine Command (TRADOC), "provides training programs and doctrine for civil disturbance operations to military services." The US Army Force Command (FORSCOM), "organizes, trains, and maintains in readiness Army forces for civil disturbance operations", while the Director of Military Support (DOMS), "conducts, on a no-notice basis, exercises which direct headquarters of uniformed services, appropriate CONUS command, and other DOD components, having GARDEN PLOT responsibilities to assume a simulated increased preparedness for specified forces." In addition, the DOMS, "maintains an around-the-clock civil disturbance command center to monitor incipient and on-going disturbances."

The document, the United States Air Force s "implementing plan" for the US Army s Civil Disturbance Plan 55-2, Garden Plot, goes on to detail every aspect of military "suppression" of "rebellion against the authority of the United States", including who pays, who bills and how to secure "loans" to cover the costs "attributable to GARDEN PLOT." *Ominously, under "Resources Employed Without Presidential Directive", the document states that when the "immediate employment of military resources is required in cases of sudden and unexpected civil disturbances or*

*other emergencies endangering life or federal property, or disrupting the normal processes of Government, expenses incurred will be financed as a mission responsibility of the DOD component employing the military resources."*

## **PENTAGON DIRECTIVES**

Department of Defense Directive 3025.12, Military Assistance for Civil Disturbances (MACDIS) became effective on February 4, 1994 when signed by then Defense Secretary William Perry. It states that, "the President is authorized by the Constitution and laws of the United States to suppress insurrections, rebellions, and domestic violence under various conditions and circumstances. Planning and preparedness by the Federal Government and the Department of Defense for civil disturbances are important, do to the potential severity of the consequences of such events for the Nation and the population." Further, "the Secretary of the Army, as DoD Executive Agent, shall provide guidance to the other DoD Components, through DoD 3025.12-R, the DoD Civil Disturbance Plan (GARDEN PLOT), or both, in accordance with this Directive".

DoDD 3025.12 makes it clear that "MACDIS operations are unprogrammed emergency requirements for the Department of Defense", and that in order to "ensure essential control and sound management of all military forces employed in MACDIS operations, centralized direction from the DoD Executive Agent (the Army) shall guide planning by the DoD component." Thus, "MACDIS missions shall be decentralized through the DoD Planning Agents or other Joint Task Force Commanders only when specifically directed by the DoD Executive Agent."

According to the directive, the "Army and Air National Guard forces have primary responsibility for providing military assistance to state and local governments in civil disturbances." Accordingly, "the Army National Guard State Area Commands (STARCs) shall plan for contingency use of non-Federalized National Guard forces for civil disturbance operations." The directive further outlines policy, guidelines, and legal justification for "military assistance for civil disturbances", including policy regarding domestic law enforcement, designating the Army as "the principle point of contact between the Department of Defense (DoD) and the Department of Justice (DoJ) for planning and executing MACDIS." (24)

The militarization of domestic "law enforcement" is founded, in part, upon Department of Defense Directive 5525.5, DoD Cooperation with Civilian Law Enforcement Officials, dated January 15, 1986, five years after Congressional "drug warriors" passed the Military Cooperation with Civilian Law Enforcement Agencies Act. Referencing the 1971 version of DODD 3025.12 (above), the directive states that, "it is DoD policy to cooperate with civilian law enforcement officials to the extent practical consistent with the needs of national security and military preparedness." In addition, "the Military Departments and Defense Agencies may provide training to Federal, State, and local civilian law enforcement officials."

Apparently, military Judge Advocates (lawyers) have no problem with the 1878 Posse Comitatus Act, (18 U.S.C.1385) which states that: "**Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than \$10,000 or imprisoned not more than two years or both.**" Nor is there much concern shown for "the historic tradition of limiting direct military involvement in civilian law enforcement activities." For even though the Act is cited within the directive as "the primary restriction on military participation in civilian law enforcement activities", it is rendered null and void in deference to "actions that are taken for the primary purpose of furthering a military or foreign affairs function." In fact, "under guidance established by the Secretaries of the Military Departments and the Directors of the Defense Agencies concerned, the planning and execution of compatible military training and operations may take into account the needs of civilian law enforcement officials for information when the collection of the information is an incidental aspect of training performed for a military purpose." (25)

## **ARMY FIELD MANUAL**

United States Army Field Manual 19-15, Civil Disturbances, dated November 1985, is designed to provide hands-on "guidance for the commander and his staff in preparing for and providing assistance to civil authorities in civil

disturbance control operations." The Army manual opens by noting that, "the DA Civil Disturbance Plan, known as Garden Plot, provides guidance to all DOD components in planning civil disturbance missions." Its' thirteen chapters cover, in depth, every aspect of military "tasks and techniques employed to control civil disturbances and neutralize special threats." Subjects include the nature of civil disturbances, participants ("the crowd"), federal intervention, information planning ("intelligence"), control force operations, crowd control operations, threat analysis ("criminal activists"), about which "law enforcement sources can provide useful information", riot control agents, extreme force options, apprehension, detention, and training.

According to the Army manual, "civil disturbances in any form are prejudicial to public law and order." They "arise from acts of civil disobedience", and "occur most often when participants in mass acts of civil disobedience become antagonistic toward authority, and authorities must struggle to wrest the initiative from an unruly crowd." They are caused by "political grievances" and "urban economic conflicts", or maybe even by "agents of foreign nations", but mostly, "urban conflicts and community unrest arise from highly emotional social and economic issues." *And in a statement that resonates with the "benign neglect" of some years ago, the manual points out that disturbances may arise because "economically deprived inner-city residents may perceive themselves treated unjustly or ignored by the people in power."*

Utilizing Garden Plot language, the manual states that "the president can employ armed federal troops to suppress insurrection, domestic violence, unlawful assemblies, and conspiracy if such acts deprive the people of their constitutional rights and a state s civil authorities cannot or will not provide adequate protection." Never mind the Congress or Constitution, "federal intervention in civil disturbances begins with the issuance of a presidential proclamation to the citizens engaged in the disturbance." In other words, the President reads "the riot act" and "a control force" is sent in to "isolate the disturbance area." The goal is to "isolate the people creating the disturbance from those who have not yet become actively involved."

According to FM 19-15, the Army can gather intelligence on civilians if their "activities can be linked directly to a distinct threat of a civil disturbance that may involve federal forces." This is especially important, given that "during civil disturbances many people engage in unlawful behavior." Therefore, "when at all possible, civil law enforcement agents are integrated with the military control force team making apprehensions", and "if police are not available, military personnel may search people incident to an apprehension." Useful measures for "isolating an area include barriers, patrols, pass and ID systems, and control of public utilities." Also, "imposing a curfew is a highly effective control measure in many civil disturbances." Army "saturation patrols", "integrated with civil police patrols", blanket the area, creating "the psychological impression of the control force being everywhere at once."

The Army field manual points out that when "control forces" resort to "forceful measures" they can turn to a host of weaponry, including "the M234, which is a nondeadly force measure, to the machine gun, which is the most deadly force measure." The manual states that "machine guns, 7.62 millimeter and below, may accompany units on civil disturbance missions." In addition, the "control forces" can utilize the M234 launcher, which is "a riot control weapon" mounted on an M16 rifle which "fires a projectile that causes pain on impact." In addition, "the riot shotgun is an extremely versatile weapon. Its appearance and capability have a strong psychological effect on rioters."

## **MARTIAL RULE**

The concept of martial rule, as distinct from martial law, is not written, and therefore is an eminently more workable arrangement for "law enforcement forces". That s because, as FM 19-15 points out, "martial rule is based on public necessity. Public necessity in this sense means public safety." According to the manual, U.S. state authorities "may take such action within their own jurisdictions." And yet, "whether or not martial rule has been proclaimed, commanders must weigh each proposed action against the threat to public order and safety. If the need for martial rule arises, the military commander at the scene must so inform the Army Chief of Staff and await instructions. If martial rule is imposed, the civilian population must be informed of the restrictions and rules of conduct that the military can enforce." *Realizing the power of free speech, the manual suggests that "during a civil disturbance, it may be advisable to prevent people from assembling. Civil law can make it unlawful for people to meet to plan an act of violence, rioting, or civil disturbance. Prohibitions on assembly may forbid gatherings at any place and time." And don t forget, "making hostile or inflammatory speeches advocating the overthrow of the lawful government and*

*threats against public officials, if it endangered public safety, could violate such law."*

During civil disturbance operations, "authorities must be prepared to detain large numbers of people", forcing them into existing, though expanded "detention facilities." Cautioning that "if there are more detainees than civil detention facilities can handle, civil authorities may ask the control forces to set up and operate temporary facilities." Pending the approval of the Army Chief of Staff, the military can detain and jail citizens en masse. "The temporary facilities are set up on the nearest military installation or on suitable property under federal control." These "temporary facilities" are "supervised and controlled by MP officers and NCOs trained and experienced in Army correctional operations. Guards and support personnel under direct supervision and control of MP officers and NCOs need not be trained or experienced in Army correctional operations. But they must be specifically instructed and closely supervised in the proper use of force."

According to the Army, the detention facilities are situated near to the "disturbance area", but far enough away "not to be endangered by riotous acts." Given the large numbers of potential detainees, the logistics (holding, searching, processing areas) of such an undertaking, new construction of such facilities "may be needed to provide the segregation for ensuring effective control and administration." It must be designed and "organized for a smooth flow of traffic", while a medical "treatment area" would be utilized as a "separate holding area for injured detainees." After a "detainee is logged in and searched", "a file is initiated", and a "case number" identifies the prisoner. In addition, "facility personnel also may use hospital ID tags. Using indelible ink, they write the case number and attach the tag to the detainees wrist. Different colors may be used to identify different offender classifications " Finally, if and when it should occur, "release procedures must be coordinated with civil authorities and appropriate legal counsel." *If the "detainee" should produce a writ of habeas corpus issued by a state court, thereby demanding ones day in court, the Army will "respectfully reply that the prisoner is being held by authority of the United States."*

Training under FM 19-15/Garden Plot must be "continuous" and must "develop personnel who are able to perform distasteful and dangerous duties with discipline and objectivity." Dangerous to the local citizenry given that "every member of the control force must be trained to use his weapon and special equipment (including) riot batons, riot control agent dispersers and CS grenades, grenade launchers, shotguns, sniper rifles, cameras, portable videotape recorders, portable public address systems, night illumination devices, firefighting apparatus, grappling hooks, ladders, ropes, bulldozers, Army aircraft, armored personnel carriers, and roadblock and barricade materials." Sounding a lot like recent Urban Warrior war-games, the manual makes note that although unit training must address "the sensitivity and high visibility of civil disturbance operations", the "unit training must be realistic." In this regard, "the unit commander should try to include local government officials in field training exercises. The officials can be either witnesses or participants. But care must be taken to prevent adverse psychological effects on the local populace, especially if tension is high."(26)

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21. T. Alden Williams, "**The Army in Civil Disturbance: A Profound Dilemma?**", pg. 161, in ed. Robin Higham, Bayonets in the Streets, University of Kansas Press, 1969.
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