



COMMISSION MEETING Sept. 20, 1967

THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS

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

AGENDA

MEETINGS OF SEPTEMBER 20, 21 and 22, 1967

WEDNESDAY, SEPTEMBER 20, 1967 -- Room 459, Executive Office  
Building

9:30 a.m. HEARING ON CONTROL OF CIVIL DISORDERS.

Howard R. Leary, Police Commissioner, New York  
City.

E. Wilson Purdy, Director of Public Safety, Dade  
County (Miami), Florida; formerly, Commissioner,  
Pennsylvania State Police; formerly, Chief of  
Police, St. Petersburg, Florida; and former  
agent, Federal Bureau of Investigation.

William M. Lombard, Chief of Police, Rochester,  
New York; formerly, Supervising Officer,  
New York State Police.

Byron Engle, Director, Office of Public Safety,  
Agency for International Development, Department  
of State; former Captain and Director of  
Personnel and Training, Kansas City Police  
Department; former Chief Administrator, United  
Nations Command, Tokyo, Japan.

LUNCH

2:00 p.m. ROLE OF NATIONAL GUARD AND UNITED STATES ARMY IN  
CONTROLLING CIVIL DISORDERS.

Brigadier General Roderic L. Hill, Director of  
Operations, Office of the Deputy Chief of  
Staff for Military Operations, Department  
of the Army, Washington, D.C.

Major General George Gelston, Adjutant General,  
Maryland National Guard; formerly, Acting  
Commissioner of Police, Baltimore, Maryland.

Brigadier General Harris Hollis, Assistant Deputy  
Chief of Staff for Operations, United States  
Army, Washington, D.C.

6:30 p.m. DINNER MEETING. Pan-American Room, 2nd Floor,  
Statler Hilton Hotel.

THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS

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

THURSDAY, SEPTEMBER 21, 1967 -- Room 459, Executive Office  
Building

9:30 a.m. GHETTO LEADERS' VIEWS ON TENSIONS AND GRIEVANCES  
THAT RESULT IN DISORDERS.

S. Joseph Sanders, Director of Summer Projects,  
Westminister Neighborhood Association in  
Watts, Los Angeles; student, Yale Law School.

Father John Groppi, leader of current open housing  
demonstrations in Milwaukee, Wisconsin; adult  
advisor, NAACP Youth Council; Assistant Pastor,  
St. Boniface Roman Catholic Church.

Ernie Chambers, militant civil rights leader and  
demonstrator, Omaha, Nebraska.

Piri Thomas, Puerto Rican-American; native and resident  
of Spanish Harlem, New York City; author,  
"Down This Mean Street," an autobiography.

LUNCH

2:00 p.m. THE ROLE OF POLICE IN REDUCING COMMUNITY TENSIONS  
AND GRIEVANCES -- PART I.

Dante Andreotti, Community Relations Service,  
Department of Justice; formerly, Chief,  
Police-Community Relations Division, Police  
Department, San Francisco, California.

David Hardy, reporter, New York Daily News; born  
and raised in the west end ghetto of Plainfield,  
New Jersey with many of those who rioted in  
Plainfield; formerly, reporter, Plainfield  
(New Jersey) Courier.

Professor Albert Reiss, Professor, Department of  
Sociology, University of Michigan; consultant,  
President's Commission on Law Enforcement and  
Administration of Justice.

William H. T. Smith, Director, Inspection Division,  
Department of Housing Urban Development;  
formerly, Chief of Police, Syracuse, New York;  
former official, New York City Police Department.

THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS

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

FRIDAY, SEPTEMBER 22, 1967 -- Room 459, Executive Office  
Building

9:30 a.m. THE ROLE OF POLICE AND LOCAL OFFICIALS IN REDUCING  
COMMUNITY TENSIONS AND GRIEVANCES -- PART II.

Honorable John Conyers, Jr., United States  
Representative, First District, Michigan;  
Representative Conyers' district includes the  
12th Street riot area in Detroit.

Mrs. Charlotte Meecham, National Representative  
for the Police-Community-Corrections Program  
of the American Friends Services Committee.

Patrick V. Murphy, Assistant Director for Law  
Enforcement, Office of Law Enforcement  
Assistance, United States Department of Justice;  
former Chief of Police, Syracuse, New York;  
former Deputy Chief Inspector, New York City  
Police Department.

Honorable John Doar, Assistant Attorney General,  
Civil Rights Division, United States Department  
of Justice (tentatively scheduled).

LUNCH

2:00 p.m. PROPOSALS FOR INCREASING POLICE-COMMUNITY  
EFFECTIVENESS IN PREVENTING AND CONTROLLING  
CIVIL DISORDERS.

Quinn Tamm, Executive Director, International  
Association of Chiefs of Police; formerly,  
Assistant Director, Federal Bureau of  
Investigation.

Dr. Kenneth McFarland, formerly, Superintendent  
of Schools, Topeka, Kansas; author, "Topeka's  
Plan for Law Enforcement" (tentatively  
scheduled).

Honorable Roger Wilkins, Director of Community  
Relations Service, United States Department  
of Justice.

THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS

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

September 19, 1967

Memorandum To: Security Office, EOB

From: Col. Norman J. McKenzie, Executive Officer  
National Advisory Commission on Civil Disorders

Subject: Meeting of the National Advisory Commission on  
Civil Disorders, September 20, 21, and 22.

Request the persons on the attached list be  
cleared for entry into the Executive Office  
Building on September 20, 21 and 22, 1967.  
They will be attending meetings of the National  
Advisory Commission on Civil Disorders.

Norman J. McKenzie  
Executive Officer

THE WHITE HOUSE

MEMBERS OF SPECIAL ADVISORY  
COMMISSION ON CIVIL DISORDERS

MEMBERS

① Otto Kerner, Chairman	Governor of Illinois
John Lindsay, Vice Chairman	Mayor of New York City
Senator Fred R. Harris	Senator from Oklahoma
Senator Edward W. Brooke	Senator from Massachusetts
James C. Corman	U. S. Representative from California, Twenty-Second District (Los Angeles)
William M. McCulloch	U. S. Representative from the State of Ohio, 4th District
I. W. Abel	President, United Steel Workers
Charles B. Thornton	President, Director and Chairman of the Board, Litton Industries, Inc.
Roy Wilkins	Executive Director of the NAACP
Katherine Graham Peden	Commissioner of Commerce, State of Kentucky
Herbert Jenkins	Chief of Police, Atlanta, Georgia

# # #

THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS

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

GUESTS

Mr. Dante Andreotti

Mr. Ernie W. Chambers ✓

Mr. Byron Engle

Major Gen. George Gelston

Father <sup>John</sup> Groppi ✓

Brig. Gen. Roderic L. Hill

Brig. Gen. Harris Hollis

Mr. Howard Leary

Mrs. Charlotte Meachum

Mr. Patrick Murphy

Prof. Albert Reiss

Mr. Quinn Tamm

Mr. <sup>(Pini)</sup> Perry Thomas ✓

Prof. James Vorenberg

Mr. Roger Wilkins

Congressman John Conyers

Two persons accompanying  
Father Groppi:

Mr. James Pierce ✓

Mr. David Rogers

Wm. Lombard

J. STANLEY Sanders ✓

Hon. John Doar

Nevard

THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS

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

STAFF

David Ginsburg, Executive Director

Victor Palmieri, Deputy Executive Director

Gerald Astor, Look Magazine

Fred Bohlen

Charles E. Brookhart

James E. Booker

David Chambers

John Christman

David A. DeLo

Roger Fredericks

Barbara Jo Grace

Claudette M. Johnson

Nathaniel R. Jones

John Koskinen

Jay Kriegel

Stephen Kurzman

Roye L. Lowry

James Luikart

Merle McCurdy

Kyran McGrath

Norman J. McKenzie

John F. McLawhorn

Richard M. Scammon

Dr. Robert Shellow

Richard Spencer

Alvin A. Spivak

Henry B. Taliaferro, Jr.

Donald Webb

Steve Weiner

Stephen Ailes

Arnold Sagalyn

David E. Birenbaum

Roger L. Waldman

Paul Bower

Richard Baun

*Wm Hayden*

THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS

1016 16TH STREET, N.W.  
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Ward and Paul Reporters and Messengers

Miss Ruth Taylor

Mr. Alvin Mills

Mr. Frank Shelburne

Mr. Ben Firshein

Miss Frances Garow

Mr. Robert Cantor

Mr. Eugene Joseph

Mr. Jessie L. Ward III

THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS

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

Additional Guests for the Meeting of the  
National Advisory Commission on Civil Disorders  
on September 20, 21, and 22, 1967

Mr. E. Wilson Purdy

Mr. William H. T. Smith

Mr. David Hardy

Col. John J. Hennessey

Additional Staff

Howard Margolis

Added on  
9/20

✓ STEPHEN KURZMAD

✓ ROBERT SHELOW

• JACK LEFKOWITZ

✓ ROYE LOWRY

• ART YOUNG

~~ERIC BLANCHARD~~

• ERIC BLANCHARD

Wm Monroe

Russel T. Moore

Branden M. Pettway

Charles Moore

**ORIGINAL**

OFFICIAL TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
**National Advisory Commission  
on Civil Disorders**

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EXECUTIVE CONFIDENTIAL

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Place     Washington, D. C.

Date     September 20, 1967

Pages    1289 - 1509

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2	<u>STATEMENT OF:</u>		<u>PAGE</u>
3	E. Willson Purdy,		
4	Director of Public Safety, Dade County,		
5	(Miami) Florida; formerly, Commissioner,		
6	Pennsylvania State Police; formerly,		
7	Chief of Police, St. Petersburg, Florida;		
8	and former Agent, Federal Bureau of		
9	Investigation	1292	
10	William M. Lombard,		
11	Chief of Police, Rochester, New York;		
12	Former Supervising Officer, New York		
13	State Police	1305	
14	Howard R. Leary,		
15	Police Commissioner,		
16	New York City	1318	
17	Byron Engle,		
18	Director, Office of Public Safety		
19	Agency for International Development,		
20	Department of State; former Captain and		
21	Director of Personnel and Training, Kansas		
22	City Police Department; former Chief		
23	Administrator, United Nations Command		
24	Tokyo, Japan	1328	
25	(AFTERNOON SESSION -- P. 1416)		
26	Brigadier General Roderic L. Hill,		
27	Director of Operations, Office of the Deputy		
28	Chief of Staff for Military Operations,		
29	Department of the Army, Washington, D. C.	1417	
30	Major General George Gelston,		
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34	United States Army, Washington, D. C.	1436	
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MILLS

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EXECUTIVE CONFIDENTIAL

NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS

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Room 474,  
Executive Office Building,  
17th & Pennsylvania Ave., N.W.,  
Washington, D. C.  
Wednesday, September 20, 1967.

The Commission met, pursuant to recess, at 10:00 a.m.,  
the Honorable Otto Kerner (Governor Illinois), Chairman,  
presiding.

PRESENT:

The Honorable Otto Kerner (Chairman)  
Senator Fred R. Harris  
Senator Edward W. Brooke,  
Representative William McCulloch  
Representative James Corman  
Mr. Herbert Jenkins  
Mrs. Katherine Graham Peden  
Mr. Charles Thornton  
David Ginsburg, Executive Director

---

WARD & PAUL

25 K Street, N.E., Washington, D.C. 20002

P\_R\_O\_C\_E\_E\_D\_I\_N\_G\_S

(A document entitled "Seattle Opportunities Industrialization Center (SOIC) Brochure," received from the Reverend Sullivan at the September 13, 1967 Commission meeting was marked Exhibit 50, A through I for identification, and received in evidence.)

- - -

CHAIRMAN KERNER: The Commission will come to order.

I would like to give a little prologue as to the witnesses and subject matter we will be hearing for the next three days.

We will deal broadly with the subject of maintaining law and order. This broad subject will be broken into three general areas.

The first of these areas, the grievances and tensions that lead to civil disorders.

Secondly, the actions that the police and community can take to reduce such grievances and tensions.

Thirdly, procedures and techniques that local officials, police and federal forces can utilize to restore law and order when a riot has broken out.

We will be receiving testimony from six panelists.

Each panel will have three or four members. Each panel will

1 make an oral presentation of about fifteen to twenty minutes --  
2 and I would hope that we would all listen to each of the  
3 panelists before asking any questions.

4 In this manner, we will, I hope, have the benefit  
5 of not only the planned statements of the witnesses, but also  
6 the spontaneous views brought out by interaction among the  
7 panel members.

8 This morning's hearing will be directed specifically  
9 towards control of civil disorders.

10 I would like first to welcome the panel that we will  
11 hear this morning -- Mr. Howard R. Leary, Commissioner, New  
12 York City Police Department, Mr. Wilson Purdy, the Director of  
13 Public Safety, Dade County, Florida., Mr. William Lombard, Chief  
14 of Police, Rochester, New York, and Mr. Byron Engle, Director,  
15 Office of Public Safety, Agency for International Development,  
16 Department of State.

17 Perhaps we ought first probably to start with Mr.  
18 Purdy, if he will begin.

19 Director Purdy is recognized as a law enforcement  
20 official with broad experience at the local, state and federal  
21 level. He was formerly Chief of the St. Petersburg, Florida,  
22 Police Department, and former Commissioner of the Pennsylvania  
23 State Police Bureau, and also a former agent of the Federal  
24 Bureau of Investigation.

25 Mr. Purdy will address his remarks primarily to the

1 restoration of law and order after it has broken down.

2 STATEMENT OF E. WILSON PURDY, DIRECTOR OF  
3 PUBLIC SAFETY, DADE COUNTY (MIAMI) FLORIDA;  
4 FORMERLY, COMMISSIONER, PENNSYLVANIA STATE  
5 POLICE; FORMERLY, CHIEF OF POLICE, ST. PETERSBURG,  
6 FLORIDA; AND FORMER AGENT, FEDERAL BUREAU OF  
7 INVESTIGATION

8 MR. PURDY: I am glad to hear the subject matter,  
9 Governor. This is the first time I have heard it.

10 I want to apologize for my lack of preparedness. I  
11 I was in Connecticut yesterday on a Traffic Safety Conference,  
12 and last evening, and caught an early plane this morning to  
13 come here and answer to Mr. Mr. McCurdy's phone call yesterday.  
14 So I am here without preparation other than to discuss any  
15 matters which you feel you want to discuss, and I will be glad  
16 to draw on any of the opportunities that I have had for ex-  
17 perience in these fields.

18 Is it my understanding that you are interested this  
19 morning in the restoration of order after the incident has  
20 occurred?

21 CHAIRMAN KERNER: That is correct.

22 MR. PURDY: The actual combat involved, and so forth.  
23 So we are not dealing here now, then, with the police  
24 community relation reparation prior to the breakdown -- is that  
25 correct?

1           CHAIRMAN KERNER: If you feel you can give us any  
2 information in that category, we would be delighted to hear  
3 it as well.

4           MR. PURDY: Perhaps I will wander a little afield.  
5 And if I do, do not hesitate to pull me back into focus.

6           I think we all recognize the fact that these problems  
7 started some number of years ago, some 12 or 14 years ago,  
8 with the beginning of the civil rights movement. And first of  
9 all I think it should be made very clear to the group that  
10 the police family by and large throughout the United States  
11 believes very strongly in and is in favor of a civil rights  
12 movement. This does not mean that we have wholeheartedly  
13 agreed with the procedures and the tactics used in the civil  
14 rights movement.

15           However, we do agree that there is need for a civil  
16 rights movement, for the most part.

17           We also recognize that it should have been done many  
18 many years ago. However, it was not, and so we are today faced  
19 with these major problems.

20           I think the success of the civil rights movement  
21 in its early years was largely due to the recognition by the  
22 white community that this was long overdue, and the tremendous  
23 support that most of the white community gave to the civil  
24 rights movement, and particularly the support given to the  
25 civil rights movement by the police family.

1           We recognize that the publicity, tremendous press  
2 coverage, did not reflect necessarily the outstanding efforts  
3 of law enforcement throughout the country. However, I  
4 think that as time goes on, and historians look back upon it,  
5 it will be readily agreed that the success of the civil rights  
6 movement in its early years could not have been accomplished  
7 and would not have been accomplished had it not been for the  
8 tremendous support and protection that the civil rights movement  
9 received from the law enforcement agencies.

10           We recognize, too, of course, that there were some  
11 irregularities, shall we say, and perhaps some isolated instances  
12 of excesses. But for the most part, the police family was in  
13 staunch support of the principle of the civil rights movement.  
14 And many police officers became deeply involved in the civil  
15 rights movement a long time before the rest of the communities  
16 were aware that there was a problem.

17           And police community relations has been a common  
18 parlor term or station house term in law enforcement for many  
19 years now, some 12, 14, 15 years. Whereas community relations  
20 in an effort to solve rational problems has not perhaps been  
21 recognized by the community or by a large percentage of the  
22 official family of communities, except in the last three, four  
23 or five years.

24           And so a lot of spacework, a lot of advance work  
25 was done.

1 I think that we recognize fully that the riotous  
2 conditions that developed over a period of years did not develop  
3 because of police brutality. Although we went through an era  
4 or a phase where no matter what action you took -- you could  
5 send troops in, send men in armed with powder puffs and Bibles,  
6 and there still have been accusations of police brutality.

7 I think as we look back, and historians look back,  
8 we will see there was very little police brutality. However,  
9 this was the battle cry. And it has been admitted by some people  
10 in the movement that without this battle cry there would have  
11 been very little chance of success, because it would not have  
12 gained adequate recognition in the news media to bring about  
13 the success of the movement, and the success of the movement  
14 was made possible, of course, to a large measure by the  
15 tremendous press coverage that it received, for the most part  
16 rightly, and in some instances perhaps wrongly.

17 We recognize, too -- and this is well understood --  
18 much better understood by the police family than by most of the  
19 community in general -- at least up to the last couple of years  
20 -- that what we are dealing with here are not police problems,  
21 but community problems. And these community problems relate  
22 to, of course, the usual gamut of social problems -- the socio-  
23 economic problems -- housing, recreation, employment oppor-  
24 tunities, education, and all of the other socio-economic problems  
25 that do exist. And these are the things that over a long period

1 of many many years of virtually total neglect on the part of  
2 the official family of community after community across our  
3 Nation, both North and South -- and I think that the racial  
4 situation in the South has been recognized as being almost as  
5 bad as the racial situation in the North is.

6 I think over a period of time, that we recognize  
7 that these things have developed because of the socio-economic  
8 factors, and not because of police activity alone, although  
9 of course the police, being a part of the community, did make  
10 certain contributions, and also certain protections.

11 So over a period of time, then, these tensions did  
12 rise, and the explosions came. And because of an almost total  
13 lack of acknowledgement of the responsibility on the part of  
14 communities, of course the police family was thrown into the  
15 breach, as is proper, because we are that visible symbol of  
16 authority that represents supposedly all the people in the  
17 community.

18 And so when disorder did occur, we were the ones  
19 who were thrown into the breach.

20 Initially our involvement was in the form of  
21 police action in connection with the so-called peaceful demon-  
22 stration -- in the beginning, such things as the freedom  
23 riders, lie-ins, stand-ins, roll-ins -- any kind of "ins" you  
24 might want to imagine.

25 For the most part the police involvement was one

1 of setting up protection, or the protective services in order  
2 that the peaceful demonstrations could be carried out. They  
3 did not always stay peaceful, but for the most part they were  
4 carried on peacefully. Tremendous gains were made by the  
5 Negro community in many sections of the country as a result  
6 of these demonstrations.

7 I think that over a period of years we also recog-  
8 nize that the highly responsible Negro leadership that did  
9 direct the activities of the movement in the early years in some  
10 instances broke down, was taken over by the younger, more  
11 militant, and the younger members of the Negro community  
12 rallied around the militant groups, and in many instances the  
13 old line leadership has fallen almost by the wayside.

14 It has only been in the last two or three years  
15 perhaps that we have recognized that we did not know who the  
16 Negro leaders were in most communities. We were accepting  
17 as Negro leaders the clergymen, the professional men, the  
18 doctors and the lawyers, the individuals who were in charge  
19 of the NAACP, CORE, and the other recognized groups, Urban  
20 League -- we were accepting them as the Negro leadership.  
21 And then we find in the last two or three years that this is  
22 not the Negro leadership -- this is a segment or a part of the  
23 Negro leadership.

24 However, your basic Negro leadership in most of your  
25 so-called ghetto, which is a term that should be discarded, but

1 the best we have right now perhaps -- the economically deprived  
2 areas -- most of the leadership there is represented in the  
3 barber, the guy who runs the corner drug store, the numbers  
4 operator, the guy who runs the house of prostitution -- he is  
5 the man with the big car, the fancy clothes, and this sort of  
6 thing. And it is to him that the young militant Negro looks  
7 for leadership, because this affluence is a mark of success.

8           And so in recent years, the last two or three, we  
9 have been dealing primarily, or largely, with this segment  
10 of leadership, and we see a new period of success in reaching  
11 the Negro on the street through the combined efforts of the  
12 old line recognized Negro leadership and what we now realize  
13 is perhaps the true Negro leadership.

14           As far as the actual breakdown when the riots occur,  
15 and the control, I think that most departments, and those  
16 with which I have been associated, have felt that there were  
17 two courses of action. First of all -- two major courses  
18 of action. First of all, the police community relation approach  
19 prior to and during the breakdown, in which you attempt to  
20 enlist or involve the total community in the problem-solving  
21 machinery, attempting to meet such things as recreation,  
22 employment, housing and the other socio-economic problems in  
23 advance. And there has been considerable success, I believe,  
24 throughout the Nation -- it is a success that is extremely  
25 difficult to measure, because prevention is almost impossible

1 to measure. But I believe that the police family and the  
2 communities throughout the country have really accomplished  
3 miracles in this field, if we are ever in a position to properly  
4 evaluate it.

5 And so the one approach, then, is through the police  
6 community relation approach, making it -- recognizing that it is  
7 a community problem, and attempting to involve the total  
8 community.

9 On top of this, of course, comes the actual battle  
10 preparations -- for want of a more descriptive term, and these  
11 we have to have.

12 We look in the police field upon these as perhaps  
13 society looks upon life insurance. We all have it, perhaps,  
14 we need it, we know we must have it, we hope to heck we  
15 never have to use it.

16 And in this area, we do have to, and it is hoped  
17 that all police agencies would follow the course of action  
18 of preparation for actual combat if it comes.

19 We are then faced with looking back over the years  
20 -- we found that the police family in the initial stages of  
21 these development felt that they alone should handle, for  
22 the most part, the combat activities, and failed to recognize  
23 that we should look a little bit broader for assistance. We  
24 felt that among us in the police field that we should handle  
25 anything that came along, we should be prepared and capable.

1 And most departments went through intensive riot control  
2 training, and we perhaps in a large measure overlooked the fact  
3 that we were not dealing with minor disturbances, and it is  
4 not the type of brushfire you can send a couple of men to put  
5 out, and if you have to turn everyone loose on such a situation,  
6 it means the rest of your city is stripped.

7           So the attitude has perhaps changed in recent years  
8 to the recognition that in our planning for combat or control,  
9 it is necessary to involve all elements of the community that  
10 would be called upon-- such as the State Police, or State  
11 Highway Patrol -- the municipalities being of course the  
12 foundation and the basic structure, holding the primary  
13 responsibility -- and backing up the municipal agencies being  
14 the county agencies, where they do exist in a professional manner,  
15 and backing up of course on top of that State Highway Patrols,  
16 or State Police, whichever happens to exist.

17           On top of that, I think we have recognized that the  
18 time for the calling of the National Guard, for example, or a  
19 regular combat force, should be much earlier than we thought  
20 initially in the first disturbances that we had. For example,  
21 in the jurisdiction which I represent, the National Guard  
22 gets the same phone call almost at the same time I did if a  
23 disturbance arises. This does not mean a call out. This  
24 means an alert, a stand-by, and the National Guard is ready to  
25 move on a moment's notice.

1           During the past summer we did not let our National  
2 Guard go to summer camp. They stayed in the area. We are  
3 fortunate that we have a National Guard unit of military police,  
4 and the commanding officer of the military police -- National  
5 Guard military police unit is a member of our Police Department,  
6 so that it was a matter of just changing uniforms to take over.  
7 And this gave us an excellent liaison.

8           So the National Guard, we feel, should be called  
9 very very early, for several reasons, among which -- first of  
10 all, they have the adequate force, the combat troops, and our  
11 unit -- and I think most of them throughout the country, or  
12 many of them -- are very well trained.

13           There may be some not so well trained, and those  
14 are the ones of course that receive the publicity. But I think  
15 for the most part they have stepped up their training, and  
16 ours being a military police unit was of course fairly well  
17 trained we feel in the handling of riot control situations.

18           So this would give adequate force immediately on the  
19 scene.

20           In addition to this, we recognize that the Police  
21 Department must handle the situation, and then go on the next  
22 day picking up the pieces, putting it back together, and if they  
23 have stirred up strong animosity in the community during the  
24 actual combat period, this makes it extremely difficult for  
25 them to swing into action as a police agency, a regular enforcement

1 agency, the next, day, week or month afterwards.

2       The National Guard involved in the actual combat a week  
3 later have faded back into the teller cages of the bank, into  
4 the trucking business, into the various other business of  
5 the community, back in civilian clothes, and there is no blame  
6 or finger pointed at individuals as such, except for a rare  
7 occasion.

8       The police then perhaps are in a better position  
9 to move in and assume their rightful role as the overall law  
10 enforcement agency and crime prevention agency in an area,  
11 without having quite as serious a stigma hanging over them as  
12 if they had had to go into actual combat as the front line  
13 troops throughout the entire racial conflict situation.

14       I think we recognize that the recent racial conflict  
15 situations have really, on the one hand, very little to do with  
16 civil right movement as we think -- as we thought of the civil  
17 rights movement in the early years. It is perhaps an out-  
18 growth of this. However, we also must recognize, I think, that  
19 we have actually encouraged and approved and actually trained  
20 almost an entire generation of young people to disobey any law  
21 with which they do not agree.

22       I think that this is perhaps a more serious by-product  
23 or side effect of the civil rights movement than the civil  
24 rights movement itself. And this is a serious one with which  
25 we will be living for many many generations to come, in that

1 the people who are creating perhaps much of the problem today,  
2 in the age bracket of 15-18, up to 25, 26, we must realize that  
3 they were only 4, 5, or 6 years old, most of them, and up to  
4 10 or 12 years of age at the time the movement started, and  
5 have been constantly taught, instructed and involved in  
6 these matters with the attitude that if there is anything out  
7 there you don't like, if you don't believe in it, go on out  
8 and violate it, it is perfectly all right -- you will be supported  
9 by your own people, you will be supported by the press, you will  
10 be supported by the government, and you will be encouraged by  
11 otherwise highly responsible people in the promotion of this  
12 type of activity.

13 So we have, in looking at the community problem involved  
14 -- I think we must look on a much broader scale than just the  
15 racial implications here, and just the racial riot problem,  
16 in that the Negro community or any group that is involved  
17 in this type of activity, if they are to be involved in a  
18 development of a better society of the future, must also be  
19 involved in the total community picture, and not just the racial  
20 aspect.

21 They must be involved in such things as all aspects  
22 of the crime field, and the other social problems in the  
23 community.

24 So it becomes again total community involvement --  
25 not just of the white community involved in recognizing the

1 problems, and in supporting police, and action taken to suppress  
2 and bring down these problems, and bring about the socio-  
3 economic reforms, but also the involvement of the community,  
4 whether it be called the Negro community, the minority group,  
5 the riot community, or the problem community -- they must be  
6 involved in this, and some way or another the key needs to be  
7 found for a recognition of social and community responsibilities  
8 on both sides.

9           Some time, at some place in our society, we must  
10 bring things into a screeching focus, and terminate, reflect  
11 this attitude that if there is anything you do not like about  
12 our government, or the way our communities are run, just  
13 go out and violate the law and it is perfectly all right.

14           Violators of the law must be treated as though  
15 violations had been committed -- not be condoned, encouraged,  
16 instructed, and actually taught to commit further violence.

17           I will pass at this point.

18           CHAIRMAN KERNER: Our next panelist is Chief William  
19 Lombard of Rochester, New York, Police Department. Chief  
20 Lombard has had many years of experience in police work, in  
21 crowd and riot control. He was formerly Supervisory Officer  
22 of the New York State Police.       Because of the many innova-  
23 tions he brought to that department, he was asked to join the  
24 Rochester Police Department as its chief. And since assuming  
25 his present post, he has organized his department in one of the

1 most efficient riot control organizations in the country.  
2 Chief Lombard will direct his remarks primarily to police  
3 operations and tactics controlling civil disorders.

4 STATEMENT OF WILLIAM M. LOMBARD, CHIEF OF  
5 POLICE, ROCHESTER, NEW YORK; FORMER  
6 SUPERVISING OFFICER, NEW YORK STATE POLICE  
7 MR. LOMBARD: Thank you, Mr. Chairman.

8 I was notified yesterday, by Mr. McCurdy, and spent  
9 a good portion of last night and the early hours of this morning  
10 trying to get a text together here. And with your kind  
11 indulgence -- I think it is about twenty minutes long.

12 I represent a city of 300,000 and a metropolitan area  
13 of about 675,000. Our Police Bureau of 555 active officers  
14 covers an area of 33 square miles.

15 Our inner city, in addition to the central business  
16 district, consists of two ghetto areas, one on each side of the  
17 Gensie River, with an estimated 38,000 plus Negro residents, and  
18 7,000 plus Puerto Rican or Spanish-speaking.

19 I have been Chief of Police since January 1962, coming  
20 to a municipal police operation from the New York State Police  
21 where I served for fourteen and a half years.

22 Rochester is a cultural and highly skilled community  
23 which for many years has enjoyed the lowest unemployment rate  
24 in the state and throughout the Nation. Presently it is 1.2.  
25 The Negro residents total 10,000 plus in 1950, 24,000 plus in

1 1960, and a projection by 1970, by our City Planning Office,  
2 of 45,000 plus.

3 Rochester is a city which has played a foremost part  
4 in the civil rights movement for many years. It is a community  
5 where prior to July 24, 1964, the expression that "it couldn't"  
6 happen here" was most prevalent. Obviously whatever was  
7 accomplished prior to July '64 was not enough, since it did  
8 happen, the second largest city in the Nation to suffer a  
9 riot.

10 Without belaboring you with all the details, I will  
11 leave every part for your perusal -- as submitted by our  
12 city manager to the Council, and the contents of which are  
13 primarily based on reports submitted by our Police Office.

14 Of interest is the fact that of 976 persons arrested  
15 during the emergency period -- this is 1964 -- although two-  
16 thirds were born out of state, 57 per cent were residents of  
17 the city five or more years, 27 per cent residents less than  
18 two years.

19 Since that incident, the following action has been  
20 taken.

21 Legislative. An ordinance of restricted conduct in  
22 time of public emergency, which provides in the declaration  
23 of administration by the city manager powers to restrict  
24 consumption of alcohol, possession of weapons, such as rocks,  
25 sticks, bottles, in addition to firearms, and curfew regulations.

1 The penalty is a fine not exceeding \$1,000 and/or imprisonment  
2 not exceeding 180 days.

3 Our civil disorder of July 23-24, 1967 did not require  
4 the declaration of an emergency by our city manager.

5 Mobilization: In 1964 our mobilization of off-duty  
6 personnel involved a roster alphabetically of all officers with  
7 their phone numbers. Our experience then resulted in 115  
8 off-duty officers responding in the first one and a half hours.  
9 This was extremely poor, and immediate action taken with the  
10 implementation of a permanent command post office adjacent  
11 to our communications center which in addition to other uses  
12 has four magic call phone positions with up-to-date weekly  
13 duty rosters, noting when men are on an off-duty, which through  
14 actual experience provides us the means of notifying all off-  
15 duty personnel, or an average of 45 officers within one hour and  
16 twenty minutes.

17 A general order entitled National or Accidental  
18 Disasters has been issued to all personnel spelling out their  
19 duties and responsibilities in most mobilizations and assign-  
20 ments, which I will also make available to you.

21 Supporting Resources: Over the past three years  
22 continuous conferences have been held with other law enforcement  
23 agencies and the New York State National Guard. In the event  
24 of a disturbance which may result in setting forth our mobiliza-  
25 tion plan, an alert is immediately given to the sheriff's

1 office, the New York State Police and the National Guard  
2 representatives,, who will immediately send observers. The  
3 sheriff will respond if requested by molilizing all town, village  
4 and adjacent county police resources including his own with a  
5 force that could total 250 officers. The State Police, after  
6 the request by our city manager for troopers, has been approved  
7 by the Governors, can dispatch 250 men within two hours, and  
8 double that amount if need be within five hours. The National  
9 Guard has a capability, after being ordered by the Governor,  
10 to provide a force of 1500 men in less than six hours.

11           Logistics: Our plans provide for staging areas,  
12 quarters for National Guard, New York State police officers,  
13 as well as administrative facilities. Buses for transporting  
14 officers are immediately available. Catering services are  
15 provided for all police at city expense. Emergency communi-  
16 cations are also provided for.

17           Equipment: In our riot storage area, in our  
18 public safety building, we have ready for immediate issue,  
19 helmets, riot sticks, handcuffs, tear gas and masks. Since  
20 our last incident with precious minutes lost in issuing this  
21 equipment, we have purchased sufficient helmets and sticks  
22 to be issued to each field officer who will report with such  
23 equipment. In addition, each patrol vehicle unit has two helmets,  
24 sticks and a riot shotgun, also the chemical Mace.

25           Intelligence: Since 1964, much emphasis has been

1 placed in gathering information tending to indicate community  
2 unrest. All members of our Police Bureau play a part in gather-  
3 ing such data with the specific office headed by a command  
4 officer to follow up and analyze the information, keeping  
5 the Chief of Police promptly and properly informed. Constant  
6 communications are maintained with the FBI and State Police  
7 investigators in a similar assignment.

8           Police Community Relations: We have a staff of  
9 seven headed by a person with special training. The theme  
10 of our programs communications result in knowledge, knowledge  
11 develops understanding. To save time, I submit our program  
12 which has been performing highly satisfactorily. Such a staff  
13 in any medium-sized city and certainly larger is a most useful  
14 tool, and provides one of the necessary measures to bridge the  
15 gap between the police and the minority group in the community.  
16 I credit this program over the past year in preventing large  
17 numbers of people from becoming involved in our civil disorders  
18 of July 1967.

19           Training: Since July 1964, continuous emphasis has been  
20 placed on training. Training in human relations, constitutional  
21 guarantees, civil riots, laws, use of firearms and gas in riots,  
22 supervision and command responsibilities, military drill, bear-  
23 ing, and riot control.

24           Tactics: Military instructional material on riot  
25 control is completely outmoded with the type of guerrilla warfare

1 which we are subjected to.

2           Nonetheless, a show of force in the early stages  
3 operating in a military fashion acts as an important psycho-  
4 logical deterrent to those who witness the action with the  
5 word rapidly spreading as to the strength and organization.  
6 A simple directive ofrefraining from use of sirens, red lights,  
7 and immediate removal of arrested persons from congested areas  
8 has prevented major outbreaks in our community, which is a  
9 subject of constant reminders to our men.

10           Internal Affairs:    In 1963 we instituted a program  
11 of processing citizens complaints in internal inspections.  
12 Part of that time there was no formal program for such problems.  
13 Our Internal Inspection Office has a staff of five headed by a  
14 police captain. We have been very strict in our stewardship  
15 of the Police Bureau with 36 officers subject to official  
16 department hearings, on over 100 officers being subjected  
17 to informal hearings before the Chief and disciplinary action  
18 taken noted in their personnel folders.

19           Prior to 1963, of the inception of this office, in  
20 a 20-year period, only five officers were subject to departmental  
21 charges.

22           Members at first resented the Internal Inspection  
23 Office, but have come to respect it and believe in it. This  
24 program has played a foremost part in improving the character,  
25 performance and attitude of our organization, and most

1 importantly in coping with unfounded rumors from circulating  
2 in the community as it pertains to police conduct and use of  
3 force.

4 In recent incidents with over four hundred men de-  
5 ployed in the field, not one complaint was received from any  
6 individual alleging he or she was physically or verbally abused.  
7 The Special Inspection Office has an average of 400 investigations  
8 per year since 1964, with all citizen complaints being thoroughly  
9 investigated, documented and action taken in notifying the  
10 complainant and the officer as to our conclusions.

11 Industrial Notification: Conferences have been  
12 held between police and the business community. Liaison has  
13 been established with the Industrial Management Association,  
14 and Retail Merchants Association with key persons to be promptly  
15 informed of developments at any time of the day or night who are  
16 then responsible for notifying the membership. Concern primarily  
17 involves those industries and businesses open or operating during  
18 unusual hours.

19 A direct line is installed between the police command  
20 post and our Rochester Gas and Electric Company. And I might add  
21 I mention this -- in our last incident we had rumors, following  
22 the second day -- following the first night, of dynamite,  
23 attempt to dynamite the RG&E facilities, power, and with our  
24 close liaison established, we had wonderful cooperation from  
25 them. We needed every available manpower. They went themselves

1 and hired security people to cover all their installations,  
2 and the important ones were covered by the police.

3 City Administration: The Chief executive officer,  
4 which in our city is the City Manager, is promptly informed  
5 and reports with legal representatives from the Corporation  
6 Council. The Commissioner of Public Safety and City Manager  
7 are kept fully informed on developments who in turn are responsible  
8 for any press releases as arranged by the city press office.  
9 The Department of Public Works has a representative immediately  
10 available for direction and action on cleanup.

11 The Fire Bureau is much involved of course, and close  
12 liaison is maintained with assignments of police made to  
13 selected fire stations for security, and to ride shotgun if  
14 necessary.

15 In our last disturbance we were confronted with  
16 numerous fire alarms, few of which are valid. We recommended  
17 under such conditions that an alarm be established as valid by  
18 the police before fire-fighting equipment is dispatched, and  
19 further the equipment proceeds to the scene without use of vio-  
20 lence.

21 At the time of such turmoil, the police must have solid  
22 backing by the responsible heads of city government. This of  
23 course is contingent upon the confidence that the executive  
24 head has in its police and its leadership. Any strategy in  
25 handling minority community representatives must involve police.

1 I have a note here -- in '64, following the early  
2 hours of our riotous condition, and after about 55 per cent  
3 were subject to arrest, all of them charged with rioting, acts  
4 of violence, felony, at about five o'clock in the morning within  
5 short order, community leader, a cross section of the community,  
6 and most of those activity in civil rights, proceeded to confer  
7 with our city manager and Commissioner of Public Safety, and  
8 the mayor, and demanded that these 55 people be released, so  
9 that they could parade them through the rioting area and show  
10 faith and so forth, that they were all right, and what-have-you.  
11 We strongly objected to that action at that time. And I will  
12 explain why -- because when I appeared on the scene, in the  
13 midst of the turmoil, at the outset, we did have five that  
14 were under arrest, and I patrolled them in my care, to do just  
15 that, and it did not work. And so with that experience, we so  
16 informed our people.

17 However, they compromised and released one person,  
18 who was a representative of the 55, and immediately he appeared  
19 before the mass media, and made the demands for things from  
20 the city, what should be done, what should be given, and this in  
21 effect stimulated further the rioting condition, which then  
22 continued up until the early morning hours, up until eleven a.m.

23 Now, our July 1967 incident, there was complete con-  
24 fidence and support expressed by our superiors on decisions made,  
25 and the firm position expressed before the public by the

1 Commissioner of Public Safety and City Manager that law  
2 and order will be maintained was a moral booster for our  
3 police organization as well as alleviating the fears of non-  
4 involved citizens and a warning to involved persons.

5           Between July 1964 and July 1967, our bureau was  
6 tested many times with deliberate attempts to provoke a riot.  
7 In 1965, a youth was arrested in one incident, admitting that  
8 young teenagers in a Negro project talked of getting a riot  
9 going so as to steal clothing and merchandise. This past  
10 spring and early summer weeks on almost four consecutive  
11 weekends after midnight, at a time when the least number of  
12 police are available, a police action took place in the ghetto  
13 area where numerous small businesses are located. The crowd  
14 buildup occurred, and with the assignment of police to the  
15 crowd situation, a small number proceeded a block or two away  
16 to smash windows of stores and attempt to loot. There was  
17 ever indication it was a planned situation with a criminal  
18 mind at work.

19           In June particularly on Sundays we became confronted  
20 with a drag racing problem by ghetto residents. There is a  
21 conservative estimate of two hundred Negro drag-racing enthusiasts  
22 in our city, all with late and souped-up models. The police  
23 were confronted with numerous complaints.

24           The week prior to July 23 rumors were rampant that  
25 the ideal street for drag racing in the inner city would be

1 taken over. I personally met with over 50 of these young men,  
2 telling them it was unlawful, and would not be condoned. They  
3 were informed to organize a group, and their organization secured  
4 a site in close proximity for sanctioned drag racing. The  
5 group appeared attentive and respectful, but as a precautionary  
6 measure a reserve force of 55 officers were detailed on Friday,  
7 Saturday and Sunday night. And this is -- Sunday night was  
8 July 23, this past July. And we had many rumors flying through-  
9 out the entire city, particularly amongst small business, there  
10 was much fear and anxiety. We had no incidents on Friday or  
11 Saturday night, but on Sunday night, it was relatively quiet,  
12 there was no drag racing, as we experienced on the previous  
13 Sundays. But suddenly we started to see a buildup. We had  
14 watered down the streets every half-hour, we sent a water  
15 truck around. We had four patrol units assigned to this  
16 four-block area, four lanes wide, which was on both sides  
17 warehouses -- an ideal drag strip, but we just could not  
18 condone it. Deliberately, with these precautions, after  
19 there were several of these young men at opposite ends of the  
20 street, they set up a drag race riot in front of the officer.  
21 Our men were told to enforce and arrest. We had a tow car.  
22 As the officer pulled up alongside the drag racer, he was  
23 immediately confronted with stoning, and then simultaneously  
24 on the adjacent street, a large group started stoning cars  
25 passing through, of people.

1 I was present, and orders given to detour traffic  
2 with a reserve force being brought into the area by bus and  
3 being immediately effective. A hot line was established with  
4 our local professional civil fights group called fight.  
5 Communications maintained with other Negro community representa-  
6 tives. Many of them did go out in the streets and amongst  
7 the crowds which numbered not more than 300 at any one time, where  
8 there was a potential for 3,000 to become involved. With the  
9 exception of the initial acts of violence, the control of the  
10 crowd was maintained. We took advantage of the assistance by  
11 community representatives to mobilize off-duty personnel, and  
12 deploy men to cover other potential areas for violence, gun  
13 shops, liquor stores, and warehouses. The incident broke  
14 out at 10:15 a.m., and streets were cleared by 2:00 a.m.

15 On Monday, July 4, strong rumors circulated that teen-  
16 agers on the other side of town in the Negro community would  
17 stage a street dance, which is prohibited. And the reason for  
18 that was that what precipitated our '64 incident was a street  
19 dance. So they were going to celebrate. Meetings were had  
20 with Negro community representatives, with their expressions  
21 of satisfaction on the previous night's experience. They were  
22 informed we welcomed all the assistance available. But acts of  
23 violence became a police matter and responsibility with no  
24 commitments made. Our personnel were all placed on stand-by  
25 alert, and at 8:30 the buildup began. We maintained hot line

1 communications the night before with police deployed in the  
2 area, and at 10:30 some windows were broken, Molotov cocktails  
3 thrown, and police moved in with strength. Many fire alarms  
4 were sounded, but no serious fires erupted.

5 All acts of violence were hit and run. Two officers  
6 were injured out of 400 on the streets. One Negro was shot  
7 and died as a result of police action. Thirty-three per cent  
8 were arrested, included three white youths, who gunned down  
9 two Negroes standing on the street, both of whom suffered  
10 noncritical injuries.

11 By three a.m. the streets were cleared, and since  
12 that time we have entered no serious incident.

13 I will await with anxiety your questions.

14 CHAIRMAN KERNER: Thank you very much.

15 Our next participant is Commissioner Howard L. Leary  
16 of the New York City Police Department. Commissioner Leary,  
17 before assuming his present position, was Chief of the Philadelphia  
18 Police Department. While in Philadelphia he reorganized that  
19 department and made it one of the most efficient in the country.  
20 His work in Philadelphia and New York has caused him to be  
21 recognized as one of the foremost authorities on police problems  
22 in the country. He will, I understand, discuss the philosophy  
23 of policing, with its objectives.

24 Commissioner Leary.

25

1 STATEMENT OF HOWARD R. LEARY, POLICE

2 COMMISSIONER, NEW YORK CITY

3 MR. LEARY: Mr. Chairman, members of the Panel, any  
4 discussion of philosophy and objectives of restoring order  
5 in an urban disturbance, must necessarily begin with an  
6 understanding of how they start and grow into full-scale  
7 riots. A study of disturbances and riots throughout the  
8 United States over recent years indicates a very distinctive  
9 pattern of origin and development. It is almost possible to  
10 number these stages, so that such a matter of sequential develop-  
11 ment have they become.

12 The first requisite is a condition that we may call  
13 the dry grass. This is an area that waits only for a spark  
14 to burst into flames of disorder. The dry grass, that is the  
15 site of almost every disturbance or riot, is a congested urban  
16 area, inhabited largely by persons who feel left out of the  
17 prosperity that marks most of the contemporary American society.

18 It is marked by a rising standard of living, but an  
19 even more steeply rising scale of demands on society.

20 There is generally a high level of frustration,  
21 an increasing amount of anger, and almost always a feeling  
22 that comes from years of broken promises, and ranges from mute  
23 disappointment to outspoken rage.

24 This dry grass, as we have learned this summer and  
25 summers recently past, is widespread throughout our great cities.

1 It is number one in the list of requirements to make a riot.

2 Number two is a spark. Almost anything can spark  
3 a flame in a dry grass section, but in fact it is usually  
4 an incident in which the police are involved -- perhaps because  
5 police are the agency most in evidence in these areas.

6 Almost always it is either an arrest on a crowded  
7 street, or the policeman's use of the gun, once the spark is  
8 struck. The next step follows almost inevitably, and we call  
9 it the rumor.

10 Whatever the spark, the rumor can be counted on to  
11 magnify the original incident out of all proportions and to  
12 distort it or to present it in the worst possible light.

13 Step number four begins with the agitator. He  
14 appears on the scene, ready to promote their own aims and ambi-  
15 tions and programs at the expense of the community they profess  
16 to serve, by fanning the fears and hostilities of the persons  
17 who have gathered as a result of the initial incident and the  
18 rumors..

19 Here, too, is a pattern for the agitator -- turns  
20 almost inevitably to the youngster. Boys from 12 to 16, who  
21 have been attracted to the area of the disturbance. In these  
22 young people the agitator sees the willing catspaw to do the  
23 work the agitator does not dare do himself. Primarily what  
24 the agitator wants is to work these youngsters into such a state  
25 of excitement that the idea of breaking store windows comes into

1 their minds often prodded by hints from the agitator. In any  
2 case, it is rarely the agitator who breaks the window. It  
3 is always the young boy.

4 It is at the point that the windows begin to be broken  
5 that a determination can often first be made whether what has  
6 been a disturbance will grow into a full-scale riot. For this  
7 is a most critical point in the police work. What is required  
8 here is police in sufficient numbers, first to prevent any fur-  
9 ther breaking of windows, and second, to keep watch over already  
10 broken ones to head off a large-scale looting operation.

11 Here I should like to mention there is a great  
12 difference between the smashing and grabbing kind of procedure,  
13 the stone through the window, and the sweater snatched out,  
14 and the kind of organized looting in which ordinarily quiet,  
15 orderly members of the community come forward to participate  
16 in a large-scale stripping of merchandise from the stores'  
17 interiors.

18 This is a most critical area, because it is at this  
19 point that the agitator's efforts to turn a disturbance into  
20 a riot will succeed or fail.

21 What the agitator wants is to promote looting  
22 on such large-scale that either the law enforcement agencies  
23 are unable to cope with it, or that law enforcement agencies  
24 are provoked into a drastic repressive measure against those  
25 persons in the community involved in large-scale looting,

1 including women, and very young children.

2 As long as the police can prevent the beginning  
3 of a large-scale looting, the agitator's aim at fanning the  
4 disturbance into a full-scale riot can be frustrated. It may  
5 take days, it usually takes the better part of a week.

6 Night after night, agitators are back, trying to  
7 whip up the enthusiasm of the youngsters, to break new windows  
8 whenever the police are not present, trying to find some  
9 weak point in the police efforts to protect the glass.

10 After three or four or five nights of failure to  
11 break through, several things happen. One, of course, is  
12 that the game loses its zest for the young people, and another  
13 is a simple exhaustion on the part of the agitators.

14 But from our standpoint, the most important is  
15 the fact that the decent, orderly and reasonable forces within  
16 the community have had time to work. These responsible forces  
17 within the community that are so often ignored by our mass  
18 media today come to the fore quietly, and good sense is given a  
19 chance to argue against destruction and disorder. This has  
20 been our experience this summer in New York in civil disturbances,  
21 where disorders reached the point of window smashing, and then  
22 settled into long nights of stalemate.

23 In these cases the good and decent people within the  
24 community were able to use the time given them by prompt,  
25 effective and restrained police action to reach their own

1 young people, and to turn them away from the blandishments  
2 of the agitator who in each case finally had to withdraw,  
3 frustrated and defeated.

4           What has made it possible for us to expect patience,  
5 reasonableness, and even good will from a majority of the  
6 neighborhood people in these situations? As we see it, there  
7 are a number of reasons.

8           The massive summer task force program that has  
9 been mounted by Mayor Lindsay has certainly had great impact  
10 in the depressed areas. Not the least of the factors in  
11 the success of this program has been the genuine indication  
12 of interest in the people of these areas. There has been  
13 demonstrated by the city's chief executive almost nightly  
14 walking tours. By mid-summer in New York, not one in a  
15 poor neighborhood was surprised to see the mayor of the  
16 Nation's largest city strolling down his street, talking,  
17 asking questions, and answering questions.

18           I cannot overstate the effect of this visible  
19 demonstration of genuine interest on diffusing explosive  
20 situations -- because so much of the hostility of the ghettos  
21 is due to the apparent deafness of bureaucrats and adminis-  
22 trators.

23           There are other factors, too, that go into the  
24 general reasonableness that go into this.

25           Some of these were programs launched by the Police

1 Department. One was a system of close links between the  
2 police and clergymen in the area. Another was the fostering of  
3 close relationship between police officials and leaders at  
4 the grass roots level. With these two sets of links, the  
5 Police Department was able in many instances to put down on  
6 the effect of rumors in spreading disturbances.

7 It is a historical fact that almost every riot that took  
8 place in the United States over the past ten years at some  
9 point a rumor made the rounds that police had beaten a pregnant  
10 woman. As far as we can ascertain, this did not happen in  
11 any of the riots. I mention it only to give you an idea of  
12 the role that rumor can play in fanning the spark in a dry grass  
13 country.

14 Whatever the real facts of the sparking incident are,  
15 we have discovered the best thing for us to do is to make  
16 them available as quickly as possible to the clergymen, to the  
17 grass roots leaders of the community. The sooner these key  
18 people are apprised of the facts, and their own questions and  
19 doubts are satisfied, the easier the police job. While the  
20 police are holding the line to keep window-smashing from passing  
21 into the next terrible step of general looting, the clergymen  
22 and the grass roots leaders can move within their communities,  
23 deflating the rumors, spreading the true facts of the case.

24 Another factor that cannot be minimized in discussing  
25 the handling of disturbances is the need for a sufficient number

1 of police. In any disturbance that erupts, large numbers of  
2 police must be brought into the area as quickly as possible.  
3 Experience has shown that they should not be deployed where  
4 they can be visible at the site of the incident, as their  
5 very appearance tends to be provocative, but they should be  
6 available in the area.

7           However, there should be sufficient police on hand so  
8 that when police action must be taken, it can be taken with  
9 restraint and control.

10           Half a dozen men should never be sent into a street  
11 crowd in one of these disturbances.

12           It is too easy for men under such conditions to over-  
13 react, perhaps to use a pistol, and with one shot do what the  
14 agitators have tried to do, create a martyr. It is sometimes  
15 said policemen should not have to take oral abuse of the kind  
16 manifested so often in these disturbances. But few policemen  
17 would deny it is better to listen to hours of oral abuse than  
18 to change it with a single shot into a day's or week's rioting,  
19 for every policeman in this country carries at his hip a machine  
20 that can blow almost any incident in the ghetto into a full-  
21 scale riot.

22           The objects of our training and of our practices in  
23 New York City is therefore to deploy men to do any task in  
24 a disturbance in sufficient numbers that no man need feel panic.

25           If a street must be cleaned, six men are not sent to

1 do it, but fifty, a hundred, or two hundred if necessary,  
2 and they are backed up.

3 By deploying large enough numbers of men, the men can  
4 move slowly, so that disorderly persons may retreat. Of  
5 course, the policemen are human, and no training is sufficient  
6 to overcome the instincts of fear or feeling of outrage. That is  
7 why it is our practice to insist that when policemen are sent  
8 to do a task in a disturbed area, that the senior-most officers  
9 are in command, men who are division commanders, and preferably  
10 bureau commanders, men whose ordinary commands encompasses several  
11 thousand policemen.

12 In these critical conditions, their experience and  
13 their maturity provides not only the necessary tact for dealing  
14 best with the situation, but also the calming and reassuring  
15 influence on the policemen that is so often needed.

16 As I have said, the whole purpose, the objective  
17 of this entire procedure is to provide a framework in which  
18 the forces of government and the majority of the people of the  
19 affected community can meet, and find ways of answering  
20 questions on both sides, and restoring the situation to normalcy.

21 For all I have said about the importance of genuine  
22 interest on the part of government, I should like to express  
23 that there is a much more important area, and that is the  
24 forces of good within those ghetto communities. These forces  
25 are so often overlooked, but they are ultimately the ones that

1 must triumph if we are to have peace in our cities.

2 Really what we in the police are trying to do is  
3 provide the climate in which these good forces can win. For  
4 they are a majority. We have heard much of the past summer  
5 of hundreds of rioters in the street. I have seen street  
6 disorders in New York where hundreds of persons stood by while  
7 a handful of trouble-makers tried to turn a disorder into a riot.  
8 It would have been a disheartening sight, except I knew that  
9 neither the active trouble-makers nor their excited audience  
10 represented the majority of the community.

11 One has only to visit these communities on a Sunday  
12 to see the real majority of people in these communities. They  
13 turn out in the thousands, dressed immaculately, on their way  
14 to and from church of all denominations, and during the week  
15 in the early morning hours you see them going to work.

16 These are the good people of the community. They  
17 far outnumber the trouble-makers, or those who wait to see how  
18 far the trouble-makers can get. Our task this summer was to  
19 provide the climate in which these persons who are not aggressive  
20 could function to bring peace back into their communities. We  
21 can do so during a disturbance, by doing no more than achieving  
22 a stalemate with those who would fan disturbances into a riot,  
23 because during such a stalemate the good people in the community  
24 feel safe enough to function and quiet the situation. But in  
25 the long run of course, police work of this sort can only be

1 meaningful to society as a whole as it tackles the problem.  
2 The base problem, that is the dry grass, the tinder in which  
3 the spark can cause disturbances and riots. Society must  
4 turn frustration into achievement, must turn hope into a  
5 reality, before all of us civilians and policemen alike can  
6 expect urban peace and full realization of the the American  
7 Dream for all our citizens.

8 Thank you.

9 CHAIRMAN KERNER: Thank you very much, Commissioner,  
10 Leary.

11 We appreciate your remarks.

12 The fourth and final panelist this morning will be  
13 Mr. Byron Engle, Director, Office of Public Safety Agency  
14 for International Development, Department of State. Mr. Engle  
15 has had 37 years of experience in law enforcement, in riot  
16 control. Besides holding many responsible positions with  
17 various police organizations throughout the country -- he has  
18 also served as police administrator for the Supreme Command,  
19 allied powers, Tokyo, Japan. He has also conducted many  
20 studies and surveys of police and internal security forces in Asia,  
21 the Middle East, Africa, and South America. Mr. Engle will  
22 talk about the lessons learned from civil disorders in both this  
23 country and abroad, and the fundamental basic principles which  
24 apply internationally.

25 Mr. Byron Engle.

1 STATEMENT OF BYRON ENGLE, DIRECTOR, OFFICE OF  
2 PUBLIC SAFETY, AGENCY FOR INTERNATIONAL DEVELOPMENT,  
3 DEPARTMENT OF STATE; FORMER CAPTAIN AND DIRECTOR OF  
4 PERSONNEL AND TRAINING, KANSAS CITY POLICE DEPART-  
5 MENT; FORMER CHIEF ADMINISTRATOR, UNITED NATIONS  
6 COMMAND, TOKYO, JAPAN

7 MR. ENGLE: Mr. Chairman, maintenance of law and  
8 order is one of the fundamental responsibilities of government.  
9 And in most countries of the world, that responsibility of the  
10 civil security forces, police forces, if you will, as dis-  
11 tinguished from the military forces.

12 The preservation of law and order is essential, if  
13 there is to be social, economic or political progress.

14 It has been the policy of the United States govern-  
15 ment for several years to assist police forces of developing  
16 nations, if it is to our advantage to do so. The Agency  
17 for International Development, the State Department, has a  
18 very modest, small program for assisting these civil security  
19 forces.

20 The Office of Public Safety has the primary  
21 responsibility for these public safety programs.

22 At the present time we are working with police forces  
23 in thirty-two countries. The cumulative strength of these  
24 forces is about a million personnel. They are the first line  
25 of defense against violence, against criminality, and against

1 subversion.

2 They embrace all civil security functions from  
3 offshore law enforcement, border control, rural policing,  
4 policing of municipalities, to regulatory administration.

5 Most of our programs are very small. A few advisors  
6 in Africa, Asia, and in South America.

7 You can categorize our activities in three areas.  
8 Working with the police forces in improving their organiza-  
9 tion and management, making the most of their resources, both  
10 material and personnel, and training, training both within  
11 the host country, where we will touch about 80,000 this year,  
12 and training in the United States at the International Police  
13 Academy, which we operate here in Georgetown, and the provision  
14 of equipment, and assisting these countries to select equipment  
15 which is purchased in the United States.

16 Now, these individual public safety programs vary from  
17 country to country. But they are focused to achieve a balance  
18 between regular police activities and to perform an investigative  
19 capability for identifying subversive individuals, subversive  
20 organizations, criminal individuals and criminal organizations,  
21 and neutralizing their effect, and a capability for controlling  
22 violence -- ranging all the way from civil disorders to  
23 terrorism and guerrilla warfare. And this requires a very  
24 close integration between the police forces.

25 Now, obviously anything we do has to be related

1 to the political, the social, economic and cultural factors  
2 of the country concerned. But over the past several years  
3 we have acquired considerable experience in working with  
4 these police forces, and particularly in the area of violence,  
5 because in this untidy world of ours there is a lot of violence.  
6 And much of it is Communist inspired.

7           The Communists have had long experience in  
8 utilizing disturbances, riots, terrorism, as political action  
9 tools. As a consequence, we -- and I use "we" in the sense  
10 of ourselves and the police of the governments concerned --  
11 have put a lot of emphasis on nonlethal riot control.

12           We have found there are many principles and concepts  
13 which apply, whether it is Asia, Africa, or South America.  
14 Perhaps these same principles would apply in the United States.

15           In riot control, the fundamental principle is to  
16 prevent the riot in the first place. And one of the strongest  
17 means of preventing riots is the identification of the people  
18 for this government. And also in that respect the identification  
19 of the people, of the population, with the head of government,  
20 whether that may be the mayor, the governor, or the prime  
21 minister.

22           I do not think we can overstress what my colleagues  
23 have said here, and that is the emphasis on the police as a  
24 public service, because in most countries the police are the  
25 executive arm of the government that is, the closest to the

1 people, the element that the people come in contact with more  
2 frequently. They are exposed, much like the umpire at the  
3 baseball game -- their lot is never a happy one.

4 But there is a basic rule that the more repressive  
5 a police force is, or a military force, the wider the avenue  
6 between the police and the people. And this avenue is open  
7 for exploitation by the agitator, whether it is Communist  
8 or otherwise.

9 One of the favorite techniques of the agitator -- and  
10 every Communist agitator is taught some basic principles, of  
11 attempting to get the police and the military to over-react,  
12 to get a martyr. And the five points that I think is taught  
13 in every agitation school is -- one, get a martyr. And they  
14 are not particular as to how to get it -- if it means killing  
15 one of their own people. Two, get the body. Three, carry  
16 it through the streets. Four, have a public funeral. And  
17 five, a commemoration periodically, and as often as possible.

18 Now, we believe that there are some principles in  
19 the control of violence that are applicable in many parts of  
20 the world.

21 Before I mention those -- we found that in nonlethal  
22 riot control, that chemical munitions is one of the most effective  
23 weapon in riot control situations, if it is used properly and  
24 used in quantity.

25 We also concluded that whenever violence gets beyond

1 the civil security forces, gets beyond their control, that there  
2 has been a failure some place along the line -- maybe in-  
3 adequate support of the government for its police forces,  
4 inadequate numbers of police, inadequate planning, inadequate  
5 intelligence, inadequate training, inadequate facilities in  
6 equipment, or slow -- and I emphasize "slow" -- or poor  
7 performance.

8           Some of the principles that are effective and that  
9 are necessary -- we probably begin by citing legislation--  
10 adequate legislation to permit the police to quell disturbances,  
11 and to give the chief executive authority to declare curfews,  
12 and to restrict areas, and do it immediately. Government  
13 support of the police -- to take immediate action with the  
14 authority necessary to use a minimum amount of force to quell  
15 the disturbance before it escalates and gets out of hand.

16           Three, intensive training of all the police force,  
17 every man on the police force, in civil disturbances. It is  
18 just as important to know how to control civil disturbances, as  
19 it is to write a police report. This can be done. We did it  
20 in Japan with 125,000 police, and trained every man in at least  
21 32 hours of riot control.

22           Also there should be repeated in-service training,  
23 with exercise, with chemical munitions. And then advanced train-  
24 ing for riot control elements.

25           This brings me to the next point, and that is that

1 there should be, in most police forces, specially constituted  
2 emergency control units which are immediately available to the  
3 Commander whenever they are needed on a 24-hour basis. And  
4 these should go beyond just riot control, but be able to  
5 function in most any kind of emergency, and particularly in life  
6 saving.

7 Another point is contingency and operational plans.  
8 And the planning should be in depth. And we find this is where  
9 most forces break down. At this point the government of the  
10 political entity involved should decide at what level they  
11 intend for their police forces to control violence -- control  
12 violence before they call in other forces.

13 I think this is a critical matter that really has  
14 not been faced up to in many countries.

15 They should have realistic mobilization orders.  
16 Some of my colleagues have mentioned some effective ways  
17 that this has been done. Provision for reserves, supplies,  
18 logistic planning -- and planning when the forces are going  
19 to be employed for a considerable period of time.

20 Detention of prisoners, particularly in numbers that  
21 are beyond the facilities that are available. And probably  
22 of highest importance is access to the Chief Executive of the  
23 political entity, whoever he may be -- and joint planning  
24 with military and other government agencies, to assure coordina-  
25 tion in critical times when joint operations are necessary.

1           Police intelligence is one of the most critical  
2 factors in the prevention of civil disturbance. And in review-  
3 ing the operations of the many forces that we deal with, a  
4 close look very frequently indicates that it was good intelli-  
5 gence that prevented the riots in the first place or them from  
6 getting out of hand. And good intelligence means police  
7 effort, and organizational recognition for police intelligence  
8 structures, whatever you call them -- elements of the detective  
9 division -- whatever they may be.

10           Also, the provision of adequate organizational and  
11 personnel equipment -- communications, transportation, chemical  
12 munitions, and special equipment -- special purposes equipment.

13           We have found there is a tendency to over-emphasize  
14 special equipment, an attempt to use special equipment as  
15 a substitute for hard basic solutions. There are not easy  
16 solutions, and gadgetry is not going to stop riots.

17           The establishment of a police operations command  
18 and communications center -- which will serve as a focal  
19 point for decision-making, the collection of information,  
20 and timely action on that information, and to provide the  
21 best use of resources during an emergency, and to have partici-  
22 pation from the various elements of government, so that you  
23 can get decisions, command decisions or policy decisions,  
24 by responsible exclusive authority over the area that is  
25 affected.

1                   And last, but not least, are community relations  
2 programs to maintain this important communication between the  
3 police and the people, and encourage better respect of the  
4 police organization, its acceptance by the population. And  
5 with that, Mr. Chairman, I will close my remarks.

6                   CHAIRMAN KERNER: Thank you very much.

7                   I think you all have given us a lot of meat this  
8 morning, and certainly on the half of the Commission -- I  
9 want to say thank you on their behalf.

10                  Chief Jenkins?

11                  MR. JENKINS: Mr. Chairman, first I would like to  
12 express my deep appreciation to the panel for taking the  
13 time out from their busy schedule to come here this morning.  
14 These people are all busy. I would like to express my apprecia-  
15 tion. I would like to say to the members of the panel, it has  
16 been my great pleasure and privilege to know and work with all  
17 the members of this panel for many years. And I think we are  
18 fortunate here this morning to have these particular individuals  
19 and I think we are getting right to the milk of the cocoanut  
20 here today.

21                  I perhaps have had more in common with Chief Purdy  
22 than some of the others, because he was Chief of Police in a  
23 southern city for a good many years in the past at the same time  
24 I was. We had common problems.

25                  Now, the civil disorders that we are faced with started

1 a long time ago. There are those that suggest it started more  
2 than a hundred years ago. But I think the breach of the peace  
3 comes some eight or ten years ago, beginning in the South.

4 In more recent years I think the problem has taken  
5 on perhaps a new phase, and it has spread all over the  
6 country, and the movement has developed new objectives.

7 I was very much interested in Mr. Engle's report.  
8 He touched on police officers that he had been training, and  
9 I would like to point out that most of his police officers  
10 are foreign police officers. And I think there is a difference  
11 there, because it has been my experience that foreign police  
12 officers are working directly under the military. Generally  
13 it has been my experience that they are subordinate to the  
14 military. The Chief of Police is usually head of the military  
15 and head of the police.

16 In this country we have a little different situation,  
17 in that every police department is an independent organiza-  
18 tion. And the first question I wanted to ask Chief Purdey is  
19 this:

20 Police training, police service is extremely expensive.  
21 And even though the great progress that we have made in police  
22 training in recent years -- there are still a large number of  
23 departments and police officers that really do not have an under-  
24 standing of overall problems. They have not had the necessary  
25 training that is needed.

1           How are we going to develop uniformity in police  
2 training across this Nation, and how are we going to train  
3 every officer that is charged with this responsibility? How are  
4 we going to do that?

5           MR. PURDY: Chief, that is one large order. We  
6 have not scratched the surface on police training in the  
7 United States really.

8           I would like to comment on Mr. Engle's program. This  
9 is an excellent program. What I am about to say does not  
10 cast any reflection on that program. I have lectured at  
11 his school. We have had his students at our place. And I  
12 am 100 per cent for his program. I would like that very clear.

13           This is not a critical comment.

14           However, for a number of years we have observed  
15 the United States government spending millions of dollars in  
16 the training of foreign police officers, and virtually not  
17 a dime at home. I think it is about time we started looking  
18 after our own folks here at home.

19           You can go from police department, law enforcement  
20 agency, to law enforcement agency throughout the country, and  
21 achieve in national pride -- and I am as guilty of this as  
22 anyone -- will say, "Yes, I have trained my men." But what does  
23 that mean? I means in some instances that a man has had an  
24 opportunity as he came on the force to ride with an old  
25 experienced man for a period of time, so that he learned all

1 of his bad habits, too. And where the free coffee is and this  
2 sort of thing.

3           It may also mean in some of the batter agencies that  
4 he has had somewhere from three months' training perhaps to  
5 a maximum with some few exceptions, of four months -- occasionally  
6 you will find a six-month training program -- but usually  
7 the better training programs in our law enforcement agencies  
8 run about twelve, fourtween weeks.

9           Many of them run six and eight weeks and a few run  
10 more than that.

11           We have not recognized, first of all, that the police  
12 service is one of the most complicated services in our  
13 Nation today. It is far more complicated than being a doctor,  
14 a lawyer, a social worker, a banker, or almost any other pro-  
15 fession that you can name, because it touches all of those,  
16 it involves itself with all of those, and if you want to see  
17 how it involves, just go through the statute books, and you  
18 will see the different types of offenses over which police  
19 have responsibility, and it is quite apparent that we are  
20 social workers, we are ministers, we are lawyers, we are  
21 doctors -- we are all of these things.

22           And so the police service needs to be recognized in  
23 this Nation as one of the most complicated, probably the most  
24 complicated public service that there is in existence today --  
25 plus the fact it is almost always on a panic button or right-now

1 basis.

2 We have never caught up. There is no police agency  
3 that I know of that has adequate manpower, adequate equipment.  
4 And this is not just a police chief saying "I need more men."

5 So the training program is of absolute urgency,  
6 it is way past due, we are at the panic button stage and beyond  
7 that now.

8 We need intensive training programs at the street  
9 performance level -- the pre-service training programs given  
10 to the man before he ever hits the street. And then we need a  
11 period of probation, not in the sense of the word probation  
12 that we have now, where a man passes probation unless he shoots  
13 his mother-in-law or something -- that is about the only way  
14 he can fail probation now in most departments. So we need  
15 a probationary period that is a continuation of training and  
16 evaluation of this man's performance. And his initial training  
17 program and probation and evaluation and continued training  
18 program should probably span a period of two or more years  
19 before he is considered actually a police officer.

20 He should then be virtually required -- and probably  
21 should be required -- to take on additional training of the  
22 advanced or out-service type of training program, and should  
23 merge into an educational program.

24 The day will come when education will be required  
25 prior to employment. We are not there yet. In most areas

1 hopefully it will come.

2 And so the individual should be involved in the  
3 educational processes of our Nation, and the best hope right  
4 now is through the various college or community college program  
5 that is catching on like wildfire.

6 So he should become involved. There should be require-  
7 ments -- educational requirements for any advancement.

8 The police officer, for years we have taught him  
9 certain techniques and mechanics, or nuts and bolts of the  
10 daily operation. How to stop a car and question the driver,  
11 and how to measure skid marks, and take fingerprints, and this  
12 type of thing.

13 But that is not enough. He must not only know how  
14 to do it, but why he does it, which means the liberal arts  
15 type of education that goes along with it.

16 The police officer today in most jurisdictions must  
17 have a high school education. This, of course, is not an  
18 adequate requirement. The very least change that should be  
19 made in that is not that he shall have a high school education,  
20 but that he shall have the ability to pass a college entrance  
21 requirement, because as we know, many people are graduating  
22 from high schools today who do not have a high school education  
23 at the time they graduate.

24 Now, the bulk of our society today -- around 70, 75  
25 per cent in many areas, and fast approaching it in others, of

1 high school graduates are going on to some type of advanced  
2 education, such as one, two, or four years of college. This  
3 means today that society in general is aiming towards a 70  
4 or 75 per cent higher education level.

5 And so it means that we in the police field, the most  
6 complicated social service in the Nation, must compete for  
7 educated people. We must compete also to stay in that 70  
8 or 75 per cent. Otherwise our recruitment of the future is going  
9 to be from the bottom 25 to 30 per cent of the high school  
10 graduates, and this makes us a dropout profession.

11 So we cannot afford to continue this downward trend  
12 -- and each year our source and our recruitment suffers a  
13 little bit more.

14 And so I think we have to decide whether we want  
15 our homes, our property, our families, protected by a dropout  
16 profession, or do we want them at least on a par with society  
17 in general.

18 And folks, today it just is not there, and very  
19 little provision has been made to put it there, with the  
20 exception of certain isolated instances.

21 Now, I will very quickly cite our training program  
22 and education program which I think is somewhat of a model,  
23 certainly not all the answer.

24 In our department, of course, a man has a high school  
25

1 education before he comes on. This we recognize as being  
2 inadequate. The day he enrolls in the Police Academy, which  
3 is a fourteen-week training program he also enrolls in the  
4 Junior College that same day. Now, this is not required, but  
5 so far it has been 100 per cent, because it is virtually auto-  
6 matic.

7 So when he starts his training program, he also starts  
8 college. When he completes his fourteen-week training program,  
9 he also has at that point twelve college credits, because  
10 college professors come right into the Academy, and teach  
11 academically acceptable or respectable courses during the course  
12 of training.

13 We have for the officer that does not want to go  
14 from there and get a two-year degree program, we have a certificate  
15 program which is the equivalent of one year of college, which  
16 covers basically the police field.

17 The others are encouraged to continue, and get their  
18 two-year degree program.

19 We now have a 50 per cent tuition refund program  
20 which will go very shortly to a hundred per cent tuition refund  
21 program, so long as he maintains a satisfactory grade in school.

22 The word is out, although it is not on paper -- we have  
23 made it very clear that those who expected advancement in the  
24 Department in the years ahead must be enrolled in the college  
25 program. And so enrollment has gone up, skyrocketed in recent

1 months.

2           So with the recruitment training program, in service  
3 training programs, out-service training programs, sending me to  
4 the social police institute, FBI, Northwestern -- and it is  
5 virtually impossible to get enough men into these programs  
6 to really have an impact on your department -- specialized  
7 training programs, the certificate program, the Junior College  
8 program, and the development of a four-year degree program, is  
9 probably the very basic requirements that should be looked  
10 towards in any political subdivision -- certainly in any state  
11 to be provided for the police family in the future. Anything  
12 short of that means maybe the police have not come up short,  
13 but the people have certainly come up short in what they are pay-  
14 ing for.

15           MR. JENKINS: In connection with that, there was  
16 one more question that I would like for any member of the panel  
17 to comment on, in connection with training.

18           The President's Crime Commission recommended that there  
19 should be three classifications of police officers and depart-  
20 ments. Again, the officer that just wants to be a patrolman,  
21 doesn't require the training that the next man will require,  
22 along to your top people, with training.

23           The Crime Commission has recommended that, and that  
24 is a new field -- I don't think we have really gotten into that,  
25 but it is something that has got to be met, and it has got to

1 be dealt with -- the three classifications -- minimum training,  
2 more training, maximum training for the people in the third  
3 category.

4 I would like for any member of the panel to comment  
5 on that.

6 Is that an answer to the problem, is that a move  
7 in the right direction?

8 MR. PURDY: I would suggest that considerably more  
9 study should be conducted in that area before we accept this  
10 thing wholeheartedly.

11 First of all, we have not had a definition of the  
12 police function in society today. The police function in society  
13 is not defined today. And this is something that needs to be  
14 done -- what is our role.

15 Secondly, we hear a lot about professionalization  
16 and yet we have not really answered the question as to how far  
17 up the table of organization are we a skilled trade, for example,  
18 and how far down from the top are we a profession, or are we  
19 a profession all the way, or are we a skilled trade all the way?  
20 And I think we have to determine this type of thing.

21 But I think -- I was pleased to see those comments  
22 by the Crime Commission, because I think it will stimulate some  
23 further study and programming in the future, and perhaps some  
24 of them have already done something along this line.

25 MR. LOMBARD: First of all, Chief Jenkins, perhaps

1 the panel is aware -- perhaps the Commission is aware of it --  
2 the FBI just announced a mob and riot control seminary think  
3 the first week of October, and are extending invitations I know  
4 to our department and I am sure throughout the Nation, at our  
5 own expense, to send representatives. And this is a step in  
6 achieving uniformity, which is certainly most essential. Not  
7 only establishing uniformity amongst the police, but integrat-  
8 ing such uniformity of operation with other resources, such as  
9 the National Guard. And I cannot help but reflect that with the  
10 recent directive to the military and the National Guard of  
11 stepped-up training, in our area they did have such a training,  
12 but no one from our department was invited to participate in  
13 such training. And I think this is essential.

14 Now, perhaps they have by-passed our department  
15 and called on some other police forces I am not aware of. But we  
16 certainly would have been delighted to play a part in the train-  
17 ing. They did ask for our film of the 1964 riots which we made  
18 available to them.

19 In answer to your second question, and from our ex-  
20 perience, I believe there is some merit to what has been proposed  
21 from the National Crime Commission. We do have a police trainee  
22 program in effect for high school graduates presently, whereby  
23 the city administration pays the full cost of tuition, all  
24 expenses, in sending the young man, 17 years old and not yet 20  
25 years of age, to the community college, in a police science

1 course. It is a three-year program in which he will achieve  
2 the associate degree, twenty hours is spent in the classroom,  
3 twenty hours is spent on the job, in a clerical position, for  
4 which he is paid the starting salary of \$60 a week by our city.  
5 We are in our second year. And with our projection, and our  
6 plans for 1970 to result in the minimum education requirements  
7 for a police officer in our department to be two years college,  
8 we feel with this program we are going to be able to achieve  
9 this.

10 It is going to be perhaps somewhat difficult, but  
11 we are working in that direction.

12 In addition, we have recently started a TOPS program  
13 we call it, in June, teams on patrol, focusing in the inner  
14 city. Since the end of June we embodied 71 young men, many  
15 of whom at that time were school dropouts, and since their  
16 employment paid \$1.75 an hour -- they have been motivated and  
17 return to school, and we are trying to stimulate them in obtaining  
18 their high school education, and stimulating them further into  
19 a police career.

20 CHAIRMAN KERNER: Anyone else? Mr. Thornton?

21 MR. THORNTON: I have three questions, Mr. Chairman.

22 I would like to direct the first one to Chief  
23 Lombard, but any comments that any others have would be  
24 appreciated.

25 First a little background.

1           A short time ago a high ranking general officer  
2 of the Air Force, after learning of the lot of his son in  
3 Vietnam, who was in the military, was driving through Rochester,  
4 New York with his wife and two children -- two boys 13 and  
5 14. They stopped for gasoline at a station. The boys wanted  
6 a couple of hamburgers. Some Negro boys cuffed them up, robbed  
7 them and ran. The two boys came back a little bit bloody.  
8 The General looked for a policeman. It was fifteen or twenty  
9 minutes before he was able to find a police patrol car with  
10 two young policemen in there. He told them what happened, and  
11 they listened patiently, and suggested to him since he was  
12 out of town he might get the boys patched up with a little  
13 iodine and continue. The reason for it the officers said  
14 was that these were Negro teenage boys, and that he would  
15 have to stay, the General would, to press charges, and that  
16 would take some time, and they would wind up that the court  
17 would turn them loose anyway.

18           The General did leave town, not too happy about it.

19           But the question is -- how prevalent is this attitude  
20 on the part of police officers in Rochester, New York, plus  
21 other communities -- one of almost hopelessness -- let's don't  
22 get involved, just forget it -- when something like this  
23 happens to people in the community.

24           MR. LOMBARD: I would have hoped that the General  
25 would have informed you that following this confrontation with

1 our police, that he was dissatisfied and disturbed to the  
2 extent that he did report it to the superiors of the Police  
3 Department. Certainly we do not condone that kind of action.  
4 And fortunately -- in any organization we do have people who  
5 are misfits, and we would like to identify them, and to take the  
6 necessary corrective measures. In this particular case --

7 MR. THORNTON: Do you feel this is an isolated case?  
8 We hear often, and we have even seen pictures in Life Magazine  
9 of policemen turning their head the other way when looters  
10 are going out of the store, and a feeling of hopelessness. We  
11 run into low morale on the part of policemen.

12 I cannot really blame the policeman too much under  
13 the atmosphere that exists.

14 MR. LOMBARD: I would say it is an isolated case,  
15 because our enforcement -- the call for services in the Rochester  
16 Police Department has increased from 100,000 in 1961 to 150,000  
17 in 1966. Our enforcement of criminal arrests has gone up in  
18 motor vehicle violations 127 per cent over the same period of  
19 time -- parking enforcement. And the criminal arrests, motor  
20 vehicle arrests, moving violations, 127 per cent. But criminal  
21 arrests have increased almost 50 per cent. So I would say  
22 it is an isolated case.

23 MR. THORNTON: Do you feel the courts are lenient  
24 with the Negro teenagers?

25 MR. LOMBARD: We are very frustrated with the courts.

1 I am sure every community is going through the same thing. We  
2 express ourselves to the Judiciary -- our city courts or county  
3 courts, or family court of juveniles. We are not happy about  
4 the fact that many man-hours are consumed in establishing  
5 evidence leading to identification, arrest, and upon prosecution,  
6 a conviction, having the individual and the victim and the cir-  
7 cumstances of the crime being completely forgotten with the  
8 sympathetic approach being taken to the individual, and so much  
9 emphasis on rehabilitation.

10 We are certainly firmly behind rehabilitating any  
11 persons. But our position is that where there has been attempts  
12 in the past, and there is this kind of a history, that the second  
13 time around, and most certainly the third time around, firm and  
14 positive action must be taken by the courts.

15 This is what we are experiencing. I think this is  
16 a contributing factor to the disrespect for the law, and dis-  
17 respect for the police who enforce the law.

18 I am very sorry about that incident, and I wish you  
19 would express my regrets to the general.

20 CHAIRMAN KERNER: I have sat on the Bench. I have  
21 heard this criticism about the courts. But let me tell you  
22 in Chicago there is a report that has recently become public,  
23 Mr. Thornton, raising hell with the courts in Cook County,  
24 because the bond and the punishment was too great on the  
25 looters in the snowstorm this last winter. We are damned if

1 we don't.

2 So there are other sides of the story as well.

3 MR. THORNTON: It is pretty frustrating, I imagine,  
4 to the police, when they do finally make an arrest, and the  
5 court turns them loose -- when they are really guilty.

6 CHAIRMAN KERNER: I think Director Engle wanted to  
7 make a comment.

8 MR. ENGLE: I would like to respond to Chief Jenkins'  
9 remarks.

10 CHAIRMAN KERNER: Would you hold that, so we can get  
11 through with these questions.

12 MR. THORNTON: My next question is to you, Mr.  
13 Engle.

14 I have heard this, and ran into this in Vietnam about  
15 a year and a half ago. That is, Vietnam has agitators, and  
16 some infrastructure of Communist organization there. But  
17 the thing that really caused the collapse of Vietnam, and led  
18 into the war situation as we know it today -- and this is over-  
19 simplifying all the factors going into it -- but one of the most  
20 important factors was in the late fifties or early sixties  
21 when Deim mobilized all the civilian police from the 15,000  
22 hamlets and villages, and stripped those of any local police  
23 force, and then these agitators and all that subsequently became  
24 the Vietcong were able then to run high, wide and loose, and  
25 they began to get organizations and supplies from the north,

1 and by intimidation and murder and killing of the civic  
2 leaders in these little hamlets and villages, then were able  
3 to cause a situation that has led on to the Vietnam war.

4 Now, is this true in your estimation, and also is  
5 it not the tactic used every place where civil strife starts  
6 this way, with the breakdown of law and order, or the absence  
7 of law enforcement -- that permit them to get organized and  
8 build up into a small revolution, or big one?

9 MR. ENGLE: You are no doubt referring to the civil  
10 guard, which was an organization, a paramilitary organization  
11 which had responsibilities for law enforcement, maintenance of  
12 peace and order in the countryside. The responsibility for  
13 that organization was transferred to the military about the  
14 date, which I do not recall exactly you mentioned. And there  
15 has been criticism, the validity of which at this point I  
16 do not want to express an opinion on -- but there has been criti-  
17 cism that when this civil guard was taken out of the countryside  
18 and placed into organizational military units, the countryside  
19 was denuded of normal police functions, and that this gave the  
20 Communists a greater opportunity to organize in the village and  
21 in the countryside.

22 MR. THORNTON: Now, the next question I would like  
23 to ask is to Mr. Purdy.

24 You mentioned that we have a whole generation that  
25 is growing up now, in their late teens and early twenties, that

1 have lost respect for law and order, they are encouraged to  
2 go out on the street, and if there is any law that they disagree  
3 with, they do not respect it or follow it.

4           What can be done with those? Is it the firm re-  
5 establishment of law and order? Is it social programs? Or  
6 what is it that can be done? Because if this group is growing  
7 up now, there is another group behind them -- some place it  
8 has to be broken.

9           MR. PURDY: Well, maybe the best way I have ever  
10 heard it put was an old retired Salvation Army Colonel who  
11 said it is a simple formula -- the use of formula may not be  
12 simple. But if we just return three times. If we return  
13 to the family altar, the family playground, and we turn to the  
14 family woodshed, we can solve these problems.

15           I am sure this formula is not going to be applied,  
16 because in many instances we are not talking about young people  
17 who are part of a family unit. We are talking about the  
18 welfare mother and the man who lives in. Obviously they are not  
19 going to get married because of the loss of the welfare check if  
20 they do. And this is not an imaginative problem, -- this is a very  
21 real problem on a large scale.

22           The restoration of the family is probably the answer,  
23 if there is some way this can be done.

24           Secondly, I have been struck by the fact, and many  
25 others, that my youngsters come home from school over a period

1 of years, and they will tell me how in their social studies  
2 they spend several weeks studying the United Nations, and  
3 they study this and that and various other things. But at  
4 no point, from the third grade on through twelfth, do they  
5 study the United States system of justice, and what it means.  
6 They don't start out in the second, third and fourth grade  
7 where I think they should start out, studying such things as  
8 the police, their responsibilities and function, the  
9 prosecutors, the courts, the correction system.

10 I feel that these things that should be solid credit  
11 course. I think the understanding of law and order and or  
12 system of justice in our Nation today may be far more important  
13 to the citizen of our Nation than is perhaps algebra or football  
14 or some of these other things -- underwater basket weaving, and  
15 these type of things that they teach.

16 So I would feel that a very strong recommendation should  
17 come from somewhere, some time, that the educational system of our  
18 Nation immediately implement a program involving the study of  
19 the system of justice, and what it means.

20 If we do not have law and order, what does it mean,  
21 and if we do have, what does it mean. And the greatest need  
22 for law and order and the greatest need for understanding is  
23 in the very communities, perhaps, where there is the least law  
24 and order today.

25 So the family unit, the educational processes, and

1 then for the -- for an immediate action.. First of all I  
2 think we have to admit -- and this is generally accepted I  
3 think in most of society today -- it is not understood but it  
4 is accepted -- that the courts of our land have turned their books  
5 on society. We have a tremendously over-exaggerated concern  
6 for the accused, and very little concern for you, the members  
7 of society.

8 Now, this has a -- this has had a long-range effect  
9 on the policemen. And I do not care whether it is the patrol-  
10 man on the beat or the chief in his office. It has had a long-  
11 range effect -- the fact that time after time after time he brings  
12 the offender into court -- whether it is the murderer, the  
13 prostitute, the gambler, the rapist, or the traffic violator,  
14 or the parking ticket violator -- from one extreme to the other.  
15 And the man beats him back on the street.

16 Now, we do not try criminal cases in court today  
17 based on evidence. This is not a part of the criminal trial  
18 any more. The criminal trial today is based on how was the  
19 evidence obtained, or the legality of the arrest, the legality  
20 of the search and the seizure, warrant, and this sort of thing.  
21 And the police officer is tried, not the defendant.

22 Now, of course, there are exceptions. There are  
23 good courts. But we have seen Supreme Court indecisions-- we  
24 have not seen Supreme Court decisions -- over a period of years,  
25 nearly all of which have been 5-4 decisions. So if they

1 were unanimous decisions, I would think maybe they should apply  
2 to society. But after months of deliberation, then we get the  
3 usual 5-4 decision.

4           The local courts are in a quandary in attempting to  
5 interpret and apply these decisions to local cases. And we  
6 have good judges, and we have bad judges -- just like we have good  
7 policemen and bad policemen, and good and bad everything else.

8           But we do have courts that hide behind the Supreme  
9 Court decision. They do not have the intestinal fortitude to  
10 make a decision based on law, and the old concept of law which  
11 built this Nation which was what does a reasonable and prudent  
12 man believe.

13           We have removed the phrase "reasonable and prudent"  
14 from the legal processes today.

15           And so we do have lower courts that hide behind Supreme  
16 Court decisions. We have lower courts that are just incapable  
17 of determining-- and this is true in other elements of our  
18 society, too. But I do not know where these mistakes, or  
19 these inefficiencies, the political type of courts -- I do not  
20 know where -- what element of our system of justice can have  
21 a more damaging effect, and bring about quicker the downfall or  
22 the ruination of our concept of the American way of life that we  
23 are seeing in the courts today.

24           It is a fantastic thing.

25           The net result is that the policeman today does not

1 feel that he could work a case, no matter how he works it, that  
2 will stand up in court. It may stand up in the lower court.  
3 But all you have to do is appeal, and sooner or later on one of  
4 these appeals you find a judge to reverse it.

5 Now, we used to fill up the jails with poor folks  
6 who could not afford attorneys, anyway, so at least we got  
7 them off the street. And that is not right. That is not the way  
8 it would be. But we did fill up the jails with poor folks.  
9 We did not fill them up with folks that can afford high-power  
10 attorneys. Today fortunately everyone is getting an attorney,  
11 whether he can afford it or not. There are those who argue  
12 that is bad, too, but I do not think so -- I think it is good.  
13 Everyone is entitled to representation.

14 But today we are not getting justice in our courts  
15 for society.

16 This of course is something I can be torn apart  
17 on -- I realize this.

18 I am speaking from the feeling of the policeman. And  
19 of course it affects the morale of the policeman. We have  
20 extreme difficulty in trying to get men to even become detectives  
21 nowadays. Why go out and work cases if you are a detective --  
22 you work a lot more hours, you get a lot of the seamy side.  
23 Why not just work a little traffic, and work your eight-hours  
24 and go home. Because if you are a detective, all you are going  
25 to do is get beat around in the courtroom anyway.

1           These are very real things at the street level of  
2 police departments today -- the deterioration of the total  
3 system of justice right on through. And the police family,  
4 in its training, education and performance, has made the most  
5 rapid gains of any segment of our system of justice.

6           I do not see tremendous training programs being  
7 put on for prosecutors offices. And who is your prosecutor?  
8 Your prosecutor in jurisdiction after jurisdiction is a political  
9 appointee. His assistants, who do the work, are frequently  
10 the young man just out of law school, who is in there to get  
11 experience only, and then move on to practice law, or he is an  
12 old-time has-been who cannot make a living any more, and he  
13 has come back into the prosecutor's office. And across the  
14 table from him is the best legal talent in the community.

15           Now, we do not see efforts to really attract competent  
16 people into prosecutors' offices. And we see no intensive  
17 training and education program. In fact, we see strong resistance  
18 to it.

19           The courts -- when a man becomes a judge, is he then  
20 subjected to a training program, a recruitment training program,  
21 as a judge, an in-service training program, does he have to go  
22 back to law school and learn how to read law again and become  
23 a judge? Does he take on additional education? And does he  
24 train people to work with him? Does his staff that does his  
25 research for him, do they go through these training programs?

1           In other words, much of the money being poured into  
2 our system of justice today is going down a rat hole, when  
3 you measure its services to society. And I do not know of any  
4 other reason for its existence.

5           The only reason we have for existence in the police  
6 family is to serve people. And I think the same is true of  
7 the prosecutors and the courts, and the correctional processes.  
8 The correctional processes having the same problems. I better  
9 get off this soap box.

10           CHAIRMAN KERNER: I wonder if Commissioner Leary  
11 has any comments to make on the same subject.

12           MR. LEARY: In society generally, and certainly  
13 in society as it pertains to criminal justice -- it is under-  
14 going a great period of transition. There is much adjustment to  
15 be made by everyone.

16           I think the police feel generally that they do have  
17 problems with the court. And I differentiate between the court  
18 and the law. And the administration of justice within the courts.

19           Now, I am sure in fairness to the courts and to the  
20 prosecutors, that they do not have sufficient personnel to do  
21 their job -- either the number of judges to do the job properly  
22 and efficiently and adequately, because of the great volume and  
23 the pressure of business. And I am sure the same thing applies  
24 to the office of the prosecutor.

25           There has been great emphasis, I think, in the past

1 number of years particularly at the lowest level, but lowest  
2 level generally. Society has been carping at law enforcement,  
3 and has been doing it for at least fifteen years, and each  
4 year it seems to accelerate.

5 You cannot do that over a long period of time,  
6 cast aspersions on a profession or a service, and not suffer  
7 some consequence.

8 For example, in a metropolitan city, either Philadelphia  
9 or New York, where I have had experience, it is very difficult  
10 to get Negro men to apply for the police department. That is  
11 Negro men who will successfully pass the examinations and the  
12 personal interview. One of the reasons is because the pro-  
13 fession of law enforcement officer in the Negro community is  
14 not a position of status.

15 Not only law enforcement itself, but in government  
16 generally, they have reaped the benefits of the depression.  
17 And they are people who came into the law field and federal  
18 and governmental municipal services.

19 At that time the law people in a sense, there was  
20 no competition for their services. They came in very highly  
21 motivated, with a great deal of integrity, high caliber people.

22 Today to get a like type and quality it is almost  
23 impossible, because they are being taken from law enforcement, and  
24 from governmental devices at the various levels by private  
25 industry.

1           Until there is a concerted drive, and people speaking  
2 out very affirmatively and positively towards the need for law  
3 and order, the need for peace and tranquility to be enjoyed  
4 by everybody, until the Supreme Court decisions stop saying that  
5 the police violated somebody's constitutional rights, when those  
6 rights were never even known until that particular case came  
7 to the forefront -- in other words, there is no rights in a  
8 sense until the right is laid out, either in the Bill of Rights  
9 or the Constitution or some prior particular case. And what we  
10 have had, we have suffered down over the years, as the new  
11 laws develop -- and I am not one in a sense in any way opposed  
12 to these, Miranda decision and down -- but this sort of thing  
13 hurts the policeman's image. He is beginning to feel this.  
14 And how you can improve his image, how you can improve his  
15 morale.

16           We also look at the criminal situation and conditions,  
17 and we only look at it through the eyes of the police or the  
18 Executive Department of our government, and we do not look  
19 as intently or as critically at the legislature, the people  
20 who make the laws, nor do we look as intently at the courts  
21 who in a sense endorse them.

22           You need -- the President's Commission I am sure  
23 attempted to do this. To what degree they did it, how successfully  
24 it is, we will ultimately see this.

25           But we have to stop looking at just the police, and

1 examination and criticism of police is a kind of superficial  
2 thing.

3 It is the easiest thing to see, it is the easiest  
4 thing to scratch. And it is more or less popular because they are  
5 in this particular image that both the community itself are  
6 able to scratch, and find some fault -- the society that is  
7 above the police is able to do the same thing. And police  
8 response to this type of criticism -- and unfortunately some  
9 of the criticism and perhaps a good portion of it is warranted  
10 -- but whose fault is it?

11 We talked a little while ago about training of police,  
12 for today's problems and what they have to deal with, are not  
13 nearly adequately trained.

14 Police departments have done a fair job in training  
15 them in the skills and techniques necessary to do the job. But  
16 they have not trained them for the complexity of their job --  
17 for policing urban society.

18 You take a young boy who comes from a middle-class  
19 home, who has never heard in the presence of his father or mother  
20 any obscenities or vulgarities, it is a home where the parents  
21 and the boy go to church and to school. Now he comes into a  
22 police department, goes into a police academy. He learns the  
23 law, and the law that is taught is black and white -- there is  
24 no grays in the law. He is not told the reasons behind that  
25 law.

1           Then he leaves the police academy, and he goes up  
2 into a ghetto area. And he sees a different type of mores  
3 and conventions. And this is not in a sense him judging  
4 whether it is right or wrong. This is offensive to him, because  
5 this is offensive to everything he has learned. And now this  
6 young man has to make this adjustment. And some of them do  
7 not make the adjustment, unfortunately.

8           So we have to begin in-training with our policemen.

9           We talk in terms of training policemen to perform their  
10 jobs. We have to train their bosses. We have to train the  
11 chiefs of some of these departments to understand the complexity  
12 of the problem. And their subordinates.

13           There is no really standardization or uniformity of  
14 training. There is no attempt really to train and educate the  
15 police to the degree they should be educated.

16           We look for every policeman that comes into the  
17 police department to be the police chief.

18           The New York Police Department had to almost beg  
19 to get \$15,000 out of the LEA, that is the kind of problems  
20 that you have.

21           MR. THORNTON:    What is that?

22           MR. LEARY:    Law Enforcement Assistant Act. They  
23 only gave us the \$15,000 when we told them we would not be  
24 host to anybody they sent to us, nor would we sent anybody to  
25 help them do any type of program they wanted.

1           So there is so much money around. But to be given  
2 and to actually perform and to function into the grass roots,  
3 where it should be given -- it is not forthcoming

4           The money goes to this outfit to study, that outfit  
5 to study -- so there is one book or pamphlet after another.  
6 But nothing down at the grass roots that the policeman can  
7 read and understand.

8           The studies and the programs -- the money is for  
9 the college professor in law, the college professor in police  
10 science, or the college professor in administration. But  
11 nothing that is basic and fundamental for the policeman.

12           This is the man that needs the training, this is the  
13 man that needs the education.

14           And we have to start thinking in terms of thinking  
15 positively. The attack in a sense should be on a positive  
16 basis and not on a negative basis.

17           We cannot arrest the robber again and again and  
18 again for robbery. We cannot arrest the burglar again and again  
19 for burglary. We cannot arrest the rapist again and again for  
20 rape. And every one of these communities here have done this, and  
21 we have done it over and over again.

22           A policeman in the City of New York less than six  
23 months ago had to kill a woman because she threatened him with  
24 a gun, and she had 20 arrests for prostitution.

25           I do not say there is anything really wrong with it.

1 I am not offended about that. But what has society done  
2 for that woman?

3 Then they pass a law in New York where now the  
4 prostitute can only get fifteen days -- the maximum sentence.  
5 So if this woman needs any type of medical attention, needs --  
6 she cannot be given probation. Fifteen days is the length of  
7 time that this woman can be under the control of the courts.

8 CHAIRMAN KERNER: Before prosecution or afterwards?

9 MR. LEARY: After prosecution. She is out on bail  
10 in a sense. But these are the --

11 CHAIRMAN KERNER: I do not understand the fifteen-  
12 day ordinance. The maximum sentence is fifteen days for  
13 prostitution?

14 MR. LEARY: Right.

15 CHAIRMAN KERNER: Don't you have a state law?

16 MR. LEARY: That is it.

17 MR. LOMBARD: It is a new revision of the New  
18 York State Penal Law effective September 1.

19 MR. THORNTON: Why even bother to pick them up,  
20 then?

21 MR. LEARY: The community would be down on us.

22 Some of the judges say -- "there is nothing to that,  
23 let them go, they are not doing anything wrong, as long as  
24 it is not on the street where they live."

25 MR. PURDY: This is one of those subtle forms of

1 corruption against law enforcement today. It so corrodes the  
2 attitude of the police officer -- what is the use of picking  
3 them up, and the same thing for gambling. We have arrested  
4 numbers operators at seven or eight o'clock in the morning, and  
5 go on another raid at eleven o'clock in the morning and get  
6 the same one at another stand. We arrested an armed robber,  
7 caught in the act of armed robbery not too long ago, in an  
8 armored car. We got him out of the swamps after an all-  
9 night search. We got him out of the swamps at about eight  
10 o'clock in the morning, and after the sun came up. The men  
11 took him down, and booked him in. Came back to the scene, and  
12 I sent them out to his home, to go to talk to his wife. And  
13 when they got out there, he answered the door, showered, shaved  
14 and in a fresh suit.

15 REPRESENTATIVE CORMAN: May I inquire.

16 How many instances have you had of people jumping  
17 bail and not standing prosecution? Is that a problem?

18 MR. PURDY: I cannot give you those statistics. They  
19 would be available. I do not have them.

20 REPRESENTATIVE CORMAN: I would be interested to hear  
21 them. Because people have a right to bail. If they are not  
22 standing ~~prosecution~~ <sup>trial</sup>, that is one thing. If they are that is  
23 quite another matter.

24 MR. LEARY: I would like to address myself to that.

25 We do not oppose bail, as police. But as legislature,

1 I think you should look at why the innocent and defenseless  
2 individual has to be subject to the menace of the repeated  
3 offender, who again and again commits offensive acts against  
4 people, jeopardizing their life or their safety.

5 Now, if an individual commits an aggravated assault  
6 against one person, as an occasional offender, the injury  
7 really is suffered by the single victim, and perhaps his  
8 family. However, if this same offender commits an offense  
9 against one, two, three, four, eight or ten different individuals,  
10 he is truly the menace of today's society.

11 One of the problems that makes crime in a sense so  
12 profitable is organized crime. And organized crime -- you  
13 put it in one symbol, and that is the dollar mark. And until  
14 such time as organized crime is cured, or curbed to some degree,  
15 the other type of unorganized crime is just going to grow and  
16 accelerate.

17 It is not a matter of being opposed to an individual  
18 getting bail, or an individual being on parole, or an individual  
19 going on probation. But how about the individual, the offender  
20 who constantly, repeatedly and regularly menaces society today.

21 Today the New York penal code -- if you are in your  
22 home and at two o'clock in the morning a burglar comes in, and  
23 he commits no physical offense against you, physically touches  
24 you, you can do nothing, but just forcibly eject him from your  
25 home.

1 REPRESENTATIVE CORMAN: The purpose of my question  
2 was not to quarrel with the severity of penalties.

3 MR. LEARY: I think these things have to be made

4 REPRESENTATIVE CORMAN: I do not think it is an indict-  
5 ment of the judicial system that a man can be arrested and shortly  
6 thereafter back on the street. The issue is twofold. One --  
7 does he show up for trial. And secondly, after conviction,  
8 is punishment adequate for the crime?

9 MR. LEARY: What would you say in the instance of  
10 where a man goes out on bail for burglary, and before he goes  
11 to trial he is arrested again for burglary, and goes out on  
12 bail, and before he goes to trial again he is arrested for  
13 burglary and goes out on bail.

14 CHAIRMAN KERNER: Congressman Corman -- I am delighted  
15 to hear this philosophical discussion on law and order. But I  
16 am afraid the interest in this subject is taking away -- taking  
17 us away from the core and the nucleus of why we are here.

18 I am as interested as all of you are.

19 MR. THORNTON: Mr. Chairman, don't you think they  
20 are related? I do not think you can separate the two.

21 REPRESENTATIVE CORMAN: I only meant to ask the  
22 one question.

23 MR. PURDY: May I bring you back with a suggestion?

24 Commissioner Leary brought up an extremely important  
25 point, and that is the training of police administrators which

1 affects riot control, crime, and everything else. And the  
2 almost total inadequacy of training of police administrators --

3 CHAIRMAN KERNER: If we want to discuss what I  
4 think is an after-action problem that we face with riots, of  
5 how to deal with the rioters, with bail, and holding them and  
6 administering them quickly -- as Chairman I think I have to keep  
7 this in the specific channel which we have an interest in.  
8 Although we all have an interest in this general subject matter,  
9 I know. I think we must hold our comments, and not get into  
10 something else.

11 MR. JENKINS: Mr. Chairman, may I make this observa-  
12 tion. Commissioner Leary -- he could have cited instead of  
13 burglary, cited people that create civil disturbance, where they  
14 were arrested. You would have the same number of people  
15 charged with the things we are actually dealing with. Many  
16 people are involved in these civil disturbances. You have many  
17 cases where a disturbance tonight, you arrest three or four  
18 people, they make bond, and the next night you have a disturbance  
19 and the same people are involved.

20 REPRESENTATIVE MC CULLOCH: Mr. Chairman, I should  
21 like to comment on that.

22 CHAIRMAN KERNER: I am trying to keep this thing in  
23 order. I understand Mr. Thornton completed his questions, and I  
24 was going to call on Congressman Corman for his questions.

25 Then I will call on Miss Peden, and then I will call

1 on you, Congressman.

2 REPRESENTATIVE MC CULLOGH: Thank you.

3 REPRESENTATIVE CORMAN: An entirely different subject  
4 matter.

5 I take it there is some difficulty, when there is  
6 a civil disorder, in this matter of communication, liaison,  
7 control, and I am wondering, Mr. Purdy, if you have had ex-  
8 perience in Dade County before they had metropolitan govern-  
9 ment there, in law enforcement. Were you there before?

10 MR. PURDY: No, sir; I was not.

11 REPRESENTATIVE CORMAN: I wondered if you had any  
12 comment about whether it is more <sup>efficacious</sup> ~~edificacious~~ for law ~~and~~  
13 enforcement in a situation where you have metropolitan government,  
14 where you have greater control over all the police forces in  
15 a given area, or if you have for instance the situation in  
16 Rochester where apparently half of Rochester is under the  
17 Rochester city policy<sup>e</sup>, and there may be a variety of others.  
18 I would like to hear ~~the~~ comments ~~of you~~ as to the efficacy of this  
19 ~~situation~~. *metropolitan government*

20 MR. PURDY: Our situation is this.

21 In the event of a riot in the county -- that means  
22 anywhere in the county -- the responsibility for coordination  
23 of the riot control activity lies with my office.

24 As a matter of practical application, where we have two  
25 or three major cities within the county, if it starts in those

1 cities, the law enforcement agencies or the police department of  
2 that city would of course immediately move in to handle it.

3 I would then send liaison immediately, and at the  
4 point at which it appeared they were not able to handle it,  
5 or it might need support and backup, we of course would move  
6 in, and then in accordance with the governor's directive, it  
7 becomes my responsibility to take over the coordination.

8 Now, this sounds harsher than it is. We have liaison  
9 with the law enforcement agencies within the county. We have  
10 issued blanket deputization for all police in the county that  
11 become automatic in case of riot if I call them up.

12 So it is a matter of coordinated effort.

13 We have a central command post set up in our depart-  
14 ment -- the overall command post -- and this type of thing.

15 The governor has also made it clear in our state  
16 that if the Highway Patrol, or if the Guard moves in, they will  
17 be under the direction of my office for assignment.

18 Now, for the manner in which they carry out those assign-  
19 ments, they are responsible for their acts, of course. But  
20 their assignments would come out of my office.

21 REPRESENTATIVE CORMAN: Do you have any advise for  
22 comparable metropolitan areas where there is no jurisdictional  
23 capacity for a single command, such as Los Angeles? Do you think  
24 the fact that you have the capacity for an unified command is  
25 advantageous to you?

1 MR. PURDY: Yes, I do. I think that in most communities  
2 where this does not exist -- now, as Chief of Police in St.  
3 Petersburg, we were not able to rely on a county agency to  
4 do this in what we felt was a satisfactory manner. And so we  
5 established this liaison among the chiefs of associations of  
6 the county, and our policy and procedures were set up, and we  
7 had legal rulings in advance as to liability and coverage of  
8 men who went from one jurisdiction to another. And this type  
9 of arrangement is made in many areas throughout the country.  
10 Where there is a state police agency -- and I can cite  
11 Pennsylvania, for example -- when there was a condition in  
12 Philadelphia, we left it to the Philadelphia police to handle.  
13 Obviously they had more men, they were on the scene. But we  
14 did send liaison in so that if Commissioner Leary at that time  
15 needed our help all he had to do was say so, and we would give  
16 him whatever assistance we could.

17 But I think in most instances this has worked out on  
18 a cooperative basis, and perhaps not always satisfactorily. But  
19 the effort is being made.

20 REPRESENTATIVE CORMAN: Do you have any comments,  
21 Chief Lombard?

22 MR. LOMBARD: I think your question was with reference  
23 to metropolitan law enforcement in a county-wide area. Director  
24 Purdy, I think, indicated that he is -- he has county-wide juris-  
25 diction. But they still have city police departments functioning

1 independently. We have the same thing in Monroe County. Our  
2 sheriff of Monroe County is the chief law enforcement officer.  
3 And we work cooperatively in any kind of an emergency situation.  
4 In the event we need the additional resources of the State  
5 Police, it is understood that with the approval of the Governor  
6 of New York State, the State Police coming into our jurisdiction  
7 would be the overall command, not only of the total police  
8 resources, but also the National Guardsmen.

9 REPRESENTATIVE CORMAN: One final question of Commis-  
10 sioner Leary. I take it you have had experience both under  
11 police review boards and other systems. Would you give us your  
12 evaluation of the usefulness of civilian police review boards  
13 and would you care to comment on any shortcomings they may have?

14 MR. LEARY: Of course, you can understand the resent-  
15 ment of the police community towards the civilian review board,  
16 because I am sure that you would find the same resentment if  
17 we asked the civilian review board to review the ethical conduct  
18 of lawyers, or of doctors, or of engineers. And of course a  
19 great deal of the reason for the police review board, civilian  
20 review board, was the charge of police brutality.

21 In Philadelphia the reason for it was principally  
22 brutality.

23 They found they were not getting sufficient cases,  
24 complaints, in the basis of police brutality. So they increased  
25 it to violations of search and seizure with or without a warrant.

1           Then that was not sufficient. They accepted complaints  
2 from known gamblers of police harassment and intimidation. And  
3 they then - when all three were not getting sufficient com-  
4 plaints -- they added police discourteousness, ethnic slurs.

5           I think what the civilian review board has proved in  
6 Philadelphia is police brutality is not practiced to the amount  
7 or to the degree which the most ardent or conservative advocates  
8 of a civilian review board allege to believe.

9           So often in a situation where police become involved  
10 with a citizen, and some physical force ensues, it starts  
11 where either the policeman is initially right in the first  
12 instance, and the citizen is wrong, or in reviewing it, the  
13 citizen is right in the first instance and the policeman is  
14 wrong. And so the situation and incident goes back and forth  
15 like that, until such time as the policeman becomes maybe  
16 perhaps a little more aggressive than what he should, and  
17 uses a degree of excessive force, physical force.

18           Somehow or sometimes the policeman expends an  
19 energy of some 30 pounds when perhaps -- on one end of a stick  
20 -- where perhaps 15 pounds would suffice, or that he grabs  
21 the individual and squeezes too hard.

22           The unfortunate situation, in combating arguments  
23 against a civilian review board is, as I mentioned earlier,  
24 about complaints about police -- police do and have in the past  
25 committed acts of police brutality, of which no one, police

1 official or civilian, should in any way condone or in any way  
2 hide.

3           The police also have to prove to the public --  
4 it is another measure of demonstration, which everybody is  
5 looking for today, in every field of endeavor, an assurance  
6 -- words are not sufficient today, you have to demonstrate  
7 not only police, everybody -- what you believe in, and what you  
8 say, and that you are doing the things.

9           The civilian review board is a way of demonstrating  
10 to the public that these things are not occurring anywhere in  
11 the degree or to the amount alleged.

12           There are relatively few policemen in Philadelphia  
13 that suffer by virtue of the civilian review board -- that is  
14 that they suffered any penalty. But in coming before any type  
15 of review board, the same as a citizen coming before the court,  
16 where there is no question about the citizens -- and yet the police  
17 man has effected his arrest in sincerity -- even though the citizen  
18 is found not guilty, he and his family have suffered some trauma,  
19 and some financial inconvenience, and expense.

20           The same thing is true of the policeman.

21           But of course there is no other way in our society but  
22 to expose these things to some sort of investigation. And it  
23 was not sufficient that it be exposed and examined by people  
24 -- by policemen themselves in a trial court.

25           The Philadelphia Police Department, as well as the

1 New York Police Department, have their departmental hearings  
2 for breaches of discipline, or complaints by citizens, in a  
3 room that is open to the press, that the complainant may bring  
4 an attorney. The complainant may cross-examine the officer,  
5 cross-examine the departmental witnesses, either police or citizens,  
6 and do this in a sense as openly as you possibly can. And that  
7 was the practice.

8 Of course, that was not sufficient for a certain  
9 segment of the community who believed in a civilian review board.

10 I think now the feeling of the need for a civilian  
11 review board has diminished appreciably because I do not believe  
12 it was even mentioned in the President's Crime Commission Report.

13 I certainly thing if it was of any great import,  
14 that it would be treated in there with sufficient explanation.

15 I think you have to look initially at what type of  
16 a man wants to be a policeman -- what is the psychological motiva-  
17 tion that a man wants to have a uniform. Why does he want to have  
18 a gun, and why does he want to have a club, and why doesn't he  
19 want to have this authority?

20 We do not know, in a sense, why.

21 This is another thing -- in the police profession, we  
22 do not have the inquisitiveness of the other disciplines, and  
23 the other professions, to help us in understanding our problems,  
24 even within our own department.

25 Too often when the outside profession, or the outside

1 discipline comes into a department, and then it leaves,  
2 then the report is a very negative thing. It is not written  
3 with any degree of positiveness that sets up certain goals  
4 and objectives which the department can reach for.

5 So we really do not know what a good policeman  
6 is, and what his makings should be.

7 So, therefore, we come with, I suppose, a peculiar  
8 sort of individual if you put him within a certain classifi-  
9 cation, as we could put judges and attorneys, et cetera.

10 So this is one of our problems.

11 The man is a very insecure person because society  
12 has somewhat made him this way, because he feels he is in a  
13 very defensive position at all times.

14 Now, not lamenting, and not feeling sorry for  
15 the policeman or for the department -- the policeman does feel,  
16 when he goes to court, that he is under some intimidation and  
17 harassment.

18 Now, at this moment it is unimportant whether that  
19 is true or not. But the one thing that you can be certain of  
20 is that this is what the policeman feels.

21 The policeman does not understand what the judge  
22 really signifies,, and what he is sitting there for.. In  
23 other words, he knows that he is a judge, he knows that he  
24 is in a sense to discipline and fix the law. But he does not  
25 understand the reason.

1           Now, we have great numbers of police people, and  
2 we have great numbers of civilians who think if you talk in  
3 terms of civil rights and the rights of people, and you talk  
4 in a positive vein, that you are expounding the cause of the  
5 Negro. So the policemen, as well as a good number of our  
6 civilians, should have a refresher course in the Bill of  
7 Rights, in our Constitution, in early American United States  
8 history -- not only for the young fourth and fifth grader,  
9 that Purdy has mentioned, but also for our police people.  
10 And until we bring into the police academy what in a sense he is  
11 trying to do, and what we are doing to some degree in New York,  
12 and not sufficiently -- you have to bring right into the  
13 police academy the professional teacher -- so that the police-  
14 man has in the first blush, in the first acquaintance with his  
15 training program, standards offered to him that are community  
16 standards for police.

17           When you have a hundred per cent or 90 per cent of  
18 the instructional staff in your academy or your in-service  
19 training that are police persons, all that the policemen get  
20 is the standards that the police have for the police. And there  
21 is no real, as I said earlier, materials written in the language  
22 that the policeman can understand and appreciate.

23           REPRESENTATIVE CORMAN: Thank you.

24           CHAIRMAN KERNER: I think Miss Peden is next.

25           MRS. PEDEN: I yield to the Congressman. He may

1 have to leave.

2 CHAIRMAN KERNER: If I may -- I asked Director  
3 Engle to wait. He wanted to I think take issue with a state-  
4 ment made by Chief Jenkins.

5 MR. ENGLE: I did not want to take issue, Mr.  
6 Chairman. I merely wanted to qualify the remarks that I made  
7 in the beginning. Since I was talking from notes here, apparently  
8 it did not get across.

9 That is, we are not talking about military in any  
10 sense -- the police that I was describing. I was talking  
11 about civil security or police forces. And I want to correct  
12 the record to show that we do not work with military forces  
13 at all. We work with civil security forces in which all  
14 except one or two countries are completely under civilian  
15 jurisdiction.

16 I know this is a mistake that is frequently made in  
17 assuming that military does have control over police  
18 around the world. And this is very much the exception. In  
19 one or two instances I can think where this civil police  
20 are responsible to the Minister of War rather than the Minister  
21 of Justice. But they are civilian constituted.

22 The other point was that I want to make this quite  
23 clear that I was not inferring that our experiences overseas  
24 are entirely applicable to the U.S.

25 MR. JENKINS: There has been quite a change in

1 recent years in police forces in foreign countries. Because  
2 at the beginning of the program it was true at that time that  
3 police were subordinate to the military authorities in that  
4 particular country. But in recent years it is changing in  
5 other directions.

6 MR. ENGLE: I think it is changing fairly rapidly.

7 MR. JENKINS: Thank you..

8 CHAIRMAN KERNER: Congress McCulloch.

9 REPRESENTATIVE MC CULLOGH. Mr. Chairman -- I should  
10 like to say that this is the most productive session that I  
11 have attended since the Commission was created.

12 CHAIRMAN KERNER: For the record purposes, the  
13 Congressman has attended all sessions.

14 REPRESENTATIVE MC CULLOCH: I would like to spend  
15 a half day with each of you.

16 I would like to say this, anent a comment of Commis-  
17 sioner Leary. I know it is irritating and frustrating for  
18 a person charged with a felony to be bailed several times in  
19 a row. But you know the Constitution provides that all offenses  
20 shall beailable except capital offenses.

21 MR. LEARY: May I answer that?

22 REPRESENTATIVE MC CULLOCH: Yes, surely.

23 MR. LEARY: I understand that. I am not fighting  
24 with that in principle -- because that same burglar, robber  
25 or rapist who gets out again and again, he is -- the chances

1 of him offending against me is nil almost.

2 I am talking about the individual who he is going  
3 to offend against.

4 Now, if he commits a robbery, and gets out on bail  
5 today, I have no quarrel with that. If he commits a robbery  
6 and goes out on bail again before he goes to trial -- I am  
7 getting a little concerned.

8 Now, he gets arrested again for robbery and  
9 goes out on bail, and has yet to go to court, and a period of  
10 a year transpires. Now, what happens in this community?

11 It is not us.

12 Here is what is happening today in society.

13 We have down over the years put the policeman and police  
14 forces into the football field, right into the arena. And the  
15 remainder of our community has sat up on the stands and  
16 watched the fight in a sense between the criminal element  
17 and the police. And those people up in the stands only occasion-  
18 ally become concerned when the criminality touches them.

19 So actually what society has developed over the years  
20 -- the criminal and the police, and society is up on the stands.

21 Until such times as we identify the police with  
22 society, then we will be able to see this thing in its true  
23 perspective.

24 REPRESENTATIVE MC CULLOCH: I agree with you  
25 completely. And the fault of which you are complaining, and

1 of which I complain, is the failure of speedy justice -- not  
2 only justice to which society is entitled, but to which the  
3 person accused of crime is entitled. And this does have  
4 a connection in the matter in which we are studying, Mr.  
5 Chairman.

6 The rioter may be arrested and charged, and out  
7 on bond -- and one of the most notorious inciters to riot is  
8 out on bond.

9 MR. LEARY: And a judge confined him to the New  
10 York district. So we really got him. It would be very nice  
11 if that judge confined him to his district. It is like the  
12 judge who talks sympathetic towards the prostitute -- anywhere  
13 but the street on which he lives.

14 REPRESENTATIVE MC CULLOCH: What I am trying to  
15 say is that there was nothing that judges could do when fixing  
16 bail in this case, or when the application to reduce the  
17 bill to proceed in accordance with the Constitution.

18 MR. THORNTON: Congressman, would you yield to me  
19 just a minute.

20 In Detroit this question came up in informal discussion  
21 with some of the police. They said where they are arrested,  
22 getting out on bail, and from there on until the trial comes  
23 up a year or so later, they have a license to continue to do  
24 what they have done before without any further permit, because  
25 invariably if they are convicted on the first charge, the other

1 charges are dismissed -- similar charges -- or if they are  
2 convicted on all of them, they run concurrently. So after  
3 that first arrest, and he knows that the evidence is against  
4 him, that he is going to be convicted, he gets out on bail  
5 and he has a license. They used an example of a forger that  
6 made five forgeries after that, was picked up five times, but  
7 he was only convicted on the first offense, and the others  
8 were dismissed.

9 So that they say these are the kinds of things -  
10 once out on bail, they continue the same offense, because the  
11 court is going to be so lenient on them. And I think this attitude  
12 of the court is tied right into this. People are encouraged  
13 to violate it if the courts are going to be soft on them. You  
14 cannot separate one from the other.

15 CHAIRMAN KERNER: I think at this point I must jump in.

16 I have been tarred with two brushes here. And I  
17 think in all objectivity, being there is no judge sitting here,  
18 and no prosecutor, although there are two ex-ones -- what we  
19 are talking about basically, I agree that the courts have been  
20 soft and lenient. But it has been the bad policeman, the  
21 bad prosecutor, the bad judge in a single case that has caused  
22 the conditions we face today. We do not talk about the thousands  
23 of successful prosecutions in which there has been no reversal.  
24 And I want to say this, too. My experience is the prosecutors  
25 are more able than the defense attorneys, by far.

1 I had a dean of law school as one of my assistants.

2 MR. PURDY: I would like to police in your district.

3 CHAIRMAN KERNER: There can be exceptions. But I am  
4 afraid you generalize too much. And I think certainly that the  
5 Supreme Court of the United States has been faced with a few bad  
6 cases, and the last one I cite to you is the case that is  
7 upsetting the entire foundation of the family and juvenile courts  
8 -- a very bad decision, made in one case is shaking the entire  
9 philosophy and foundation of juvenile court and its method of  
10 handling.

11 So I think we ought to be careful.

12 All of us should be careful in government about  
13 our criticism.

14 I think we are giving a wrong impression to the public.

15 There are injustices, there are weaknesses, there  
16 is no question about it.

17 But if I go out and say this, the public will  
18 believe me -- if I do not qualify it. And this is all I ask.  
19 And I say in pure justification -- yes, there are bad police,  
20 there are some bad prosecutors, there are some bad judges.  
21 But I think we ought to be careful, or else maybe we are helping  
22 to develop a condition which all of us are fighting against.

23 MR. LEARY: I do not think it is so much the bad  
24 judges and the bad others, in a sense. I think it is the system.  
25 I think it is the whole atmosphere that has developed. I do not

1 think it is just the judge himself. When I mention the court,  
2 I do not mean a judge as such. I am talking about an atmos-  
3 phere.

4 CHAIRMAN KERNER: All I am saying is this. Too many  
5 public officials are criticizing the other phases or steps, and  
6 the people are getting the impression that that category  
7 alone is bad. I jusy say caution.

8 MR. LEARY: We have experienced this for fifteen  
9 years.

10 MR. PURDY: One comment, please, that I feel I must  
11 make here, and I think this is perhaps a place to do it.

12 I think -- if we take the Supreme Court decisions  
13 one after another, in most instances we have to agree with the  
14 finding of fact and the decision of the Supreme Court, perhaps.  
15 What we are talking about is the attiyude and atmosphere,  
16 morale, and so forth that results from it. But we are experienc-  
17 ing a tremendous legislative gap in this Nation today in that  
18 the Supreme Court, through those decisions, has removed from us  
19 the normal, time-honored, time-accepted, and workable police  
20 tools, such as normal interrogation, this type of thing. They  
21 have removed from us by court decisions.

22 CHAIRMAN KERNER: But why? May I ask you this  
23 question right now, because I think it is very pertinent. Why  
24 have they been removed?

25 MR. PURDY: Because of these cases. I have no

1 argument with the individual decisions. What I am trying  
2 to express here is those decisions have been made. We now  
3 are governed by those decisions. In the meantime, the legis-  
4 latures, both the state and the United States Congress, have  
5 not passed new legislation giving us new tools to work with. So  
6 we are experiencing a legislative gap -- the old tools being  
7 removed, and not being replaced with new tools with which we  
8 can protect society.

9 REPRESENTATIVE MC CULLOCH: One more question.

10 I would like to ask any one or more of the panel  
11 if they have any opinion about state legislatures being over-  
12 zealous in protecting the juvenile offender.

13 MR. LOMBARD: Let me just refer to New York State.  
14 In 1962, September, the new Family Court Act went into effect.  
15 This was brought about through a committee within the State  
16 Legislature. Prior to that Children's Court, it was known as,  
17 was handling juveniles up to the age of sixteen. Police were  
18 permitted to pick up the child, the juvenile, and interview  
19 him -- we do not like to use the word interrogate any more --  
20 and try to extract the necessary evidence in order to effect a  
21 successful solution to the particular incident.

22 Today, under this new Act we are restricted from  
23 conducting such interviews in our own facility. We must have  
24 permission of the parents. We are restricted by a policy within  
25 our schools to go to the schools, unless it is some major case,

1 to talk to the child. And in fact we have had experiences in  
2 our Family Court where they a child guardian appointed by  
3 the court, and a condition exists whereby the child which we  
4 would like to look upon this kind of action as rehabilitation  
5 -- in other words, the Family Court judge has taken the place  
6 of the parent in straightening out this child -- obviously  
7 there is no parental authority there. But here the situation  
8 is of a stolen car, an actual case. The young lad had this  
9 attorney representing him, in which he was advised to take the  
10 Fifth Amendment, with testimony being asked. To me this is  
11 almost unbelievable. But with this age group of a fourteen-  
12 year-old, with is father and mother present, and with him being  
13 apprehended in a stolen car, with this kind of evidence avail-  
14 able -- and this has not only happened once, but several times.

15 We have had situations where the judge, following the  
16 law, will ask the father, "Do you want an attorney for your  
17 child," and he says no, and he asks the mother, and he asks  
18 the 12- or 13-year-old, "Do you want an attorney." The child  
19 does not know what is being talked about here, and he says  
20 no. And then the judge says, "We are going to appoint an  
21 attorney anyhow," which is a matter of right.

22 But it seems to be not having the desired effect that  
23 we hope will be accomplished through this kind of judicial  
24 action in the early stages of a youngster who is taking that path  
25 of ruin and so forth.

1 REPRESENTATIVE MC CULLOCH: That is all.

2 CHAIRMAN KERNER: Miss Peden.

3 MRS. PEDEN: Governor, I want to ask three questions  
4 that are not related to courts.

5 I am very much interested in the training program  
6 and the jobs. I wonder if any of the three heads of police  
7 departments, or Chief Jenkins <sup>know of</sup> -- ~~are there~~ any MDTA or on-the-  
8 job funds made available to local police units for training  
9 purposes?

10 MR. LOMBARD: We just had a grant, under that \$15,000  
11 deal. We submitted five applications to the LEA over the past  
12 year. Three of them were lumped into one, which Chief Jenkins  
13 and I were told by the Director in Harvard last year that all  
14 we have to do is apply for \$15,000 and we get it. It was not  
15 that easy, Chief, was it? Anyhow, we got \$15,000 of which  
16 \$7,000 was used for giving instruction in Spanish, and 34 of  
17 our officers did complete 53 hours of that course.

18 <sup>Miss</sup> MRS. PEDEN: Perhaps you are not familiar with the  
19 terms I used there. <sup>Through</sup> The U.S. Department of Labor -- industry is  
20 receiving considerable funds, and ~~there are thousands of so called~~  
21 ~~job slots, for on-the-job training,~~ <sup>for on-the-job training;</sup> and then the MDTA, Manpower  
22 Development Training Act funds <sup>are also available.</sup>

23 MR. LEARY: We have something like that in New York  
24 City. This is aimed principally at the residents of the ghetto  
25 areas -- young men from the ages of 18 to 29, who have the same

1 qualifications, the physical qualifications that is demanded  
2 of a police officer in the City of New York. And he is either  
3 a high school dropout -- 800 are dropouts, and 200 are high  
4 school graduates. These young men are brought into the Depart-  
5 ment for a period of one year. This is supported by the federal  
6 government; they earn anywhere from 60 to \$90 a week, dependent  
7 upon their need.

8 Now, they go to school. They are helped to obtain  
9 their high school equivalency, while they are undergoing this  
10 training program, in the Police Department and in the Board of  
11 Education. They do not do in a sense any on-the-job training  
12 as such. But they are trained to take the examination, trained  
13 how to be a policeman, et cetera, et cetera. And we have found  
14 this to be very successful.

15 Of the one thousand, I can safely say we now have in the  
16 Department, or who have passed the examination and will ulti-  
17 mately come into the Department, something in the neighborhood of  
18 350.

19 These young men -- of course, when this program was  
20 first announced, great numbers of people through their arms up  
21 in horror and said, "We are lowering the standards of the Depart-  
22 ment."

23 Well, these young fellows, after they have gone through  
24 this one year are really a credit to any organization or any  
25 establishment.

1 A number of them who did not come in the Department  
2 have gotten jobs in security, in private industry. And we  
3 have found this to be a very successful one.

4 Once again, it allows us to project to the community  
5 and demonstrate to them that we are very much interested in  
6 the members of their particular community. And this is now  
7 beginning its second year.

8 ~~MRS.~~ <sup>Miss</sup> PEDEN: Do you know if there are federal  
9 funds involved in the program?

10 MR. LEARY: Yes. They are the ones that pay the  
11 weekly stipend.

12 MRS. PEDEN: Governor, I wonder if we could make  
13 an inquiry <sup>to</sup> of the Labor Department <sup>and see</sup> if local police units  
14 would be eligible for on-the-job training MDTA funds?

15 CHAIRMAN KERNER: I do not see why not.

16 MR. PURDY: Just one word of caution we experienced  
17 That was the federal government was a little more generous  
18 than the local government, and so some of our people who were  
19 training them were making less money than some of the people  
20 being brought in to be trained.

21 MR. JENKINS: Mr. Chairman -- we had a program in  
22 Atlanta. It was conducted by EOA. But the Police Department  
23 agreed to take 25 trainees when EOA and the federal government  
24 would pay their salary for five hours a day. And we continued  
25 to keep 25 trainees in the Department. But it was primarily

1 clerical work. And as a result of that, we have employed  
2 several of these people -- where they developed to be good  
3 clerks. But generally they are really scraping the bottom of  
4 the barrel. We have had considerable trouble with discipline  
5 of the great majority of them. But we have picked up some good  
6 employees.

7 MRS. PEDEN: My second question is to Mr. Engle.  
8 This is certainly <sup>not to imply</sup> ~~in inquiry~~ that you don't need  
9 the amount of funds being budgeted for your office. But as a  
10 matter of perspective of what we are doing in helping to train  
11 police officers in the United States, would you tell the Commission  
12 the amount of your budget for the Office of Public Safety  
13 in AID?

14 MR. ENGLE: For thirty countries, it is roughly  
15 \$10 million.

16 MR. THORNTON: How much of that is Vietnam?

17 MR. ANGLE: This does not include Vietnam, nor does  
18 it include the programs in Thailand, where you have active  
19 insurgency situations in Vietnam, and an incipient insurgency  
20 in Thailand.

21 I want to make a distinction here, getting back to  
22 my point a while ago -- between the military systems program  
23 and the public safety program.

24 They work with military forces. We work entirely  
25 with civil security forces. And this is a very small fraction

1 of the amount of money that the countries spend, or that we  
 2 have enabled to get them to focus on their problems, and as  
 3 a result put more of their resources. It is very much a pump-  
 4 priming operation. And it contributes directly to our external  
 5 security.

6 <sup>Miss</sup>~~MRS.~~ PEDEN: My last question is this:

7 Commissioner Leary -- I notice <sup>in</sup> ~~on~~ your testimony  
 8 that you have given great focus <sup>to</sup> ~~on~~ the close link between the  
 9 police and the clergy.

10 Commissioner, is this clergy the clergy in the ghetto  
 11 area, <sup>and</sup> ~~or~~ what ~~is the~~ degree of cooperation <sup>do you get</sup> ~~from~~ the so-called  
 12 uptown clergy. ~~in the uptown area?~~

13 MR. LEARY: Actually, in the latter part of the  
 14 spring we had a police-clergy conference, and it was aimed  
 15 particularly at trying to get early in the season -- to get  
 16 rapport, and to get channels of communication with the clergy.  
 17 We had approximately I think some 900 clergy representing all  
 18 the denominations in all strata of the economic community

19 Where we lost out -- not lost out, but we were amiss,  
 20 because we did not realize that we did not invite the store-  
 21 front clergy who are even in a sense closer. But this was an  
 22 oversight, and not done with any intention.

23 However, we did find that with this police-clergy  
 24 relationship, if there is anyone who is able during times of  
 25 stress -- not major stress, but where there is strain -- that the

1 clergy is able to communicate and draw them together, and  
2 have meetings, mostly in the churches themselves, where  
3 either people in the city government and/or other persons  
4 interested -- and the police are there and invited guests.

5           You have to be very careful of what the police do  
6 under those circumstances, under those moments of strain, because  
7 the people do not respond to the police urging them to meet,  
8 but they will respond to the clergy, and the stable members  
9 of the community will.

10           So one of the most important things is if you have a --  
11 you do everything you possibly can to have the clergy of the  
12 area get out on the street the next day, and have meetings in  
13 the afternoon and the following evenings, to get the people  
14 talking.

15           This is so true when you have various members of  
16 the ethnic society against one another -- where you have the  
17 Puerto Rican and the Negro, or the Italian and the Puerto Rican.

18           And so we have those people getting together. There  
19 is less likelihood of something really developing.

20           MRS. PEDEN: Thank you.

21           CHAIRMAN KERNER: I have just two questions. One  
22 is a very specific and short question. The other may take  
23 a little time in discussion. It has not been touched on. I am  
24 certain all members of the Commission would like to have your  
25 reaction.

1 Director Purdy, I have been most interested in your  
2 program. I do not quite understand, and would like you to  
3 explain in just a little detail, how you recruit a police  
4 officer, and he starts starts his training program, and you  
5 say sumtaneously he is enrolled in one of the junior colleges.  
6 Does he take his police training and the training in the  
7 junior college simultaneously?

8 MR. PURDY: Yes, he does.

9 CHAIRMAN KERNER: You have fourteen weeks, you said,  
10 of police training?

11 MR. PURDY: Yes -- which is approximately the same  
12 as a college term. And so the day we start them off in their  
13 recruit class, the chairman of the Police Administration School  
14 at the junion college comes in the same day and enrolls them  
15 in the junior college program. And then college professors  
16 come in periodically, three times a week --

17 CHAIRMAN KERNER: In other words, part of your training  
18 is specialized police training? The other is -

19 Mr. PURDY: The social sciences. So it starts and  
20 runs about the same as the term.

21 CHAIRMAN KERNER: Then your police training is not  
22 exclusively police training as we usually use the term. It is  
23 more general than just specifically police training.

24 MR. PURDY: That is correct. We have intensified  
25 the nuts and bolts part of it in order to make room for the

1 educational part of it. So it is a training and an educational  
2 program as well.

3 We spend maybe less time on some of the techniques  
4 and mechanics. This does not mean we should spend less time  
5 But we feel the social sciences, human relations, this sort  
6 of thing, are important.

7 CHAIRMAN KERNER: I just wanted to understand it  
8 was simultaneous.

9 The general question I have is this.

10 The panel has been asked -- this Commission has been  
11 asked to look into the effect of media on riot. And no one  
12 has mentioned anything about it.

13 Certainly I particularly am interested in your comments  
14 concerning the media before, during a riot, or civil dis-  
15 obedience.

16 MR. ENGLE: Formerly crowds and riots were pretty  
17 well contained within the range of the speaker's voice or the  
18 agitator's voice. Of course, there is probably much less  
19 planning in the riots we used to have.

20 Now, with mass communications, immediate  
21 communication, we are attracting the attention to an incident  
22 or a riot which may go for miles. And when some people see  
23 people carrying out television sets, or looting with apparent  
24 impunity, as someone mentioned here earlier, then this has an  
25 attraction far greater than I think we have experienced before.

1 One of the fundamental rules of riot control is to  
2 limit the communications as much as possible, and particularly  
3 the agitator to his adherents.

4 Most riots, I think -- people who have studied -- the  
5 actual participants are a very very small number, and they  
6 are supported by large groups of onlookers, or other people  
7 who are attracted.

8 It is my feeling that in any of the riots in this  
9 country or otherwise, a very small number of actual partici-  
10 pants, relatively, are engaged in the riot.

11 One of the things that is being done in a number of  
12 countries is in the command and control center that I suggested,  
13 the approach, that when false information gets on the air, that  
14 a responsible government official of the respective jurisdiction  
15 gets the truth out to the people.

16 CHAIRMAN KERNER: Do you believe that the media in any  
17 wise enarge the condition that may exist? Should there be  
18 control -- self-control, what type of controls, if any, should  
19 be developed?

20 MR. ENGLE: I am not in a position to comment on the  
21 amount of controls that we should have on media.

22 CHAIRMAN KERNER: I know we are dealing with a very  
23 sensitive subject.

24 MR. ENGLE: Partiuclarly with our freedom of speech.  
25 There are countries that do have specific restrictions on

1 inflammatory statement that are made on either radio or tele-  
2 vision, or in the press, that would tend to incite riots.

3 MR. LOMBARD: Mr. Chairman, I am not one bit reluctant  
4 to talk about the effects of the mass media on conditions in  
5 our country today, because we have expressed ourselves, as I am  
6 sure many other law enforcement people have, that the mass media  
7 I think can be corrected with making a major contribution to  
8 the unrest that prevails throughout our country today, and  
9 particularly the TV network stations.

10 I have had the experience in 1964 where the wire  
11 services, photographs of our conditions in Rochester being  
12 completely distorted, and unbelievable. When I received  
13 some of the clippings back -- sent back to me. For instance  
14 in Dublin, Ireland, a big front page, showing a Negro woman  
15 with a club and the caption "Negro warding off a billy club-  
16 wielding police." It did not show anybody else. The  
17 truth of the matter is -- it was a very dramatic photograph  
18 taken by our local press, showing this Negro woman fighting  
19 of a Negro male who had a knife right in his hand to slash  
20 her wrist. And this was recognized by Argonot Press, which is  
21 headed by Paul Miller, President of the Associated Press and  
22 the general manager -- if you are interested I think you  
23 should look into it -- did a very fine job in a paper to their  
24 editors, of their several newspapers, pointing out the dereliction  
25 the irresponsibility, and giving some instructional material,

1 which we commend him for. And more of this needs to be done,  
2 More recently, in our last disturbance, we classified it as  
3 a civil disorder. But the networks were bound and determined  
4 to call it a riot. And to the extent that they went to great  
5 trouble and expense -- not believing their local networks --  
6 and this was CBS -- by sending out a whole team into Rochester  
7 following our second night of disorder in which one Negro was  
8 shot and killed, and another one was found dead as a result of  
9 a gunshot wound. And as it was properly reported locally --  
10 they did not believe this. They sent up a team the next day.  
11 It was peaceful and quiet. There was nothing moving in  
12 our streets. They were following our police around, looking  
13 for something to -- something dramatic. And we restricted  
14 them. We refused to give them any more privileges than we  
15 would our local press. For the past several months we have  
16 been meeting with our local press in conferences. There is  
17 much interest in setting forth some guidelines. And this is much  
18 needed.

19 I think it can be achieved on a voluntary basis.

20 CHAIRMAN KERNER: This, I think, we are interested in.  
21 What sort of guidelines or arrangements do you have?

22 MR. LOMBARD: We have a committee now of all our  
23 media. We have had a give-and-take on it. Our proposal is,  
24 number one, that in the preliminary stages of an emergency, that  
25 there be an embargo or moratorium on the news release. And we

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1 have submitted a proposal whereby all the news media monitors  
2 our police radio, and it is irresponsible when we pick up  
3 our police broadcast and use this as a bulletin. But some  
4 of them do this. During our blackout, one of our radio  
5 stations two years ago, with a call coming in on a complaint  
6 board saying there is a gang and looting taking place in this  
7 particular ghetto area, our dispatcher mistakenly dispatched  
8 a car to check on a gang and looting. The radio station,  
9 without having this verified, picking it up on the monitor  
10 immediately broadcast -- 50,000 watts, covering the northern sea-  
11 board -- that looting, gangs, roving the streets of Rochester.  
12 And this was headlined in the wire services.

13 We have asked for an embargo whereby we would put the  
14 broadcast out in the first instance for the attention of our  
15 own personnel, plus the news media who are monitoring in the  
16 matter of a police 60, giving a brief description of what is  
17 taking place, alerting them, and which in essence there will be  
18 an understanding for a 60 minute period, unless terminated earlier,  
19 there will be no bulletins broadcast on the radio or the TV  
20 stations.

21 We feel this is highly important.

22 The committee is considering this, is receptive to it.  
23 But in order to get an understanding with all the several radio  
24 stations and TV stations, this remains to be seen.

25 And then we have our press room setup.

1 One of their criticisms is a failure to have proper  
2 liaison with the police.

3 We restrict our subordinates from having any responsi-  
4 bility in transmitting news to the news media. Under emergencies,  
5 the further restrictions through our city administration  
6 press office. They do not like that. The press officer,  
7 he is a former newsman himself, and tends to put out the  
8 material that he feels should go out.

9 So we are working out a relationship where they can  
10 come right up into our police buildings, and have a press  
11 room during such emergencies, monitor with the radio station  
12 have intercom connections with our command post area, which  
13 will be controlled by our press officer.

14 There are many different areas we are exploring.  
15 But the important thing is to achieve an understanding between  
16 our respective responsibilities -- the police, maintaining  
17 law and order, and the press, and keeping the public informed.

18 I think we are making progress.

19 And I might add that our local people, they are not one  
20 bit reluctant to admit that the news media has made a major  
21 contribution to this whole business of unrest that is prevalent  
22 throughout our country today.

23 CHAIRMAN KERNER: Thank you.

24 Chief Purdy.

25 MR. PURDY: I think substantially what has been said

1 is the picture as it pretty well exists.

2 I think in recent months or the past year there is  
3 perhaps more responsibility among the press than there was  
4 before. Perhaps what we need is a civilian review board for  
5 the news media -- I do not know.

6 CHAIRMAN KERNER: Maybe you ought to suggest that in  
7 some places where they editorialize the civil review board.

8 MR. PURDY: No -- I have a family to feed.

9 I think we have to consider what type of effect --  
10 when you get your daily rundown on television and news -- they  
11 come on in the morning and again at night, and who knows how many  
12 times during the day, and list off the ten most prominent  
13 cities for racial problems that day, or the twelve or the  
14 twenty, and along with a prediction there will be further  
15 unrest tonight in these cities.

16 I think the American public may be misled to think  
17 that all the news that is made in the country today just has to  
18 do with racial riots, because that is all they here. I think  
19 it has been blown out of proportion. Sort of like your  
20 home town newspaper. If one lad steals a purse from a  
21 neighbor, it is front page, but the fact that he becomes an  
22 Eagle Scout winds up on the grocery page.

23 I do not think we can dictate what the press will  
24 print.

25 I frankly would not want to live in a community that

1 did not have a responsible -- have a press. The responsibility  
2 varies from day to day maybe based on the opinion of the  
3 person who is affected.

4 But I think it is important. I think that there is  
5 a showing of responsibility.

6 We have seen some highly irresponsible accounts.  
7 We once had a photograph printed showing a Negro woman being  
8 -- a Negro man being knocked down by a night stick, a real  
9 brutal occurrence. Except that the witnesses who were  
10 there and saw it when we interviewed them testified that  
11 what happened -- the Negro was being chased fell down, and the  
12 officer was picking him up. He had a night stick in his hand.  
13 He was helping him up.

14 The story and the photograph of the Negro -- pregnant  
15 Negro woman who was being knocked down by the police officer,  
16 when as a matter of fact -- of course in her condition she  
17 should not have been out on the street. As a matter of fact,  
18 the officer coming along and moving people back did not even  
19 touch her. She stepped back, stubbed her heel on the curb and  
20 fell down.

21 These type of things are a little difficult to over-  
22 come because they are front-page today. I do not care what the  
23 retraction -- it is always on page X.

24 So the tremendous focus of newspaper time, particularly  
25 television time, and these instant news radio stations, are

1 real problems that would lead, I believe, the people of the  
2 Nation to think sometimes that the only news there is in  
3 the Nation's racial riot.

4 CHAIRMAN KERNER: Commissioner Leary, would you  
5 like to comment?

6 MR. LEARY: We have had some very fine cooperation  
7 with the news media last summer, and we had even better co-  
8 operation from them --

9 CHAIRMAN KERNER: How did you obtain it?

10 MR. LEARY: Well, what we do is -- we have our  
11 press information man -- he is here with me now. He is on  
12 the scene in any one of these situations. Of course, we have --  
13 if it is a mobile headquarters, when we move a mobile head-  
14 quarters, a command headquarters, we also move an additional  
15 truck which we put phones in and we give that truck in a sense  
16 to the press. We constantly feed them information of what is  
17 occurring, with integrity, and do everything we possibly can to  
18 answer their questions.

19 Occasionally, of course, we are sometimes unhappy  
20 with what happens they print, or what the TV shows. But it is much  
21 better than it was in the past.

22 CHAIRMAN KERNER: Do you follow those situations up?  
23 Apparently there are very few, I gather, from what you said.  
24 Do you get in contact with them?

25 MR. LEARY: The Deputy Commissioner does this. It

1 id not good for the Police Chief to do it. Newspapers like  
2 everyone else do not take kindly to criticism, regardless of  
3 how valid it is.

4 CHAIRMAN KERNER: They take to it, let me say, more  
5 sensitively, I think, than anyone else.

6 MR LEARY: I think what we are finding is that they  
7 are going to change their views of this sort of thing, because  
8 now they are becoming quite a target.

9 In the early part of the summer, where we had one  
10 situation for a number of nights, they turned over one of their  
11 cars and burned it up. Just a few weeks ago they attacked  
12 a photographer and broke his camera.

13 So now the reporters, regardless of what they are  
14 in, a newspaper or television, are now whitey, and it makes  
15 no difference whether it is a colored newspaper reporter or  
16 not -- they go after him. So they are not welcomed. They do  
17 not run with the freedom they had run with previously. And,  
18 of course, this last summer they have just taken out on them  
19 terrifically.

20 CHAIRMAN KERNER: Do you have any specific recommenda-  
21 tions for this Commissioner?

22 MR. LEARY: I think one of the things the Commission  
23 could do is recommend to the people not to forecast riots  
24 for next summer. I think that would help immensely --  
25 particularly coming from the Negro leaders and the white

1 establishment who pontificate and lecture and sermonize our  
2 society. If they would talk in more positive terms in this  
3 regard.

4 I do not know what the coming summer will mean -- I  
5 am talking about the summer of next year. But this hurts  
6 immeasurably, with all this forecasting. These young people  
7 in the area, they feel they have to respond to this -- partici-  
8 pating in a riot is some sort of a badge of honor.

9 The radio stations particularly, the news stations,  
10 that just give news, is a real braker, because they give  
11 the same thing over maybe ten times in an hour. If you  
12 have one of those stations on, and then those radio reporters  
13 that broadcasy, they change, and each man is responsible  
14 for writing his own material. So he tries to write it more  
15 sensationally than the man he has just succeeded. So when  
16 you turn on the radio sometimes you think everything is gone.

17 But they have been responding at least in the New York  
18 area much better, and a greater improvement.

19 Their pictures, of course, are concentrated principally  
20 on what the policeman does. And, of course, it portrays the  
21 policeman in a very negative position. He might be doing  
22 that and have a perfect right to do it. But when you see that  
23 in a picture, you do not see the whole story.

24 MR. LOMBARD: Some of the militant leaders having  
25 access to the media -- how they influence every locale, and

1 particularly those militants within the locales -- when they  
2 can see such people come out and say burn and steal and loot,  
3 arm yourself -- and not be arrested for it, and do it in  
4 ful black and white up there, lr color, before the whole  
5 national scene here -- this has a most stimulating effect  
6 on this young militant in our respective communities, and  
7 furthers the problem in our communities, making it difficult  
8 for the police and the community as a whole to cope with it.

9 And I certainly would urgen this Commission by  
10 all means have a panel and seriously consider what effect  
11 the news media has on the total picture, and what recommenda-  
12 tions should be made as to their voluntary cooperation, and  
13 refraining from such portrails, or even some controls to be  
14 instituted, which I am sure would probably be unconstitu-  
15 tional. But certainly it should be looked into.

16 CHAIRMAN KERNER: Mr. Ginsburg?

17 MR. GINSBURG: Mr. Chairman, I have three questions.

18 First, Commissioner Leary. This is the matter of  
19 lateral entry. You spoke before of in a sense the bonanza that  
20 came out of the depression in getting so many of the good people  
21 we now have on the police forces throughout the country, and  
22 the need for additional training.

23 Is there a possibility -- we have heard this problem  
24 come up before -- is there a possibility of arrangements under  
25 which there can be lateral entry at a higher level into the

1 police forces otherwise than simply coming through the ranks,  
2 or would that in your view be useful?

3 MR. LEARY: It would depend, of course, on who came  
4 in. Because just as with certain accomplishments -- there is  
5 no guarantee that individual is going to prove his worth.  
6 However, there would be great opposition to this in the police  
7 unions. They would fight this tremendously. I do not know  
8 whether in certain particular cities, whether you would ever  
9 get to that, really.

10 However, there is a way in which this can be  
11 circumvented, and you get almost the same benefits, and that  
12 is if you brought in more professional persons of a civilian  
13 nature who performed certain tasks within your Department  
14 which certainly an able civilian administrator could.

15 The difficulty we have in the police in getting  
16 civilians in to perform tasks that civilians could well perform  
17 is that the personnel departments classify the jobs so low,  
18 it gives them such a low salary classification, that you cannot  
19 bring in people into your Department in these other positions.

20 In New York City we have been very fortunate in initiating  
21 a trainee program that allows us to bring young boys in that  
22 graduated high school, have not reached their majority --  
23 they take the same examination that a policeman takes, they  
24 have the same physical qualifications. But they must be  
25 a high school graduate. They are brought into the Department,

1 and serve various clerical and administrative tasks.

2 When these young men reach their majority, they move  
3 into the Department.

4 These are the type of boys and the caliber of people  
5 who came in during the thirties, in essence.

6 We also just this year began a pilot program of  
7 selecting fifty recruits, and are releasing them a day a week to  
8 attend a community college in the City of New York. Ultimately  
9 we hope to give all of our recruits one day in a community  
10 college as a part of their training program. And to couple  
11 our training program to coincide with the college semester,  
12 in order to bring in once again the civilian instructor.

13 I think that the lateral entry is going to meet  
14 great opposition.

15 Our problem really is, or the community problem  
16 is that we do not prepare our policemen for the burdens and  
17 the tasks and the responsibilities that are going to be asked  
18 of them today and tomorrow, and five and ten years hence.

19 We are beginning also in New York City to develop  
20 an intensive career development program for captains and above,  
21 singling certain men out who we are sure are almost guaranteed  
22 promotion because of their performance and other aptitudes  
23 -- to guarantee the quality of leadership so necessary.

24 MR. GINSBURG: One additional question.

25 Reference has been made throughout the morning from

1 time to time to agitators within the community.

2           Could you help the Commission, not so much in terms  
3 of identifying individuals by name, but are they local  
4 agitators, or people from outside, do they move from community  
5 to community? Who are these agitators? Are they indigenous  
6 to the community?

7           MR. LEARY: We have had them -- we are able to  
8 identify -- of course, the ones in the community are reasonably  
9 easy. We have found they move in a sense from bureau to  
10 bureau, and at times of tension. And then others that we  
11 cannot identify at all. So we assume that they are perhaps  
12 from outside the city.

13           I do not think there is any question there is not  
14 some design or plan that has developed prior to these situa-  
15 tions and conditions. However, fortunately for us, and  
16 for the community, they are not well designed, and not well  
17 planned, because if they do not have -- if the community does  
18 not immediately pick up what this outside community agitator  
19 tries to initiate, it kind of fails.

20           But you do see in a sense what the police identify  
21 as strangers..

22           MR. GINSBURG: I wonder if we could have comments  
23 from the other members.

24           MR. PURDY: Yes. We note pretty much the same  
25 thing. It is difficult in our area to say an outsider or a

1 local. We can identify the locals. But we have such an  
2 influx of tourist population, in the Negro community as well  
3 as the white community, and it is sometimes difficult.

4 We have had in periods of agitation, where there are  
5 those whom we cannot identify. But we have got some home-grown  
6 ones, too. I do not think there is any question. This does not  
7 seem to be much question but what there is some outside  
8 agitation in these activities throughout the country. I cannot  
9 pin it down for you. But this is a general feeling, and I think  
10 a general belief.

11 We have some of our home-grown who do sometimes get  
12 their ideas from others. And we do have some we cannot identify.

13 MR.LOMBARD: Yes. In our city, which perhaps would be  
14 representative of most of the cross section of the cities  
15 throughout the Nation, we have outside agitation. It is in the  
16 form of what I previously mentioned, with the television  
17 networks. As we have commented on many occasions, we have  
18 enough local talent to start a riot without having somebody from  
19 the outside come in.

20 We have this professionally organized group called FIGHT,  
21 which is financed. It is in its third year. The Solalinsky  
22 Industrial Areas Foundation, which you may have heard about,  
23 financed by the Council of Churches at the rate of \$50,000 a  
24 year, in which they send a couple of staff members into the  
25 city and organize the Negro communities -- an all-black

1 organization. And then supporting them, and with whatever  
2 finances they can contribute is the Friends of FIGHT, which is  
3 made up of an all-white group -- primarily from our universities  
4 and our intellectuals.

5 This group, in its previous -- Franklin Delano  
6 Roosevelt Florens -- a Minister -- a very aggressive personality,  
7 he relished the attention he got from the news media. But  
8 it has been also recognized that there is as much fight  
9 within FIGHT as there is without FIGHT. A lot of turmoil  
10 within the organization. The just elected a new president  
11 this year, an entirely different personality. As I mentioned,  
12 we have established a hot line with their people. They want  
13 to work with us -- although just the other night they walked  
14 into my office with three young youths to file a complaint  
15 involving police action which we are looking into.

16 I think it depends upon the individual who is perhaps  
17 given this position of responsibility, the abrasiveness that he  
18 wants to cause in a community. And as I mentioned, the one  
19 individual was extremely abrasive, and a new president, who  
20 was well educated, a barber by trade -- he has a college  
21 education -- a soft-spoken and entirely different personality  
22 -- we are getting along very well.

23 And, of course, along with outside agitation here, you  
24 might indicate that there is outside influences, because they  
25 are being trained and developed and attending meetings in other

1 cities throughout the Nation, as Solalinsky's group puts them  
2 on.

3 MR. LEARY: There was a recognized religious group  
4 in the country who published a pamphlet on civil disobedience  
5 and circulated that. In fact, you could buy it for 50 or 75  
6 cents.

7 CHAIRMAN KERNER: Could you identify it?

8 MR. LEARY: It was a Quaker group.

9 CHAIRMAN KERNER: I think Mr. Thornon has a  
10 question.

11 MR. THORNTON: I just have one more quick one.

12 I unerstand or have heard that in Europe at least  
13 certain nations -- Germany, France, others -- their police  
14 are more effective in controlling and containing riots than  
15 we have been in this country. Is that true, and if so, what  
16 methods do they use that we do not?

17 MR. LOMBARD: Let me just make one observation,  
18 which is my own personal opinion. I think the police in  
19 other countires, being faced primarily with only one ethnic  
20 group, their own, have a far less problem in coping with  
21 the situation than we do in the United States, where we have  
22 a melting pot of the world, and we cross the lines right across  
23 the board.

24 MR. ENGLE: I might comment on that.

25 I think there is a point certainly in what he says.

1           Generally most countries of the world make more  
2 specific provisions for the control of violence than we have  
3 here, organizationally. And the points that I was enumerating  
4 here earlier. They attempt to control the violence without  
5 bringing in the military -- say in France, for example.

6           If you look at the structure of the police, particu-  
7 larly around Paris, you will find there are thousands of police  
8 reserves, and they act immediately and very forcefully -- force-  
9 ful to the extent that our police here would get probably  
10 more criticism than we are getting for police brutality, cer-  
11 tainly.

12           But organizationally it is recognized. It is my  
13 personal feeling this is what we ought to look at -- our police  
14 structure, and what provisions we have made organizationally  
15 to be able to respond to police strength immediately. And  
16 many places they saturate the area, and they do it so quickly,  
17 they move the agitators, remove the immediate cause of that  
18 particular instance -- they tend to stem it at its lower level.

19           MR. JENKINS: Could I ask one question.

20           CHAIRMAN HERNER: Any other comments by any of  
21 the others?

22           MR. LEARY: The control of the riots depends on how  
23 much force you want to use. This is what it really reduces  
24 itself to -- what power you have, power as far as personnel is  
25 concerned, and what instruments you want to use.

1 This is all very simply. You want to do it the  
2 hard way. If you want to go in there -- let's take the extreme  
3 set a machine gun in the middle of the street. You won't  
4 have any riot.

5 MR. ENGLE: I doubt that, Commissioner. I have to  
6 take issue. The Korean riots in 1960. They set up machine  
7 guns, they did just this. And the students took them on. There  
8 were a number of students that were killed. It resulted  
9 in the overthrow of the government, and a complete new approach  
10 to riot control has resulted from that. If you notice the  
11 Korean riots of last year -- they went on for several days,  
12 thousands of people involved. There were no fatalities. They  
13 have developed, I find, different techniques.

14 MR. LEARY: But you still had a riot. We are talking  
15 in terms of putting the riot down.

16 MR. ENGLE: Well, I suppose if you killed every  
17 one, that would be the end of it.

18 MR. LEARY: That is the exaggerated extreme. But you  
19 still had the riots.

20 MR. JENKINS: I want to ask a question about the  
21 planning and organization that you speak of in foreign countries.

22 Isn't all of that done on a national level? Whereas  
23 here in this country, every city or every state has its  
24 own plans, and it is not coordinated. Doesn't that point  
25 up the need for a national organization and program to deal

1 with this situation here?

2 MR. ENGLE: The first question, no, it is not necessarily  
3 done with a national police force. I was in Brazil three weeks  
4 ago where the police are entirely under the states. There  
5 are about eleven states that have riot control organizations  
6 that are very effective in the prevention, and are very  
7 responsive.

8 For instance, in Sao Paulo, which is a state of sixteen  
9 million population, the fastest growing city in the world, there  
10 they have a riot control organization, both in the city and  
11 the rural police area, all under the state. While they have  
12 -- what I was referring to -- the Korean riots -- not in the  
13 sense of large riots, but they have had over the past few years  
14 a number of incidents. The responsiveness of these organiza-  
15 tions has been such they have been able to keep them down from  
16 getting into a major conflagration, or being very destructive.

17 Now, the national police in countries -- it is  
18 easier to organize, because they have generally more numbers at  
19 their disposal.

20 MR. JENKINS: Overall control.

21 MR. ENGLE: Overall control. Although this in most  
22 countries, even under the national police force, is delegated  
23 down to the provinces or the governors. But there is organizational  
24 recognition of the need for control units in most countries.

25 CHAIRMAN KERNER: I believe that is all -- Commissioner

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1 Leary, Director Burdy, Chief Lombard, Director Engle. We  
2 thank you very much. You have been most helpful.

3 Certainly after you leave here, if you feel there  
4 is subject matter that you overlooked, and would like us to  
5 have please do not hesitate to send any material to us.

6 (Whereupon, at 1:20 p.m. the National Advisory  
7 Commission on Civil Disorders was recessed, to reconvene  
8 at 2:30 p.m. on the same day.)

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AFTERNOON SESSION

2:15 p.m.

CHAIRMAN KERNER: Gentlemen, I would like to call the afternoon session to order.

This afternoon, we continue our hearings on maintaining law and order. The hearing this afternoon will address itself to the role of the National Guard and the United States Army in controlling civil disorders.

We have already had a number of important witnesses on this subject, including Brigadier General Hollis, who we welcome here again today.

The role of the Guard and Federal Forces is of such critical significance, we want to explore it in the maximum possible depth.

Accordingly, I am pleased to welcome this afternoon's panel, whose members are Lt. General Roderic L. Hill, California State National Guard, now retired; Major General George Gelston, Commander, Maryland National Guard; and Brigadier General Harris W. Hollis, Director of Operations, Office of Deputy Chief of Staff for Military Operations, Department of the Army.

The first member of the panel to speak will be General Hill.

General Hill was former Adjutant General, State of California, and Commander of the National Guard of the State of California.

1 General Hill commanded the National Guard during the  
2 Watts riot in California in 1965. He will speak specifically  
3 on the training of the National Guard and the logistics re-  
4 quirements.

5 STATEMENT OF BRIGADIER GENERAL RODERIC L. HILL,  
6 DIRECTOR OF OPERATIONS, OFFICE OF THE DEPUTY CHIEF  
7 OF STAFF FOR MILITARY OPERATIONS, DEPARTMENT OF  
8 THE ARMY, WASHINGTON, D. C.

9 GENERAL HILL: Mr. Chairman, members of the Commission:  
10 It is a privilege to be here to meet with you briefly, and hope-  
11 fully, in some way to help in the very difficult problem that  
12 you are dealing with.

13 I think from the National Guard standpoint, from one  
14 who has had some exposure on the ground, so to speak, you would  
15 find the Guard, of course, involved in the control of the sit-  
16 uation that has exceeded the capabilities of civil law enforce-  
17 ment.

18 I wish, in appearing here, as an aside to say I could  
19 give you some solutions, ways to prevent this from happening.  
20 Unfortunately, that is not my area of expertise.

21 The experiences that we have had, I think, show that  
22 the major cities of our nation are largely supplied with or  
23 have highly efficient, dedicated police forces. This is my  
24 observation from working with law enforcement agencies and the  
25 police departments of all of our major cities in California, and

1 dealing with, in addition to the Police Department of Los  
2 Angeles, the Police Department of San Francisco, because in the  
3 fall of 1966, to quote Chief Cahill, of San Francisco, we were  
4 30 minutes ahead of catastrophe there.

5 This illustrates the fact that we came awfully close  
6 in San Francisco to a repetition of what took place in Los  
7 Angeles.

8 However, I think we are all agreed in this free  
9 society of ours, the ratio of law enforcement to the population  
10 is pretty minimal, and when there is deviation from adherence  
11 to law and order, we have the requirement for military force to be  
12 exerted.

13 I think also we would agree that the majority of our  
14 Guardsmen, of our Military Forces that might be employed, are  
15 not specifically trained in law enforcement. They are trained,  
16 of course, to enter into combat if and when the need arises  
17 with enemies of this nation. So they are oriented towards a  
18 combat situation at any time. This is what their training is  
19 for; this is what their equipment is for; and this is what their  
20 structuring is for.

21 One of the problems we ran into in Los Angeles, and I  
22 am sure it has occurred elsewhere, is that the typical law en-  
23 forcement officer, in other words, at the executive level -- a  
24 police lieutenant or captain, who is used to dealing with some  
25 perhaps hundreds of uniformed officers at the most, when faced

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1 with a question, "Captain, where would you like these 3,000 men  
2 put", he is in a dilemma, a very real one.

3 In our after-action report for Los Angeles, this was  
4 brought out.

5 I was present at a meeting of the police forward  
6 command elements -- I am not sure what station -- I think it  
7 was Station 77 Precinct, Congressman. But at any rate, here  
8 was a body of city policemen, Los Angeles County Sheriff's  
9 representatives, Los Angeles County Marshal's people, and  
10 Guardsmen, Guard Commanders, trying to organize an operation  
11 under extreme duress.

12 The police were handicapped by now knowing, really,  
13 what to do with us, we learned, of course, as time went on.

14 In the training of Guardsmen, like those of the  
15 active service, for employment, I point out in a combat environ-  
16 ment -- street operations in urban areas, street firing, gen-  
17 erally presumed that the populous is as a rule unfriendly, and  
18 the tactical doctrine is developed on this basis.

19 However, in the streets of an American city it is  
20 quite proper to assume -- and this is certainly true in my  
21 experience -- that the populous is basically friendly.

22 The doctrine that we have to adhere to, then, must  
23 reflect the fact that the use of force which we have -- and it  
24 is certainly large -- must be very carefully controlled; it  
25 must be -- recognition must be given to the fact that we have

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1 many, many people who are trying to live with the situation, wish  
2 it would go away, are friendly in other words, towards law  
3 enforcement -- there must be care taken that the innocent are  
4 not harmed.

5 Now, in Los Angeles, there was a case where this  
6 happened, and it was extremely unfortunate. It reflected the  
7 fact that automatic weapons, which in my opinion should not be  
8 used, except as a last resort, were employed.

9 I might point out, gentlemen, that a weapon and ammunition,  
10 typically, when they are brought together, dangers can  
11 happen.

12 The doctrine that we applied in Los Angeles, I think,  
13 reflected careful planning and common sense. It stated that  
14 when soldiers went into a situation of this sort -- we had  
15 visualized the possibility that our weapons would be unloaded.  
16 This is set forth in guidance from the Department of the Army,  
17 and properly so. We had ammunition available. It became  
18 necessary to load the weapons. I was the one who personally  
19 issued that order -- having witnessed an exchange of force and  
20 counter force that led to a serious injury to a Guardsmen and  
21 perhaps -- the serious wounding of the man who was driving the  
22 vehicle that ran him down.

23 But I knew once the weapons were loaded, it was  
24 going to be relatively easy for them to be fired if the men  
25 with the weapons were fired upon.

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1 I do not condemn the firing of the weapons. I think  
2 it is a natural experience.

3 But then our fire, of course, harmed people, killed  
4 some, wounded others. And this is something that, certainly,  
5 if we could prevent -- General Gelston has been in a very happy  
6 situation in preventing this. He tells me he has never loaded  
7 his weapons. I wish I could say that.

8 But I would point out, in San Francisco, we were able  
9 to accomplish our mission there without firing a shot. And  
10 there are several reasons why.

11 If the Commission is interested, I could go into  
12 those.

13 One of the problems we have run into -- and I don't  
14 know whether it merits the time of the Commission to consider --  
15 is the fact that once a situation develops where we are employ-  
16 ing our troops, then the concern of the citizenry, the concern  
17 of those making decisions that affect the employment of the  
18 troops, can lead to difficulties in moving the troops back out.  
19 It can lead to problems and perhaps over-commitment of troops.  
20 I don't know whether this has happened elsewhere. I feel that  
21 it did happen in Los Angeles, that we did perhaps in the final  
22 analysis use more troops than we needed.

23 A problem also that exists from the State's standpoint  
24 is the expense. Again, I am not sure if this merits the con-  
25 sideration by the Commission, that our experiences in Los

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1 Angeles ended up with a total bill of about a million dollars  
2 to the State of California. San Francisco, perhaps 10 percent  
3 of that.

4           However, the expenses, of course, had to be borne by  
5 someone.

6           In the matter of delay in moving troops in -- this  
7 was the case in Los Angeles. The delay reflected a number of  
8 things. Again, if the Commission wishes, we could go into  
9 those.

10           But I was faced with a problem of moving Military con-  
11 voys through home-going rush-hour traffic in the streets of  
12 Los Angeles, in the time frame of 6:00 p.m. on, when, if you  
13 read the official journal of the Los Angeles Police Department,  
14 at 2:00 p.m., 10 Third Street was in flames, and the police had  
15 lost control.

16           Well, we were behind the power curve, to use an ex-  
17 pression. It took time to cope with that. The loss of time  
18 meant we had to have more manpower, that we had to use more  
19 force, and that greater damage and loss of life occurred.

20           In San Francisco, as I have already pointed out, we  
21 were 30 minutes ahead of catastrophe, and the situation was very  
22 quickly put under control.

23           I don't have any magic solution for saving time. But  
24 I hope there is knowledge of the fact that Guardsmen are civ-  
25 ilians, they are at their normal activities on any day of the

1 year -- at school or work. It takes time for them to assemble,  
2 it takes time for them to move. And I think that our Police  
3 Departments are becoming aware of the fact that it is tragic to  
4 wait until too long before calling for help.

5 I think that we can and we must do better in coping  
6 with this problem which has ramifications that none of us like  
7 to think of.

8 There are perhaps many thoughts I might advance for  
9 the consideration of the Commission, but I know there are other  
10 members of the panel that you wish to hear from, and I know  
11 your time is limited.

12 I would like to conclude at this point with my state-  
13 ment, and solicit any questions you may have to ask as time  
14 goes on.

15 I thank you.

16 CHAIRMAN KERNER: General, if you have any recommenda-  
17 tions you would like to make, we would prefer, I think, if you  
18 made them at this time.

19 GENERAL HILL: Well, it is probably presumptuous of  
20 me to say this, but I feel that if the Commission could become  
21 closely familiar with the makeup of the National Guard, with  
22 the philosophy which brought it into being, and with the philo-  
23 sophy which maintains it today, and with the factors that  
24 exist in the Guard, the leadership that exists, the mechanics  
25 of Guard operation -- this would be the recommendation I would

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1 like to make.

2 I am sure than an examination perhaps of a selected  
3 number of -- the conditions in a selected number of States --  
4 would be helpful.

5 Now, perhaps you have started this already -- I am not  
6 sure. But this is something that I feel would help a lot.

7 Perhaps the Commission should examine the application  
8 of Military force in depth. I know there is written doctrine.

9 The Department of the Army has given very serious con-  
10 sideration to this question. There may or may not be contro-  
11 versy. I am not positive right at this moment in my mind --  
12 over the use of certain categories of force.

13 For example, mechanized vehicles, armored vehicles, the  
14 use of machine guns. In my book, I would prefer not even to  
15 see them there. And yet I know there is a certain logical as-  
16 pect of a machine gun. But I point out this fact, gentlemen.  
17 Generally, where there is a machine gun, there is some ammuni-  
18 tion available, and the marrying-up of a machine gun and belt of  
19 ammunition can lead to trouble, and it has in several cities,  
20 including Los Angeles. And against my order, I might add.

21 This is something -- I can appreciate the idea that  
22 if it is made clearly apparent that there is force here avail-  
23 able, that perhaps it will deter those who are on the borderline  
24 of being lawless or not.

25 But again, I think there is concern because of the

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1 problem of control, if you have large numbers of troops in-  
2 volved.

3 The Guard has a very large capability -- this is my  
4 own conviction.

5 As a side example, perhaps, of what can be done, at  
6 approximately midnight on Friday, the 13th, I decided that more  
7 forces were necessary. The doctrine calls for the use of in-  
8 fantry if they are available at all. Orders went out to airlift  
9 two battalions of infantry from our San Joaquin Valley, with an  
10 airhead at Fresno, to Southern California. The orders went to  
11 the Army Guardsmen and the Air Guardsmen, and our transport  
12 elements at the same time. At 5:30 the first airplane touched  
13 down in Los Angeles with a load of troops, and by 9:00 o'clock  
14 we had both battalions down there.

15 This sort of reaction capability is there, where you  
16 can relate airlift capabilities, for example, with troop de-  
17 ployment.

18 As I say, I hope the Commission does concern itself  
19 with the Guard structure, with its capabilities, and with its  
20 application.

21 Those are the recommendations that occur to me, sir.

22 CHAIRMAN KERNER: Thank you very much.

23 We will next hear from General George Gelston,  
24 Adjutant General of the Maryland National Guard. He also is  
25 the former Acting Chief of Police of Baltimore, Maryland.

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1 General Gelston is universally recognized for his  
2 knowledge and experience in the control of mobs and riots. He  
3 will direct his remarks to the control of civil disorders by  
4 the National Guard.

5 STATEMENT OF MAJOR GENERAL GEORGE GELSTON,  
6 ADJUTANT GENERAL, MARYLAND NATIONAL GUARD

7 GENERAL GELSTON: Mr. Chairman, and members of the  
8 Commission, I think General Hill and I must have gone to the  
9 same school, because I endorse everything that he has said. I  
10 think the first and foremost important thing to the Guard that  
11 has been revealed is the speed of reaction. You not only have  
12 to consider the length of time it takes to assemble the Guard,  
13 to get them equipped and moved into the area itself, but the  
14 political ramifications that lead up to its use.

15 I might say -- and this varies considerably in the  
16 several States, even to the extent of who by law may do what.  
17 We have in Maryland a situation right now that by law only the  
18 Governor can order out the Guard. He has directed me that if  
19 at any time the State Police, the Commissioner of Police of  
20 Baltimore, or the major cities, feel that they are in imminent  
21 danger of a riot, and he cannot be found, I am authorized to  
22 order out the Guard.

23 As a matter of fact, Governor Agnew has gone farther  
24 than that, and made the statement that if I am convinced that  
25 there is imminent danger of a riot, to get the Guard out then

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1 and move it in before the trouble starts. He would far rather  
2 spend \$25,000 or \$30,000 for a Guard that he doesn't need, than  
3 to wait until he has lost the city, because they were not there  
4 in time.

5 Another point that I think -- a good many of the  
6 adjutants general do not agree with me on this -- when the Guard  
7 gets into a situation -- let me put it this way.

8 When the local police cannot handle it, they call in,  
9 normally, the State Police. I think at that point the State  
10 Police should take charge.

11 When the State Police cannot handle it and call in the  
12 National Guard, the National Guard commanders should be in  
13 charge. And if we cannot hold the line and call on the Active  
14 Army, the Active Army commander should be in charge. Because  
15 I am convinced of the doctrine that there can only be one person  
16 in command, and one person responsible.

17 As I say, this is not shared by all the adjutants  
18 general. Many of them will place their forces at the disposal  
19 of the local chief of police.

20 If there are a myriad of things that we want the  
21 police to do, if we go into the of these activities, but the  
22 major confrontation with the rioters, I think, should be by  
23 the Guard, by the Guard alone. I will amend that to say we  
24 want some police handy to take care of the typical charges of  
25 arrests. There are several reasons for that. One is that the

average soldier does not know the technicalities of it. And  
when we have brought people in, even a little State like  
Maryland, from 150 miles away, that poor fellow may be dragged  
of his job time and again to come back and testify in some case.  
And we try to avoid that.

But I think the doctrine of single responsibility --  
because I think in some of the areas apparently they have gotten  
into the situation where the military commander may want to be-  
gin de-escalation by unloading weapons or removing bayonets.  
However, at this time the chief of police, having been backed up  
by rather considerable force, which reenforces his courage some-  
what, may decide he has a good chance to get -- shall we say,  
get even with a few things that have happened.

[Deleted]

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7 But I am very strong on the necessity for just one  
8 person being responsible, and when he gives the order, it  
9 happens all the way through the Force.

10 My reason for the confrontation by the Guardsmen  
11 rather than by the police -- I truly believe that there is an  
12 entirely different psychological reaction on the part of the  
13 rioters toward the Army uniform as opposed to the police uni-  
14 form, which they don't like anyway. And having had experience  
15 as a cop, too, I know this quite well.

16 So far as the troops, themselves, are concerned, I  
17 ~~take~~ <sup>think</sup> we are taking a very fine step, the Army has, in putting  
18 through this additional training in tactics and techniques of  
19 riot control, which has been badly needed.

20 I want to amend that to the point that I think even  
21 more than in combat, junior leadership by the junior officers  
22 and the noncommissioned officers out there on the corner, and  
23 discipline, are 95 percent of the whole business. Unlike combat,  
24 in this area you are fighting a restrain<sup>ed</sup> war, your whole effort  
25 is not to kill somebody. Rather than to kill them, just try to

1 control it by your presence, and the indication of what you  
2 could do if it were necessary to do it.

3 I might say I was almost amazed the first time we went  
4 into Cambridge, because the first units we called into service  
5 down there that night was the Cambridge Company. I know that  
6 some of them were in the riot on the night before, because we  
7 had pictures of them. We put the uniform on them, put them on  
8 the street, and you would have thought we brought them in from  
9 California. They didn't like the white people, the black people,  
10 or anybody else. They became coldly professional. Frankly, I  
11 was most agreeably amazed at the discipline we had in the organ-  
12 ization.

13 On the use of weapons, I concur completely with  
14 General Hill. We have never loaded our weapons in Cambridge,  
15 never fired a round of ammunition down there. We have been  
16 there five months in 1963, three months in 1964, and about 10  
17 days this past summer.

18 As he points out, you not only -- you have the pos-  
19 sibility of a young soldier getting nervous and firing a round,  
20 or accidentally -- and just the sound of that shot could create  
21 retaliation, which is going to escalate into a major war.

22 I don't believe in automatic weapons either. So far  
23 as armored personnel carriers, and so forth, I am really not  
24 confronted with that, because as you know, the several States  
25 are somewhat differently equipped. We don't have them. You

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1 can improvize, recognizing you may want to get people into a  
2 building where there is a sniper. Brinks trucks are readily  
3 available. You can alert a squad of them, back them up to the  
4 door of the apartment building.

5 You can improvize. We have asked for illumination of  
6 an area at night -- which is extremely important. Where you  
7 cannot get the equipment on your table of organization -- in  
8 Baltimore we have several of these display companies that have  
9 12 or 15, actually, Army searchlights bought on surplus, which  
10 we have access to.

11 I don't think there is anybody connected with the  
12 Military that has become a stronger believer in gas than I am,  
13 because that is the only thing that we have ever had to use.

14 Our most recent trip down there, in early August --  
15 the crowd got in the street one night. It wasn't a riot.  
16 They just became a little unruly. They were throwing phone  
17 booths out in the street. We felt it was about time something  
18 had to be done to clear them out of the street. We moved people  
19 into position. The troop commander went forward with his hand  
20 megaphone and told them to clear the street.

21 Somebody retaliated with a few rocks. At 11:45 he  
22 called me and said, "We are using gas." At 11:50 Pine Street  
23 was clear. There wasn't a soul on that street except National  
24 Guardsmen -- no dead bodies.

25 I might say the reaction of the people was amazing.

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1 The next day they were both politer and friendlier. Mrs. Gloria  
2 Richardson Danridge, the well known militant leader, said,  
3 "General, why don't the other cities use gas like you do on us  
4 down here?" Among others we gassed heavily that night, was the  
5 editor of the Baltimore Afro-American, and he was a pretty sick  
6 gentleman after that.

7 He also called and complimented us on the use of  
8 weapons.

9 I think if we can get a reaction like that from the  
10 so-called enemy, maybe it is a proper weapon to use.

11 The Military, I think, will always fall back on the  
12 old saw -- if you ask them a direct question -- it depends on  
13 the situation. I cannot say what should have been done in one  
14 city or another. I only know what has worked for me.

15 With the projectors they have for projecting the gas  
16 now, I can fire up to 200 yards, and I think if you have a  
17 street with looters in it, I am not going to order a man killed  
18 for stealing a six-pack of beer or a television set. But I can  
19 guarantee you, if you fill that 200 yards with gas, there are  
20 not going to be any looters in the street. There is strong  
21 believe in my estimation they are not going to come back, be-  
22 cause this stuff is extremely unpleasant. It takes about 15  
23 minutes of breathing fresh air, and you are completely cured,  
24 except for a somewhat psychological reaction. It is not tear  
25 gas; it is a little stronger than that. It has a very strong

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1 effect on the respiratory system. Your throat gets to feel bad.  
2 Your chest feels like somebody is putting a steel band around  
3 it. And you have all the other effects of tear gas. It does  
4 have a very strong psychological effect. I think in the train-  
5 ing -- it has been suggested, and I believe the Army had taken  
6 action on it -- to include riot training in the six months'  
7 basic that your people get, and that their people get.

8 I found something completely new to me up here at the  
9 National Guard Convention. When the Active Army went into  
10 Detroit, there were a couple of National Guardsmen and Reserve  
11 REP trainees with the Active Army Forces which went in there,  
12 which again to me proves the point of the leadership and dis-  
13 cipline is really more important than the tactics and tech-  
14 niques. Certainly, they had more training in tactics and tech-  
15 niques than the Guardsmen and the State Forces.

16 I don't know how many were there, but there were some  
17 that went in with them.

18 As to equipment -- you can improvise a lot. There is  
19 one thing desperately needed, which is communications equipment.  
20 Of course, the Guard has been robbed to give communications  
21 equipment where it is most needed, and I do not regret that,  
22 which is in Vietnam. But we are in rather desperate shape for  
23 it. As a matter of fact, on most occasions we could not get  
24 along except for the very fine equipment that the State Police  
25 have. We generally keep their squad cars with our people.

1                   Now, one deviation I have from the Department of the  
2 Army doctrine as published here, is a very minor one. In their  
3 progressive steps in controlling and dispersing mobs, they set  
4 up the rules of engagement which are -- one, unloaded rifles  
5 with bayonet fixed and sheathed, unloaded rifles with unsheathed  
6 bayonets, use of riot control munitions, loaded rifles with un-  
7 sheathed -- and I won't go on to the rest.

8                   In my estimation, step one should be ignored, and  
9 start with step two, which is an unloaded rifle with fixed, un-  
10 sheathed bayonet. The reason for saying that is that not all  
11 the members of the National Guard, particularly the younger  
12 members -- they are not all big scrapping fellows, as some look  
13 quite scrawny. But you take and put a steel helmet on that man,  
14 give him a rifle with a bayonet, and all of a sudden he looks  
15 pretty tough. He has good reaction. I cannot see any idea to  
16 have a sheathed bayonet.

17                   Once in the war -- and again, I can only speak from  
18 my own experience -- the first time we went into Cambridge,  
19 there was not a riot going on when we got there. In fact, the  
20 riot had almost ceased when we got into town. There was a rather  
21 unruly group in the street. We had fixed a curfew and they  
22 refused to go home. We moved the Guardsmen into position. And  
23 then I walked into the crowd with one of the leaders of the  
24 dissident group and talked them into going home and leaving.

25                   Now, I immediately established a communication with

the leaders of the Negro group who were somewhat bent on a little militant activity, and maintained that throughout, where they always had a means of communication through me to the administrative agencies.

[Deleted]

//But they could

come to me, and I could take them to the State Government, I brought them to Mr. Kennedy's office, and anywhere. As long as I was doing this, they were not demonstrating or cluttering up the streets.

I think this is so important -- that the commander make known to any possible leadership in the area that he is available, even to the extent of going out and looking for them, trying to find them. I think it serves a very important purpose. I think last summer, when I was with the police in Baltimore, I guess I spent 80 percent of my time -- because Baltimore has been declared a target city by CORE -- I probably spent 80 percent of my time in this area of civil action, rather than normal police work, and got to know the majority of them.

I think I -- I am getting off the use of the National Guard here.

I think that a police chief has a unique opportunity to talk to the elements of the ghetto leadership. Most administrators -- they talk to the doctors and the lawyers, and the middle class people who have done well. The ghetto leader

1 frequently is completely ignored -- in some cases justifiably  
2 so, I guess. But he has no place to go with his problem. And  
3 the police chief is in a unique position, because being in the  
4 street all the time, having his agents on every block -- to make  
5 himself accessible to these people, and in turn lead them into  
6 some area where possibly the problems can be solved.

7 I would like to close on that.

8 If there are any questions on our activities, I would  
9 be pleased to try to answer them.

(3)

10 CHAIRMAN KERNER: Thank you very much, General. The  
11 questions we are saving until after all the presentations.

12 The next and last panelist this afternoon is Brigadier  
13 General Harris W. Hollis, Director of Operations, Office, Deputy  
14 Chief of Staff, Military Operations, Department of the Army.

15 General Hollis, of course, has been before us and  
16 with us before. General Hollis has direct supervision of  
17 civil disturbances for the Army Staff. Calling upon his vast  
18 experience in training, he will discuss the philosophy of en-  
19 gagement by the United States Army, the assessment of capabil-  
20 ities of the National Guard Forces of the United States Army,  
21 and also the escalation of disorders and Military response.

22  
23  
24  
25

1 STATEMENT OF BRIGADIER GENERAL HARRIS W. HOLLIS,  
2 ASSISTANT DEPUTY CHIEF OF STAFF FOR OPERATIONS,  
3 UNITED STATES ARMY, WASHINGTON, D. C.

4 GENERAL HOLLIS: Thank you sir.

5 Lady and gentlemen -- in going through some old files  
6 the other day, I came across this message dated July 28, 1932.  
7 This is from the Secretary of War, Patrick J. Hurley, addressed  
8 to General Douglas MacArthur, who was then Chief of Staff,  
9 United States Army.

10 "The President has just informed me that the Civil  
11 Government of the District of Columbia has reported to him that  
12 it is unable to maintain law and order in the District. You  
13 will have United States Troops proceed immediately to the scene  
14 of disorder; cooperate fully with the District of Columbia  
15 Police Force, which is now in charge; surround the affected  
16 area and clear it without delay; turn over all prisoners to the  
17 civil authorities. In your orders, insist that any women and  
18 children who may be in the affected area be accorded every con-  
19 sideration and kindness. Use all humanity consistent with the  
20 due execution of this order."

21 Thirty-five years have gone by since the Secretary of  
22 War called on Active Army Forces to disperse the bonus marchers.  
23 Our problems have become exceedingly more complex since that  
24 dramatic Federal intervention to restore local law and order,  
25 our philosophy on the use of Federal Forces in quelling

1 disorders is still rooted in the principles of minimum appli-  
2 cation of force consistent with the necessity to accomplish the  
3 mission, which Secretary Hurley so clearly stated in 1932.

4           Between that time and now, there have been only two  
5 occasions when a Governor has requested and received the help  
6 of Federal Troops in quelling local disorders -- one in 1943,  
7 and once in 1947.

8           Since World War II, at least 72 towns in 28 States,  
9 the National Guard has been called in a State Militia role to  
10 calm disorders in the streets of our cities.

11           During the past summer the National Guard was employed  
12 14 times in this role, the last instance being at Bogalusa,  
13 Louisiana.

14           I have been asked to testify briefly on the Federal  
15 Military role in the restoration of law and order, and to  
16 include in my discussion some of the operational considerations,  
17 to touch upon our philosophy on the use of Military Forces, the  
18 so-called Rules of Engagement, to give a brief assessment,  
19 nationwide, of the capability of Active and National Guard  
20 Forces, to deal with civil disturbance, and finally, to high-  
21 light any special problems that have come from this summer's  
22 experience.

23           Before I turn in detail to the specific points you  
24 wish me to cover, I would like to observe that while we should  
25 earnestly seek to gain solutions to the problems which these

1 disorders have identified, we must do so within the Constitutional  
2 and Federal framework of the responsibilities for preserving law  
3 and order.

4 We in the Army believe that the historical definition  
5 of responsibility, which assigns to local authority the primary  
6 obligation for control over local disturbances, is a sound one,  
7 with the Federal Government coming to assist when that course is  
8 deemed necessary.

9 As the Under Secretary of the Army, Mr. David  
10 McGifford, recently said to members of the Housing Subcommittee  
11 looking into civil disturbance matters, "We believe that  
12 nothing in the nature of recent civil disturbance suggests,  
13 much less compels, the conclusion that a different division of  
14 Federal and State responsibilities is in order."

15 I would like to talk a bit about the principle of  
16 necessity.

17 All loyal Americans regret the necessity to commit  
18 Forces of the Army Establishment to put down civil disturbances  
19 within the cities of our land. Our primary goal in meeting this  
20 kind of disorder should be to obviate the need for the commit-  
21 ment of Military Forces, whether they be Guard or Regular  
22 Forces.

23 On occasion, and sadly, it does become necessary that  
24 we intervene, as the experience of this summer has shown.

25 Yet when Military power is used, it should be limited

1 to that degree justified only and solely by the necessity of  
2 the case, because Military action in quelling disorder is an  
3 extraordinary act.

4 In applying Military force, we would suppress the  
5 symptoms. We do not provide a cure for this turmoil in our  
6 society, because solution to the basic causes do not rest with  
7 us in the Army.

8 When Military Force is used to put down disorder, in-  
9 sofar as possible, we believe that it should come from the  
10 National Guard in its militia role, because under our Federal  
11 system of Government, the preservation of law and order is the  
12 principal responsibility of the several States.

13 On the other hand, it seems to us that the certainty  
14 of a quick response by Military Forces is a deterrent to those  
15 who would bring about this disorder, particularly when this  
16 capability is evident to those who would cause the disorder.

17 Thus the capabilities of the National Guard and the  
18 Active Army ought to provide for a quick, visible response  
19 when law and order breaks down and the commitment of Military  
20 Forces becomes necessary.

21 What about the application of force when the Military  
22 Forces are committed?

23 I mention our philosophy briefly with respect to  
24 this. Much has been made recently in a public news media of  
25 the use of Military force. Our concept is that minimum force,

1 consistent with mission accomplishment, will be used by  
2 Military personnel involved in the mission.

3 Let me expand.

4 Commanders and their personnel should do whatever is  
5 possible to avoid appearing as an alien invading force, rather  
6 than as a force which has the purpose of restoring order, with  
7 minimum loss to life and property, and with due respect for the  
8 great number of citizens whose involvement in the area is purely  
9 coincidental.

10 For example, while riot control personnel should be  
11 clearly visible to discipline elements, the force concentra-  
12 tions which might tend to roil the crowd more than to calm them,  
13 should be avoided where possible. This is not to say that we  
14 advocate the commitment of any forces with one hand tied behind  
15 our backs. Our policies permit the use of force by the National  
16 Guard and Active Forces as needed to deal with the situations  
17 which come about.

18 Many times the use of weapons will not be required.  
19 Persons may be apprehended and held for surrender to local  
20 officials or riotous groups may be dispersed by the use of riot  
21 control agents. It may be that the use of weapons is the only  
22 effective way to control certain of the rioters. The amount of  
23 force to use and under what conditions, are essential questions  
24 which must be resolved by the commander responsible on the scene.

25 Here, pat solutions distantly decided in advance are

1 rarely wise.

2 We believe that riot control agents should be used to  
3 accomplish the mission before live ammunition is employed, and  
4 therefore agree with General Gelston.

5 Looters may present a particular problem, since women  
6 and children may be involved, or the article looted is of very  
7 little value. There is no satisfactory solution to the problem  
8 of when firearms should be used to stop looting. Yet, as a  
9 humanitarian principle, we should emphasize the necessity of  
10 using only that force necessary and avoiding the use of fire-  
11 arms except as a last resort.

12 Snipers in local disorder complicate the element of  
13 crowd control. The normal reflex action of a soldier is to  
14 react to the sniper with an overwhelming mass of fire power.  
15 Experience indicates that in general this tactic endangers  
16 innocent people more than it does the snipers when applied in  
17 civil disturbance situations.

18 Our training programs call for the soldier to use  
19 more effective means. One such method, but not the only effec-  
20 tive one, is to surround the building where the sniper is con-  
21 cealed and then gain access, using armored personnel carriers,  
22 or other protective vehicles if they are available, and if it  
23 is necessary to do that, to employ riot control agents. And  
24 then if this fails, to resort to small arms fire.

25 Here the method of fire should be well-aimed fire,

1 aimed at the target, and not at people who do not perpetrate the  
2 crime.

3 Now, a word about our Military capabilities.

4 We believe that the National Guard should be the first  
5 line Military Force employed to restore law and order when  
6 military power is needed, insofar as possible in a non-Federal  
7 role. We made this point a moment ago. In this connection, we  
8 believe that the National Guard in each of the several States  
9 by and large is today adequate in strength to deal with State  
10 emergencies, except in the most extraordinary circumstances.

11 However, we are looking further into this in our in-  
12 tensive review of this summer's experience. Some additional  
13 special equipment assets should be made available to the Guard,  
14 we believe, and we intend to cooperate with the Reserve Component  
15 authorities to satisfy, insofar as practical, the deficiencies  
16 that we identify in this review, and to establish the most  
17 efficient distribution and pooling of these assets.

18 Let me say here that rarely has the Natinoal Guard  
19 available in any one State been totally used to deal with civil  
20 disorders. Since 1957, the average percent employed in such  
21 missions has been only nine percent. Averages, of course, can  
22 be misleading. A man can drown wading across a stream that  
23 averages two feet deep. Perhaps more significant is the fact  
24 that in only two instances since 1957 has it been necessary to  
25 employ more than 50 percent of the Army Guard strength of any

1 State.

2 In the Watts riot in Los Angeles, 1965, when more  
3 than 60 percent of the California strength was used -- Detroit,  
4 this summer, when approximately 85 percent of the Army Guard  
5 strength was mobilized -- yet in Detroit, about 20 to 25 percent  
6 of the Forces sent to the city were held in reserve, and were  
7 never actually committed to control the disturbance.

8 In Newark this summer, there were only about 31 per-  
9 cent of the State's Guard strength was involved. In Milwaukee,  
10 the figure was about 43 percent.

11 These historical data show that in the vast majority  
12 of cases the strength of the Guard has been well beyond that  
13 necessary for control of civil disturbance. Although it is  
14 true that both in frequency and in size, civil disturbances  
15 appear to be increasing, there still remains a wide margin of  
16 capability measured in terms of available National Guard  
17 strength.

18 I will come back to this a little later.

19 What about the Active Army? It has seven Task Forces,  
20 each of brigade size -- about 2400 people -- available for  
21 civil disturbance duty. These Task Forces represent a total  
22 strength of over 15,000 men, and additional Army and Marine  
23 Forces are available should they be needed.

24 Divisional Forces from the Strategic Army Force can  
25 be made available, if needed, as was done in Detroit when

1 elements of the 82nd and the 101 Airborne Divisions were used.

2 In our judgment, there are no particular resource or  
3 organizational difficulties in the Active structure to cope  
4 with this kind of disturbance. Some special equipment items,  
5 perhaps, are needed.

6 How about training?

7 In both the Active Army and the National Guard --  
8 this Commission is aware of our response to its recommendations  
9 on this matter, and of our intensified program in response to  
10 the Commission's recommendations. I will not dwell further on  
11 this.

12 Let me say here that the total spectrum of tactical  
13 training contributes to effectiveness of units in coping with  
14 civil disorders. The most useful resource in a riot situation  
15 is a well-trained individual soldier. The direct application  
16 to civil disturbance of situations of the training, given the  
17 Guard and Active Army units and personnel in areas other than  
18 riot control, is abundantly clear to us at the Headquarters of  
19 the Department of the Army.

20 Subjects such as the individual weapons qualifica-  
21 tion, patrolling, small unit tactics, bayonet training, and  
22 guard duty, develop skills useful to the soldier who is called  
23 upon to control the civil disturbance. Such training is pro-  
24 vided in all components of the Army, and is, of course, part of  
25 the basic training which those enlisting in the National Guard

1 receive during their initial six months of active duty.

2 We do believe in intensive training which is necessary  
3 in the control and employment of weapons in civil disturbances.  
4 Both General Hill and General Gelston have talked about this.

5 Every effort should be made to assure proper employ-  
6 ment of weapons in effective engagement of targets.

7 One sure way to complete understanding on the part of  
8 all personnel is to put the rules of fire in writing, and in  
9 the hands of every individual. These orders must be simple,  
10 direct, and not subject to great interpretation.

11 The orders and directives should be written or con-  
12 firmed in writing at the earliest possible time. The Commander  
13 should also make it clear to every individual the "why" behind  
14 each major policy or order promulgated.

15 We are developing such orders now in the Army Staff.  
16 We intend that these will be made available to the soldier at  
17 the time of commitment to this type of duty, and in the question  
18 period I would be happy to deal with specific questions on this,  
19 should they be asked.

20 By way of summary of our capability to deal with civil  
21 disorder, it is our judgment that the strength of the National  
22 Guard is adequate for almost all situations likely to occur,  
23 and that the Active Forces can adequately supplement the Guard  
24 if and when that becomes necessary. Indeed, we feel, given the  
25 already very sizeable strength of the Guard, the most significant

(4)

1 increases in its effectiveness, improvements in organization,  
2 training, planning, and the provision of certain special equip-  
3 ment assets -- enhancement of the Active elements to deal with  
4 disorder can result likewise from this type of improvement and  
5 training, planning, and the provision of special equipment.

6 I would like to turn now to the need for close co-  
7 ordination of those involved in coping with disorders.

8 All States have developed plans for the use of  
9 National Guard Forces in State emergencies in their mutual  
10 roles. The experience of recent weeks highlights the import-  
11 ance of advance planning and carefully developed command and  
12 control methods and procedures.

13 It is our feeling, therefore, that the State plans  
14 should be reviewed in the light of this summer's experience.  
15 This, of course, is the function of State and local officials.

16 Integration of police and military forces, communica-  
17 tions problems, protection of fire-fighting personnel, handling  
18 of prisoners, and dozens of other topics, must be considered  
19 if a State is to have a truly effective plan.

20 The very process of involving all responsible officials  
21 in this planning process creates an awareness of common prob-  
22 lems, and assures that principal officials will know their  
23 counterparts in other Government agencies and permits major  
24 policy questions to be addressed and resolved without the air  
25 of crisis which prevails after a riot breaks out.

1           We believe that we should be better acquainted with  
2 State plans. Improved coordination and information exchanges  
3 between State and Army personnel should improve the quality and  
4 integration of overall planning.

5           We stand ready to work closely with State and local  
6 officials to develop mutual understanding. To insure that  
7 every opportunity is afforded all to benefit from this kind of  
8 coordination, we are dispatching Army teams to a number of  
9 States during this period. And these visits should be com-  
10 pleted before winter.

11           With respect to plans for the possibility of commit-  
12 ment of Active Forces, there already are in effect general  
13 plans at the Department of the Army level -- we have a matrix  
14 of plans towards this end. These plans are expanded in more de-  
15 tailed plans at lower echelons. We intend to take advantage  
16 of the coordinated planning I referred to a moment ago, to  
17 improve all of these plans for the contingency commitment of  
18 Active Forces which we hope will not be necessary in the future.

19           In the process, we will also do such things as  
20 assemble suitable operations maps, locate and reconnoiter  
21 possible command posts, assembly areas and approach routes, in  
22 a number of the metropolitan areas. It is only prudent that we  
23 do this.

24           Without prejudging the specifics of any particular  
25 arrangement, there should be an effective integration of

1 operations of the Military, both National Guard and Active Army,  
2 with local and State law enforcement agencies. The Commander of  
3 the Federal Task Force should have an understanding with these  
4 local officials and the respect of Headquarters and other con-  
5 trol elements should be co-located where possible. All elements  
6 down to and including patrols, should have this close coordina-  
7 tion worked out.

8 The police member should carry out the arrest function.

9 In conclusion, let me say that the Army views its con-  
10 tingency requirement to respond appropriately to civil disorder  
11 most seriously. It is therefore at this time engaged in a com-  
12 prehensive review of its policies, procedures, and capabilities.

13 The Task Force, under the General Staff supervision  
14 of the Deputy Chief of Staff for Military Operations, is now  
15 deeply engaged in this review. We are looking for, and we are  
16 indeed concentrating on the mote in our own eye.

17 We hope that from this review and other related  
18 efforts, the whole Army Establishment will gain, not only a  
19 better appreciation of the complexities of these disorders, but  
20 an improved capacity to respond, so that the best interests of  
21 all law-abiding citizens are secured.

22 Sir, that completes my prepared statement.

23 CHAIRMAN KERNER: Thank you very much, General Hollis.  
24 Questions.

25 MR. THORNTON: General Hollis, you mention the

1 National Guard, and the Active Army. You did not mention where  
2 the Army Reserve Corps comes in. Do they fit into this picture  
3 any place?

4 GENERAL HOLLIS: Sir, the Army Reserve does fit into  
5 this picture. The Army Reserve, however, is a Federal Force  
6 under the command and subject to the availability of call by the  
7 President, the Commander-in-Chief, and inasmuch as we do have  
8 other available members of the Federal Establishment when a  
9 mission such as this is ordered, our priority for commitment  
10 would be the Active Forces as opposed to the Army Reserve.

11 Also, there are some limitations in some of the  
12 statutes and some of the statements of intent by the Congress  
13 to provide a sufficient period of break-in prior to the calling  
14 of Army Reserve people to active duty, and there may be some  
15 legal ramifications in this.

16 Unfortunately, I am not a lawyer. I beg off on the  
17 question of ignorance as to the legalisms involved in this.

18 MR. THORNTON: The other question is -- General  
19 Gelston said something about -- I think I heard it correctly --  
20 in 1965, the National Guard was called two or three months,  
21 in '66 a couple of months, and so far this year, 10 days.

22 If you are calling the Guard that frequency, calling  
23 them to service for those lengths of time, it makes it pretty  
24 difficult for them to hold a job, probably.

25 Now, does that lead into any merit on what we have

1 heard that some people have proposed, of having a National  
2 Force of 5,000 troops that would be readily and quickly avail-  
3 able to be dispatched to any location in the United States  
4 upon call, in order to reduce the frequency that there might  
5 be of a Guardsman call on active duty?

6 GENERAL HOLLIS: Are you suggesting, sir, this would  
7 be ---

8 MR. THORNTON: I am asking a question; I am not sug-  
9 gesting anything.

10 GENERAL HOLLIS: May I clarify this in my own mind.  
11 Do you mean by this 5,000-man force, that it would be an Army  
12 Force?

13 MR. THORNTON: I don't know. I think it is a Federal  
14 Force that has been suggested by some.

15 CHAIRMAN KERNER: If I may help -- Mayor Cavanagh,  
16 shortly after the Detroit situation, suggested in a speech the  
17 establishment of a Federal Force, not necessarily in one loca-  
18 tion, but various locations of high density, throughout the  
19 United States, to be trained and maintained by the Federal  
20 Government. He did say "Army", necessarily. He did not dis-  
21 tinguish, nor identify particularly. But that could be used as  
22 a Federal Force in the event of emergency.

23 MR. THORNTON: Does that have any merit, in view of  
24 the fact that you may have difficulty with National Guardsmen,  
25 calling them rather frequently for any extended period of time

1 in connection with civil disorders?

2 GENERAL HOLLIS: I can offer a personal opinion, sir.  
3 I think that it has very limited opportunities for success, in  
4 that the liabilities which attach to it in terms of the  
5 Constitutional question which would constantly be raised by  
6 this thing, as such, as to cause us not to look with great favor  
7 upon it.

8 The preservation of law and order under our Federal  
9 system is primarily the responsibility of the Governor of the  
10 State, and resources available to him.

11 GENERAL GELSTON: I would like to add -- this is a  
12 very real problem that you brought up. It is even a little bit  
13 worse. In 1963 and 1964 the Guard was in Cambridge for 23  
14 straight months -- but in various strength, from 800 down to  
15 5 -- because I felt during the winter I had established such a  
16 good relationship with the dissident element that they would  
17 not do anything without calling me up first.

18 This proved true. Which is a very nice arrangement,  
19 if you can get it. As a matter of fact, at the end of the  
20 period we were -- the National Guard brought in and operated  
21 the food program, because the City administration would not do  
22 it. I don't know anywhere else where the National Guard gave  
23 out food -- we fed something like 15 percent of the population,  
24 although the local administrators said there was no hunger.

25 It was a problem and we solved it to an extent.

1 Cambridge, of course, is a small town. During the  
2 hot period, we had a battalion at a time, about 400 men, rotated  
3 them each week. This was a little tough, as a commander, be-  
4 cause you had to indoctrinate a new group every week. We  
5 worked that out with the Negro leadership. We said, "It is  
6 dangerous to riot on Saturday night, because we have new troops."  
7 And they went along with that.

8 But you can't always work these arrangements out.  
9 But by the rotation, we did solve it to some extent.

10 The State of Maryland also changed its law slightly,  
11 and the minimum pay for Guardsmen now is \$10 a day, which com-  
12 pensates somewhat for that fellow. He still has to pay for the  
13 icebox, whether he is away at camp or on his job.

14 I think that the Guard is adequate and competent to  
15 handle this duty. And I think the establishment of a national  
16 police force would be an extremely dangerous thing -- which is  
17 exactly what it would be.

18 CHAIRMAN KERNER: Any other questions, Mr. Thornton?

19 MR. THORNTON: Thank you. Except to say I agree with  
20 you.

21 CHAIRMAN KERNER: Miss Peden.

22 MISS PEDEN: Governor, as you know, Mr. Abel and I  
23 spent the day with staff members over at Cambridge, and some  
24 questions have come to my mind.

25 I am asking for information -- not saying that I agree

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1 with what I heard there.

2 Were you invited by the Mayor or the Police Chief to  
3 come in <sup>to Cambridge</sup> ~~in the 700 troops that you had there in Cambridge~~, at the  
4 time of the incidents this summer, <sup>and</sup> what was the occasion for  
5 the 700 Guardsmen being in Cambridge that particular night?

6 GENERAL GELSTON: Well, the chronology of the thing is  
7 this: anticipating a problem, we met the week before the after-  
8 noon of the disturbance down there -- the State's Attorney, the  
9 Chief of Police of Cambridge, the State Police and myself -- and  
10 agreed on the method of escalating the Forces in there.

11 We all felt at first that the less show of force show-  
12 ing we looked for trouble, would be better. So even the State  
13 Police were not in town. They were kept two or three miles  
14 away, a force of about 100 men.

15 The idea was to see what the City police could do. If  
16 there was no need to call anybody in, fine.

17 Just by sheer chance, the National Guard unit was  
18 drilling that night in the Armory. So they happened to be also  
19 available for immediate use.

20 We did not follow the legal procedures that I mentioned  
21 here before -- there was supposed to be a proclamation by the  
22 Governor. The Governor was aware that if I got a call to bring  
23 them in, I would take them in, which I did, and the call call  
24 from the State's Attorney, Mr. William Yates.

25 Yes, the Guard was asked to come into town.

1 MISS PEDEN: Now, the Maryland State Police -- I be-  
2 lieve they <sup>numbered</sup> ~~were~~ were 60, or something, perhaps up to 100 --  
3 the State Police in the area. Were they under your control?

4 GENERAL GELSTON: No, ma'am; they were not.

5 MISS PEDEN: Who gave the orders to the State Police?

6 GENERAL GELSTON: Well, if I might digress just a  
7 moment -- this past performance in Cambridge pointed out to me  
8 much more clearly than ever before, the need of one person in  
9 charge.

10 In 1963, by the State law, the Guard Commander can  
11 cooperate with local authorities or take entire charge of the  
12 situation, if he deems it necessary. We did this at that time.

13 This year, under a new administration, there seemed to  
14 be more involvement of State level people in there, and I con-  
15 fine myself to running the National Guard, and I feel it was a  
16 mistake, because as I pointed out about the de-escalation, --  
17 the police were there with the shotguns. I think it would be  
18 far better if I had been in charge and if I make a mistake, the  
19 Government can fire me and put somebody else in charge.

20 MISS PEDEN: Did you find there was a problem of  
21 someone being in charge? -- The Volunteer Fire Department, we  
22 were told, refused to move because they did not have protection.  
23 The State Police at one time were going to protect them, and  
24 then that order was rescinded, ~~and~~ <sup>was</sup> the school burning, and the  
25 City councilman said that he attempted to come into the area,

1 to seek help, and as you know, the two-block area was burned  
2 down adjacent to the school. The testimony given us was that  
3 there was no one who seemed to be in command enough to give  
4 protection to the Volunteer Fire Department. Is that true?

5 GENERAL GELSTON: There is some truth in it. Actually,  
6 that night -- it was not a continuous riot after Brown spoke.  
7 In fact, there was such complete quiet, the Guard was not used,  
8 and at 12:00 o'clock they said, "Let them go home." Twenty  
9 minutes later, a policeman was shot, and they called the Guard  
10 back in. We had to wait until they got home before we could  
11 get them back. So there was a greater time length on this  
12 particular occasion.

13 I went into Cambridge immediately when we got this  
14 call. We assembled about 30 Guardsmen. Normally, I would have  
15 taken complete charge. But there were 85 State Police. I told  
16 the State Police Captain, "These 30 men are under your control  
17 until we assemble a larger force -- you take command."

18 I was in the Armory trying to assemble the Force. I  
19 heard the fire engines start out, and I assumed they had gone to  
20 the fire, which is rather an obvious assumption, but not neces-  
21 sarily true in Cambridge. In my estimation, there was no  
22 reason for the Fire Department not to go. I can see a fireman's  
23 apprehension these days about getting shot in the ghetto area.  
24 If you know Cambridge, Race Street is the white business area,  
25 Pine is a short block away and parallel to it. At that point,

1 they had 85 State Police, 30 National Guardsmen, and 10 City  
2 Police. They were just going to the fringe of the area to put  
3 the fire out. But they did not go.

4 Now, this may be an unfortunate thing about volunteer  
5 fire departments. Can you make them go? Apparently, you can-  
6 not.

7 MISS PEDEN: My final question would be this: under  
8 what circumstances -- if the Governor had issued a proclamation --  
9 would you have taken control of the State Police and the local  
10 police?

11 GENERAL GELSTON: Yes. I think we used the term,  
12 "Operational control." It is not actually command as it would  
13 be of your own unit. But you pretty much tell them what to do.

14 MISS PEDEN: You would be the decision maker.

15 GENERAL GELSTON: Yes. And assume responsibility if  
16 it was wrong. If I told them to start shooting and it was  
17 wrong, I would be the one responsible.

18 MISS PEDEN: Thank you.

(5)

19 CHAIRMAN KERNER: I have just a few questions --  
20 again, as to the moving in of State Forces, of the State Police  
21 or Guard units.

22 If my information is correct, in only one State of the  
23 50 does the Governor have the power to move in without the re-  
24 quest from local officials on breakdown of law enforcement. I  
25 believe that is as true in California as in Maryland -- so the

1 Governor must have a request from local law enforcement officials  
2 of the need.

3 Objectively, in your view, do you think this is wise  
4 or unwise? I know we are getting into the area of politics, true,  
5 but let's waive that consideration entirely.

6 Do you think the Goerrnor ought to have that power  
7 without any request from local law enforcement officials?

8 GENERAL GELSTON: I do.

9 CHAIRMAN KERNER: General Hill, you are retired now.  
10 You can be perfectly frank.

11 GENERAL HILL: I think so, too, Governor. It gets  
12 back to the fact that there is a significant amount of time re-  
13 quired to mobilize these forces -- even of the unit that is  
14 right in the community.

15 Again pointing out the fact that they are at their  
16 daily business -- if it is a large city, where the armories may  
17 be in the wrong place in terms of where the trouble arises --  
18 and this is certainly true, I think, of Los Angeles. We have  
19 one Armory that is fairly close to really the most difficult  
20 area in this regard. But I think it would be a good idea.

21 Now, what the reaction would be of the people con-  
22 cerned is problematical. But I do think, really as we gain  
23 experience, perhaps, that won't be a problem. Perhaps the civic  
24 official will move sooner, rather than later, in making the re-  
25 quest. This is certainly, I think, in a sense what happened in

1 San Francisco.

2 Chief Cahill -- his intuition told him the situation  
3 was going to blow, and he asked for help, and the Governor gave  
4 it to him, and so this is the reason why we were able to be  
5 ahead of the action, rather than behind.

6 In Los Angeles, an extremely dedicated Police Chief,  
7 now gone, Chief Parker, very, very proud of his organization,  
8 and rightfully so, felt that they could handle it. And I have  
9 heard Chief Parker say this publicly on the air -- "We waited  
10 too long; I made a mistake."

11 CHAIRMAN KERNER: Isn't there sometimes pride in  
12 community, thinking you can hold things in force and effect  
13 that may hold off a request that would then allow something to  
14 develop in the community?

15 GENERAL HILL: I think also, sir, there may be a  
16 national pride here, because when this happens, it shows we  
17 have some flaws in our society. I think we all agree we do  
18 have. But this is a pretty fundamental one. I think the indi-  
19 vidual who has to acknowledge that our society is slipping a  
20 bit in this area, he is reluctant to admit it, perhaps. I don't  
21 know whether that applies in the Governor's office, but it seems  
22 to me that perhaps it could -- that your consciousness extends  
23 beyond your State borders in a sense of impact. And I believe  
24 that this also happened, perhaps, in Los Angeles -- the classic  
25 example, perhaps, of where there was delay.

1           But it is largely, I do believe, a local problem to  
2 be concerned with. To me, it does have a wide scope of appli-  
3 cation.

4           CHAIRMAN KERNER: Actually, what I am getting back to,  
5 really, is something you said originally, General.

6           I think there are very few people in the United  
7 States -- and included in that are people in public office --  
8 who understand the concept of a civilian soldier, a National  
9 Guardsman. There are seem people, even in public office, at  
10 local level, who ought to know better, who seem to think it is  
11 like a standing Army, standing by 24 hours a day ready to be  
12 called out on a moment's notice, not realizing particularly on  
13 a week end when these things seem to blow, the Captain of this  
14 company or troop or battery, may be off with his family or pre-  
15 paring to go somewhere.

16           It takes a period of time for communication and his  
17 return, mobilizing his units, and getting them together with  
18 the proper order to move to the point of disorder.

19           This is why, basically, I am asking you the question  
20 as to whether or not the Governor should not be given the  
21 initiatory power, knowing of these problems and these hurdles  
22 over which one must get before you get an opportunity to a cer-  
23 tain point, ready and waiting. At one time I was requested to  
24 alert my Guard. I said, "Alert them hell. It is Saturday  
25 afternoon, and if something is going to break, I will never get

1 them until Monday evening. I will call them out now." And I  
2 interpret your request for alert as a call for help.

3 I want the members of this Commission to understand  
4 the problems and what your interpretation of them would be.  
5 This is why I really asked the question.

6 GENERAL GELSTON: I think it is very important. As  
7 General Hill brings out, in Baltimore, our largest Armory is  
8 in the center of the City. After you alert the Guardsman, he  
9 starts for the Armory, he is in civilian clothes, in a civilian  
10 car, and he may have to fight his way through a riot to get  
11 down there.

12 I don't think it is part of the question -- but in  
13 the preliminary planning for this sort of stuff, we initiated  
14 back in May, in Baltimore, a weekly intelligence meeting which  
15 includes the contiguous counties, State Police, city police,  
16 FBI, CIA, Army Intelligence, Gas and Electric Company, Phone  
17 Company, and every week representatives come to the Armory,  
18 just to pass out information on individuals, or any intelligence  
19 or events, which I think helps us keep much more abreast of the  
20 situation throughout the summer of possible danger areas. I  
21 believe that the City of Washington has initiated that recently,  
22 too.

23 But we felt it has been very good. In the Cambridge  
24 situation, we knew who was coming, and when, and so forth.  
25 There is nothing marvelous in this, because it was stated Brown

1 was coming to town. But you have the other element that caused  
2 problems there -- not necessarily Rap Brown, and so forth. We  
3 have the Ku Klux Klan and other fringe elements that have come  
4 close to stirring up trouble in Baltimore. Closer than the  
5 colored groups. The only near riot we had last summer was  
6 started by the NSRP.

7 CHAIRMAN KERNER: I have a few other questions. They  
8 are not easy questions.

9 General Gelston, you have brought up the question of  
10 the doctrine of single responsibility.

11 Now, I realize that I may have a philosophy of my own  
12 and the Governor of another State has his. This is not what I  
13 am asking about. What would be your recommendation if you were  
14 setting forth the statutory responsibility of who should be in  
15 command with a single responsibility?

16 GENERAL GELSTON: I don't know how you would actually  
17 word it, but I think -- my feeling is very strong. The organ-  
18 ization that has failed -- and I hate to use that word, because  
19 that brings up exactly what you mentioned awhile ago -- in  
20 other words, you have to call for help -- I would say the help-  
21 ing organization commander should be in charge.

22 CHAIRMAN KERNER: When you say the "helping organiza-  
23 tion", this would include the State Police as well as the  
24 National Guard. Who should be in command?

25 GENERAL GELSTON: I think, should the Guard have to

1 call in the Active Army, the Active Army commander should be in  
2 command.

3 CHAIRMAN KERNER: I am asking you if the State Police  
4 or National Guard -- these are of equal status within the State  
5 who should be in command?

6 GENERAL GELSTON: I think the Guard commander.

7 CHAIRMAN KERNER: General Hill. We are seeking infor-  
8 mation.

9 GENERAL HILL: This problem has been pondered quite a  
10 bit in my mind, and in the minds of those that I look to in  
11 my former profession for guidance. I had the opportunity, I  
12 think, in Los Angeles, to have guided the solution. I chose,  
13 as far as the State was concerned, to look to the Chief of  
14 Police of Los Angeles as the man in charge. There was consid-  
15 erable pressure at one time from advisors to the Governor for  
16 a declaration of Marshal Law. I resisted that with every fiber  
17 of my body, because I don't think it fits our society of today.

18 It is too complex, and there are many other reasons  
19 why not. If the Guard commander is in charge, it almost seems  
20 as if we have Marshal Law. In other words, he is calling the  
21 shots, in a sense. Perhaps I am wrong. I am rather naive in  
22 this area.

23 But I say I would argue for the chief law enforcement  
24 of the community, the city, to be the man in charge -- not be-  
25 cause I think the Military commander should duck responsibility

1 and of course, I am thinking of a large metropolitan area, of  
2 Los Angeles, several million people.

3 We were dealing with an area of roughly 50 square  
4 miles, and I think 600,000 people residing in that area. The  
5 local police have the communications, they have the precinct  
6 stations, they know the area, they have vast experience in how  
7 to police it under normal circumstances. Our thesis is that  
8 you re-enforce them.

9 I would give you an illustration of the cooperation  
10 that developed. We ran mobile mounted patrols, two three-  
11 quarter-ton trucks and a 2-1/2-ton truck carrying the major  
12 portion of our forces. And every quarter-ton truck, there was  
13 one police officer -- not in the 2-1/2-ton truck. The police-  
14 men that were there were to make the arrests, handle the book-  
15 ing -- because this is complicated.

16 CHAIRMAN KERNER: This is perfectly proper -- no  
17 question about it.

18 GENERAL HILL: The police officer in charge of that  
19 detail gave assignments to the troop commander. He did not  
20 tell Private Jones to do such-and-such. He told Lt. Smith or  
21 Sgt. Black. or someone of that sort -- "I would like to have  
22 this done." In other words, there was a very close cooperation.  
23 This, to me, is ideal. Worked like clock-work in San Francisco.  
24 And it did reflect the fact that this is a civil law enforcement  
25 problem. We are re-enforcing them. We are giving them beefed-up

1 strength. But they are the ones who have this responsibility,  
2 they are the ones that will police this city when the troops  
3 are gone, and hopefully they will be gone very soon. So I would  
4 argue for the chief law enforcement officer, or if the Mayor of  
5 the City wished to take on personal direction, as it happened  
6 in San Francisco -- the Mayor and the Chief of Police almost  
7 acted as one. They were together most of each day and night.

8           But this would be my point. I am not sure whether I  
9 am differing with General Gelston. Maybe we have really the  
10 same thought here. But again, the numbers of people involved,  
11 the fact that in our State the County Sheriff's Department nor-  
12 mally re-enforces the city police, they take their missions  
13 from the city police head -- not command, but it is operational  
14 control. And when the Los Angeles Marshal's Deputies came into  
15 the action, it was the same way.

16           The California State Police, which is essentially a  
17 highway supervising patrol group -- they were brought in. I  
18 don't think they were ever under the operational direction of  
19 the Los Angeles Police Department. But it was a system that  
20 worked, that kept the responsibility where I think it should be,  
21 which is in the city.

22           However, there is always the extreme case that it  
23 could happen where the Military commander, under a condition of  
24 Marshal Law, takes on that responsibility.

25           CHAIRMAN KERNER: Would you still follow that same

1 philosophy of single responsibility in command if it were City  
2 C -- which I am not identifying -- but it has a police force of  
3 10 officers, and you roll in a thousand Guardsmen, and for the  
4 moment he is like a Chinese War Lord.

5           GENERAL HILL: I think that could work. Now, we were  
6 exposed to this in the rather small community of Vallejo, where  
7 we had troops ready to go, and the plan was to take our mission  
8 from the Chief of Police. I would think this is the best way  
9 to approach it regardless of the people involved, unless we had  
10 someone, perhaps, managing the Police Department that would be  
11 inadequate for that responsibility.

12           CHAIRMAN KERNER: Well, you think a police force with  
13 a chief and 10 men is an adequately trained police force? It  
14 is a small community to begin with.

15           GENERAL HILL: Yes, sir. It might not work, Governor.

16           CHAIRMAN KERNER: I am just really wondering whether  
17 we can establish a formula that would be helpful to us, or  
18 whether the formula has to be graduated or graded.

19           GENERAL HILL: I think the latter would apply. There  
20 are certainly small communities where the situation just possibly  
21 could not work, although I don't think we are talking of Guard  
22 numbers of, say, as large as a typical Guard brigade, which  
23 would be roughly 1000 men. But I would argue for a graduated  
24 plan, rather than perhaps all one or all the other, because it  
25 is conceivable these troubles can occur in a small city.

1 MR. THORNTON: Mr. Chairman, may I ask one question  
2 that ties into that?

3 For example, in Los Angeles, General, where you have  
4 26 separately incorporated cities within the Greater Los Angeles  
5 area -- each one of those has police forces. Los Angeles called  
6 for help and the National Guard was sent in. Now, Beverley Hills  
7 did not. If you have a riot condition and you have got some of  
8 the police with the National Guard, and it moves over into the  
9 Beverley Hills area, the Los Angeles policeman has to stop at  
10 that line, doesn't he? What about the National Guard? Could  
11 they follow the rioters?

12 GENERAL HILL: The National Guard definitely could.  
13 I think under the statutes that apply in our State, providing  
14 the Governor has taken certain steps, a police officer in one  
15 jurisdiction can serve in another. Now, this is abnormal. But  
16 it is my understanding that it could be done.

17 MR. THORNTON: Take a normal area where -- does it create  
18 complications, something like that happens, where the police --  
19 he goes up to the line and has to stop?

(6)

20 CHAIRMAN KERNER: This is a legal question. I think  
21 I can be helpful. Let me say that the States now have a law of  
22 pursuit which will allow a police officer to go into jurisdic-  
23 tions beyond that municipality or county by whom he is hired.  
24 The problem, however, that becomes technical is the area of  
25 arrest and prosecution. But today in the more enlightened

1 States, the law of pursuit does apply. So the situation about  
2 which you have inquired -- the policeman can follow over, as  
3 well as the Guardsman.

4 GENERAL HILL: Right. We have a situation now, for  
5 example, where other cities started to bubble during the worst  
6 of our trouble -- Long Beach, Pasadena. And in each case, under  
7 the Governor's proclamation, we dispatched troops under a  
8 Military commander to the aid of that city. He reported to the  
9 Chief of Police -- in one case, I think it was the City Manager --  
10 "What would you like me to do?"

11 So I am not sure whether this answers your question.

12 MR. THORNTON: You did that without a request from the  
13 City?

14 GENERAL HILL: No, sir. We did have a request from  
15 the City. If the City did not request it -- again, I would  
16 think the Governor's power, under the proclamation he issued,  
17 he would be able to do that. He could certainly send the Guard  
18 Forces. And any time, I think, the Guard commander should be  
19 prepared, if he is in a vacuum, to take over. And this would  
20 either be spelled out, or implied, in his assignment as he goes  
21 into the operation.

22 MR. THORNTON: Well, if he can do it in a city border-  
23 ing on where he has -- the National Guard has already been called,  
24 it seems to me you are answering in effect the Chairman's ques-  
25 tion; the Governor does have authority to mobilize the National

Guard and send it in, anticipating a riot, without being requested or called for by the city.

CHAIRMAN KERNER: Again, it becomes a question of a legal and Constitutional technicality. Normally, if I am asked to send troops in, it is because the chief law enforcement officer of the county has already agreed that there is a breakdown of law and order. So, actually, if the city were within the county, there would be no question. But if the civil disturbance flowed over into surrounding areas, I think the Governor would have perfect Constitutional power to go in and retain it and wipe out the unlawful action that was going on. I don't think there would be any question on that.

GENERAL HILL: Part of that comes under the State Civil Defense Act. Again, in our case, where Chiefs of Police of Los Angeles and San Francisco, again under certain circumstances -- their jurisdictional responsibility expands beyond the borders of the city. I am not familiar with the details of it, but it does seem to work that way.

GENERAL GELSTON: I think that town or city fits exactly the one that you have in mind.

CHAIRMAN KERNER: I did not identify the community

GENERAL GELSTON:

~~\_\_\_\_\_~~ [Deleted]

Another thing -- and it is sometimes very fortunate not to be familiar with the law -- when I

1 went in, and put a curfew in effect, closed all the bars, and  
2 stopped and searched cars after the curfew, for weapons and  
3 liquor -- I had not the foggiest notion how it would hold up in  
4 court, but I knew no judge would bother me during this parti-  
5 cular period. When things cooled off, we changed it around.  
6 I didn't have any problems. But whether a mayor or city council-  
7 man who has to live with these people -- politically, they may-  
8 be would not do it. But being an outsider coming in, we just  
9 went ahead and did it, because it was the necessary thing to do.  
10 They did not object to it, but I don't know whether they would  
11 have done it themselves.

12 I think, to carry it a little further -- if we assume --  
13 should the Guard be called, they would be placed under the con-  
14 trol of the city police who called them -- would this not be  
15 true if Federal Troops were called?

16 CHAIRMAN KERNER: There is a little different sit-  
17 uation, I think, when the Federal Troops are called in, because  
18 the President of the United States has the power of federalizing  
19 the Guard Troops, where actually, of course, the Guard cannot  
20 mobilize a police force under the State control, nor can a local  
21 police community take over command at their discretion of the  
22 troops.

23 GENERAL GELSTON: Didn't this occur in Detroit -- I  
24 am not sure. When the Active Army did come in, and General  
25 Throckmorton tried to reduce the tension -- the police did not

1 necessarily go along with this. As a matter of fact, they did  
2 not go along with it at all.

3 CHAIRMAN KERNER: I don't know those circumstances.  
4 I think there was one statement made -- I think there was some  
5 discussion that the State Police were federalized -- but they  
6 were not. It happened that two of the State Police happened to  
7 be members of the National Guard, and were released from the  
8 State Police as soon as it was brought to the Secretary's atten-  
9 tion. But I think, for purposes of coordination -- the President  
10 nor any Active Army general could not mobilize the police. They  
11 would have to be cooperative. But the Guard was mobilized,  
12 federalized.

13 MR. THORNTON: Does the Governor now, or would it be  
14 a good idea for the Governor, to have the authority to designate  
15 who is going to be in command -- short of Federal Troops, I mean?  
16 I am talking about State Troops, the National Guard and the  
17 local police.

18 GENERAL GELSTON: I have been directed by the Governor  
19 to get a memorandum of understanding from all the Federal  
20 officials who would call in the Guard -- a list of the rules  
21 which would be included. There may be a legal problem, when we  
22 get the thing published, where the Attorney General may say,  
23 "You cannot do it this way." But the initial idea is to put it  
24 out and designate when the Guard comes in, the Guard commander  
25 is in charge.

1 CHAIRMAN KERNER: There is a very serious problem.

2 As there has always been a feeling that unless you declare  
3 Marshal Law, that the civil authority would take command.

4 In some areas, in some States, this is designated by  
5 statute. In some places it is designated by the Constitution.  
6 In Ohio, for instance, they come under the command of the State  
7 Police rather than the State Police coming under the command of  
8 the Guard. This is Constitutionalized.

9 So there is great variation. This is why I am trying  
10 to develop a plan, a philosophy, that might become uniform  
11 throughout the United States -- not that it necessarily would,  
12 but at least it would be a suggested plan. It varies from  
13 State to State.

14 These are the problems that arise. They are very,  
15 very touchy problems. They are more than political.

16 GENERAL HILL: If I could add one more comment,  
17 Governor. I hope I have not been misunderstood by the  
18 Commission. As you point out, this is very difficult to solve,  
19 and almost as difficult to explain.

20 CHAIRMAN KERNER: Actually, your answer helped me to  
21 indicate that it is not a simple problem.

22 GENERAL HILL: It certainly is not. And as a Guard  
23 Commander -- I am thinking now of my years of line experience --  
24 I would be somewhat unhappy if I had to take orders, in effect,  
25 from a chief of police -- I might think he is the greatest man on

1 earth, but I still think the decisions I need to make for my  
2 troops should be mine. This is the rule of the game. But what  
3 I am really hitting at is, the missions, to me, should more  
4 properly come from law enforcement, civil law enforcement, than  
5 from the Guard commander, because the Guard commander might not  
6 live in the city, he might not know the problems of the city.

7 This is what I am getting at. But as far as feeding,  
8 housing, rotating, dispatching, disciplining -- that is his  
9 responsibility, and it cannot be delegated. And I would not  
10 want to leave any thought in the minds of the Commission that I  
11 had that in mind.

12 It is really a cooperative mission-type assignment  
13 program that I adhere to, and I do advocate. But how would it  
14 work in the several States, and could be made uniform, I don't  
15 know.

16 CHAIRMAN KERNER: I am just seeking you best thoughts  
17 on it, because you have been through the experience, both of you,  
18 and I wondered what you had to add to it.

19 MR. THORNTON: One other question -- that makes some  
20 of us at the end of the table here a little nervous when we  
21 think about it.

22 We can visualize ourselves as a National Guardsman out  
23 on the street. It is dark, and you are a little tense, and  
24 frightened, and you have the order you are not to have any ammuni-  
25 tion in your rifle. It is not loaded. Someone takes a shot at

1 you. You run back and ask some commanding officer up the line  
2 if you can load and shoot back, or what? Can he make a decision  
3 on the spot?

4 GENERAL GELSTON: Our people carried the ammunition in  
5 clips. It did two things. It reassured the Guardsman that it  
6 was just that far from his weapon, and also it showed the  
7 populous, also. The order given was, if they were fired upon,  
8 they fired back if they saw the person who fired at them and  
9 were obviously in danger of their lives. Otherwise, to take  
10 cover.

11 MR. THORNTON: It reminds me of a report of the  
12 National Guardsman in Michigan. They were given orders in  
13 Detroit to unload their guns and only 10 percent of them did.  
14 Several of them were asked if they had the order, and they said,  
15 "Yes." "Is your gun unloaded?" "No." "Why is that?" "I am  
16 scared."

17 I would have been frightened, too, I think. But there  
18 is some discretion that he can use. If he can see who is shoot-  
19 ing at him, he can fire back.

20 GENERAL GELSTON: Yes, sir.

21 GENERAL HILL: The doctrine that I had written on  
22 set forth essentially this -- that the Guardsmen would go into  
23 the operation with unloaded weapons, they would be loaded on an  
24 order of the senior person present. Now, we didn't say an  
25 officer, we didn't say Battalion Commander, or Lieutenant,

1 because this we felt would be rather ridiculous. What id did  
2 say was, if there was one PFC there and he got shot at, liter-  
3 ally, he could load his weapon and fire back.

4           There are other stipulations. But we felt we should  
5 have some control, because it is the natural thing with a soldier  
6 to load the weapon if he has the ammunition. And I do think  
7 when weapons are loaded, they will be used on perhaps less pro-  
8 vocation than if they are not loaded.

9           Maybe I am wrong on this point. But once they are  
10 loaded -- I was the one who personally gave the order, by coin-  
11 cidentally being at the scene of the first action that we were  
12 involved in. The driver of the vehicle was shot by the police,  
13 and not by a Guardsman. But the man who was seriously injured  
14 was a Guardsman. That left no doubt in my mind.

15           One of my staff officers said I used the term, "This  
16 is war and we will act accordingly." And I did say to my  
17 commander to load the weapons, and the commander said that was  
18 the sweetest music he had ever heard. The trouble is then you  
19 have the problem of provocation, the shot fired in the dark, and  
20 the man with the weapon, and he fires back.

21           But the greatest difficulty we had in terms of damage  
22 to citizens was in trying to stop them at roadblocks. First of  
23 all, we had very inadequate material -- improvised on the spot,  
24 garbage cans, anything we could find -- now and then vehicles.  
25 The order given to us, to our people at the roadblocks -- nobody

1 enters this area unless he has reason to be there. And some-  
2 times we were forced to stop vehicles by gunfire. And this is  
3 where the greatest damage was done by our weapons, was the  
4 occupants of vehicles. We were using 30-caliber armor-piercing  
5 ammunition, which the Army furnished us, because that was all  
6 that they had. I think I can attest to the fact that such a  
7 round will go through an engine block, and when it does it  
8 probably hits the individual behind the engine. So people were  
9 killed and seriously injured by being stopped at roadblocks.

10 There were two cases where snipers took our men under  
11 fire. In one case the sniper was killed, and the other case he  
12 was wounded.

13 On this matter of trying to enforce curfew, trying to  
14 hold roadblocks -- posed the greatest problem to us of any of  
15 our experiences in Los Angeles.

16 CHAIRMAN KERNER: May I finish with some questions  
17 that I have -- some other hot ones.

18 I think, General Gelston, you did make a statement  
19 that you thought you had sufficient Guardsmen to take care of  
20 all domestic local needs. Did I understand you to make that  
21 statement?

22 GENERAL GELSTON: Not exactly, sir. I made a general  
23 statement that I felt the Guard is adequate and competent to  
24 handle these disturbances. But I will qualify it to this extent  
25 and just stick to Maryland.

1 We could, with our Guard strength, even utilizing  
2 Air Guard, probably not turn out more than 5,000 effective  
3 people at any one time. In a city the size of Baltimore, with  
4 a million and a half population, I rather doubt that over much  
5 of a period, this would be sufficient.

6 On the other hand, Maryland could not support -- sup-  
7 pose you say it would take 15,000 -- we could not support it.  
8 So I think we have to deal with what we have, or approximately  
9 that, and with the idea that the Active Army is in the back-  
10 ground in case we cannot hold the line.

11 But over the long period, just recruiting -- right  
12 now, with the draft so hot, I think we could run up a couple of  
13 more divisions if we could open them up. But under normal cir-  
14 cumstances, you cannot. It is difficult in our State to main-  
15 tain more than about a 7500 National Guard.

16 CHAIRMAN KERNER: I would like to ask that same ques-  
17 tion of General Hill, as to the adequacy of the present troops,  
18 the Guard Troops, in the State of California, in the event that  
19 there were disturbances in, let me say, four different geo-  
20 graphical areas of California, and there is that potential.

21 GENERAL HILL: We have pondered this problem, also.  
22 If I can give a little bit of a background on strength. It is,  
23 roughly, 23,000 men in the Army Guard -- of which several thous-  
24 and at any one time are off at training centers, or for some  
25 reason they are out, so there is a factor of, say, roughly,

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1 ten percent. Then, of the remaining portion, of the 90 percent,  
2 there are hospital elements, there are quartermaster, combat  
3 support type, which we would prefer not to deploy if we could.  
4 There are artillery men armed with pistols -- a very poor  
5 weapon to send out in a street-fighting environment.

6 So, as you scale down, you come up with a combat, an  
7 effective strength of combat, or combat-oriented elements of  
8 this 23,000 on board at any time, of about 15,000. I think that  
9 is the figure that our study showed us was available.

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1 In Los Angeles we deployed 13,000 of the 15,000. That  
2 left me with a Corporal's Guard in the northern part of the  
3 state and I had some sleepless moments over that. But had I  
4 been given free license as the commander I would have stopped  
5 at 10,000 and said "We will win it with this amount." The  
6 other was insurance in a sense provided by forces beyond my  
7 control, as to whether they would or would not be deployed.

8 We could not possibly have coped with an eruption in  
9 Oakland or San Francisco at that time. I think that -- hopefully  
10 we would never be as delayed, say, as we were -- there would not  
11 be the delay in decision as to whether we go or not go, as  
12 occurred in the Los Angeles situation.

13 I think the answer to your question is an involved one --  
14 because if you get there early enough a thousand people will do  
15 the job. If you get there late, 10,000.

16 CHAIRMAN KERNER: Let us not presume anything. Let's take  
17 the facts as they exist, that you did commit some 13,000 of your  
18 available Guardsmen to the Los Angeles area and something did  
19 occur in San Francisco. What alternatives would you have?

20 GENERAL HILL: I had two battalions available on  
21 alert in the north to go into San Francisco and my hopes rested  
22 in the United States of America. I had been told by General  
23 Abrams, Vice Chief of Staff, there was a brigade of the Fourth  
24 Division at Fort Lewis standing by, airplanes ready, and so on.

25 CHAIRMAN KERNER: In other words, you would have

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1 had to rely upon calling upon the President of the United States  
2 to provide regular army troops.

3 GENERAL HILL: Yes, sir. And the Governor was  
4 fully prepared to do that if the situation required it.

5 But to get back and answer your question specific-  
6 ally, if it erupted on a serious basis in four of our cities,  
7 it would be beyond the capabilities of the California National  
8 Guard.

9 CHAIRMAN KERNER: How large a force do you think  
10 you would need -- going back to presumption now -- in California  
11 to take care of, shall we say, four geographical areas breaking  
12 out simultaneously?

13 GENERAL HILL: I think General Gelston has touched  
14 on a part of that answer. I am not sure there is enough in the  
15 United States to handle that situation, Governor. I don't know  
16 whether 30,000 would do the job, very honestly. That would  
17 depend on the circumstances of the situation.

18 CHAIRMAN KERNER: Well, what we are coming to,  
19 I presume, then, would be your answer -- that all the states  
20 would have to rely very heavily upon the regular establishment  
21 to come in and take over the responsibility of certain geograph-  
22 ical areas.

23 GENERAL HILL: Right. I do think there is a limit,  
24 a reasonable limit of the forces that a state could support.  
25 As General Gelston has pointed out under normal circumstances it

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1 takes hard work to maintain their present troop strength. It  
2 takes the same thing in California. If it were not for the  
3 Vietnam conflict, and the very high draft calls, our Guard would  
4 be struggling as it has in the past.

5 As a commander, I have rung door bells recruiting  
6 people. In other words, if it was warm, come in the Guard.

7 CHAIRMAN KERNER: One last question. I think it  
8 ought to be in the record here of this Commission.

9 Who establishes the standards, physical and mental  
10 standards, for the enlistment in the National Guard of the various  
11 states?

12 GENERAL GELSTON: The active establishment, sir.

13 CHAIRMAN KERNER: I think that's all I have.

14 Congressman McCulloch.

15 REPRESENTATIVE MC CULLOCH: I would like to ask the  
16 questioner a question, if I might.

17 Mr. Chairman, might I ask you a question?

18 CHAIRMAN KERNER: I am always on the hot seat here.

19 REPRESENTATIVE MC CULLOCH: No.

20 As I recall, you were the Chairman of the Governors'  
21 Conference which just ended.

22 CHAIRMAN KERNER: No, that was the Adjutants General  
23 meeting. My Committee will not really be active until a couple  
24 of weeks, when the National Governors' Conference convenes.

25 REPRESENTATIVE MC CULLOCH: In any event, would you

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1 want to commit yourself on whether you -- whether or not you will  
2 discuss the question of whether or not the Governors of the  
3 several States if the occasion might warrant, should have the  
4 authority to send the National Guard to a political subdivision?

5           CHAIRMAN KERNER: Yes. At executive session this  
6 will be one of the questions I will bring up. The subject  
7 matter I was bringing up here I know is the subject of great  
8 contention among the Adjutants General of the United States --  
9 troop strength. I am not causing any controversy here. I just  
10 think we ought to be aware of the facts as they exist. You  
11 cannot solve the problem by refusing to admit it is there.

12           The Pentagon, the Department of Defense, has set  
13 up a troop list, a new reorganization. I have to accept or  
14 reject this by the 29th of this month. This was a new troop  
15 list given to us the 10th of August, and I received communica-  
16 tions from a number of the Governors who rebel at merely accept-  
17 ance or rejection of the troop list as presently sent to us.  
18 A number of them have indicated that the troop list they have  
19 been given will be adequate for national defense, but inadequate  
20 to meet our domestic needs -- thinking of the civil disorders.

21           The Adjutants General are still in session --- and  
22 I imagine this is one of the major subjects they are discussing.

23           GENERAL GELSTON: This is actually the National  
24 Guard Association, but the Adjutants General have been pulled out  
25 and gone to an executive meeting on this. General Lloyd, who is

5 1 president of the AGA Association is going with his Governor to  
2 meet in Puerto Rico, to ask some of the others to see if we  
3 cannot get in on the trip with our Governor to be available.  
4 Among the AG's, most of them accept fairly closely the overall  
5 strength provisions. But they feel very strongly about this.  
6 This gets back to this junior leadership and elements or units.  
7 And they would like possibly the strength which is now determined  
8 as 93 percent of full strength, reduce that percentage to create  
9 more units -- not really more people, but more units.

10 In Maryland we are not hit particularly strong on  
11 the number of people we lose, but we lose some units that we  
12 would like to retain, just so we can retain the command structure  
13 which gives us much more flexibility on committing troops.

14 The Guard Bureau has assured us that if we come  
15 in on the 29th of September with our recommended changes to the  
16 troop lists we will get some action. Nobody is stating this as  
17 being 100 percent for sure.

18 I am blessed with a classification and salvage  
19 company. They would not be of too much use in the event of a  
20 riot. Although I subscribe that every soldier is trained as an  
21 infantry soldier, and with some riot training each year could do  
22 a decent job. But there you run into the question of equipment.

23 The Army has promised us where we need 500 M-1  
24 rifles to equip these units they would stockpile these in the  
25 army areas and make it available to us, which of course will be

1 extremely helpful. I think the main thing will be to try to  
2 get more combat elements back in as a result of what we just lost  
3 to the reserves.

4 I may be getting political, and I am told this is  
5 a very dangerous thing to discuss. The question was brought up  
6 about the USAR. Maryland is committed in the defense of a  
7 possible riot in Washington for about 1,500 people, and perfectly  
8 properly.

9 Of course this reduces our potentiality for a  
10 simultaneous occurrence in Baltimore. At the same time we  
11 commit 1,500 people in this area, there are within the area, in  
12 the Maryland part of it, 3,000 to 5,000 reservists who will not  
13 be even considered. I am told there are a lot of dangers in  
14 trying to get the USAR to take over this type of job, because  
15 some Governor might get the happy idea -- "Why should I have a  
16 Guard when I can just use the USAR." But nationally there will  
17 be 260,000 trained troops not available for State service in  
18 riots.

19 CHAIRMAN KERNER: What you are talking about is  
20 very much to the point. There are four members of this  
21 Commission who are going to have to vote on this situation pro  
22 or con.

23 I would like to call your attention to what General  
24 Hill said earlier.

25 He has got more troops, but they are in the

7 1 categories of service troops and cannot be used really for the  
2 purpose of civil disobedience or riot control. And there has  
3 been this question going on in Congress here as to whether the  
4 Reserve will have all service units and the Guard all armed  
5 units, or whether they will be divided up pro and con. This  
6 gets into a very, very serious political question. And I so  
7 label it. But I think it ought to be labeled also a very serious  
8 question to the governors of all the states and the adjutants  
9 general and the commanders of the Guard in the various states  
10 as to being able to carry out their commitments within the  
11 state. I am not asking for any comment from the Congressional  
12 members. But you did have a question.

13 REPRESENTATIVE MC CULLOCH: Yes. I would like to ask  
14 again -- what is your authorized strength?

15 GENERAL GELSTON: In Maryland?

16 REPRESENTATIVE MC CULLOCH: Yes.

17 GENERAL GELSTON: 6,800 right now.

18 REPRESENTATIVE MC CULLOCH: Is each unit of your Guard  
19 up to authorized strength?

20 GENERAL GELSTON: No, sir, because we have both the  
21 SRF and the non-SRF units. They are the Selective Reserve Forces.  
22 The Selective Reserve Force units are at 100 percent strength.  
23 The non-SRF are 50 percent strength and somewhat ineffective  
24 because of this but 50 percent is a little bit low. You get  
25 around 70 or 80 percent and you have a fairly viable organization.

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1 REPRESENTATIVE MC CULLOCH: Are you carrying on active  
2 enlistment procedures for those units that are under strength?

3 GENERAL GELSTON: No. The 50 percent is all we are  
4 authorized to carry in there. And of course at the present time  
5 all our units are up to their allocated strength.

6 REPRESENTATIVE MC CULLOCH: Does that include the  
7 recent order talked about which was to increase authorized  
8 strength?

9 GENERAL GELSTON: No. This is the new reorganization  
10 that is -- will be before the Governors in a few days -- all the  
11 units in the Army Guard will go to 90 percent of full table of  
12 organization strength.

13 REPRESENTATIVE MC CULLOCH: Has that order been issued?

14 GENERAL GELSTON: No, sir. The reorganization has  
15 not been accepted yet. Actually our strength will decrease.

16 REPRESENTATIVE MC CULLOCH: I should like to pursue  
17 this further. I thought pursuant to a recommendation of the  
18 Commission that there had been an order issued by the Secretary  
19 of Defense increasing organized strength of the units of the  
20 National Guard.

21 CHAIRMAN KERNER: The recommendation from this  
22 Commission was that enlistments be made among minority groups.

23 GENERAL GELSTON: One state got a five percent increase  
24 -- New Jersey.

25 CHAIRMAN KERNER: We did discuss possibly sending a

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1 recommendation to the President. That recommendation never  
2 left here primarily because you were going to vote on this on  
3 the Hill.

4 REPRESENTATIVE MC CULLOCH: The reason I raise this  
5 question is that in Ohio the units are all up to full strength.  
6 It is impossible to carry on any active reenlistment programs  
7 because we have waiting lists.

8 GENERAL GELSTON: This is true in Maryland, too. We  
9 have long waiting lists for every organization. We do a fair  
10 amount of attrition and there are vacancies occurring all the  
11 time.

12 REPRESENTATIVE MC CULLOCH: You have a waiting list  
13 that does not permit you to try to recruit minority groups, is  
14 that right?

15 GENERAL GELSTON: That is correct. I might say we  
16 are fortunate in being third in the nation on percentage, but  
17 it is not a very high percentage -- 4.9.

18 CHAIRMAN KERNER: The total strength of the National  
19 Guard is determined by the appropriation on the Hill -- 400,000,  
20 and we cannot have an enlistment greater than 400,000 in the  
21 Army National Guard in the total United States.

22 GENERAL GELSTON: Excuse me, sir. That is an average  
23 yearly strength?

24 CHAIRMAN KERNER: Yes. You can go up to 425,000  
25 nationally, but it is an average of 400,000. We are limited by

10 1 the budgets, and also by the strength authorization of the various  
2 categories of units as authorized within the states. It is  
3 absolutely true that there are waiting lists I would imagine  
4 in every state in the United States. So there is no lack of  
5 people who wish to join up with the Guard. It is the fact that  
6 we cannot accept them.

7 REPRESENTATIVE MC CULLOCH: Is it the rule that the  
8 enlistees are accepted in accordance with the time they make  
9 application for membership?

10 GENERAL GELSTON: Not a hundred percent, sir, because  
11 there are four priorities, I believe, of enlistment. One is of  
12 course prior service. The person has a priority. The second  
13 is under 18-1/2 years of age. The two others I have forgotten  
14 the exact wording. However, if an individual comes along with  
15 a special and specific skill that is needed in the organization  
16 -- this does occur in some of the more technical groups -- he  
17 can be jumped ahead.

18 REPRESENTATIVE MC CULLOCH: Subject to these exceptions,  
19 though, the applicant is accepted in accordance with the order of  
20 his application.

21 GENERAL GELSTON: Yes, sir.

22 REPRESENTATIVE MC CULLOCH: Thank you.

23 REPRESENTATIVE CORMAN: Under this reorganization, does  
24 this mean that the National Guard is going to have less service  
25 troop units or more service troop units?

1 GENERAL GELSTON: The one they gave us in July put all  
2 the combat organizations in the Guard with just that necessary  
3 support -- and all the other support units in the Reserve.  
4 USAR -- anyway, it was changed. The first request was that a  
5 brigade of combat troops be given to the Reserves. When the  
6 plan came up I think there were three brigades and some  
7 associated units that went into the Reserve, and quite a number  
8 of these battalions came out of the former allocation that was  
9 made to the Guard. And then they gave the Guard back some of  
10 the service-type troops, such as this unique company I just  
11 discussed. So that again we get back pretty much the same mixed  
12 bag that we have now.

13 REPRESENTATIVE CORMAN: General--

14 MR. THORNTON: Jim, this is a political thing out on  
15 the Hill. That is the problem.

16 REPRESENTATIVE CORMAN: General Gelston, I take it  
17 Cambridge is quite different from the normal civil disorder we  
18 think about, where an incident causes a rather large explosion  
19 that runs its course in six or seven days. I am not sure --  
20 when we started out this discussion, I didn't understand. You  
21 were there for a ~~great~~ number of months. Tell us just a little  
22 bit about what the forces were that prolonged this civil disorder  
23 and what your role was in attempting to diminish the tension,  
24 short of having to use force, which I take it you succeeded in  
25 doing.

112 GENERAL GELSTON: Well, Cambridge has 13,000 people of  
2 which 4,000 are Negro. It is a town that has been a little bit  
3 cut off until about the last 25 years, first by the Chesapeake  
4 Bay and then by the river. And it has a philosophy of living  
5 quite different from the rest of the State of Maryland.

6 REPRESENTATIVE CORMAN: Not a part of a larger metro-  
7 politan area.

8 GENERAL GELSTON: No, sir. It is a shopping town and  
9 a port, normally a rural area. A leader arose locally, Mrs.  
10 Gloria Richardson, several years ago, and they started out with  
11 the Freedom Rides in 1962, and then in 1963 they started  
12 demonstrations which were nonviolent, but the reaction from the  
13 other inhabitants of the town was somewhat less than that. It  
14 broke out into pitched battles. As they increased they started  
15 fires and shooting, and the Guard moved.

16 REPRESENTATIVE CORMAN: May I inquire what the role  
17 of the police was up to that time?

18 GENERAL GELSTON: They did the best they could. They  
19 have a 21-man police force to man three shifts, seven days a  
20 week. Cambridge -- of that 21, five are Negro policemen. I  
21 don't think it has ever been heard of one of them arresting a  
22 white wrongdoer. But they do have them. And they did the best  
23 they could to maintain order. But it got out of control. The  
24 State Police went in with 150 or better. It was apparently  
25 beyond their capabilities, too.

1           When the Guard moved in the first night that I spoke  
2 of, I had a peculiar reaction. When I first went into the crowd  
3 the State Police walled off one end of the street and the Guard  
4 was out of sight around the corner. Finally some of the people  
5 in the crowd said, "Get those cops out of there, and put the  
6 Guard in and we will move out." This is just apparently the  
7 reaction of dislike for the police uniform. Even the State  
8 Police, which I had not realized up to that point. The reaction  
9 of the Guard was completely different. They came into my  
10 office, the five leaders of the Negro organization which was  
11 SNCC -- immediately after the disturbance that night and somehow  
12 we established sort of a working relationship, that I was not  
13 in town to beat up and shoot down the minority group, I was in  
14 town to maintain peace and order.

15           This worked out until the point we actually sealed  
16 off the area -- in other words, they almost all live in sort of  
17 a pie-shaped area of 15 or 20 blocks. They objected strenuously  
18 at first, until they realized it was not to keep them in, they  
19 could go and come and we would not let any white cars go into  
20 that area after dark because you do have always a chance of a  
21 lunatic fringe, five or six people get in a car drunk, drive  
22 down a street and start shooting, and you get retaliation. As  
23 a matter of fact, the Guard went in June 13, 1963, came out  
24 after Labor Day. On Thursday we were back in and stayed  
25 continuously from then on. This developed -- why Mrs.

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13 1 Richardson apparently thought of this and no other civil rights  
2 leader has -- she deliberately kept the Guard in Cambridge.  
3 When we would get the situation calm and I would say "I think  
4 we can take the Guard out," she said "The minute you do we will  
5 demonstrate." She kept attention focused down there, and the  
6 costs were mounting -- the cost was a million dollars for that  
7 23 months to maintain the Guard.

8 I know it was a very deliberate tactic on her part.  
9 I think we are extremely fortunate nobody else has thought of  
10 it. I can see them keeping that crowd in Los Angeles for 10  
11 or 15 months.

12 But when it was apparent that the Administration --  
13 they would not sit down and talk with this group. Now they  
14 have a colored member of the City Council and they thought he  
15 adequately represented all the people in the Negro area.

16 REPRESENTATIVE CORMAN: Is it that the Negro demon-  
17 strators would not talk with the city authorities or vice  
18 versa?

19 GENERAL GELSTON: Vice versa. They came to me. While  
20 I could not get anywhere with the city authorities, I could get  
21 them to see representatives of the State or to see Senator  
22 Kennedy. Action was almost handled on a Federal level rather  
23 than a municipal level.

24 REPRESENTATIVE CORMAN: A different subject -- it  
25 seems to me that there is such a difference in the kind of

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1 tactics, probably weaponry and everything else that go into a  
2 normal combat situation where your object is to destroy -- and  
3 the problem of overcoming civil disorder in the street, where  
4 your object is almost the exact opposite. Is it efficacious to  
5 anticipate that the same units, the same training and same  
6 weaponry will perform both of those roles?

7 GENERAL HOLLIS: I have to agree, sir, they are two  
8 decidedly different problems. I would point out that the nature  
9 of some of our civil disturbance this summer has been rather  
10 hostile. The introduction of sniper fire, the fire bombs and all  
11 this sort of stuff, perhaps dilutes the basic matrix that you  
12 have established here.

13 I can only say that the soldier who is well disciplined  
14 is a priceless asset. I would further say that a command which  
15 has effective leadership in the chain of command -- this is the  
16 key to it -- it is even more important than any implied training  
17 program that might have gone on before.

18 If this kind of dynamic leadership is present, then  
19 the job which the individual soldier is taught in the schooling  
20 of the soldier, the qualities that he has learned in the school-  
21 ing of the soldier, I think are appropriate to the question of  
22 crowd control. The soldier does what he is told beginning at  
23 the basic position of the soldier, the school of attention.  
24 And from there he moves forward under the orders of his leaders.

25 I do not think we have a better means in the military

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1 service thus far than assuring that the basic objective is  
2 carried out than the highly disciplined soldier who does what  
3 he is told, provided he is well led by his superiors.

4 REPRESENTATIVE CORMAN: ~~Was~~<sup>It</sup> it a reasonable burden to  
5 place on a man who is going to serve two hours a week, two weeks  
6 in summer, to expect him to develop efficient professional skills  
7 to perform both those rather drastically different obligations?

8 GENERAL HOLLIS: I think, sir, it is a great burden  
9 on him. As to its reasonableness, I really am not in a position  
10 to say because I am a member of the active establishment and I  
11 don't think I am qualified to say. I would simply say that in  
12 the world in which we live today it seems to be a necessity and  
13 a part that all patriotic soldiers are called upon to accept.

14 GENERAL GELSTON: My feeling on this is, yes, sir, they  
15 can. Going back to the fact that I think the tactics and the  
16 technique of this type of action are rather a minor part -- and  
17 mostly of the same things they are getting in their normal  
18 training, which is training for the Federal mission. Again  
19 the leadership and discipline they get in any type of training  
20 is going to prepare them for this.

21 While I do think we certainly should have at least what  
22 we have now on the tactics and techniques and the psychology and  
23 so forth, I think that the basic thing, the leadership and  
24 discipline they get from any type of military type of training  
25 they are undergoing. It is quite a burden. There was a vast

1 difference this time in going to Cambridge with a SRF unit that  
2 had so much more training, because their drills were 72 a year --  
3 way beyond that of what the Guard had gotten in the past. It  
4 was reflected in their operations. I might say not so much more  
5 among the private soldiers on the street, but the junior officers  
6 who had gotten so much more confident and confident in handling  
7 men.

8           GENERAL HILL: If I may be permitted to make some  
9 somewhat personal observations -- in other words, family  
10 observations -- I think it might give the Commission some insight  
11 into this question as well as one or two others that have been  
12 asked.

13           My oldest son is finishing his sixth year in the Guard  
14 next May. With regard to the matter of, shall we say, sacrifice,  
15 on 17 August 1965, he was due to report to a brand new job, a  
16 job that was rather important to him. He was going to college  
17 and he needed the income. On the 16th day of August of that  
18 year he was riding shotgun on a fire truck in Los Angeles.  
19 There is sacrifice on the part of Guardsmen called to duty.

20           Now, happily, his employer proved to be benevolent  
21 and gave him a second chance. This has not always happened.  
22 There are families that are deprived of income because a  
23 private's pay today is \$2, I believe. A bill was introduced  
24 in the California Legislature to establish a minimum pay for  
25 Guardsmen, which I think should apply. The bill did not get

171 through committee in the last session.

2 This is the second problem.

3 Where possible we took action. Every case that we  
4 knew of where an employer had discriminated in a sense against  
5 the Guardsman we attempted to rectify it. I know of no cases  
6 where this was not done. I would not say it did not occur.

7 Now getting into the training -- this son of mine who  
8 is now in his twenties had had six months training at Fort Ord.  
9 He had had training on the weekends that we have now. And the  
10 Guard today -- and this is based on 30 years of service -- the  
11 Guard today is so much better than he was 30 years ago when I was  
12 a private and came up through the ranks in terms of capability  
13 to serve its state and nation, that there is very little  
14 comparison.

15 We did find that these young men -- he had no exper-  
16 ience, never been on a fire truck, for example. He did ride  
17 them, heard shots fired in anger, and he did not have to fire  
18 his weapon, happily. But we found these men could respond,  
19 could do their job.

20 General Hollis has pointed out the soldier takes orders  
21 from a superior regardless of the grade he might have. We must  
22 expect, and I think generally rely on the fact that that  
23 superior is giving appropriate orders and appropriate missions.

24 So the answer I think to your question is that we have  
25 the capability here that is adequate, I believe, as far as the

1 individual is concerned, to do whatever job he may be called upon  
2 to perform.

3 REPRESENTATIVE CORMAN: Thank you very much.

4 CHAIRMAN KERNER: Any further questions?

5 MR. MC CURDY: This control of riots seems to be a  
6 little different, I think we all agree, from the usual duties  
7 of the National Guardsman and of members of the Armed Services.  
8 It apparently takes a certain expertise. The National Guardsmen,  
9 it has been said, are often a group of civilian youngsters who  
10 are normally for most of the rest of the year off on their  
11 individual pursuits -- private jobs, supporting families and so  
12 forth. And that often when they are called on this type of  
13 situation they have inadequate materials.

14 My question is to either of you two gentlemen, General  
15 Hill or General Gelston -- who is it that furnishes this neces-  
16 sary expertise in controlling the riot situations into which you  
17 are called? That is, as to the training in riot control -- the  
18 expertise that it takes that is different from what is ordinarily  
19 learned in your normal training.

20 GENERAL HILL: If I may partially answer that question.

21 Prior to our emergency, our really first serious one  
22 in Los Angeles, we were following a training schedule put out by  
23 the Continental Army Command which I believe had in it three  
24 hours of training in riot duty. This seems like a small number  
25 of hours, but it must be considered in the light that a soldier

18 1 has many things to learn, a civilian soldier. The hours are so  
2 few, the days are so few. And we understand that. This was  
3 really about all the time we could spare. However, within this  
4 training schedule there is allowance for commander's time, some  
5 additional time. So at the State level we prescribe an additional  
6 two hours for all units of commander's time in riot prevention  
7 activity, general riot training. So our people had that much  
8 time.

9 Now, I don't know how we would get additional time  
10 unless there were additional training days. And this does  
11 involve problems of jobs and school and other interferences.

12 So I do think the active army has maintained awareness  
13 of this problem, that we have had latitude within the entire  
14 framework of training on a reasonable basis.

15 Now, I understand some additional time has been pre-  
16 scribed in the schedule. I am not sure where it is coming  
17 from. I think additional training days. This does require  
18 additional funds appropriated by the Congress to cover the  
19 payroll and food and so forth that the men use.

20 But I know steps have been taken to add to the training  
21 effort, and this is exceedingly fine. I am all for it.

22 MR. MC CURDY: Is that universally true throughout the  
23 country?

24 GENERAL HILL: Yes, sir. I think it is an increase.

25 GENERAL GELSTON: Thirty-two hours has been required.

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1 Not only 32 hours of training, but completed by 30 September.

2           GENERAL HOLLIS: May I enlarge upon that just a  
3 moment? After our situation in Detroit, the President of the  
4 United States directed that we intensified our training. The  
5 Secretary of the Army therefore promulgated a directive to the  
6 Army, including the National Guard, that 32 hours of training  
7 in riot control techniques would be held during the remaining  
8 period of the summer, and that 16 additional hours would be  
9 devoted to developing demand and control training methods  
10 within the chain of command above the individual soldier. That  
11 is to be completed before the winter months begin.

12           GENERAL GELSTON: I think on the expertise, sir, I  
13 know the Army has come out with these lesson plans to cover the  
14 32 hours training for us. I think they found in Detroit, the  
15 same as the Guard did, that the riot control training that had  
16 been given before in the manuals was pointed actually toward  
17 crowd control, moving crowds out of the street, with the various  
18 formations. They put on a demonstration at Fort Belvoir which  
19 has been very good -- but directed almost solely along that line.  
20 You get a big crowd in the street throwing rocks and you want to  
21 move them out, and this is what you do. There wasn't much  
22 attention paid to people sitting up in apartment buildings  
23 taking shots at you.

24           MR. MC CURDY: General Hollis, when you go into a  
25 situation like you did in Detroit, do you have authority or do

1 the troops that you send in have authority over the local and  
2 state units or the National Guard?

3           GENERAL HOLLIS: In the case of Detroit, let me make  
4 a specific example here. The President issued an Executive  
5 Order federalizing the National Guard forces and placing them  
6 under -- they then came under the command of the task force  
7 commander, General Throckmorton. We have a different situation  
8 here and it hearkens back to the question which Governor Kerner  
9 posed earlier, and it is a serious question -- with regard to  
10 operational control on the part of Federal forces of State and  
11 local officials.

12           There are some legal implications in this. Again I  
13 am not really adequately prepared to talk to that. I would say  
14 that the Army is constrained by an Act of Congress which denies  
15 the Army to make arrest when the powers of arrest are involved.  
16 So if one said that General Throckmorton's command extended down  
17 into the police eschelons to affect that particular aspect of the  
18 problem, we did not have that kind of command. We had what we  
19 called mutual coordination. Maybe this is all we can expect  
20 in the kind of constitutional system that we live in. We have  
21 to rely on men of reason to get together in emergency conditions  
22 to decide what is best in the public interest. For the most  
23 part, except in isolated instances, this occurred in Detroit --  
24 General Throckmorton reports that by and large he had very fine  
25 cooperation from all of the local authorities there. The

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1 question is that each one is expert in his own sphere and one  
2 does not wish to deny this expertise in following this whole  
3 principle of war which we call unity of command. And it can be  
4 exercised by persuasion or by sterner methods.

5 MR. MC CURDY: Your two units would be sort of  
6 autonomous, each independent from the other, except for this  
7 mutual cooperation and consideration that you talked about, is  
8 that correct?

9 GENERAL HOLLIS: I would say that in the absence of  
10 a declaration of martial law this would be correct.

11 MR. MC CURDY: You think that is desirable or would  
12 you have a recommendation to make if you think it is not desir-  
13 able?

14 GENERAL HOLLIS: It appears to me that some sort of  
15 compromise solution may be available through the development  
16 in advance of certain memoranda of understanding among the  
17 local officials, and among the National Guard people, and among  
18 the Federal people in certain circumstances. I would not be  
19 disposed to suggest what the dimensions of this memorandum of  
20 understanding is, even to test the legal aspects of it. But if  
21 the eyeballs could be engaged in advance of an air of crisis,  
22 and if the hearts could be engaged at that time, then perhaps  
23 the mission could be carried under the actual trauma of the  
24 crisis so as to satisfy the objective of restoring peace and  
25 tranquility.

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22 1 MR. MC CURDY: Mr. Chairman, could I just pursue that  
2 with one more question.

3 There is in effect now a program wherein the National  
4 Guardsmen and the Army, certain units of it will -- are required  
5 to have 32 hours of training, and that may be increased to 48  
6 hours. You will undoubtedly be going into sections, if the same  
7 pattern holds true next summer as this last two or three summers  
8 -- you will be going into communities where the local authorities,  
9 the police officers, have not had this type of training. When  
10 you move in you will know much more about crowd and riot control  
11 than they will.

12 Don't you think that some sort of legislation enabling  
13 you gentlemen, the National Guard or the Army, when you go in at  
14 the request of the local government, should have authority over  
15 the local law enforcement agencies?

16 GENERAL HOLLIS: It would appear to me, sir, that the  
17 best way to get this expertise, which might not be there in the  
18 local law enforcement officials, is for the State and the local  
19 officials, in the exercise of their local responsibilities, and  
20 using whatever guideline they would wish to use from the Federal  
21 Government, might institute these procedures and build an  
22 expertise in the sense of mutual understanding so that when next  
23 summer comes, if we have a continuation of what we have had this  
24 summer, the situation would be vastly different.

25 MR. MC CURDY: Thank you very much.

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1 CHAIRMAN KERNER: May I suggest along that line  
2 possibly a conference among the State Attorneys General with the  
3 Attorney General of the United States and the Department of  
4 Defense might be a possible channel in which to work out these  
5 areas of understanding.

6 I think they could accomplish it much more quickly  
7 than a recommendation from this Commission, -- since the state  
8 laws vary one from the other.

9 MR. PALMIERI: Just to amplify or supplement the record  
10 -- there have been statements made about the increased training  
11 of the guard forces in connection with disorder control. Is that  
12 training as it is now constituted for the Guard the same training  
13 in either extent or type which is given to your special brigades?  
14 You mentioned task forces and brigade size that the army has  
15 available and trained for riot control duty. Do these task  
16 forces or brigade size have training and equipment or techniques  
17 in command and control which are different in kind than what  
18 the Guard units are given?

19 GENERAL HOLLIS: No, sir. The standard matrix is the  
20 training directive which is established by the Continental Army  
21 Command, generally through the policy guidelines of the Department  
22 of the Army. I might add in this connection that is a part of  
23 our task group's activity looking into a number of things that  
24 have come out this summer and we are going right to the heart  
25 of the matter by devising new training directives for next

24 1 summer, and new field manuals which would apply uniformly through-  
2 out the entire army establishment in both components. For the  
3 remainder of this summer, the Commanding General of the  
4 Continental Army Command has placed essentially the same type  
5 of emphasis in riot control training within the active establish-  
6 ment as has been described for the National Guard.

7 MR. PALMIERI: Thank you.

8 Mr. Chairman, I only have one other comment which is  
9 to ask if General Hill has been requested or has offered to  
10 make a part of the record a document which is his after action  
11 report. Is that the document, General, that you were talking  
12 about earlier?

13 GENERAL HILL: Yes, I have a copy of it here. It is  
14 titled "Military Support of Law Enforcement During Civil  
15 Disturbances." The report concerns the California National  
16 Guard's part in suppressing the Los Angeles riots in August  
17 1965. This report was prepared in draft form in the early  
18 period after the riot. It has only been recently published in  
19 this form, I think perhaps in the last 90 days. I am sure in  
20 fact the Commission can obtain one or more copies of the report  
21 if it desires and I would be very happy to convey that request  
22 to the Adjutant General of California if the Commission so  
23 desires.

24 I think it would be informative to the Committee. It  
25 does point out some of the problems that were encountered as we

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1 moved into this very, very tough problem. It reflects the measures  
2 which were taken which I do take some pride in. Most of them  
3 were successful.

4 It does not show some of the other things that the  
5 Commission I think would be interested in. And I would like  
6 to dwell just a moment on the point of fire.

7 I am sure the Commission is well aware that fire is  
8 perhaps the greatest danger in these disturbances. We have seen  
9 it happen. I found a case where the Los Angeles Fire Department  
10 -- and I have high regard for it -- but they being Civil Service  
11 employees, and their job description did not say they had to  
12 handle a hose under fire, they just stopped handling hoses. They  
13 actually abandoned some of their equipment in the fire houses.  
14 The Watts station was abandoned completely. The equipment was  
15 there. I don't blame them because they were being shot at right  
16 in their fire house..

17 The point I am making is that there was some lack of  
18 coordination between the Fire Department and the Police Depart-  
19 ment in trying to solve that problem. It was only when we were  
20 able to put troops at the fire station and on the fire trucks  
21 that then they were in a position to go out and fight the fires.  
22 And we coincidentally have a bit of a film clip taken by our  
23 staff photographer showing a fireman being shot -- rather  
24 dramatic, and most tragic, but it does happen.

25 At any rate, fire is something that is frightening  
beyond almost imagination in our built-up areas. I think that

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1 somehow we need a closer tie-in. There appears to be an  
2 independent feeling between fire and police departments in some  
3 of our cities -- they are autonomous in effect. I hope maybe  
4 something might come out of this. I am not sure.

5           With regard to another thought that has occurred to  
6 me that might be illustrative of some of the problems of control  
7 and supervision -- in a helicopter flight over Los Angeles on  
8 Saturday the 14th, I was able to witness buildings being set on  
9 fire and looted, and there was no policemen, no firemen, no  
10 soldier anywhere near. This is a 50-square-mile area. The  
11 outbreaks were sporadic. Here is where sophisticated surveil-  
12 lance is I think an absolute must in any of our built-up cities.  
13 And it does take equipment that hopefully we could look to the  
14 United States to provide us for this purpose. Now, I was in a  
15 police helicopter of which I think they had two, and I think  
16 the Fire Department had two.

17           But intelligence in terms of where the problem lay,  
18 where the outbreaks were occurring was one of our basic and  
19 biggest problems. Again I can only say that we need all of the  
20 thinking that can be brought to bear on that.

21           CHAIRMAN KERNER: Thank you very much, General Hill.  
22 That document you have before you will be received in evidence  
23 as Exhibit No. 55.

24                           (The document referred to was marked  
25                           for identification as Exhibit 55 and  
                         received in evidence.)

271 CHAIRMAN KERNER: Any further question?

2 If not, in closing I would like to call one thing to  
3 the attention of the Commission which we discussed I think very  
4 slightly on the occasion when Governor Romney was before us.

5 We have been asking questions of help and where we  
6 get it, and we have been looking to the Federal Government. I  
7 wish the members of the Commission to know under the Civil  
8 Defense Compact there can be mutual aid among states, from  
9 state to state, if the legislatures will take action and approve  
10 the compact. If the legislatures are not in session the  
11 Governor may request help and assistance from the adjoining state.  
12 I am talking about the use of Guard and State Police if neces-  
13 sary, and such other public facilities as are available.

14 I have been attempting to get from the Council of  
15 State Governments any legislative action in this area. I have  
16 not yet received a report.

17 I did want the Commission to know that this additional  
18 area of help is available among the states rather than instead  
19 of calling on Federal help immediately.

20 MR. THORNTON: Has that procedure ever been followed?

21 CHAIRMAN KERNER: Not in that area, but let me say I  
22 used it last winter in the snow storm in calling for help from  
23 Wisconsin in Iowa, which was given immediately. The calling  
24 state, of course, assumes additional responsibilities for  
25 workmen's compensation, time and wear and tear on equipment,

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1 payroll, all these other things. It is the only time that I  
2 know of that it has been used in that degree.  
3           When I say Civil Defense Compact, it covers all public  
4 facilities within the State and the National Guard is included  
5 in such a designation.  
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1 MR. THORNTON: If the State calls in Federal troops,  
2 do they have to pay anything there?

3 CHAIRMAN KERNER: No. As a matter of fact, I recall  
4 a comment by George Wallace at one time when his Guard was  
5 organized. He said he didn't mind because the Federal Government  
6 picked up the pay check. The Federal Government, once they  
7 federalize the National Guard, they pick up the tab.

8 MR. THORNTON: It is going to be cheaper for the State  
9 to call in the Federal Government for help than to call another  
10 State for help. For example --

11 CHAIRMAN KERNER: If you are talking pure economics,  
12 you are absolutely correct. But I think pride of Governors is  
13 such that they do not do this unless it is a last resort. And  
14 not because of any economic reasons.

15 GENERAL GELSTON: When that was brought up in Ashville,  
16 it was stated that this did not apply to use of the National  
17 Guard of one State by another State.

18 CHAIRMAN KERNER: It can. I said legislative action  
19 is necessary. In other words, the vehicle is present. It is a  
20 question of execution of the necessary legislative action to  
21 make it work. However, I would say if I needed the help of a  
22 Guard in the surrounding State and I asked for it, I doubt that  
23 anybody would challenge me, even though I did not have the legis-  
24 lative authority, if the Legislature were not in session. I  
25 don't think anyone would challenge. As a matter of fact, if I

1 their help, I wouldn't care whether it was challenged or not,  
2 if the job got done. In an area such as this, I think all of  
3 the Governors would cooperate with one another. I have always  
4 found it to be so. And let me say political considerations  
5 have no effect on it whatsoever.

6 MR. THORNTON: You would have to have the standby  
7 authority. You could not call the Legislature into session if  
8 you had a city burning.

9 CHAIRMAN KERNER: If the Legislature were in session,  
10 I think it would almost have to go them on an emergency basis  
11 to give you the authority immediately.

12 MR. THORNTON: That delay in getting that, just like  
13 the General said -- might require a thousand troops to come in  
14 where the extra hours might require 5,000 men to do the same  
15 thing.

16 CHAIRMAN KERNER: I realize that, but the vehicle is  
17 here. Certain Governors have been asking that a vehicle be  
18 produced. It is in existence. I think this Commission should  
19 know of that fact.

20 REPRESENTATIVE CORMAN: I would assume if General Hill  
21 had had a couple of regiments of the Oregon National Guard  
22 standing by to help in San Francisco, he might have been more  
23 comfortable than he was.

24 MR. THORNTON: He had Federal troops behind him.

25 GENERAL HILL: That brigade at Fort Lewis made me

1 sleep a little bit better that night.

2 CHAIRMAN KERNER: I thought this ought to go on the  
3 record, so we do know there are alternatives to call on Federal  
4 troops, so that you have all the facts.

5 Any other questions? Any comments?

6 General Hill? General Gelston? General Hollis?

7 I thank you very much. We all appreciate what you  
8 have brought to us today. I am sure we are more aware of what  
9 the problems are internally as well as externally.

10 Thank you.

11 (Whereupon, at 5:05 o'clock p.m., the Commission re-  
12 cessed, to reconvene on Thursday, September 21, 1967, at 9:30  
13 a.m.)



1 corruption against law enforcement today. It so corrodes the  
2 attitude of the police officer -- what is the use of picking  
3 them up, and the same thing for gambling. We have arrested  
4 numbers operators at seven or eight o'clock in the morning, and  
5 go on another raid at eleven o'clock in the morning and get  
6 the same one at another stand. We arrested an armed robber,  
7 caught in the act of armed robbery not too long ago, in an  
8 armored car. We got him out of the swamps after an all-  
9 night search. We got him out of the swamps at about eight  
10 o'clock in the morning, and after the sun came up. The men  
11 took him down, and booked him in. Came back to the scene, and  
12 I sent them out to his home, to go to talk to his wife. And  
13 when they got out there, he answered the door, showered, shaved  
14 and in a fresh suit.

15 REPRESENTATIVE CORMAN: May I inquire.

16 How many instances have you had of people jumping  
17 bail and not standing prosecution? Is that a problem?

18 MR. PURDY: I cannot give you those statistics. They  
19 would be available. I do not have them.

20 REPRESENTATIVE CORMAN: I would be interested to hear  
21 them. Because people have a right to bail. If they are not  
22 standing prosecution, that is one thing. If they are that is  
23 quite another matter.

24 MR. LEARY: I would like to address myself to that.

25 We do not oppose bail, as police. But as legislature,

1 REPRESENTATIVE CORMAN: The purpose of my question  
2 was not to quarrel with the severity of penalties.

3 MR. LEARY: I think these things have to be made

4 REPRESENTATIVE CORMAN: I do not think it is an indict-  
5 ment of the judicial system that a man can be arrested and shortly  
6 thereafter back on the street. The issue is twofold. One --  
7 does he show up for trial. And secondly, after conviction,  
8 is punishment adequate for the crime?

9 MR. LEARY: What would you say in the instance of  
10 where a man goes out on bail for burglary, and before he goes  
11 to trial he is arrested again for burglary, and goes out on  
12 bail, and before he goes to trial again he is arrested for  
13 burglary and goes out on bail.

14 CHAIRMAN KERNER: Congressman Corman -- I am delighted  
15 to hear this philosophical discussion on law and order. But I  
16 am afraid the interest in this subject is taking away -- taking  
17 us away from the core and the nucleus of why we are here.

18 I am as interested as all of you are.

19 MR. THORNTON: Mr. Chairman, don't you think they  
20 are related? I do not think you can separate the two.

21 REPRESENTATIVE CORMAN: I only meant to ask the  
22 one question.

23 MR. PURDY: May I bring you back with a suggestion?

24 Commissioner Leary brought up an extremely important  
25 point, and that is the training of police administrators which

1 on you, Congressman.

2 REPRESENTATIVE MC CULLOGH: Thank you.

3 REPRESENTATIVE CORMAN: An entirely different subject  
4 matter.

5 I take it there is some difficulty, when there is  
6 a civil disorder, in this matter of communication, liaison,  
7 control, and I am wondering, Mr. Purdy, if you have had ex-  
8 perience in Dade County before they had metropolitan govern-  
9 ment there, in law enforcement. Were you there before?

10 MR. PURDY: No, sir; I was not.

11 REPRESENTATIVE CORMAN: I wondered if you had any  
12 comment about whether it is more edificacious for law and  
13 enforcement in a situation where you have metropolitan government,  
14 where you have greater control over all the police forces in  
15 a given area, or if you have for instance the situation in  
16 Rochester where apparently half of Rochester is under the  
17 Rochester city policy, and there may be a variety of others.  
18 I would like to hear the comments of you as to the efficacy of this  
19 situation.

20 MR. PURDY: Our situation is this.

21 In the event of a riot in the county -- that means  
22 anywhere in the county -- the responsibility for coordination  
23 of the riot control activity lies with my office.

24 As a matter of practical application, where we have two  
25 or three major cities within the county, if it starts in those

1 cities, the law enforcement agencies or the police department of  
2 that city would of course immediately move in to handle it.

3 I would then send liaison immediately, and at the  
4 point at which it appeared they were not able to handle it,  
5 or it might need support and backup, we of course would move  
6 in, and then in accordance with the governor's directive, it  
7 becomes my responsibility to take over the coordination.

8 Now, this sounds harsher than it is. We have liaison  
9 with the law enforcement agencies within the county. We have  
10 issued blanket deputization for all police in the county that  
11 become automatic in case of riot if I call them up.

12 So it is a matter of coordinated effort.

13 We have a central command post set up in our depart-  
14 ment -- the overall command post -- and this type of thing.

15 The governor has also made it clear in our state  
16 that if the Highway Patrol, or if the Guard moves in, they will  
17 be under the direction of my office for assignment.

18 Now, for the manner in which they carry out those assign-  
19 ments, they are responsible for their acts, of course. But  
20 their assignments would come out of my office.

21 REPRESENTATIVE CORMAN: Do you have any advise for  
22 comparable metropolitan areas where there is no jurisdictional  
23 capacity for a single command, such as Los Angeles? Do you think  
24 the fact that you have the capacity for an unified command is  
25 advantageous to you?

1 MR. PURDY: Yes, I do. I think that in most communities  
2 where this does not exist -- now, as Chief of Police in St.  
3 Petersburg, we were not able to rely on a county agency to  
4 do this in what we felt was a satisfactory manner. And so we  
5 established this liaison among the chiefs of associations of  
6 the county, and our policy and procedures were set up, and we  
7 had legal rulings in advance as to liability and coverage of  
8 men who went from one jurisdiction to another. And this type  
9 of arrangement is made in many areas throughout the country.  
10 Where there is a state police agency -- and I can cite  
11 Pennsylvania, for example -- when there was a condition in  
12 Philadelphia, we left it to the Philadelphia police to handle.  
13 Obviously they had more men, they were on the scene. But we  
14 did send liaison in so that if Commissioner Leary at that time  
15 needed our help all he had to do was say so, and we would give  
16 him whatever assistance we could.

17 But I think in most instances this has worked out on  
18 a cooperative basis, and perhaps not always satisfactorily. But  
19 the effort is being made.

20 REPRESENTATIVE CORMAN: Do you have any comments,  
21 Chief Lombard?

22 MR. LOMBARD: I think your question was with reference  
23 to metropolitan law enforcement in a county-wide area. Director  
24 Purdy, I think, indicated that he is -- he has county-wide juris-  
25 diction. But they still have city police departments functioning

1 independently. We have the same thing in Monroe County. Our  
2 sheriff of Monroe County is the chief law enforcement officer.  
3 And we work cooperatively in any kind of an emergency situation.  
4 In the event we need the additional resources of the State  
5 Police, it is understood that with the approval of the Governor  
6 of New York State, the State Police coming into our jurisdiction  
7 would be the overall command, not only of the total police  
8 resources, but also the National Guardsmen.

9 REPRESENTATIVE CORMAN: One final question of Commis-  
10 sioner Leary. I take it you have had experience both under  
11 police review boards and other systems. Would you give us your  
12 evaluation of the usefulness of civilian police review boards  
13 and would you care to comment on any shortcomings they may have?

14 MR. LEARY: Of course, you can understand the resent-  
15 ment of the police community towards the civilian review board,  
16 because I am sure that you would find the same resentment if  
17 we asked the civilian review board to review the ethical conduct  
18 of lawyers, or of doctors, or of engineers. And of course a  
19 great deal of the reason for the police review board, civilian  
20 review board, was the charge of police brutality.

21 In Philadelphia the reason for it was principally  
22 brutality.

23 They found they were not getting sufficient cases,  
24 complaints, in the basis of police brutality. So they increased  
25 it to violations of search and seizure with or without a warrant.

1 Now, we have great numbers of police people, and  
2 we have great numbers of civilians who think if you talk in  
3 terms of civil rights and the rights of people, and you talk  
4 in a positive vein, that you are expounding the cause of the  
5 Negro. So the policemen, as well as a good number of our  
6 civilians, should have a refresher course in the Bill of  
7 Rights, in our Constitution, in early American United States  
8 history -- not only for the young fourth and fifth grader,  
9 that Purdy has mentioned, but also for our police people.  
10 And until we bring into the police academy what in a sense he is  
11 trying to do, and what we are doing to some degree in New York,  
12 and not sufficiently -- you have to bring right into the  
13 police academy the professional teacher -- so that the police-  
14 man has in the first blush, in the first acquaintance with his  
15 training program, standards offered to him that are community  
16 standards for police.

17 When you have a hundred per cent or 90 per cent of  
18 the instructional staff in your academy or your in-service  
19 training that are police persons, all that the policemen get  
20 is the standards that the police have for the police. And there  
21 is no real, as I said earlier, materials written in the language  
22 that the policeman can understand and appreciate.

23 REPRESENTATIVE CORMAN: Thank you.

24 CHAIRMAN KERNER: I think Miss Peden is next.

25 MRS. PEDEN: I yield to the Congressman. He may

10 1 the budgets, and also by the strength authorization of the various  
2 categories of units as authorized within the states. It is  
3 absolutely true that there are waiting lists I would imagine  
4 in every state in the United States. So there is no lack of  
5 people who wish to join up with the Guard. It is the fact that  
6 we cannot accept them.

7 REPRESENTATIVE MC CULLOCH: Is it the rule that the  
8 enlistees are accepted in accordance with the time they make  
9 application for membership?

10 GENERAL GELSTON: Not a hundred percent, sir, because  
11 there are four priorities, I believe, of enlistment. One is of  
12 course prior service. The person has a priority. The second  
13 is under 18-1/2 years of age. The two others I have forgotten  
14 the exact wording. However, if an individual comes along with  
15 a special and specific skill that is needed in the organization  
16 -- this does occur in some of the more technical groups -- he  
17 can be jumped ahead.

18 REPRESENTATIVE MC CULLOCH: Subject to these exceptions,  
19 though, the applicant is accepted in accordance with the order of  
20 his application.

21 GENERAL GELSTON: Yes, sir.

22 REPRESENTATIVE MC CULLOCH: Thank you.

23 REPRESENTATIVE CORMAN: Under this reorganization, does  
24 this mean that the National Guard is going to have less service  
25 troop units or more service troop units?

1 GENERAL GELSTON: The one they gave us in July put all  
2 the combat organizations in the Guard with just that necessary  
3 support -- and all the other support units in the Reserve.  
4 USAR -- anyway, it was changed. The first request was that a  
5 brigade of combat troops be given to the Reserves. When the  
6 plan came up I think there were three brigades and some  
7 associated units that went into the Reserve, and quite a number  
8 of these battalions came out of the former allocation that was  
9 made to the Guard. And then they gave the Guard back some of  
10 the service-type troops, such as this unique company I just  
11 discussed. So that again we get back pretty much the same mixed  
12 bag that we have now.

13 REPRESENTATIVE CORMAN: General--

14 MR. THORNTON: Jim, this is a political thing out on  
15 the Hill. That is the problem.

16 REPRESENTATIVE CORMAN: General Gelston, I take it  
17 Cambridge is quite different from the normal civil disorder we  
18 think about, where an incident causes a rather large explosion  
19 that runs its course in six or seven days. I am not sure --  
20 when we started out this discussion, I didn't understand. You  
21 were there for a great number of months. Tell us just a little  
22 bit about what the forces were that prolonged this civil disorder  
23 and what your role was in attempting to diminish the tension,  
24 short of having to use force, which I take it you succeeded in  
25 doing.

112 GENERAL GELSTON: Well, Cambridge has 13,000 people of  
2 which 4,000 are Negro. It is a town that has been a little bit  
3 cut off until about the last 25 years, first by the Chesapeake  
4 Bay and then by the river. And it has a philosophy of living  
5 quite different from the rest of the State of Maryland.

6 REPRESENTATIVE CORMAN: Not a part of a larger metro-  
7 politan area.

8 GENERAL GELSTON: No, sir. It is a shopping town and  
9 a port, normally a rural area. A leader arose locally, Mrs.  
10 Gloria Richardson, several years ago, and they started out with  
11 the Freedom Rides in 1962, and then in 1963 they started  
12 demonstrations which were nonviolent, but the reaction from the  
13 other inhabitants of the town was somewhat less than that. It  
14 broke out into pitched battles. As they increased they started  
15 fires and shooting, and the Guard moved.

16 REPRESENTATIVE CORMAN: May I inquire what the role  
17 of the police was up to that time?

18 GENERAL GELSTON: They did the best they could. They  
19 have a 21-man police force to man three shifts, seven days a  
20 week. Cambridge -- of that 21, five are Negro policemen. I  
21 don't think it has ever been heard of one of them arresting a  
22 white wrongdoer. But they do have them. And they did the best  
23 they could to maintain order. But it got out of control. The  
24 State Police went in with 150 or better. It was apparently  
25 beyond their capabilities, too.

13 1 Richardson apparently thought of this and no other civil rights  
2 leader has -- she deliberately kept the Guard in Cambridge.  
3 When we would get the situation calm and I would say "I think  
4 we can take the Guard out," she said "The minute you do we will  
5 demonstrate." She kept attention focused down there, and the  
6 costs were mounting -- the cost was a million dollars for that  
7 23 months to maintain the Guard.

8 I know it was a very deliberate tactic on her part.  
9 I think we are extremely fortunate nobody else has thought of  
10 it. I can see them keeping that crowd in Los Angeles for 10  
11 or 15 months.

12 But when it was apparent that the Administration --  
13 they would not sit down and talk with this group. Now they  
14 have a colored member of the City Council and they thought he  
15 adequately represented all the people in the Negro area.

16 REPRESENTATIVE CORMAN: Is it that the Negro demon-  
17 strators would not talk with the city authorities or vice  
18 versa?

19 GENERAL GELSTON: Vice versa. They came to me. While  
20 I could not get anywhere with the city authorities, I could get  
21 them to see representatives of the State or to see Senator  
22 Kennedy. Action was almost handled on a Federal level rather  
23 than a municipal level.

24 REPRESENTATIVE CORMAN: A different subject -- it  
25 seems to me that there is such a difference in the kind of

1 tactics, probably weaponry and everything else that go into a  
2 normal combat situation where your object is to destroy -- and  
3 the problem of overcoming civil disorder in the street, where  
4 your object is almost the exact opposite. Is it efficacious to  
5 anticipate that the same units, the same training and same  
6 weaponry will perform both of those roles?

7 GENERAL HOLLIS: I have to agree, sir, they are two  
8 decidedly different problems. I would point out that the nature  
9 of some of our civil disturbance this summer has been rather  
10 hostile. The introduction of sniper fire, the fire bombs and all  
11 this sort of stuff, perhaps dilutes the basic matrix that you  
12 have established here.

13 I can only say that the soldier who is well disciplined  
14 is a priceless asset. I would further say that a command which  
15 has effective leadership in the chain of command -- this is the  
16 key to it -- it is even more important than any implied training  
17 program that might have gone on before.

18 If this kind of dynamic leadership is present, then  
19 the job which the individual soldier is taught in the schooling  
20 of the soldier, the qualities that he has learned in the school-  
21 ing of the soldier, I think are appropriate to the question of  
22 crowd control. The soldier does what he is told beginning at  
23 the basic position of the soldier, the school of attention.  
24 And from there he moves forward under the orders of his leaders.

25 I do not think we have a better means in the military

1 service thus far than assuring that the basic objective is  
2 carried out than the highly disciplined soldier who does what  
3 he is told, provided he is well led by his superiors.

4 REPRESENTATIVE CORMAN: Was it a reasonable burden to  
5 place on a man who is going to serve two hours a week, two weeks  
6 in summer, to expect him to develop efficient professional skills  
7 to perform both those rather drastically different obligations?

8 GENERAL HOLLIS: I think, sir, it is a great burden  
9 on him. As to its reasonableness, I really am not in a position  
10 to say because I am a member of the active establishment and I  
11 don't think I am qualified to say. I would simply say that in  
12 the world in which we live today it seems to be a necessity and  
13 a part that all patriotic soldiers are called upon to accept.

14 GENERAL GELSTON: My feeling on this is, yes, sir, they  
15 can. Going back to the fact that I think the tactics and the  
16 technique of this type of action are rather a minor part -- and  
17 mostly of the same things they are getting in their normal  
18 training, which is training for the Federal mission. Again  
19 the leadership and discipline they get in any type of training  
20 is going to prepare them for this.

21 While I do think we certainly should have at least what  
22 we have now on the tactics and techniques and the psychology and  
23 so forth, I think that the basic thing, the leadership and  
24 discipline they get from any type of military type of training  
25 they are undergoing. It is quite a burden. There was a vast

1 individual is concerned, to do whatever job he may be called upon  
2 to perform.

3 REPRESENTATIVE CORMAN: Thank you very much.

4 CHAIRMAN KERNER: Any further questions?

5 MR. MC CURDY: This control of riots seems to be a  
6 little different, I think we all agree, from the usual duties  
7 of the National Guardsman and of members of the Armed Services.  
8 It apparently takes a certain expertise. The National Guardsmen,  
9 it has been said, are often a group of civilian youngsters who  
10 are normally for most of the rest of the year off on their  
11 individual pursuits -- private jobs, supporting families and so  
12 forth. And that often when they are called on this type of  
13 situation they have inadequate materials.

14 My question is to either of you two gentlemen, General  
15 Hill or General Gelston -- who is it that furnishes this neces-  
16 sary expertise in controlling the riot situations into which you  
17 are called? That is, as to the training in riot control -- the  
18 expertise that it takes that is different from what is ordinarily  
19 learned in your normal training.

20 GENERAL HILL: If I may partially answer that question.

21 Prior to our emergency, our really first serious one  
22 in Los Angeles, we were following a training schedule put out by  
23 the Continental Army Command which I believe had in it three  
24 hours of training in riot duty. This seems like a small number  
25 of hours, but it must be considered in the light that a soldier

1 their help, I wouldn't care whether it was challenged or not,  
2 if the job got done. In an area such as this, I think all of  
3 the Governors would cooperate with one another. I have always  
4 found it to be so. And let me say political considerations  
5 have no effect on it whatsoever.

6 MR. THORNTON: You would have to have the standby  
7 authority. You could not call the Legislature into session if  
8 you had a city burning.

9 CHAIRMAN KERNER: If the Legislature were in session,  
10 I think it would almost have to go them on an emergency basis  
11 to give you the authority immediately.

12 MR. THORNTON: That delay in getting that, just like  
13 the General said -- might require a thousand troops to come in  
14 where the extra hours might require 5,000 men to do the same  
15 thing.

16 CHAIRMAN KERNER: I realize that, but the vehicle is  
17 here. Certain Governors have been asking that a vehicle be  
18 produced. It is in existence. I think this Commission should  
19 know of that fact.

20 REPRESENTATIVE CORMAN: I would assume if General Hill  
21 had had a couple of regiments of the Oregon National Guard  
22 standing by to help in San Francisco, he might have been more  
23 comfortable than he was.

24 MR. THORNTON: He had Federal troops behind him.

25 GENERAL HILL: That brigade at Fort Lewis made me

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1 Now, we have great numbers of police people, and  
2 we have great numbers of civilians who think if you talk in  
3 terms of civil rights and the rights of people, and you talk  
4 in a positive vein, that you are expounding the cause of the  
5 Negro. So the policemen, as well as a good number of our  
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11 trying to do, and what we are doing to some degree in New York,  
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14 man has in the first blush, in the first acquaintance with his  
15 training program, standards offered to him that are community  
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17 When you have a hundred per cent or 90 per cent of  
18 the instructional staff in your academy or your in-service  
19 training that are police persons, all that the policemen get  
20 is the standards that the police have for the police. And there  
21 is no real, as I said earlier, materials written in the language  
22 that the policeman can understand and appreciate.

23 REPRESENTATIVE CORMAN: Thank you.

24 CHAIRMAN KERNER: I think Miss Peden is next.

25 MRS. PEDEN: I yield to the Congressman. He may

1 have to leave.

2 CHAIRMAN KERNER: If I may -- I asked Director  
3 Engle to wait. He wanted to I think take issue with a state-  
4 ment made by Chief Jenkins.

5 MR. ENGLE: I did not want to take issue, Mr.  
6 Chairman. I merely wanted to qualify the remarks that I made  
7 in the beginning. Since I was talking from notes here, apparently  
8 it did not get across.

9 That is, we are not talking about military in any  
10 sense -- the police that I was describing. I was talking  
11 about civil security or police forces. And I want to correct  
12 the record to show that we do not work with military forces  
13 at all. We work with civil security forces in which all  
14 except one or two countries are completely under civilian  
15 jurisdiction.

16 I know this is a mistake that is frequently made in  
17 assuming that military does have control over police  
18 around the world. And this is very much the exception. In  
19 one or two instances I can think where this civil police  
20 are responsible to the Minister of War rather than the Minister  
21 of Justice. But they are civilian constituted.

22 The other point was that I want to make this quite  
23 clear that I was not inferring that our experiences overseas  
24 are entirely applicable to the U.S.

25 MR. JENKINS: There has been quite a change in

1 REPRESENTATIVE MC CULLOCH: That is all.

2 CHAIRMAN KERNER: Miss Peden.

3 MRS. PEDEN: Governor, I want to ask three questions  
4 that are not related to courts.

5 I am very much interested in the training programs  
6 and the jobs. I wonder if any of the three heads of police  
7 departments, or Chief Jenkins <sup>knows of</sup> ~~are there~~ any MDTA or on-the-  
8 job funds made available to local police units for training  
9 purposes?

10 MR. LOMBARD: We just had a grant, under that \$15,000  
11 deal. We submitted five applications to the LEA over the past  
12 year. Three of them were lumped into one, which Chief Jenkins  
13 and I were told by the Director in Harvard last year that all  
14 we have to do is apply for \$15,000 and we get it. It was not  
15 that easy, Chief, was it? Anyhow, we got \$15,000 of which  
16 \$7,000 was used for giving instruction in Spanish, and 34 of  
17 our officers did complete 53 hours of that course.

18 <sup>Miss</sup> MRS. PEDEN: Perhaps you are not familiar with the  
19 terms I used there. <sup>Through</sup> The U.S. Department of Labor -- industry is  
20 receiving considerable funds, and ~~there are thousands of so called~~  
21 ~~job slots for on-the-job training,~~ <sup>for on-the-job training,</sup> and then the MDTA, Manpower  
22 Development Training Act funds <sup>are also available.</sup>

23 MR. LEARY: We have something like that in New York  
24 City. This is aimed principally at the residents of the ghetto  
25 areas -- young men from the ages of 18 to 29, who have the same

1 A number of them who did not come in the Department  
2 have gotten jobs in security, in private industry. And we  
3 have found this to be a very successful one.

4 Once again, it allows us to project to the community  
5 and demonstrate to them that we are very much interested in  
6 the members of their particular community. And this is now  
7 beginning its second year.

8 *Mrs.* MRS. PEDEN: Do you know if there are federal  
9 funds involved in the program?

10 MR. LEARY: Yes. They are the ones that pay the  
11 weekly stipend.

12 MRS. PEDEN: Governor, I wonder if we could make  
13 an inquiry <sup>to</sup> of the Labor Department <sup>and see</sup> if local police units  
14 would be eligible for on-the-job training MDTA funds?

15 CHAIRMAN KERNER: I do not see why not.

16 MR. PURDY: Just one word of caution we experienced  
17 That was the federal government was a little more generous  
18 than the local government, and so some of our people who were  
19 training them were making less money than some of the people  
20 being brought in to be trained.

21 MR. JENKINS: Mr. Chairman -- we had a program in  
22 Atlanta. It was conducted by EOA. But the Police Department  
23 agreed to take 25 trainees when EOA and the federal government  
24 would pay their salary for five hours a day. And we continued  
25 to keep 25 trainees in the Department. But it was primarily

1 clerical work. And as a result of that, we have employed  
2 several of these people -- where they developed to be good  
3 clerks. But generally they are really scraping the bottom of  
4 the barrel. We have had considerable trouble with discipline  
5 of the great majority of them. But we have picked up some good  
6 employees.

7 MRS. PEDEN: My second question is to Mr. Engle.

8 This is certainly <sup>not to imply</sup> ~~in inquiry~~ that you don't need  
9 the amount of funds being budgeted for your office. But as a  
10 matter of perspective of what we are doing in helping to train  
11 police officers in the United States, would you tell the Commission  
12 the amount of your budget for the Office of Public Safety  
13 in AID?

14 MR. ENGLE: For thirty countries, it is roughly  
15 \$10 million.

16 MR. THORNTON: How much of that is Vietnam?

17 MR. ANGLE: This does not include Vietnam, nor does  
18 it include the programs in Thailand, where you have active  
19 insurgency situations in Vietnam, and an incipient insurgency  
20 in Thailand.

21 I want to make a distinction here, getting back to  
22 my point a while ago -- between the military systems program  
23 and the public safety program.

24 They work with military forces. We work entirely  
25 with civil security forces. And this is a very small fraction

1 of the amount of money that the countries spend, or that we  
 2 have enabled to get them to focus on their problems, and as  
 3 a result put more of their resources. It is very much a pump-  
 4 priming operation. And it contributes directly to our external  
 5 security.

6 <sup>Mrs.</sup> ~~MRS.~~ PEDEN: My last quesyon is this:

7 Commissioner Leary -- I notice <sup>in</sup> ~~on~~ your testimony  
 8 that you have given great focus <sup>to</sup> ~~on~~ the close link between the  
 9 police and the clergy.

10 Commissioner, is this clergy the clergy in the ghetto  
 11 area, <sup>and</sup> ~~or~~ what ~~is the~~ degree of cooperation <sup>do you get</sup> from the so-called  
 12 "uptown" clergy, ~~in assisting you?~~

13 MR. LEARY: Actually, in the latter part of the  
 14 spring we had a police-clergy conference, and it was aimed  
 15 particularly at trying to get early in the season -- to get  
 16 rapport, and to get channels of communication with the clergy.  
 17 We had approximately I think some 900 clergy representing all  
 18 the denominations in all strata of the economic community

19 Where we lost out -- not lost out, but we were amiss,  
 20 because we did not realize that we did not invite the store-  
 21 front clergy who are even in a sense closer. But this was an  
 22 oversight, and not done with any intention.

23 However, we did find that with this police-clergy  
 24 relationship, if there is anyone who is able during times of  
 25 stress -- not major stress, but where there is strain -- that the

1 clergy is able to communicate and draw them together, and  
2 have meetings, mostly in the churches themselves, where  
3 either people in the city government and/or other persons  
4 interested -- and the police are there and invited guests.

5           You have to be very careful of what the police do  
6 under those circumstances, under those moments of strain, because  
7 the people do not respond to the police urging them to meet,  
8 but they will respond to the clergy, and the stable members  
9 of the community will.

10           So one of the most important things is if you have a  
11 you do everything you possibly can to have the clergy of the  
12 area get out on the street the next day, and have meetings in  
13 the afternoon and the following evenings, to get the people  
14 talking.

15           This is so true when you have various members of  
16 the ethnic society against one another -- where you have the  
17 Puerto Rican and the Negro, or the Italian and the Puerto Rican.

18           And so we have those people getting together. There  
19 is less likelihood of something really developing.

20           MRS. PEDEN: Thank you.

21           CHAIRMAN KERNER: I have just two questions. One  
22 is a very specific and short question. The other may take  
23 a little time in discussion. It has not been touched on. I am  
24 certain all members of the Commission would like to have your  
25 reaction.

1 Cambridge, of course, is a small town. During the  
2 hot period, we had a battalion at a time, about 400 men, rotated  
3 them each week. This was a little tough, as a commander, be-  
4 cause you had to indoctrinate a new group every week. We  
5 worked that out with the Negro leadership. We said, "It is  
6 dangerous to riot on Saturday night, because we have new troops."  
7 And they went along with that.

8 But you can't always work these arrangements out.  
9 But by the rotation, we did solve it to some extent.

10 The State of Maryland also changed its law slightly,  
11 and the minimum pay for Guardsmen now is \$10 a day, which com-  
12 pensates somewhat for that fellow. He still has to pay for the  
13 icebox, whether he is away at camp or on his job.

14 I think that the Guard is adequate and competent to  
15 handle this duty. And I think the establishment of a national  
16 police force would be an extremely dangerous thing -- which is  
17 exactly what it would be.

18 CHAIRMAN KERNER: Any other questions, Mr. Thornton?

19 MR. THORNTON: Thank you. Except to say I agree with  
20 you.

21 CHAIRMAN KERNER: Miss Peden.

22 MISS PEDEN: Governor, as you know, Mr. Abel and I  
23 spent the day with staff members over at Cambridge, and some  
24 questions have come to my mind.

25 I am asking for information -- not saying that I agree

1 with what I heard there.

2 Were you invited by the Mayor or the Police Chief to  
3 come <sup>to Cambridge</sup> ~~in the 700 troops that you had there in Cambridge,~~ at the  
4 time of the incidents this summer? <sup>And</sup> what was the occasion for  
5 the 700 Guardsmen being in Cambridge that particular night?

6 GENERAL GELSTON: Well, the chronology of the thing is  
7 this: anticipating a problem, we met the week before the after-  
8 noon of the disturbance down there -- the State's Attorney, the  
9 Chief of Police of Cambridge, the State Police and myself -- and  
10 agreed on the method of escalating the Forces in there.

11 We all felt at first that the less show of force show-  
12 ing we looked for trouble, would be better. So even the State  
13 Police were not in town. They were kept two or three miles  
14 away, a force of about 100 men.

15 The idea was to see what the City police could do. If  
16 there was no need to call anybody in, fine.

17 Just by sheer chance, the National Guard unit was  
18 drilling that night in the Armory. So they happened to be also  
19 available for immediate use.

20 We did not follow the legal procedures that I mentioned  
21 here before -- there was supposed to be a proclamation by the  
22 Governor. The Governor was aware that if I got a call to bring  
23 them in, I would take them in, which I did, and the call call  
24 from the State's Attorney, Mr. William Yates.

25 Yes, the Guard was asked to come into town.

1           MISS PEDEN: Now, the Maryland State Police -- I be-  
2 lieve they <sup>numbered</sup> ~~numbers~~ were 60, or something, perhaps up to 100 --  
3 the State Police in the area. Were they under your control?

4           GENERAL GELSTON: No, ma'am; they were not.

5           MISS PEDEN: Who gave the orders to the State Police?

6           GENERAL GELSTON: Well, if I might digress just a  
7 moment -- this past performance in Cambridge pointed out to me  
8 much more clearly than ever before, the need of one person in  
9 charge.

10           In 1963, by the State law, the Guard Commander can  
11 cooperate with local authorities or take entire charge of the  
12 situation, if he deems it necessary. We did this at that time.

13           This year, under a new administration, there seemed to  
14 be more involvement of State level people in there, and I con-  
15 fine myself to running the National Guard, and I feel it was a  
16 mistake, because as I pointed out about the de-escalation, --  
17 the police were there with the shotguns. I think it would be  
18 far better if I had been in charge and if I make a mistake, the  
19 Government can fire me and put somebody else in charge.

20           MISS PEDEN: Did you find there was a problem of  
21 someone being in charge? -- The Volunteer Fire Department, we  
22 were told, refused to move because they did not have protection.  
23 The State Police at one time were going to protect them, and  
24 then that order was rescinded, ~~and~~ the school <sup>was</sup> burning, and the  
25 City councilman said that he attempted to come into the area,

1 to seek help, and as you know, the two-block area was burned  
2 down adjacent to the school. The testimony given us was that  
3 there was no one who seemed to be in command enough to give  
4 protection to the Volunteer Fire Department. Is that true?

5           GENERAL GELSTON: There is some truth in it. Actually,  
6 that night -- it was not a continuous riot after Brown spoke.  
7 In fact, there was such complete quiet, the Guard was not used,  
8 and at 12:00 o'clock they said, "Let them go home." Twenty  
9 minutes later, a policeman was shot, and they called the Guard  
10 back in. We had to wait until they got home before we could  
11 get them back. So there was a greater time length on this  
12 particular occasion.

13           I went into Cambridge immediately when we got this  
14 call. We assembled about 30 Guardsmen. Normally, I would have  
15 taken complete charge. But there were 85 State Police. I told  
16 the State Police Captain, "These 30 men are under your control  
17 until we assemble a larger force -- you take command."

18           I was in the Armory trying to assemble the Force. I  
19 heard the fire engines start out, and I assumed they had gone to  
20 the fire, which is rather an obvious assumption, but not neces-  
21 sarily true in Cambridge. In my estimation, there was no  
22 reason for the Fire Department not to go. I can see a fireman's  
23 apprehension these days about getting shot in the ghetto area.  
24 If you know Cambridge, Race Street is the white business area,  
25 Pine is a short block away and parallel to it. At that point,

1 they had 85 State Police, 30 National Guardsmen, and 10 City  
2 Police. They were just going to the fringe of the area to put  
3 the fire out. But they did not go.

4 Now, this may be an unfortunate thing about volunteer  
5 fire departments. Can you make them go? Apparently, you can-  
6 not.

7 MISS PEDEN: My final question would be this: under  
8 what circumstances -- if the Governor had issued a proclamation --  
9 would you have taken control of the State Police and the local  
10 police?

11 GENERAL GELSTON: Yes. I think we used the term,  
12 "Operational control." It is not actually command as it would  
13 be of your own unit. But you pretty much tell them what to do.

14 MISS PEDEN: You would be the decision maker.

15 GENERAL GELSTON: Yes. And assume responsibility if  
16 it was wrong. If I told them to start shooting and it was  
17 wrong, I would be the one responsible.

18 MISS PEDEN: Thank you.

19 CHAIRMAN KERNER: I have just a few questions --  
20 again, as to the moving in of State Forces, of the State Police  
21 or Guard units.

22 If my information is correct, in only one State of the  
23 50 does the Governor have the power to move in without the re-  
24 quest from local officials on breakdown of law enforcement. I  
25 believe that is as true in California as in Maryland -- so the

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1 corruption against law enforcement today. It so corrodes the  
2 attitude of the police officer -- what is the use of picking  
3 them up, and the same thing for gambling. We have arrested  
4 numbers operators at seven or eight o'clock in the morning, and  
5 go on another raid at eleven o'clock in the morning and get  
6 the same one at another stand. We arrested an armed robber,  
7 caught in the act of armed robbery not too long ago, in an  
8 armored car. We got him out of the swamps after an all-  
9 night search. We got him out of the swamps at about eight  
10 o'clock in the morning, and after the sun came up. The men  
11 took him down, and booked him in. Came back to the scene, and  
12 I sent them out to his home, to go to talk to his wife. And  
13 when they got out there, he answered the door, showered, shaved  
14 and in a fresh suit.

15 REPRESENTATIVE CORMAN: May I inquire.

16 How many instances have you had of people jumping  
17 bail and not standing prosecution? Is that a problem?

18 MR. PURDY: I cannot give you those statistics. They  
19 would be available. I do not have them.

20 REPRESENTATIVE CORMAN: I would be interested to hear  
21 them. Because people have a right to bail. If they are not  
22 standing ~~prosecution~~ <sup>trial</sup>, that is one thing. If they are that is  
23 quite another matter.

24 MR. LEARY: I would like to address myself to that.

25 We do not oppose bail, as police. But as legislature,

1 REPRESENTATIVE CORMAN: The purpose of my question  
2 was not to quarrel with the severity of penalties.

3 MR. LEARY: I think these things have to be made

4 REPRESENTATIVE CORMAN: I do not think it is an indict-  
5 ment of the judicial system that a man can be arrested and shortly  
6 thereafter back on the street. The issue is twofold. One --  
7 does he show up for trial. And secondly, after conviction,  
8 is punishment adequate for the crime?

9 MR. LEARY: What would you say in the instance of  
10 where a man goes out on bail for burglary, and before he goes  
11 to trial he is arrested again for burglary, and goes out on  
12 bail, and before he goes to trial again he is arrested for  
13 burglary and goes out on bail.

14 CHAIRMAN KERNER: Congressman Corman -- I am delighted  
15 to hear this philosophical discussion on law and order. But I  
16 am afraid the interest in this subject is taking away -- taking  
17 us away from the core and the nucleus of why we are here.

18 I am as interested as all of you are.

19 MR. THORNTON: Mr. Chairman, don't you think they  
20 are related? I do not think you can separate the two.

21 REPRESENTATIVE CORMAN: I only meant to ask the  
22 one question.

23 MR. PURDY: May I bring you back with a suggestion?

24 Commissioner Leary brought up an extremely important  
25 point, and that is the training of police administrators which

1 on you, Congressman.

2 REPRESENTATIVE MC CULLOGH: Thank you.

3 REPRESENTATIVE CORMAN: An entirely different subject  
4 matter.

5 I take it there is some difficulty, when there is  
6 a civil disorder, in this matter of communication, liaison,  
7 control, and I am wondering, Mr. Purdy, if you have had ex-  
8 perience in Dade County before they had metropolitan govern-  
9 ment there, in law enforcement. Were you there before?

10 MR. PURDY: No, sir; I was not.

11 REPRESENTATIVE CORMAN: I wondered if you had any  
12 comment about whether it is more <sup>efficacious</sup> ~~edificacious~~ for law ~~and~~  
13 enforcement in a situation where you have metropolitan government,  
14 where you have greater control over all the police forces in  
15 a given area, or if you have for instance the situation in  
16 Rochester where apparently half of Rochester is under the  
17 Rochester city polic<sup>e</sup>y, and there may be a variety of others.  
18 I would like to hear ~~the~~ comments ~~of you~~ as to the efficacy of ~~the~~  
19 ~~situation.~~ *metropolitan government*

20 MR. PURDY: Our situation is this.

21 In the event of a riot in the county -- that means  
22 anywhere in the county -- the responsibility for coordination  
23 of the riot control activity lies with my office.

24 As a matter of practical application, where we have two  
25 or three major cities within the county, if it starts in those

1 cities, the law enforcement agencies or the police department of  
2 that city would of course immediately move in to handle it.

3 I would then send liaison immediately, and at the  
4 point at which it appeared they were not able to handle it,  
5 or it might need support and backup, we of course would move  
6 in, and then in accordance with the governor's directive, it  
7 becomes my responsibility to take over the coordination.

8 Now, this sounds harsher than it is. We have liaison  
9 with the law enforcement agencies within the county. We have  
10 issued blanket deputization for all police in the county that  
11 become automatic in case of riot if I call them up.

12 So it is a matter of coordinated effort.

13 We have a central command post set up in our depart-  
14 ment -- the overall command post -- and this type of thing.

15 The governor has also made it clear in our state  
16 that if the Highway Patrol, or if the Guard moves in, they will  
17 be under the direction of my office for assignment.

18 Now, for the manner in which they carry out those assign-  
19 ments, they are responsible for their acts, of course. But  
20 their assignments would come out of my office.

21 REPRESENTATIVE CORMAN: Do you have any advise for  
22 comparable metropolitan areas where there is no jurisdictional  
23 capacity for a single command, such as Los Angeles? Do you think  
24 the fact that you have the capacity for a unified command is  
25 advantageous to you?

1 MR. PURDY: Yes, I do. I think that in most communities  
2 where this does not exist -- now, as Chief of Police in St.  
3 Petersburg, we were not able to rely on a county agency to  
4 do this in what we felt was a satisfactory manner. And so we  
5 established this liaison among the chiefs of associations of  
6 the county, and our policy and procedures were set up, and we  
7 had legal rulings in advance as to liability and coverage of  
8 men who went from one jurisdiction to another. And this type  
9 of arrangement is made in many areas throughout the country.  
10 Where there is a state police agency -- and I can cite  
11 Pennsylvania, for example -- when there was a condition in  
12 Philadelphia, we left it to the Philadelphia police to handle.  
13 Obviously they had more men, they were on the scene. But we  
14 did send liaison in so that if Commissioner Leary at that time  
15 needed our help all he had to do was say so, and we would give  
16 him whatever assistance we could.

17 But I think in most instances this has worked out on  
18 a cooperative basis, and perhaps not always satisfactorily. But  
19 the effort is being made.

20 REPRESENTATIVE CORMAN: Do you have any comments,  
21 Chief Lombard?

22 MR. LOMBARD: I think your question was with reference  
23 to metropolitan law enforcement in a county-wide area. Director  
24 Purdy, I think, indicated that he is -- he has county-wide juris-  
25 diction. But they still have city police departments functioning

1 independently. We have the same thing in Monroe County. Our  
2 sheriff of Monroe County is the chief law enforcement officer.  
3 And we work cooperatively in any kind of an emergency situation.  
4 In the event we need the additional resources of the State  
5 Police, it is understood that with the approval of the Governor  
6 of New York State, the State Police coming into our jurisdiction  
7 would be the overall command, not only of the total police  
8 resources, but also the National Guardsmen.

9 REPRESENTATIVE CORMAN: One final question of Commis-  
10 sioner Leary. I take it you have had experience both under  
11 police review boards and other systems. Would you give us your  
12 evaluation of the usefulness of civilian police review boards  
13 and would you care to comment on any shortcomings they may have?

14 MR. LEARY: Of course, you can understand the resent-  
15 ment of the police community towards the civilian review board,  
16 because I am sure that you would find the same resentment if  
17 we asked the civilian review board to review the ethical conduct  
18 of lawyers, or of doctors, or of engineers. And of course a  
19 great deal of the reason for the police review board, civilian  
20 review board, was the charge of police brutality.

21 In Philadelphia the reason for it was principally  
22 brutality.

23 They found they were not getting sufficient cases,  
24 complaints, in the basis of police brutality. So they increased  
25 it to violations of search and seizure with or without a warrant.

1           Now, we have great numbers of police people, and  
2 we have great numbers of civilians who think if you talk in  
3 terms of civil rights and the rights of people, and you talk  
4 in a positive vein, that you are expounding the cause of the  
5 Negro. So the policemen, as well as a good number of our  
6 civilians, should have a refresher course in the Bill of  
7 Rights, in our Constitution, in early American United States  
8 history -- not only for the young fourth and fifth grader,  
9 that Purdy has mentioned, but also for our police people.  
10 And until we bring into the police academy what in a sense he is  
11 trying to do, and what we are doing to some degree in New York,  
12 and not sufficiently -- you have to bring right into the  
13 police academy the professional teacher -- so that the police-  
14 man has in the first blush, in the first acquaintance with his  
15 training program, standards offered to him that are community  
16 standards for police.

17           When you have a hundred per cent or 90 per cent of  
18 the instructional staff in your academy or your in-service  
19 training that are police persons, all that the policemen get  
20 is the standards that the police have for the police. And there  
21 is no real, as I said earlier, materials written in the language  
22 that the policeman can understand and appreciate.

23           REPRESENTATIVE CORMAN: Thank you.

24           CHAIRMAN KERNER: I think Miss Peden is next.

25           MRS. PEDEN: I yield to the Congressman. He may

10 1 the budgets, and also by the strength authorization of the various  
2 categories of units as authorized within the states. It is  
3 absolutely true that there are waiting lists I would imagine  
4 in every state in the United States. So there is no lack of  
5 people who wish to join up with the Guard. It is the fact that  
6 we cannot accept them.

7 REPRESENTATIVE MC CULLOCH: Is it the rule that the  
8 enlistees are accepted in accordance with the time they make  
9 application for membership?

10 GENERAL GELSTON: Not a hundred percent, sir, because  
11 there are four priorities, I believe, of enlistment. One is of  
12 course prior service. The person has a priority. The second  
13 is under 18-1/2 years of age. The two others I have forgotten  
14 the exact wording. However, if an individual comes along with  
15 a special and specific skill that is needed in the organization  
16 -- this does occur in some of the more technical groups -- he  
17 can be jumped ahead.

18 REPRESENTATIVE MC CULLOCH: Subject to these exceptions,  
19 though, the applicant is accepted in accordance with the order of  
20 his application.

21 GENERAL GELSTON: Yes, sir.

22 REPRESENTATIVE MC CULLOCH: Thank you.

23 REPRESENTATIVE CORMAN: Under this reorganization, does  
24 this mean that the National Guard is going to have less service  
25 troop units or more service troop units?

1           GENERAL GELSTON: The one they gave us in July put all  
2 the combat organizations in the Guard with just that necessary  
3 support -- and all the other support units in the Reserve.  
4 USAR -- anyway, it was changed. The first request was that a  
5 brigade of combat troops be given to the Reserves. When the  
6 plan came up I think there were three brigades and some  
7 associated units that went into the Reserve, and quite a number  
8 of these battalions came out of the former allocation that was  
9 made to the Guard. And then they gave the Guard back some of  
10 the service-type troops, such as this unique company I just  
11 discussed. So that again we get back pretty much the same mixed  
12 bag that we have now.

13           REPRESENTATIVE CORMAN: General--

14           MR. THORNTON: Jim, this is a political thing out on  
15 the Hill. That is the problem.

16           REPRESENTATIVE CORMAN: General Gelston, I take it  
17 Cambridge is quite different from the normal civil disorder we  
18 think about, where an incident causes a rather large explosion  
19 that runs its course in six or seven days. I am not sure --  
20 when we started out this discussion, I didn't understand. You  
21 were there for a ~~great~~ number of months. Tell us just a little  
22 bit about what the forces were that prolonged this civil disorder  
23 and what your role was in attempting to diminish the tension,  
24 short of having to use force, which I take it you succeeded in  
25 doing.

112 GENERAL GELSTON: Well, Cambridge has 13,000 people of  
2 which 4,000 are Negro. It is a town that has been a little bit  
3 cut off until about the last 25 years, first by the Chesapeake  
4 Bay and then by the river. And it has a philosophy of living  
5 quite different from the rest of the State of Maryland.

6 REPRESENTATIVE CORMAN: Not a part of a larger metro-  
7 politan area.

8 GENERAL GELSTON: No, sir. It is a shopping town and  
9 a port, normally a rural area. A leader arose locally, Mrs.  
10 Gloria Richardson, several years ago, and they started out with  
11 the Freedom Rides in 1962, and then in 1963 they started  
12 demonstrations which were nonviolent, but the reaction from the  
13 other inhabitants of the town was somewhat less than that. It  
14 broke out into pitched battles. As they increased they started  
15 fires and shooting, and the Guard moved.

16 REPRESENTATIVE CORMAN: May I inquire what the role  
17 of the police was up to that time?

18 GENERAL GELSTON: They did the best they could. They  
19 have a 21-man police force to man three shifts, seven days a  
20 week. Cambridge -- of that 21, five are Negro policemen. I  
21 don't think it has ever been heard of one of them arresting a  
22 white wrongdoer. But they do have them. And they did the best  
23 they could to maintain order. But it got out of control. The  
24 State Police went in with 150 or better. It was apparently  
25 beyond their capabilities, too.

13 1 Richardson apparently thought of this and no other civil rights  
2 leader has -- she deliberately kept the Guard in Cambridge.  
3 When we would get the situation calm and I would say "I think  
4 we can take the Guard out," she said "The minute you do we will  
5 demonstrate." She kept attention focused down there, and the  
6 costs were mounting -- the cost was a million dollars for that  
7 23 months to maintain the Guard.

8 I know it was a very deliberate tactic on her part.  
9 I think we are extremely fortunate nobody else has thought of  
10 it. I can see them keeping that crowd in Los Angeles for 10  
11 or 15 months.

12 But when it was apparent that the Administration --  
13 they would not sit down and talk with this group. Now they  
14 have a colored member of the City Council and they thought he  
15 adequately represented all the people in the Negro area.

16 REPRESENTATIVE CORMAN: Is it that the Negro demon-  
17 strators would not talk with the city authorities or vice  
18 versa?

19 GENERAL GELSTON: Vice versa. They came to me. While  
20 I could not get anywhere with the city authorities, I could get  
21 them to see representatives of the State or to see Senator  
22 Kennedy. Action was almost handled on a Federal level rather  
23 than a municipal level.

24 REPRESENTATIVE CORMAN: A different subject -- it  
25 seems to me that there is such a difference in the kind of

1 tactics, probably weaponry and everything else that go into a  
2 normal combat situation where your object is to destroy <sup>the enemy</sup> and  
3 the problem of overcoming civil disorder in the street, where  
4 your object is almost the exact opposite. Is it efficacious to  
5 anticipate that the same units, the same training and same  
6 weaponry will perform both of those roles?

7 GENERAL HOLLIS: I have to agree, sir, they are two  
8 decidedly different problems. I would point out that the nature  
9 of some of our civil disturbance this summer has been rather  
10 hostile. The introduction of sniper fire, the fire bombs and all  
11 this sort of stuff, perhaps dilutes the basic matrix that you  
12 have established here.

13 I can only say that the soldier who is well disciplined  
14 is a priceless asset. I would further say that a command which  
15 has effective leadership in the chain of command -- this is the  
16 key to it -- it is even more important than any implied training  
17 program that might have gone on before.

18 If this kind of dynamic leadership is present, then  
19 the job which the individual soldier is taught in the schooling  
20 of the soldier, the qualities that he has learned in the school-  
21 ing of the soldier, I think are appropriate to the question of  
22 crowd control. The soldier does what he is told beginning at  
23 the basic position of the soldier, the school of attention.  
24 And from there he moves forward under the orders of his leaders.

25 I do not think we have a better means in the military

1 service thus far than assuring that the basic objective is  
2 carried out than the highly disciplined soldier who does what  
3 he is told, provided he is well led by his superiors.

4           REPRESENTATIVE CORMAN: <sup>Is</sup> ~~Was~~ it a reasonable burden to  
5 place on a man who is going to serve two hours a week, two weeks  
6 in summer, to expect him to develop efficient professional skills  
7 to perform both those rather drastically different obligations?

8           GENERAL HOLLIS: I think, sir, it is a great burden  
9 on him. As to its reasonableness, I really am not in a position  
10 to say because I am a member of the active establishment and I  
11 don't think I am qualified to say. I would simply say that in  
12 the world in which we live today it seems to be a necessity and  
13 a part that all patriotic soldiers are called upon to accept.

14           GENERAL GELSTON: My feeling on this is, yes, sir, they  
15 can. Going back to the fact that I think the tactics and the  
16 technique of this type of action are rather a minor part -- and  
17 mostly of the same things they are getting in their normal  
18 training, which is training for the Federal mission. Again  
19 the leadership and discipline they get in any type of training  
20 is going to prepare them for this.

21           While I do think we certainly should have at least what  
22 we have now on the tactics and techniques and the psychology and  
23 so forth, I think that the basic thing, the leadership and  
24 discipline they get from any type of military type of training  
25 they are undergoing. It is quite a burden. There was a vast

1 individual is concerned, to do whatever job he may be called upon  
2 to perform.

3 REPRESENTATIVE CORMAN: Thank you very much.

4 CHAIRMAN KERNER: Any further questions?

5 MR. MC CURDY: This control of riots seems to be a  
6 little different, I think we all agree, from the usual duties  
7 of the National Guardsman and of members of the Armed Services.  
8 It apparently takes a certain expertise. The National Guardsmen,  
9 it has been said, are often a group of civilian youngsters who  
10 are normally for most of the rest of the year off on their  
11 individual pursuits -- private jobs, supporting families and so  
12 forth. And that often when they are called on this type of  
13 situation they have inadequate materials.

14 My question is to either of you two gentlemen, General  
15 Hill or General Gelston -- who is it that furnishes this neces-  
16 sary expertise in controlling the riot situations into which you  
17 are called? That is, as to the training in riot control -- the  
18 expertise that it takes that is different from what is ordinarily  
19 learned in your normal training.

20 GENERAL HILL: If I may partially answer that question.

21 Prior to our emergency, our really first serious one  
22 in Los Angeles, we were following a training schedule put out by  
23 the Continental Army Command which I believe had in it three  
24 hours of training in riot duty. This seems like a small number  
25 of hours, but it must be considered in the light that a soldier

1 their help, I wouldn't care whether it was challenged or not,  
2 if the job got done. In an area such as this, I think all of  
3 the Governors would cooperate with one another. I have always  
4 found it to be so. And let me say political considerations  
5 have no effect on it whatsoever.

6 MR. THORNTON: You would have to have the standby  
7 authority. You could not call the Legislature into session if  
8 you had a city burning.

9 CHAIRMAN KERNER: If the Legislature were in session,  
10 I think it would almost have to go them on an emergency basis  
11 to give you the authority immediately.

12 MR. THORNTON: That delay in getting that, just like  
13 the General said -- might require a thousand troops to come in  
14 where the extra hours might require 5,000 men to do the same  
15 thing.

16 CHAIRMAN KERNER: I realize that, but the vehicle is  
17 here. Certain Governors have been asking that a vehicle be  
18 produced. It is in existence. I think this Commission should  
19 know of that fact.

20 REPRESENTATIVE CORMAN: I would assume if General Hill  
21 had had a couple of regiments of the Oregon National Guard  
22 standing by to help in San Francisco, he might have been more  
23 comfortable than he was.

24 MR. THORNTON: He had Federal troops behind him.

25 GENERAL HILL: That brigade at Fort Lewis made me