LAW ENFORCEMENT AND THE
EMERGING NATIONS

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Rodger L. Hoff
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LAW ENFORCEMENT AND THE EMERGING NATIONS

By

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AN ABSTRACT OF A THESIS

Submitted to the College of Social Science
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AN ABSTRACT

There is a revolutionary fervor in the world today -
a quest for self-determination - 'a revolution of rising
expectations.'   The Emerging Nation is a product or mani-
festation of this social movement. Social order in the
Emerging Nation is the target of recurring dissident elements
within the society which seek to overthrow the existing
legitimate governments.

The objective of this research was to relate the
role of law enforcement (a basic social institution in the
Emerging Nation) as a primary means for providing the social
order necessary for a legitimate government to progress
toward nationhood.

The problem was approached under the theory that law
enforcement is cross disciplinary; that fundamentally law
enforcement in its broadest sense permeates the entire
society. And that to achieve a fundamental understanding of
law enforcement, any field of study that adds to the knowl-
edge of people and the society they live in, should be
investigated. Therefore, the basic plan for this research
was based on a historical - political - philosophical survey

of the literature, within a frame of reference developed from personal observation of law enforcement in the Emerging Nations of Africa and the Middle East.

The first item of investigation was to relate the place of law enforcement to the society. A social-anthropological investigation of the origins of law enforcement verifies the hypotheses that law enforcement is a product of the society, in that law and law enforcement although rudimentary in nature were necessary for social existence. Law enforcement represents man's relinquishing individual for group values. Two extreme systems emerge on the continuum of ways various societies developed for enforcing laws. These are Community Law Enforcement, the Anglo-American system where the police are merely an extension of the individual's right to police himself, and the Ruler Appointed Law Enforcement Systems, where the police are an extension of the ruler's or government's power to enforce laws. It seems, based on an investigation of these two systems, that the relation of law enforcement to the people - its status or position - depends on the type of system the society developed. It is also indicated that the law enforcement system the society developed is generally the most viable for that particular society. The Anglo-American

concept of law enforcement is not necessarily valid when

considering law enforcement in the Emerging Nations of

Africa, Asia and Latin America.

To understand the role of law enforcement in the

Emerging Nation, the phenomena of the Emerging Nation was

investigated. Research indicates that the Emerging Nation

is generally a geographical area, with a legitimate govern-

ment, that is still in the process of trying to elicit the

necessary social consensus and cohesiveness for nationhood

in the classical sense. The Emerging Nation is beset with

social, economic, and political problems. The governments

and people are seeking a better life, and modernization,

but are frustrated by social and economic problems. The

traditional, familiar way of life is in conflict with

modernization. Many dissident elements in the society

are the result. These dissident elements become insurgents

and react by seeking to overthrow the legitimate government

which stands as a symbol of their problems.

International Communist doctrine is investigated

because it calls for violent overthrow of existing non-

communist governments. Communism, although not a cause of

insurgency, stands as a threat to the Emerging Nation.

Communist doctrine, tactics, and organization, are used to

weld the dissident factions together and provide a united force that threatens social order and government stability.

Insurgent activity takes the form of violence, terror, murder, extortion, arson, etc., any and all means to create social disorder. Since it is criminal in nature and is aimed at social disorder, law enforcement, whose function is to maintain social order, should be a primary agent for countering the insurgent. A historical investigation of counter-insurgent operations generally substantiates this premise.

A survey of national police forces in the Emerging Nations tends to demonstrate the relation of law enforcement to the government and people. The police forces are national-central in organization and tend to fall on the continuum toward the Ruler Appointed extreme. They represent a major power in government and society. By fulfilling its Social - Political - Administrative - and Tactical roles, law enforcement stands as the primary institution for providing social order and countering dissident elements, providing the secure environment necessary for government stability.

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PREFACE

The point of view, ideas, and conclusions expressed
in this thesis are those of the author and do not necessarily
reflect the policies or views of the United States Army,
the Military Police Corps, or the School of Police Adminis-
tration and Public Safety, Michigan State University.

ACKNOWLEDGMENTS

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INTRODUCTION

As a world power the United States, historically and
currently, officially and unofficially, exercises a signifi-
cant influence on the course of the Emerging Nation. From
the university campus to the highest levels of the federal
government this influence is transmitted around the world.
In the field of law enforcement, the opportunity for con-
structive influence is great. Because of this, it is felt
that an understanding of the historical significance of law
enforcement as a principal means to solve many of the
current problems of nation building is not only important,
but vital. Viable law enforcement is able to provide social
order; maintain the necessary secure base; insure the public
safety; and counter the forces of insurgency, enabling the
government of the nation to follow a course of self-determin-
ation.

I.   THE PROBLEM

Statement of the problem. It was the purpose of this
study to examine, in view of the social political climate,

the law enforcement role in the growth of a nation by pro-
viding security and stability to the people and government.

The approach to the problem was based on the theory
that the subject area of law enforcement in its broadest
sense, transcends any one discipline. It is felt that law
enforcement as a primary means of social control permeates
all facits of society. To approach an understanding of law
enforcement, one must consider any and all sources of
information which add to one's knowledge of people and the
world in general. Law enforcement in general, and particularly
in regard to this study, is inter-disciplinary. Law enforce-
ment cannot be understood solely in terms of administration,
law, criminology, police science, public safety, etc.
Therefore, although the viewpoint is that of law enforcement,
the frame of reference for this study must include sources
from cultural anthropology, history, social science, philosophy,
political sociology, political science, international
relations, jurisprudence, law enforcement administration,
criminology, community relations, and military science.
It should be valuable to view all the various phenomena
concerning the origin of the community, problems of the
Emerging Nation, insurgency, et al., from a law enforcement
perspective.

II. HYPOTHESES TO BE INVESTIGATED

Inherent in the basic problem are two basic hypotheses that will be investigated. The first is that law enforcement is a product of the community it serves; it represents and reflects the cultural values and ideals of that community as conditioned by the existing government if the government does not reflect the national cultural desires of the community.

The second hypothesis is that the law enforcement activity in an Emerging Nation is a basic and primary means for attaining and maintaining the security and public safety necessary for the existing government's stability and development.

III. BASIC ASSUMPTIONS

Since the problem is of such a complex nature, certain basic assumptions need to be established as a frame of reference for the research. The basic assumptions are that:

A return to the origin and nature of the community, law, and the enforcing of laws within the community is necessary to understand the position or relation of law enforcement within the modern community.

The basic function of law enforcement is to promote social order.

If the cultural heritage and values of a community reflect the place and meaning of law enforcement in the society - each society has a distinct social heritage thereby spawning different law enforcement systems - the place and scope of law enforcement in the community validly should vary, depending on the society that gave birth to it and which it represents.

Law enforcement represents the status quo.

Since law enforcement reflects the society from which it originated, the scope, position, and values of law enforcement change only with changes in the cultural values of the society.

Law enforcement cannot be lastingly imposed on a society.

Law enforcement is a basic social institution for social control.

In the Emerging Nation, the law enforcement activity represents a major power.

Viable law enforcement is essential for the social control necessary to enable a nation to develop according to its self-determined course.

Effective, efficient law enforcement is the primary institution to counter those movements or dissident factions from within or without, whose aim is to subvert or replace the existing lawful government.

IV. METHODS OF RESEARCH

A historical and philosophical survey and review of the literature, library research, and personal observations in various Emerging Nations were the basic methods used to investigate the problem. Library research was the primary

method of collecting the necessary material. This involved

an examination of historical law enforcement, sociology, and

political science sources for the background and origin of

the developing community, laws, and means of enforcing laws.

This was supported by a survey of professional-academic

periodicals for current law enforcement trends in the Emerging

Nations, and a review of current research in related fields;

supported by a frame of reference developed by observation

of the Emerging Nation; its society, problems, politics,

and law enforcement, from 1957 to 1960 in Africa and the

Middle East.

V. LIMITATIONS TO THE STUDY

Rather than a finite study of one or several countries,

this research is intended to present a survey and compilation

of available sources, examined in the context of the frame

of reference. Material on law enforcement in the Emerging

Nations is extremely scarce, and what is available is re-

leased by the various governments of the nations themselves;

therefore, perhaps lacking objectivity. It is felt that a

more objective view of the Emerging Nation, law enforcement,

et al., can be obtained and certain constant factors isolated

by not limiting the research to particular countries or areas
of the world.

VI. DEFINITIONS OF TERMS USED

Emerging Nation: Any western or non-western state
which attained sovereignty within the post World War II
period, or an existing state emerging from the traditional,
agrarian, or tribal society, to central government, or urban,
industrial complex. This includes all states either assert-
ing nationhood based on independence from colonial status,
or existing in a semi-feudal agrarian, peasant, or tribal
status; asserting nationhood by tradition, technological
advances, and/or centralized, semi-representative governments.

Insurgency: The attempted modification of an existing
political order, at least partially by the unconstitutional
or illegal use, or threat of use cf force.

VII. ORGANIZATION OF REMAINDER OF THESIS

In order to gain a perspective of the relation of law
enforcement and society. the first portion of the research
is, in Chapter II, a return to the origin of the community,
law. and law enforcement.

Chapter III and Chapter IV contain an investigation of the development of the various law enforcement systems, i.e., Community Developed law enforcement in Chapter III, and Ruler Appointed law enforcement in Chapter IV. This is an effort to determine if law enforcement is a product of the people.

Chapter V is a discussion of law enforcement and society. It is felt that such background will place the law enforcement function in the perspective of a social institution, stemming from the society that spawned it. This should add to an understanding of law enforcement in the modern community, adding insight into what law enforcement in a society is or can be.

The objective is to relate law enforcement to the modern Emerging Nation, as a primary means of maintaining the necessary social order for self-determination. Armed with the insight of law enforcement's relation to society, the next item of investigation, in Chapter VI, is the modern Emerging Nation. This is an effort to determine the nature, characteristics, problems, and deficiencies which effect the basic social control of these semi-nations.

Chapter VII relates the various factors which work against order and authority in the Emerging Nations.

International Communism is not a cause but rather
an effect of social disorder.   It provides a strong
organization, and is involved in adding to social disorder
in many Emerging Nations.   Communist doctrine, as it
applies to insurgency - subversion - undermining
security and order, is investigated in Chapter
VIII.

In order to place the law enforcement role in counter-
ing the insurgent or maintaining social order in the Emerging
Nation in perspective, an attempt is made in Chapter IX,
to determine the outward manifestations of insurgency and
how it can create social disorder.

Chapter X is an attempt to determine. based on
historical cases, if the law enforcement function is a means
to counter the insurgent and maintain social order, thereby
stabilizing the government.

The final step, in Chapter XI, is to survey selected
law enforcement systems in the Emerging Nations, to determine
their functions and place within the society they serve; in
an effort to better understand what law enforcement in the
Emerging Nation is, and what it can be.

CHAPTER II

ORIGIN OF THE COMMUNITY AND LAW ENFORCEMENT

Man is by nature a political animal . . . . A
social instinct is implanted in all men by nature,
and yet he who first founded the state was the
greatest of benefactors. For man, when perfected,
is the best of animals, but when separated from law
and justice, he is the worst of all; since armed
injustice is the most dangerous, and he is equipped
at birth with arms, meant to be used by intelligence
and virtue, which he may use for the worst ends.
Wherefore, if he have not virtue, he is the most
unholy and the most savage of animals, and the most
full of lust and gluttony. But justice is the
bond of men in states, for the administration of
justice, which is the determination of what is just,
is the principle of order in political Society.
ARISTOTLE.[1]

The first and most essential requirement of life
in a civilized community is protection from crime
and open force and violence. The criminal law deals
with offenses after they have been committed, the
police power aims to prevent them.[2]

Is law enforcement a product of the community it

serves; does it represent and reflect the cultural values

and ideals of that community? This is the first, and basic

question that must be investigated. Each community developed

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[1]Aristotle, _Politica_, translated by Benjamin Jowett in
The Basic Works of Aristotle, cited by Seymour Martin Lipset,
Political Man (Garden City, New York: Doubleday and Company,
Inc., 1963).

[2]Ernst Freund, _The Police Power Public Policy and
Constitutional Rights_ (Chicago: Callaghan and Company, 1904)
p. 87.

according to the environment and basic characteristics of

its people, therefore, no two communities are alike - each

developed values, ideals, ways of life according to the

experiences of its existence. Each community discovered that

to insure its existence, certain rules of conduct were

necessary. This involved curtailing a modicum of individual

freedom for the good of the group; and finding means to insure

compliance with these 'rules of conduct' and 'rules for group

existence.'

> All that makes existence valuable to any one,
> depends on the enforcement of restraints upon the
> actions of other people. Some rules of conduct,
> therefore, must be imposed, by law in the first
> place, and by opinion on many things which are not
> fit subjects for the operation of law. What these
> rules should be, is the principal question in human
> affairs; . . . . No two ages and scarcely any two
> countries, have decided it alike; and the decision
> of one age or country is a wonder to another.[3]

The various primitive societies found different ways and means

of securing compliance with the law - depending on all the

various social factors of this developing society. Law then,

is a basic necessity of human existence. Man was never able

to exist alone. His first requirement was a mate, which

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[3]John Stuart Mill, The Six Great Humanistic Essays of
John Stuart Mill (New York: Washington Square Press, Inc.,
1963), p. 131.

established the family group - the basis of all communities.
Whether to facilitate the gathering of food, or as protection
from animals and other men, or merely in order to survive
nature itself, family groups banded together. Regardless
of specific reasons, it is certain that their very existence
depended on mutual support. Rules or laws, although rudimen-
tary in nature, immediately proceeded this grouping of
individuals. In fact, only through the most elementary rules
or laws was a grouping possible - making existence and
survival possible.

Each society has a system of social control, and all,
but the very most primitive, have systems of behavior and
institutions that are in reality laws.[4] W. G. Sumner observed
that 'societal regulation' is one 'of the life necessities'
of society 'indispensable for societal maintenance.'[5] The
first regulation of human conduct was probably imposed un-
consciously and anonymously by the habits and customs of the
society. Later as the society developed, these habits and

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[4]E. Adamson Hoebel, The Law of Primitive Man (Cambridge:
Harvard University Press, 1954), p. 4.

[5]W. G. Sumner, Folkways, A Study of the Sociological
Importance of Usages, Manners, Customs and Morals (1906),
and Sumner and A. G. Keller, The Science of Society (1927),
cited by Georges Gurvitch, Sociology of Law (New York:
Philosophical Library, Inc., 1942), p. 22.

customs became regulations or laws for succeeding generations to follow.[6] This same inter-relation of law and society is found historically in the various philosophical schools of jurisprudence. The 'Natural Law' advocates felt that new laws were or are not really created, they were or are merely a recognition of what existed as law already - not as an ideal moral rule - but as a custom of popular action having roots in the spirit of the people.[7] Friedlander, one of the 'Historical Jurists,' in Juristiche Encyklopadie, said that:

> Right and law are a product of the will of the people. But a people only wills what expresses its stage of civilization and its needs for the time being. Therefore, right and law develop in space and time.[8]

Justinian or Roman Law recognized custom as a basis of law, in that it states that the authority of long usage or customary law, stands legally upon the same plane as an enacted law. The Germanic Laws of western Europe, were written laws of the customs of the people in a stage when religious usage, social customs and traditional modes of

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[6]Ibid., p. 21.

[7]Savigny, Systems des heutigen Romischen Rechts, 1 & 7 (1840), cited by Roscoe Pound, Law and Morals (Chapel Hill: The University of North Carolina Press, 1926), pp. 14 - 15.

[8]Friedlander, Juristiche Encyklopadie (1847), cited by Roscoe Pound, Law and Morals, p. 18.

decision merged into a precept of social control. The common

law of all civilized countries rests upon the customs of the

society.[9]

> Customs grew; they were not made to order.
> Therefore law also grew; it was not made. The
> function of legislation was only to 'restate,'
> to promulgate, to give a better ordered, system-
> atically arranged statement, reconciling incidental
> inconsistencies.[10]

Law as a means of attaining order is the most highly refined

method of control used by a society.[11]

> . . . law consists of a specially demarked set
> of social norms that are maintained through the
> application of 'legal' sanctions. The entire
> operating system of sanctioning norms is what con-
> stitutes a system of social control. Law as a process
> is an aspect of the total system of social control
> maintained by a society.[12]

> . . . the legal order is the most conspicuous
> and most effective form of social control. All
> agencies of social control operate under the
> scrutiny, and in subordination to the exigencies,
> of the law. Religion, the internal discipline
> of the group of kindred or its analogues, and
> social customs, which were the efficient agencies
> of social control in antiquity, have gradually
> yielded their leadership as regulative systems to
> the claims of politically organized society. But

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[9] Roscoe Pound, Law and Morals, pp. 20-21.

[10] Ibid., p. 21.

[11] E. A. Ross, American Journal of Sociology (1896-1898),
and Social Control, A Survey of the Foundation of Order (1901),
cited by Georges Gurvitch, Sociology of Law, p. 24.

[12] E. Adamson Hoebel, The Law of Primitive Man (Cambridge:
Harvard University Press, 1954), p. 15.

in the beginnings of legal development, in what we
may call the pre-legal stage or the stage of primitive
law, religion, law and morals are undifferentiated
in a simpler social control that precedes the rise
of the political organization and of religious
organization. As late as the fourth century before
Christ, after the city-state had achieved a high
degree of political development, the Greek word
$\gamma\delta\mu o\varsigma$, which we translate as 'law,' was used in-
discriminately, often by the same author, to mean
traditional religious usage or observance, traditional
social custom, traditional moral ideas, law (or
rather social control) in general, and a particular
enacted legal precept. We must remember that the
first legislation is but a publication of received
tradition.[13]

Man depended on the rules or laws of this primitive

society for the survival of the group, but what of the indi-

vidual who did not follow the rules, who broke the laws? To

insure the survival of the individual and his group, man

devised ways to enforce the laws of the group. Consequently

these concepts of enforcing laws became a primary means for

group survival - a primary and fundamental institution in the

cultural heritage of the society. Laws were necessary and

basic to man's survival, but if there was no compliance with

the laws, the group was doomed - hence enforcing compliance

with the law was and is the basis of group existence.[14]

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[13]Roscoe Pound, <u>Law and Morals</u>, pp. 25-26.

[14]Charles Reith, <u>The Blind Eye of History</u> (London:
Faber and Faber, Limited, 1952), p. 14.

More communities have perished by their inability
to enforce laws than have been destroyed by nature
or hostile aggression. In the history of communities,
absence or weakness of effective law-enforcement
machinery can be seen to be, very frequently, the
true cause of failure in battle.[15]

[Police power is the] ". . . power of promoting the

public welfare by restraining and regulating the use of

liberty and property."[16] Two characteristics of police power

are that it ". . . aims directly to secure and promote the

public welfare, and it does so by restraint and compulsion."[17]

"Public policy assumes the superiority of social over indi-

vidual interests."[18] The various primitive societies found

different ways and means of securing compliance with the

law - depending on all the various social factors of this

developing society. The police today represent a current

extreme of this continuum of society's desire to insure its

existence. The foundation of the police in society can be

traced to, and is inseparable from the very origin of the

human community - police are the result of man's desire to

survive. Samuel Johnson said that ". . . the danger of un-

bounded liberty and the danger of bounding it have produced

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[15]Ibid., p. 15.

[16]Freund, op. cit., preface.   [17]Ibid., p. 3.

[18]Ibid., p. 11.

a problem in the science of government which human under-

standing seems hitherto unable to solve."[19] O. W. Wilson

says that:

> Both unbounded liberty and its restrictions place
> basic human rights in jeopardy. Unbounded liberty
> jeopardizes the security of life and property and
> indeed, the security of our free society. Were
> this not so, there would be no need to place any
> restrictions on liberty. Restricting liberty, on
> the other hand, jeopardizes the basic human right
> to freedom in movement and conduct.[20]

It is evident that some liberty must be sacrificed for the

sake of security - law is the compromise.[21] Police represent

man's supreme compromise, a restriction of his individual

liberty or freedom for the well being of the group.

> . . . every one who receives the protection of society
> owes a return for the benefit, and the fact of living
> in society renders it indispensable that each should
> be bound to observe a certain line of conduct towards
> the rest.[22]

Since societies differ in origin, values, ideals - each with

a distinct social heritage; since law and law enforcement are

so basic to and inseparable from the development of the

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[19]O. W. Wilson, "Police Arrest Privileges in a Free
Society," cited by Claude R. Sowle, Police Power and Indi-
vidual Freedom, The Quest for Balance (Chicago: Aldine
Publishing Company, 1962), p. 21.

[20]Ibid.

[21]Ibid., p. 22.

[22]John Stuart Mill, op. cit., p. 131.

society - the cultural heritage and values of the community
reflect the place and meaning of law enforcement in that
society; therefore, the place and scope of law enforcement
in the community should vary depending on the society that
spawned it, and which it represents.

A return to the origin and nature of the community,
law, and the enforcing of laws within the community is
necessary to understand the position or relation of law
enforcement within the modern community. The means of secur-
ing compliance with the law took various forms in the various
groups. The first means of enforcing laws was very likely
through group dependence or group pressure; probably followed
closely by banishment from the community.[23] Other forms of
compliance were elicited by loyalty, fear of supernatural
forces, punishment, or physical force. As primitive societies
became more complex and the more fundamental methods of
enforcing laws became less effective, each developed more
formal law enforcement systems, representing the needs,
values, ideals and environment of the community. It is
relevant to note and discuss further, type examples - extremes

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[23]Edwin H. Sutherland and Donald R. Cressey,
Principles of Criminology (sixth edition; Chicago: J. B.
Lippincott Co., 1960), p. 82.

on the continuum of ways various developing societies

secured compliance with their 'rules for group existence.'

At one extreme was the group leader, who without

losing any of his existing power, conferred on the community

as a whole, the responsibility for enforcing compliance with

the law. Thus the burden of enforcing laws for group

survival was delegated to the people.[24] At the other end

of the continuum was the group leader who secured the strong-

est men to represent him - to insure that his laws were

complied with. With the authority of the leader - in the name

of the leader, these men were to seek out and punish those

who did not comply with the laws of the group. In effect,

this was an extension of the leader and his personal power

to enforce the laws.[25] For convenience of discussion, these

two systems have been termed respectively, Community Law

Enforcement and Ruler Appointed Law Enforcement.

> It seems impossible to find in history a single
> instance of a community which flourished and survived
> for any appreciable length of time, and was inde-
> pendent of the need of some police force or law-
> enforcement machinery . . . .[26]

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[24]Reith, op. cit., p. 19.

[25]Richard Harrison, The Story of the World's Police
(London: Phoenix House, Ltd., 1955), p. 11.

[26]Reith, op. cit., p. 178.

CHAPTER III

THE DEVELOPMENT OF COMMUNITY LAW ENFORCEMENT

Community Law Enforcement, the system wherein the
people within the community assumed responsibility for making
and securing compliance with the 'laws of group survival,'
spread rapidly, widely and concurrently in developing primi-
tive societies throughout the world. Some authorities suggest
that this police system predates the formation of armies.
Traces of this system can be found in ancient China and India.
Early records indicate its existence in the German tribal
communities of Central Europe during the rise of the Roman
Empire.[1]

The family as the basic unit of the community was also
the basic unit of this system of law enforcement. Family
representatives and later group representatives became
responsible for enforcing the law in the family and group.[2]

This community enforced law concept was developed and
refined to its highest order in the early Saxon communities
in England, where it progressed through the centuries, and

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[1]Charles Reith, The Blind Eye of History (London:
Faber and Faber, Limited, 1952), p. 14.

[2]Charles Reith, A Short History of the British Police
(London: Geoffrey Cumberlege, Oxford University Press, 1948), p.1.

exists as the foundation of modern British law enforcement.[3]

Thus, the Anglo-Saxon, British development of law enforcement

can serve as a valid representative example of the origin of

Community Law Enforcement.

THE ANGLO-SAXON PERIOD

Forested land and a basic agricultural community were

the physical characteristics of the environment in which the

Anglo-Saxon community and community law enforcement developed.

Since the land was heavily forested, the family group lived

in relatively isolated pockets cleared from the forest.[4]

These factors influenced and contributed to British community

development, and are perhaps a basis for the independence and

self-sufficiency which characterize the Anglo-Saxon stock,

who although existing and developing under a monarchy, demanded

and expected the right to police themselves.

The family groups banded together into the first

division of local government, the Tything. This was the area

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[3]Ibid.

[4]Samuel G. Chapman and Colonel T. Eric St. Johnston,
C.B.E., The Police Heritage in England and America (East
Lansing: Michigan State University, 1962), p. 11.

in which ten of the family groups lived. Later, the King's division and designation of land area, which co-existed and was superimposed on the Tything, was the Shire or county. As society progressed and the need for more extensive mutual support became necessary, ten Tythings combined into the next division of local government, the Hundred. As Christianity became important to the people, the Hundred as a social and political entity became the Parish. As commercialism developed, the city or town emerged within the Parish structure.[5]

As a point of departure, law enforcement will be examined in relation to the developing community following the unity of England under a King. At this time, the basic principles of the older local government organization co-existed with the King's political division.

The Shire-Reeve. The residents of the Shire enjoyed a guarantee or promise for public order and security (The King's Peace). The King guaranteed the people protection, or a state of peace and security, in return for their allegiance to him.[6] The significant point is that, at least theoretically,

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[5]Ibid.

[6]Captain W. L. Melville Lee, A History of Police in England (London: Methuen & Co., 1901), p. 1, citing Stubb's Constitutional History, end of para. 60.

the King was not imposing his will on the people arbitrarily;
law enforcement was for the protection of the people.

The King appointed to each of the approximately fifty-
two Shires a representative to act in his behalf to maintain
security for the people. This representative was called the
Reeve (Judge). The Shire-Reeve had two basic functions:
(1) maintaining law and order within the Shire for the King
(fulfilling the promise of the "King's Peace"), and (2)
serving as Judge for the Shire.[7]

The Tything. Following the thread of individual/
family/community responsibility for enforcing the laws, the
Tything became the group of responsibility. The concept
expanded from the responsibility of the family to control
the conduct of its members, to the responsibility of all
those living in the Tything to control the conduct of each
other. Under the King system, the King held that all who
owed allegiance to the King were responsible for (1) keeping
the law themselves, and (2) insuring that others kept the law.

The Tything became responsible for the conduct of
each member of the Tything, and the Tythingman (either the
elected head of the Tything or the appointed enforcer of law)

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[7]Chapman and St. Johnston, loc. cit.

was held accountable to the King for bringing any members of

the Tything who violated the law (or broke the "King's

Peace") before the Shire-Reeve for judgement.[8]

The Hundred. As the Tything combined into Hundreds

and the scope of community responsibility became greater, the

individual's responsibility remained for enforcing the laws

upon his fellows. With the expansion of the group and the

inherent increase of law violators, the necessity arose for

a full-time enforcer of laws to represent the group. Thus,

a system developed whereby the residents of the Hundred

selected one of their members each year, on a rotating basis,

to be responsible to the group for enforcing its laws. Since

not all of the residents of the Hundred community wanted the

job of enforcing the law, those members who were selected

but did not wish to serve, began paying other members to

serve in their place. This 'paid deputy' system evolved and

formalized to the point that eventually the Hundred community

itself began appointing and paying individuals to enforce the

laws of the community. The Shire-Reeve, now a form of circuit

judge, traveled from Hundred to Hundred in his Shire, hearing

cases brought before him by the people of the Hundred.[9]

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[8]Ibid., pp. 11-12.   [9]Ibid., p. 12.

The Parish. With the passing of feudal times and the
rise of religious emphasis, the rural community organization
passed from the Hundred to the Parish. The Parish was the
land area in which the people who worshipped in the same
Parish Church lived. The Society had progressed from a
combination of families based on family organizations, to
an organization based on an external force, the church.
In effect, continuing the Hundred system of selecting law
enforcement personnel, the expanded Hundred or Parish selected
individuals from the Parish to represent it and act in its
behalf to enforce compliance of the laws.[10] The Parish also
established certain qualifications which it felt the Constable
should possess.

1. Honesty to execute his office truly without malice,
   affection, or partiality.
2. Knowledge: to understand his duty, what he ought
   to do.
3. Ability, as well in estate as in body, that so
   he may attend and execute his office diligently,
   and not neglect the same through want or impotency.[11]

The Watch and Ward. With the growth of towns and
industries and the congestion that followed, a type police

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[10]Ibid.

[11]Coke, viii. 43, cited by Captain W. L. Melville Lee,
A History of Police in England (London: Methuen & Co., 1901),
p. 58.

to suit the needs of this particular kind of community developed. Since most of the buildings were constructed of wood, fire became the enigma of the town. In order to protect merchandise stored in the warehouses, the other buildings, shops and homes, the town guilds began to appoint a Watch and Ward, to watch for fire, and prevent people from breaking into the buildings.[12]

The social and political unrest incidental to the Industrial Revolution, and the poverty, unemployment and crowded cities generated the worst period of lawlessness in the history of Britain. Crime was rampant, mob violence ordinary. Crowds regularly marched on Parliament to redress some real or imagined grievance. Riots were commonplace, destruction of property, and physical violence were the order of the day. Existing law enforcement, as characterized by the Watch and Ward was completely incapable of any control whatsoever. To cope with the situation, magistrates were authorized to call on the military, after reading the Riot Act to the mobs.[13] As has been demonstrated throughout history, military intervention is only an immediate remedy and is incapable of any lasting civil control. Captain

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[12]Chapman and St. Johnston, op. cit., pp. 12-13.

[13]Ibid. p. 13.

W. L. Melville Lee, one of the early writers of British police

history, made this observation:

> When a people emerges from the savage state its
> first care is the institution of some form of civil
> government. To this there is no exception . . . .
> Martial law may co-exist with, and at times obscure,
> the civil machinery; but depending essentially, as it
> does, on local and temporary causes, must in the end
> inevitably be superseded, and whenever there arises
> a conflict between the two, the civil administration
> will invariably outstay the other by virtue of its
> everlasting necessity.[14]

A Return to the Origin of Law Enforcement. Concern

over the general lawlessness and mob control prompted

Parliament to establish five commissions between 1780 and

1820, to investigate public law and order. The inaction of

the commissions was based primarily on their fear of creating

a police state. Many influential British felt it was far

better to endure criminal violence, than to create a police

who might oppress and usurp their basic freedom.

There finally emerged, in the person of Sir Robert Peel,

a man with an answer to the problem, and in a position to

exert the necessary influence to accomplish his purpose.

As Home Secretary he took his cause to Parliament. He advo-

cated a modern police system, but a system based on the

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[14]Lee, op. cit., pp. ix-x.

Anglo-Saxon heritage, of the community responsibility for preserving its own law and order. This was a modern embodiment of the age old tradition that helped establish the British community.

In a note to the Duke of Wellington, Peel wrote, "I want to teach people that liberty does not consist of having your house robbed by organized groups of thieves, and in leaving the principal streets of London in the possession of drunken women and vagabonds."[15] He proposed that a body of civilians be appointed to enforce the laws of, and for the people. As a result the Metropolitan Police of London was founded in 1829.[16] Because it was based on the cultural values and heritage of the community, this police system in Britain today is extremely effective. The individual citizen knows that the police are representing him – enforcing laws in the name of, and for the citizen. Miss Audrey M. Davies in a paper prepared for the American Academy in January 1954 comments:

> Probably the one single element which is responsible
> above all others for the unparalleled co-operation
> prevailing today between the police and the public

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[15] Ibid., p. 243.

[16] Chapman and St. Johnston, op. cit., pp. 13-14.

in England is the complete integrity of the police
under the law. They enjoy popular confidence and
esteem because the people know they will not over-
step the safeguards to individual liberty provided
under the law and rigorously protected by the courts.[17]

Of significance is the growth of the law enforcement

system as an integral and inseparable part of the growth of

the community. From family to nation, law enforcement has

been a product of the people, stemming from their needs and

desire for order and security; a system where the individual

has exercised his right of, but more important, accepted the

responsibility for, law enforcement.

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[17]John Coatman, Police (London: Oxford University
Press, 1959), p. 153, citing Miss Audrey Davies.

CHAPTER IV

THE DEVELOPMENT OF RULER APPOINTED LAW ENFORCEMENT

Prussian Civil Code of 1794
Purpose and Scope of the Police Power

1. The State exists for the safety of the King's
subjects in respect of the persons' honour, rights,
and property. 2. It is the duty of the State to
make proper arrangements for the administration of
justice, the protection of those unable to protect
themselves, and for the prevention as well as the
punishment of crime. 3. The office of the police
is to set up such institutions as may be necessary
to maintain the public peace, safety, and order, and
to protect the public in general, or individual
members therof, against any impending danger.[1]

At the other extreme of the continuum of ways various

societies developed for enforcing laws, is Ruler Appointed

Law Enforcement. This type of law enforcement has exerted

a tremendous influence on the course of history. On one

hand it created empires that allowed and fostered the progress

of civilization, and on the other hand the system has created

the tyrannies of a totalitarian slave state. The system has

raised man to his highest pinnacles of success and at the

same time destroyed him. It created the greatness of Babylon

and Rome, and the horrors of Nazi Germany and Soviet Russia.

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[1]John Coatman, Police (London: Oxford University Press.
1959), p. 81.

This ruler appointed police system was the means by which the leaders of the mass-tribal, predatory migrations in Asia and Europe gained leadership of the hoards.[2] Their military forces won the battles, but the police secured their positions of leadership.

As in the case of Community Law Enforcement, this police system pre-dates recorded history, and is integral with the development of societies. One of the first recorded uses of the formalized ruler appointed police was in ancient Babylon, to enforce the famous Hammurabi Codes. History discloses little information, but under such a regency, with codified laws and a refined state of civilization, the ruler appointed police must have been effective.[3]

Evidence is found of extremely efficient ruler appointed police in the various dynasties of ancient Egypt. Snefru in the fourth dynasty developed a rather extensive civil administration utilizing ruler police for control. The country was divided into 'counties' under a <u>Hik</u> or governor, who administered the territory and the police

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[2]Charles Reith, <u>The Blind Eye of History</u> (London: Faber and Faber, Limited, 1952), p.178.
[3]<u>Ibid</u>., pp. 178-179.

for the Pharaoh.[4] Ahmose in 1580, B.C., gained control with a military force and established a strong central government with an efficient civil service system and a type of gendarmerie called 'Citizens of the Army,' which enforced the Pharaoh's laws.[5]

An interesting papyrus document was found which describes the ruler police of Harnab in the nineteenth dynasty investigating a crime.

> The first act was for the officials of the Pharaoh to visit the scene of the crime and satisfy themselves as to the facts, taking some of the thieves with them to identify the scene of the crime. This done, the evidence was heard . . . . Each witness, whether suspected of complicity or not, was given a preliminary bastinado. If this did not achieve the desired result, it could be repeated.[6]

The various Tyrants of the Greek City States gained their power with personal police and were only able to enforce their laws by means of a strong ruler police system.[7]

The Scythian Archers, the ruler police introduced by Peisistratus in Athens, lived on the outskirts of the town,

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[4] S. A. Cook, *Cambridge Ancient History*, Vol. I, Ch. 5, cited by Charles Reith, *The Blind Eye of History*, p. 181.

[5] J. H. Breasted, *Cambridge Ancient History*, Vol. II, Ch. 3, cited by Charles Reith, *The Blind Eye of History*, p. 182.

[6] T. E. Peet, *Cambridge Ancient History*, Vol. II, Ch. 9, cited by Charles Reith, *The Blind Eye of History*, p. 184.

[7] Reith, *op. cit.*, p. 193.

guarded the city, were evident in the Assembly, and performed routine police duties on the highways.[8] An interesting story is recorded of the Scythian police in action. During the time of Pericles, a serious situation was developing because the citizens were failing their duty of serving in the Ecclesia courts, so Pericles attempted to secure attendance by coercion.

> Archers under the direction of six lexiarchs and their thirty assistants shut up the booths in the marketplace, closed the streets that did not lead to the Pynx, and by means of smeared ropes tried to force the loiterers to attend Ecclesia. The scholiast says that those who were marked were subject to a fine.[9]

The Spartans also developed a form of efficient ruler police including a covert undercover force.[10]

Although the rise, prosperity and fall of the Roman Empire is characterized by the Legions, or military control, the Emperor Augustus gained and maintained control of the people with his personal police force. One object was to

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[8]K. Wernicke, Hermes, Vol. XXVI (1891): "Die Polizei-wache auf der Burg Athen," cited by Charles Reith, The Blind Eye of History, p. 182.

[9]Robert J. Bonner and Gertrude Smith, The Administration of Justice from Homer to Aristotle, cited by Charles Reith, The Blind Eye of History, p. 197.

[10]Reith, op. cit., p. 199.

counter the power of the Legions by expanding and maintaining a strong police force under his direct control. He established three types of police:

1. The Praetorian Guards were the elite bodyguard of the Emperor, designed for his personal protection. They were deployed in Rome and throughout the provincial towns.

2. The Urban Cohorts were a _gendarmerie_ type city police. The Emperor selected their chief (the leader _praefectus_ _urbi_), who was always a senator of consular rank. The chief had judicial powers in the name of the Emperor.[11]

3. The Vigiles was a combination police-fire force, completely civilian in nature. They wore the customary short sword, but their weapon and sign of authority was the baton. They were allowed to inflict corporal punishment on thieves and robbers, but were required to refer serious offenders to the Urban Cohorts for disposition. For the most part they were the exclusive 'night police' of Rome and shared police duties with the Urban Cohorts during the day.[12] These various forces represented a tremendous power in the hand of the Emperor.

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[11]_Ibid._, pp. 225-226.

[12]P. K. Baillie Reynolds, _The Vigiles of Imperial Rome_, cited by Charles Reith, _The Blind Eye of History_, p. 226.

In the Byzantine Empire, Constantine continued the ruler police doctrine modeled after the Roman Vigiles. His force was the _praefectus vigilum_.[13]

The rise of Islam and Mohammed's 'Tribute or the Sword' doctrine made a strong ruler police necessary in enforcing the Moslem Laws, particularly with the conquest of other countries. A good example is the Abbasid Caliphate Dynasty under Abu'l-Abbas, in 749. The Calphate appointed a Vizir, who was his personal administrator. Under the Vizir were the Chief Judge and Muhtasib (Chief of Police).[14] The ruler police under the Muhtasib had duties that permeated the whole existence of the people.

> It was his duty not only to prevent all breaches
> of civil and religious law, but to be a local censor
> of morals; to inspect weights and measures; and to
> supervise commercial transactions for the purpose
> of preventing fraud and extortionate charges for
> goods. He had to ensure that all goods offered for
> sale were of the quality claimed for them by the
> seller. He had to prevent the sale of wine, and the
> playing of musical instruments in public places; find
> suitable husbands for widows; and see that divorced
> persons did not marry before they were legally entitled
> to do so. He protected slaves from the imposition of
> tasks which they were not strong enough to undertake,
> and he had summary powers of punishing owners of

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[13]Reith, _op_. _cit_., p. 231.

[14]Duncan Black Macdonald, _Encyclopedia Britannica_, "Islamic Institutions," cited by Charles Reith, _The Blind Eye of History_, p. 235.

beasts of burden who maltreated them by underfeeding
or overworking them.

In the sphere of religion, the local policeman
had to ensure the carrying-out of correct, ritual
observances; to check the voicing in loud tones of
religious pronouncements which had to be uttered
in low tones; and to stop all pronouncements that
were unsanctioned by higher authority. He had to
stop, also, from taking part in public worship,
anyone who had not first performed the prescribed
rites of ablution, and he had summary powers of
punishing anyone found breaking the rules of the
feast of Ramadan. He was inspector of little girls'
dolls, and had to ensure that they bore no resemblance
to heathen idols, and were incapable of being used
for any other purpose than that of accustoming their
owners to the care of infants. Nevertheless, if
anyone denied guilt or accusation, the policeman was
obliged to bring him before a judge for trial.[15]

The ruler police systems surviving today in the western

world were influenced by the emergence of the monarchs in

Europe, and the King's police that were the vehicles for

attaining and maintaining power. The root of the various

kings' strength and power was their personal police.

Charlemagne divided his kingdom into counties for

administration. The Count, being the head of the county,

was Charlemagne's direct representative and was responsible

for holding courts, administering justice and enforcing the

King's law. In addition to the law enforcement machinery

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[15]Reith, op. cit., p. 236.

that each Count maintained, there co-existed a separate means
of enforcing laws, with agents responsible only to the King.
These were the _missi dominiee_, a team of one priest and one
layman, who travelled to the various counties inspecting and
inquiring into the enforcement of the King's laws. They had
full authority of action and decision from the King and
ensured that the Counts were effectively discharging their
administrative and law enforcement functions for the King.[16]

As feudalism deteriorated and nationalism emerged with
the necessity for more centralized control of larger terri-
tories, the ruler appointed police continued to be the chief
method of restoring order. The kings of France utilized the
ruler appointed police system, giving them the name of
gens d' armes - men with arms. Later the marshals of France
used groups of mounted police to enforce law, called the
marechaussee (ex-soldier-archers, who were no longer needed
when gun powder was developed). Eventually the _marechaussee_
and other forms of _gendarmerie_ were replaced by the _gendarmerie
nationale_ during the early days of the revolution. The
gendarmerie nationale form of ruler appointed police became
the police system of all the nations of Europe and is

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[16]_Ibid_., pp. 239-240.

characteristic of various countries in South America, Asia, Africa, China, and Japan.[17]

Ruler appointed law enforcement systems are character-ized by and generally rely for power upon their ability to inspire fear and punish in the name of the government. Even today in France, a police officer's efficiency is judged by the number of arrests he has made.[18] Leon Aneliens in his book, <u>Ce qu'il faut connaitre de la Police et de ses mysteris</u>, commenting on law enforcement says, "There is no human insti-tution which inspires so much mistrust and enmity as the police."[19]

As in all authoritarian type governments, the Communist governments rely heavily on the police for control of the people. In 1948 when Czechoslovakia's democratic parties made a pact with the Communist Party, one of the conditions which led to the downfall of the existing government and assured a Communist government was Communist control of the police.[20] Continuing the philosophy of ruler appointed police, in the criminal laws of all Communist countries,

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[17]<u>Ibid</u>., pp. 242-243.

[18]Coatman, <u>op</u>. <u>cit</u>., pp. 156-158.

[19]<u>Ibid</u>.

[20]<u>Ibid</u>., p. 178.

almost every form of crime is a crime against the state,
rather than a crime against the people.[21] Ruler appointed
police systems are characteristically the government's police
rather than the people's police.

The ruler appointed police system must not be looked
at entirely with disdain. It is true that it represents
possible dangers - its basic weakness is the concentrated
power it represents. However, the system is inseparable
from the growth and tradition of the society - and as a
basic institution can and does in many societies embody what
the people expect and want from the police. This type of
police system, although associated with dictatorship, con-
tinues to thrive in most of the countries in the world, in
types of governments that range from dictatorships, through
socialism, to democracy. The importance of the historical
origin of the ruler appointed police is its relation, place,
and status in the community and what it means to the people.

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[21]Ibid., p. 176.

CHAPTER V

LAW ENFORCEMENT AND SOCIETY

On the continuum of law enforcement development, from the community where the people are identified with the law, and laws are enforced in the name of the people, to the community where law is the tool of the ruler or ruling government, the underlying theme is the relation of law and law enforcement to the people. The extremes being close identification versus complete separation of law, law enforcement, and people. The position of police within a society, ideally then, is inseparable from and should reflect the origin of law and law enforcement within the society. Each society views the police in relation to the cultural significance of police and law enforcement in the development of the society. The attitude of the public towards the police varies from country to country. The wider the gulf between police and people the more distrust and less cooperation.[1] More than usual police power can equal an authoritarian government; less than usual police power can equal no government. The

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[1] John Coatman, _Police_ (London: Oxford University Press, 1959), pp. 156-158.

police then occupy that shifting borderland between policy

and people - law and living - order and justice - government

and those from whom and for whom the government is derived.[2]

What the police do, and are, determines whether people

have a political life, have freedom, for freedom is govern-

ment according to the consensus of the entire society.[3]

Conversely, what the government does and is determines the

type of police in the society. If there is a government of,

by, and for the people - police represent the people. If

the government is an individual or group of individuals not

representative of the people - the police represent the

government instead of the people, i.e., Community Law Enforce-

ment - Ruler Appointed Law Enforcement.

> Law will never be strong unless it has the
> sentiment of the people behind it . . . . Lord Bryce[4]

Law enforcement is the basic social institution for

preserving peace and public safety - it is the organization

that ensures the essentials of civilized life. The police

are the agents of the law that people developed to control

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[2]Asher Byrnes, _Government Against the People_ (New York: Dodd, Mead and Company, 1946), p. 16.

[3]_Ibid._, p. 3.   [4]_Ibid._, p. 14.

themselves in Community Law Enforcement societies, therefore
the police power stems from the people. Police are the
ultimate sanction of the people in these societies. In
Ruler Appointed Police type societies, police are the ultimate
sanction of the government.[5] The position of police in
societies results from the nature, objective and operation
of the civil administration - the historical development and
traditions of the police in that society - and by the
relations between police and people.[6]

> . . . The attitude of the general body of
> citizens towards the police provides a touch stone
> of the quality and conduct of the police themselves.
> Where the police are efficient, honest, impartial,
> and conduct themselves as servants of the public,
> they win public regard and can count confidently
> on assistance from the general public . . . a basic
> truth concerning the police of democratic countries
> . . . is that the quality and efficiency of the
> police themselves depend largely, if not mainly on
> favourable public opinion, and consequential support.[7]

A POLICE SYSTEM MUST BE REPRESENTATIVE OF THE SOCIETY

The Japanese developed a highly effective police system
of the ruler appointed type. It reflected the Japanese
tradition, society and cultural heritage, and was consequently

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[5]Coatman, op. cit., pp. 3-4. [6]Ibid., pp. 7-8.

[7]Ibid., p. 6.

highly effective. Police were respected - had status - were the embodiment of the government and the Emperor; the police were looked at as the paternalistic protectors of society. Although as viewed from a democratic tradition, the police were too centralized - too powerful; from the Japanese or Oriental tradition, the police seemed to reflect what the people wanted and needed. Soon after the surrender of Japan, the United States felt it necessary to "democratize" the police - impose our police system sans the traditions, on this Oriental society. In 1946, American police advisors from New York and California were sent to Japan to help reorganize the police as an American prototype. Consequently, the police were decentralized; administrative powers were reduced; police functions were limited to prevention and investigation, and local citizen control of police depart- ments was instituted. Not because these concepts were wrong, but because they were imposed on a society, the system failed. The democratized police were not effective. Shortly after the peace treaty with the United States was signed and American occupation ended, the Japanese re-centralized their police; citizen control was retained only in name; and administrative functions and police authority were restored

The Japanese police are again an effective organization -
respected by the people - and are operating in a democratic
society.[8] We do not condemn governments because they are
not exactly like ours - we should not condemn police systems
that are not like ours, as long as they reflect what the
particular people want from police, what police mean to the
people. As government is a cultural tradition of the people,
so is law enforcement a cultural tradition of the people.

Although in British Commonwealth countries and
colonies, the Anglo-Saxon police system was inherited from
Britain, the police systems were modified to reflect the
environment and needs of the people they represented.[9] This
has worked out extremely well in the existing Commonwealth
countries and ex-colony, the United States; for the basic
cultural characteristics are Anglo-Saxon in origin. But
what of the British-Anglo-Saxon police system implanted in
the various colonies whose population is other than Anglo-
Saxon origin? Although the British system is based on

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[8]Ko-Wang Mei, "Oriental Police Systems and Communist Combat Measures" (Michigan State University, East Lansing: School of Police Administration and Public Safety, 1963), pp. 51-52. (Mimeographed.)

[9]Coatman, op. cit., pp. 65-67.

Community Law Enforcement, when this is superimposed on another people, it becomes a Ruler Appointed System, since it fails to reflect the desires of the people it attempts to enforce; and in effect, is the ruling power arbitrarily enforcing laws which do not necessarily reflect the laws or ideals of the people. Britain has maintained the role of benevolent ruler, and has effectively transplanted within her colonies the ideals of justice coupled with an efficient system of law enforcement administration which it is hoped will long endure in the Emerging Nations. The British laws were good - the enforcement was good - the administration was good - the techniques were good - the welfare of the people was of paramount concern - but it did not, and cannot endure, because the laws were imposed on the people - the people did not impose the laws. The people did not identify themselves with laws, nor were the laws identified with the people. The laws and enforcers of the laws did not reflect the cultural heritage of the people.

CHAPTER VI

NATURE OF THE EMERGING NATION

The universal and chief cause of . . . revolutionary
feeling . . . [is] the desire of equality, when men
think that they are equal to others who have more
than themselves; or again the desire of inequality
and superiority, when conceiving themselves to be
superior they think they have not more but the same
or less than their inferiors . . . . Now in oligarchies
the masses make revolution under the idea they are
unjustly treated, because as I said before, they are
equals, and have not an equal share, and in democra-
cies the notables revolt, because they are not equals,
and yet have only an equal share. ARISTOTLE[1]

The world today is enmeshed in an inevitable,

irrevocable, catastrophic social revolution which will take

its place in history along side such man-coined social

phenomena as The Renaissance and The Reformation. This move-

ment permeates each society from the most sophisticated to

the most backward; it knows no nationality - it is frontierless

- it is undefined and most probably indefinable. Mere words

only skirt the periphery of its meaning. It is viscerally

experienced rather than written - it is acted rather than

recorded, yet it is the driving life force of our age. It

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[1]Aristotle, Politica, trans., by Benjamin Jowett in
The Basic Works of Aristotle, cited by Seymour Martin Lipset,
Political Man (Garden City, New York: Doubleday and Company,
Inc., 1963).

involves the quest for human dignity - self determination -

a search for identity - pre-eminence of the individual - a

revolt against the traditional - a striving for modernization.

It is a basic conflict between what was or is, and what will

be. It has been called the 'revolution of rising expecta-

tions.'[2] A manifestation of this social movement is the

Emerging Nation, per se, which is merely a product, an overt

act of the cultural ferment. Depending on the discipline,

the concept of Emerging Nation has been termed Underdeveloped

Nation, Backward Nation, Developing Nation, etc., however

for the purpose at hand, 'Emerging Nation' is a broader,

therefore,more suitable term.

The Emerging Nations embrace two-thirds of the world's

population and comprise two-thirds of the world's land area.[3]

In Africa, Asia, Central America and South America, hundreds

of millions of people are striving for a national identity -

for social and material improvements.[4] More than a billion

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[2]Department of Social Science, The University College,
Michigan State University, Problems of Change in Underdeveloped
Areas, Social Science Series 8 (Michigan State University
Press, 1963), Introduction, p. v.

[3]Ibid.

[4]John J. Johnson (ed.), The Role of the Military in
Underdeveloped Countries (New Jersey: Princeton University
Press, 1962), p. 3.

people are living in the traditional society, which is one

characteristic of the Emerging Nation, outside the Communist

block, and almost another billion under Communist influence.

These two billion people are experiencing the trends of

modernization and trying to adjust to a new way of life.[5]

These historically quiescent areas are now seething with

developmental and national ferment. These Emerging Nations

to greater or lesser degrees are beset with problems of

economic underdevelopment, social maladjustment, ethnic

friction, and political inexperience.[6]

The traditional society which is the status quo - the

object of change in the Emerging Nation - is characterized

by: (1) hierarchal rule and ruling elite; (2) social control

exercised primarily by custom rather than law; (3) a static

economy; (4) technological stagnation; i.e., the level of

technology remains constant from generation to generation;

(5) inflexibility; an inability to change - adapt - cope with

a changing world; (6) primary effort and concern is directed

[5]Max F. Millikan and Donald L. M. Blackmer (ed.) The Emerging Nations (Boston: Little, Brown and Company, 1961), Preface, p. x.

[6]D. M. Condit, et al., A Counterinsurgency Bibliography (Washington, D.C.: Special Operations Research Office, The American University, 1963), p. 13.

toward securing food; (7) old patterns of social behavior

persist; (8) the society is usually tribal or peasant;

local forces are dominant; if there is a central government

it is weak - of very little concern to the people; (9) con-

trol of land equates to power and political influence;

(10) primary relationships are face to face.[7]

Professor Harvey Leibenstein lists the characteristics

of underdeveloped areas, which are applicable to understanding

the Emerging Nation, in that underdevelopment is a character-

istic of the Emerging Nation.

1. Economic.
 (a) General
  (1) A very high proportion of the population in
      agriculture, usually some 70 to 90 per cent.
  (2) "Absolute over-population" in agriculture; that
      is it would be possible to reduce the number of
      workers in agriculture and still obtain the same
      total output.
  (3) Evidence of considerable "disguised unemployment"
      and a lack of employment opportunities outside
      agriculture.
  (4) Very little capital per head.
  (5) Low income per head and, as a consequence, exist-
      ence near the "subsistence" level.
  (6) Practically zero savings for the large mass of
      the people.
  (7) Whatever savings do exist are usually achieved
      by a landholding class whose values are not con-
      ducive to investment in industry or commerce.

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[7]Millikan, op. cit., pp. 3-5.

(8) The primary industries, that is, agriculture, forestry, and mining, are residual employment categories.

(9) The output in agriculture is made mostly of cereals and primary raw materials, with relatively low output of protein goods. The reason for this is the conversion ratio between cereals and meat products; that is, if one acre of cereals produces a certain number of calories, it would take between five and seven acres to produce the same number of calories if meat products were produced.

(10) Major proportion of expenditures on food and necessities.

(11) Export of foodstuffs and raw materials.

(12) Low volume of trade per capita.

(13) Poor credit facilities and poor marketing facilities.

(14) Poor housing.

(b) Basic Characteristics in Agriculture.

(1) Although there is low capitalization on the land there is simultaneously an uneconomic use of whatever capital exists due to the small size of holding and the existence of exceedingly small plots.

(2) The level of agrarian techniques is exceedingly low, and tools and equipment are limited and primitive in nature.

(3) Even where there are big landowners as, for instance, in certain parts of India, the openings for modernized agriculture production for sale are limited by difficulties of transport and the absence of an efficient demand in the local market. It is significant that in many backward countries a modernized type of agriculture is confined to production for sale in foreign markets.

(4) There is an inability of the small landholders and peasants to weather even a short-term crisis, and as a consequence, attempts are made to get the highest possible yields from the soil, which leads to soil depletion.

(5) There is widespread prevalence of high indebtedness relative to assets and income.

(6) The methods of production for the domestic market are generally old-fashioned and inefficient,

leaving little surplus for marketing. This is
usually true irrespective of whether or not the
cultivator owns the land, has tenancy rights,
or is a sharecropper.

(7) A most pervasive aspect is a feeling of land
hunger due to the exceedingly small size of
holdings and small diversified plots. The reason
for this is that holdings are continually sub-
divided as the population of the land increases.

2. Demographic.
(1) High fertility rates, usually above 40 per
thousand.
(2) High mortality rates and low expectation of
life at birth.
(3) Inadequate nutrition and dietary deficiencies.
(4) Rudimentary hygiene, public health, and
sanitation.
(5) Rural overcrowding.

3. Cultural and Political.
(1) Rudimentary education and usually a high degree
of illiteracy among most of the people.
(2) Extensive prevalence of child labor.
(3) General weakness or absence of the middle class.
(4) Inferiority of women's status and position.
(5) Traditionally determined behavior for the bulk
of the populace.

4. Technological and Miscellaneous.
(1) Low yields per acre.
(2) No training facilities or inadequate facilities
for the training of technicians, engineers, etc.
(3) Inadequate and crude communication and trans-
portation facilities, especially in the rural
areas.
(4) Crude technology . . . .[8]

[8]Harvey Leibenstein, Economic Backwardness and Economic
Growth (New York, 1957), pp. 40-41, cited by Benjamin Higgins,
Economic Development: Principles, Problems, and Policies
(New York: W. W. Norton and Co., 1959), pp. 6-13, 21-24.
Cited in Problems of Change in Underdeveloped Areas, pp.15-17.

For the purposes of this discussion, an Emerging Nation is any western or non-western state which attained sovereignty within the post World War II period, or an existing state emerging from the traditional, agrarian, or tribal society, to central government, or urban, industrial complex. This includes all states either asserting nationhood based on independence from colonial status, or existing in a semi-feudal agrarian, peasant, or tribal status, asserting nationhood by tradition, technological advances and/or centralized, semi-representative governments.

Emerging Nations are characterized by one or more of the following conditions or traits:

1. Primarily an agrarian economy.

2. Low level of technological advance.

3. Tribal.

4. Peasant.

5. Movement from rural to urban society.

6. Economic, social, administrative, political underdevelopment.

7. Social maladjustment.

8. Ethnic friction.

9. Political inexperience . . . .

This social movement, the revolution of rising expec-
tations - this search for identification - this almost
pathological striving for self-determination is manifested
as a political absolute in the Emerging Nation. States, or
societies while still seeking, building the basics of nation-
hood from arbitrary geographical boundaries etched on maps
in the 17th and 18th century drawing rooms of Europe, find
themselves at least politically and economically independent,
sans a social and political character - lacking many of the
ingredients that are considered at least classically as
prerequisites of nationhood.[9]

Nationalism is the symbol of the Emerging Nation,
and is often used to describe one of the manifestations of
the social revolution by others. Nationalism as a term, is
used by both participant and observer as if understood. The
concept of nationalism connotes a striving for national
independence or national unity - but assumes the existence
of a national consciousness - a nation.[10]

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[9]Charles Burton Marshal, "Unconventional Warfare as
a Concern of American Foreign Policy," The Annals of the
American Academy of Political and Social Science, Vol. 341
(May, 1962), p. 98.

[10]John H. Kautsky, "Nationalism," Political Change in
Underdeveloped Countries; Nationalism and Communism (New York:
John Wiley and Sons, Inc., 1962), p. 30.

The classical concept of nationalism - nationalism
as experienced by the European societies, began with people -
the culture. When all the necessary ingredients were mixed
with time and consensus, a nation emerged. In the Emerging
Nation today, in effect the nation is established as a
political entity and the factors are expected to follow.
Practically the whole process has been reversed - which
introduces new problems and necessitates a different than
classical viewpoint to be understood. Nationalism cannot
be explained by geography, race, religion, a common cultural
tradition, growth of commerce or communications, although
they are factors.[11] Today's nationalism seeks to create
new independent states and governments where there were none
before. These nascent areas have not yet been subjected to
the economical-political and social integration that created
the European Nation.[12] However strong - right - moral the
sentiments and desires of nationalism-independence, they do
not necessarily or automatically guarantee nationhood. In
addition to social integration, viable political and adminis-
trative systems are basic requirements.[13]

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[11]Ibid.   [12]Ibid., p. 33.

[13]Millikan and Blackmer, op. cit., p. 75.

Nationalism, as characterized by the newly independent Emerging Nation, is in fact, negative nationalism; i.e., a consensus based on a desire to be rid of foreign rule - opposition to a colonial government.[14] This spirit of nationalism will thrive and carry through against the outside force, the colonial power, and freedom will be gained. All forces within the country unite to rid the country of the oppressor; differences are forgotten for the good of all. But, as demonstrated in the newly independent Emerging Nation, as soon as the enemy retreats, ethnic - linguistic - religious - tribal and other divisions result.[15] The class conflict - hierarchical - vertical model, the indigenous versus the colonial as the arena of political friction, changes abruptly to a horizontal model of internal social-political conflict.

The leadership of the newly independent Emerging Nations, generally but fortunately not universally, is more skilled in the political-military means of achieving power - achieving independence - national identity, than governing.

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[14]Kautsky, op. cit., pp. 37-38.

[15]Millikan and Blackmer, op. cit., p. 76.

They tend to lack the training and experience in administrative ability necessary to deal with their responsibilities as heads of state.[16] In addition, many of the leaders, being western educated, are really a product of western political values – they found their aspirations and ideals on the college campuses of Europe and the United States, and tend to be separated and isolated from the people they purport to represent.[17] The elite, the intellectuals, are western oriented; in a sense they have more links with the west than with their own people.[18]

Nationalism of the Emerging Nation is similar to the nationalism of totalitarianism in the respect that both tend to emphasize an outside enemy to elicit consensus and encourage loyalty. Without an inherent social integration – viable political and administrative systems – relieved of the negative nationalism of anti-colonialism, the common foe, an object of hatred, a scapegoat to divert dissatisfaction from the ruling power is necessary. The scapegoat may be a

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[16]Ibid., p. 28.   [17]Ibid., p. 37.

[18]Rupert Emerson, Representative Government in Southeast Asia (Cambridge, Massachusetts: Harvard University Press, 1955), p. 11.

bordering country, a caste, class, tribe; capitalists,

workers, peasants, bankers, etc.[19]

The people in the Emerging Nation are caught in the

fervor of social revolution. Modern communications promote

an awareness of economic, social and political differences.[20]

The 'Radio Voices' of the world have influenced the masses

significantly. The people want and seek to establish govern-

ment by popular participation before the institutions exist.[21]

The underdeveloped are made to realize they are underdeveloped,

and strive to better their lot - speed is essential - they

want more, fast.[22] The people demand more from their society

than the government is capable of producing.[23] The govern-

ments are inclined to promise much; much more than can

immediately be fulfilled. Dissatisfaction from the people,

who are unable to see immediate improvement in their con-

dition - and frustration on the part of the government, which

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[19]John H. Katusky, "Totalitarianism and the Future of
Politics in the Developing Countries," Political Change in
Underdeveloped Countries: Nationalism and Communism (New York:
John Wiley and Sons, Inc., 1962), pp. 95-96.

[20]Marshal, loc. cit.

[21]Millikan and Blackmer, op. cit., p. 40.

[22]Marshal, loc. cit.

[23]Millikan and Blackmer, op. cit., pp. 40-41.

is unprepared and unable to fulfill the needs of the people, generates serious problems.[24] The west developed modernization - a participant society - nationhood, through the natural progression of centuries. The Emerging Nations are trying to do the same thing and expect the benefits thereof in a matter of decades.[25] The Emerging Nation must compress in a few years, the processes of social, psychological and economic changes that took the rest of the world centuries to accomplish.[26] The economic growth of the state, and the social growth of the society may not be, and unfortunately are often not in pace with the demands. Government imbalance is a real danger, for these nascent governments often try to satisfy this growth syndrome with surface programs; programs that purport to visually show the world and their people that progress is being made. Note the massive sports stadiums, elaborate government buildings and palaces of pleasure that stand as edifices of internal weakness in virtually every Emerging Nation.[27] Too often political instability is matched with ineffective public administration.[28] An ultra-

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[24]Marshal, loc. cit.

[25]Mullikan and Blackmer, op. cit., p. 41.

[26]Ibid., p. 47.   [27]Ibid., p. 41.   [28]Ibid., p. 68.

modern hydroelectric project will not replace a viable admin-
istrative system. A complex of high speed expressways is not
an alternative to institutional political sophistication.
Modernization is needed in the Emerging Nation on all fronts
both visable and durable.[29]

The Emerging Nation must pay a price for modernization -
economic development - Nationhood. The society must be
willing to abandon or radically modify the traditional
culture. Much that is familiar and cherished will vanish,
for with modernization - industrialization - centralization,
come new institutions, new cultural practices, new social
relations.[30] The process of modernization transcends mere
economic development, it involves the society in toto and
at best is difficult. New political attitudes - institutions -
habits and skills must emerge. Although there is an inevitable
conflict between the modern and the traditional, the basic
tradition of the society - the fundamental cultural values
always remain, and in fact, must be the basis of the most
advanced nation.[31]

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[29]Ibid., p. 41.

[30]Problems of Change in Underdeveloped Areas, op. cit.,
p. vi.

[31]Millikan and Blackmer, op. cit., pp. 18-19.

Of all the many problems of modernization - attaining nationhood - the most difficult, the most enduring, is more social than political. It involves the central government's necessity to modernize, alter ways of thinking and elicit loyalty from tribal structures, where in Africa seventy to eighty per cent of the people live.[32] In Asia and Central and South America, loyalty must shift from peasant villages and rural areas to the National Government. The rural majority areas of the Emerging Nation must feel a sense of identification with the central government or the state. This involves expanding allegiance from tribe, village or family, to the nation.[33] The people are deeply divided along a number of lines in the Emerging Nation; language, religion and culture are perceived in local terms, this does not give rise to organization and politics beyond village or tribal level.[34] In addition to emasculating a central government,

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[32] Barbara Ward, "Change Comes to Africa's Villages," The New York Times Magazine, November 19, 1961, cited by Department of Social Science, The University College, Michigan State University, Problems of Change in Underdeveloped Areas, Social Science Series 8 (Michigan State University Press, 1963), pp. 1-2.

[33] Emerson, op. cit., p. 14.

[34] John H. Kautsky, "The Politics of Underdevelopment and of Industrialization," Political Change in Underdeveloped Countries: Nationalism and Communism (New York: John Wiley and Sons, Inc., 1962), p.13.

where there is little or no identification with the national government - where there is little political experience - and much illiteracy which is characteristic of the Emerging Nation, democracy tends to be only a shield for rule by those who have accumulated the power.[35] Formal as well as informal authority - power - must shift from the village to the city, the central government.

The Emerging Nation is not populated with stable groups, with defined goals. Power tends to be accumulated for personal rather than social needs. The personality of the leader, his charismatic quality, tends to be more important than his politics - his program. To develop politically, the Emerging Nation needs administrative organization - government structures - to handle public policy and political processes to relate the needs and desires of the people with the National Government. Both institutions are necessary, for if the political side of the coin dominates a weak administrative structure, the best programs cannot be carried out and frustration results. If the administrative structure dominates, the risk is present that a bureaucratic dictatorship will inhibit self-determination.[36]

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[35]Emerson, loc. cit.

[36]Millikan and Blackmer, op. cit., pp. 70-73.

Basic to all human associations is compliance to some

pattern of intentions through consent, coercion, or both.

The Emerging Nation as a human association has the intention

to exercise, establish, control; at a minimum, license

coercion over a particular geographical area.[37]

> The essentials of legal coercion are general social
> acceptance of the application of physical power, in
> threat or in fact, by a privileged party, for a legiti-
> mate cause, in a legitimate way, and at a legitimate
> time. This distinguishes the sanction of law from
> that of other social rules.[38]

The Emerging Nation is continually challenged by forces

attempting to unlawfully exert power; i.e., tribal coercion

- traditional power centers - regionalism, etc. The test of

nationhood is the extent that its coercion is exercised over

the area it purports to control. When the Emerging Nation

cannot cope with those forces working against its rights of

coercion; if all elements of the society are not influenced;

if large segements of authority remain unchallenged; nation-

hood is questionable and the Emerging Nation is declining.

It makes little difference whether the coercion is centrally

applied, the key to viable government is whether the coercion

is bridled and dependent on institutional concurrences -

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[37]Marshal, op. cit., pp. 94-95.

[38]E. Adamson Hoebel, The Law of Primitive Man (Cambridge:
Harvard University Press, 1954), p. 27.

control, rather than arbitrarily exercised power by an

individual or group. The arbitrary and absolute power of the

state to coerce is not sufficient in itself however; consent

of the people or society is a necessary sanction to true

nationhood.[39]

> Let us . . . get rid of the notion that government
> rests on brute force alone. There is no doubt that
> every government needs some force to maintain order
> and those utopians who think that by some changes
> in our economic system men will become reasonable
> and follow the rules necessary for a common life
> are egregiously mistaken.[40]

> Democracy is a purposeful human achievement, not an
> automatic reflex of modernization.[41]

The Hansard Society Report documents the characteristics of

a representative government.

> . . . the executive government should be answerable
> to and dismissible by the people of their own chosen
> representatives, and should be subject to the law as
> interpreted by the judiciary . . . .[42]

Laws should be passed by elected legislators. There must be

an independent judiciary, freedom of thought and opinion;

organized political parties which can run, vie for power and

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[39]Marshal, op. cit., pp. 94-95.

[40]Morris Raphael Cohen, Reason and Law (Glencoe, Illinois: The Free Press, 1950), p. 142.

[41]Millikan and Blackmer, op. cit., p. 42.

[42]Hansard Society, "Problems of Parliamentary Government in Colonies," London, 1953, pp. 2-4, cited by Rupert Emerson, Representative Government in Southeast Asia, p. 13.

serve as alternate governments; free elections, impartially
conducted, and access to public service open to all, based
on merit.[43] Unfortunately, the Emerging Nations rather than
currently possessing must continue to strive for these
characteristics. It must be remembered that democracy is
more than the right to vote - it is a government looking out
for the interests of, and responsive to the needs of the
people. Lacking in the Emerging Nation are strong insti-
tutions between - linking the national government with the
people.[44]

Probably the most important lesson to be learned by
the Emerging Nation is the acceptance of rules of law that
transcend shifts in power and governments.[45] An interesting
thesis worth noting is advanced by J. S. Furnivall. He
proposes that modernization cannot necessarily be secured
through democratic institutions; that a democratic government
under certain circumstances can thwart modernization. A
condition of a representative government is that it reflects

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[43]Ibid.

[44]Millikan and Blackmer, op. cit., p. 42.

[45]Ibid., p. 88.

the will of the people. Mr. Furnivall finds the will to

modernize lacking in the plural societies of Southeast Asia.

Therefore, a representative government, if it reflects the

traditional, is a check to modernization.[46]

Many of the Emerging Nations to fulfill their purpose

have only a choice of applying a dictatorial form of govern-

ment or reverting to anarchy, because they lack the insti-

tutions, experience, background, sophistication, and social

awareness to rule by responsible consent. If the free world

is committed to support only democratic governments, most of

the Emerging Nations of the world will fall under the influence

of communism by default.[47]

> We have recognized in representative government the
> ideal type of the most perfect polity, for which,
> in consequence, any portion of mankind are better
> adapted in proportion to their degree of general
> improvement . . . . First, then, representative
> government, like any other government, must be un-
> suitable in any case in which it cannot permanently
> subsist - i.e., in which it does not fulfill the
> three fundamental conditions . . . .(1) That the

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[46]J. S. Furnivall, "Colonial Policy and Practice,"
Cambridge, 1948, p. 455, cited by Rupert Emerson, Represen-
tative Government in Southeast Asia, pp. 11-12.

[47]Russell Rhyne, " Appendix, Unconventional Warfare -
Problems and Questions," The Annals of the American Academy
of Political and Social Science, Vol. 341 (May, 1962), p. 105.

people should be willing to receive it. (2) That
they should be willing and able to do what is
necessary for its preservation. (3) That they
should be willing and able to fulfill the duties
and discharge the functions which it imposes on
them.[48]

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[48]John Stuart Mill, "Representative Government," Ch. IV, cited by Rupert Emerson, Representative Government in Southeast Asia.

CHAPTER VII

THE EMERGING NATION AND THE INSURGENT

I will go to the forest for justice,
For justice and righteousness,
And become a green-clad man.
The rulers will pursue me with soldiers,
With riders, chariots and spears.

I will go to the forest for justice,
The people will flock to me.
I will right their wrongs from the green shade,
And kill the rulers with arrows.
The horsemen will stumble with fear.

I will go to the forest for justice.
The wind for my garment I will wear.
Together with my companions,
The wind for my garment and the rain for my drink,
We build a new heaven and earth.

OLD CHINESE BALLAD.[1]

Of the one hundred and four members of the United

Nations, thirty-five member nations were effected by insur-

gency within their boundaries since 1945. In the Emerging

Nation, insurgency is a popular way of gaining political

power.[2]

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[1]Han Suyin, And the Rain My Drink (New York: The
New American Library of World Literature, Inc., 1960),
p. 169.

[2]J. K. Zawodny, "Forward," The Annals of the American
Academy of Political and Social Science, Vol. 341 (May, 1962),
p. viii.

Insurgent action predates regular warfare by all the millennia of history. As a normal course of events, during almost every period of history, and in many of the nations of the world today, violence is conventional, and an accepted method of politics. Conventional warfare is only conventional as far as European – Western military tradition is concerned.[3]

There is a political–economic–social revolutionary fervor in the world today. Many governments in the Emerging Nations are weak, corrupt, dictatorial; there is much injustice. These governments are easy prey for violent insurgent movements.[4] If the factions of the society which attempt or seek to modernize are frustrated by a repressive government, extremists will emerge who will lead the mass in conspiratorial, violent actions to overthrow the government that impedes progress.[5] Progress is not only desired by the awakening people, it is demanded by violent means if necessary.

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[3]Russell Rhyne, "Patterns of Subversion and Violence," The Annals of the American Academy of Political and Social Science, Vol. 341 (May, 1962), p. 66.

[4]Roger Hilsman, "Internal War: The New Communist Tactic," Military Review, XIII, No. 4 (April, 1962), pp. 11-12.

[5]Max F. Millikan and Donald L. M. Blackmer (eds.) The Emerging Nations (Boston: Little, Brown and Company, 1961), preface, p. x.

Power centers or sources of power will shift in favor of
those elements which can offer the most in the shortest
time.[6] If the existing government offers no legitimate
outlet, or expression to other beliefs, these beliefs become
extreme – radical; the dissident factions feel it necessary
to violently overthrow the government. Continual cycles
of Coups d' etat and revolutions plague many nations. A
reason may be that the old regimes harshly suppressed the
moderate, more open opposition, because it was easy to find
and eliminate. This in fact is a selective breeding of the
extremist. The people feel the only outlet, the only way
to change the existing order of things, is through extreme
measures; they find emotional satisfaction in nothing less
than violence; fanatic leaders emerge. These extremist move-
ments, when they gain power and become government, find
they must be authoritarian to succeed; they are the victims
of the revolutionary personality; they must be supreme – all
opposition must be crushed. Therefore, new radical movements
emerge, and the cycle continues ad infinitum.[7] Insurgency

[6]John J. Johnson (ed.) The Role of the Military in
Underdeveloped Countries (New Jersey: Princeton University
Press, 1962), p. 3.

[7]Millikan and Blackmer, op. cit., pp. 95-96.

is also particularly successful in relatively open societies

where more freedom of expression is allowed. There will be

social evolution and aspirations toward more liberal goals,

and even though the country is a dictatorship it may find it

extremely difficult to maintain control when these movements

become extreme. The openness of the society provides legiti-

mate areas of cover for the radical movement; any crackdown

by the government is claimed to be repressive, depriving the

people of liberty.[8]

Insurgency implies more than the overthrow of a

government, its characteristics are corruption and an under-

mining of the existing rules of political and moral conduct.[9]

Recruitment for the insurgents begins with that portion of

society which feels most oppressed and dissatisfied with the

status quo. The operational ideals and goals of the movement

are kept broad enough to attract almost any element of

dissidence within the society.[10] The insurgents do not

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[8]Rhyne, op. cit., p. 68.

[9]Ibid., p. 66.

[10]K. Riezler, "On the Psychology of Modern Revolution,"
Social Research, Vol. 10 (1943), pp. 320-336, cited by J. K.
Zawodny, "Guerrilla and Sabotage: Organization, Operations,
Motivations, Escalation," The Annals of the American Academy
of Political and Social Science, Vol. 341 (May, 1962), p. 9.

necessarily represent high, noble, human motives, quite often

they are 'sewers of personal frustration' having little to

do with patriotism.[11]

The concept that insurgents can exist only in countries

where the government is unpopular, is erroneous. The Emerg-

ing Nations are underdeveloped, not only economically, but

administratively and politically as well. The tribes or rural

villages are somewhat indifferent to National or central

government. Even the dissident factions and those loyal to

the government have no real, formulated, strong, political

leanings.[12]   T. E. 'Lawrence of Arabia' said, only about

two per cent of the population is enough to organize a

revolution or insurgency if the rest of the population is

sympathetic or at least disinterested.[13] One of the most

important functions of the insurgent organizers, or leaders,

is to provide an excuse for releasing aggression. Man

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[11]J. K. Zawodny, "Guerrilla and Sabotage: Organization, Operations, Motivations, Escalation," The Annals of the American Academy of Political and Social Science, Vol. 341 (May, 1962), pp. 16-17.

[12]Hilsman, op. cit., p. 459.

[13]J. K. Zawodny, "Guerrilla and Sabotage: Organization, Operations, Motivations, Escalation," op. cit., p. 15.

naturally is hesitant to engage in violence without justi-

fication. A homicide committed during a robbery is murder -

a criminal act; but for a cause - for patriotism, a homi-

cide, an assassination, is heroic. When the leader can

convince the followers that violence is legal, is moral,

the various frustrations of the group can be transformed

into open aggression.[14] The frustration and anxiety of a

population is strengthened by counter-terror by the govern-

ment in its effort to suppress the insurgency.[15] Compared

with other users of violence; i.e., juvenile gangs,

mobsters and crime syndicates; the insurgent has so called

political ideals which cannot supposedly be attained

through formal legitimate channels. The problem is more

than tactical; all the forces of political science,

psychology, social psychology, sociology and other social

and behavioral disciplines must be utilized. These

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[14]E. Frankel, "One Thousand Murders," Journal of
Criminal Law and Criminology, Vol. 29 (1939), pp. 672-688,
cited by J. K. Zawodny, "Guerrilla and Sabotage: Organi-
zation, Operations, Motivations, Escalation," op. cit.,
pp. 9-10.

[15]J. K. Zawodny, "Guerrilla and Sabotage: Organi-
zation, Operations, Motivations, Escalation," op. cit.,
p. 16.

techniques of understanding could assess the societies'

perception of the sources of threat, of their ideas 'for'

and 'against'; thus allowing the insurgent elements to be

arrested at various stages in their development.[16]

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[16]Ibid., p. 17.

CHAPTER VIII

INTERNATIONAL COMMUNISM AND INSURGENCY

The immediate interest of the United States in ways and means to counter insurgency stems from the Communist propensity to infiltrate, use, or organize insurgent movements. Marx, Stalin, Mao Tse-tung, Che Guevara and Krushchev have advocated, planned and documented the tenets of insurgency as a means to spread International Communism.[1]

An excerpt from the Communist Manifesto, 1848:

> . . . Communists everywhere support every revolutionary movement against the existing social and political order of things . . . .

> Communists disdain to conceal their views and aims. They openly declare that their ends can be attained only by the forcible overthrow of all existing social conditions. Let the ruling classes tremble at a Communist revolution. The proletarians have nothing to lose but their chains. They have a world to win . . . .[2]

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[1]Brigadier C. Aubrey Dixon and Otto Heilbrunn, Communist Guerrilla Warfare (New York: Frederick A. Praeger, 1955), pp. 19-32, Chap. I, "Writings on the Wall."

[2]Capital, The Communist Manifesto, and Other Writings by Karl Marx, ed. by Max Eastman, 1932 (The Modern Library), pp. 320-31, 334-35, 337, 340, 342-43,335, cited by Raymond Phineas Stearns (ed.), Pageant of Europe (New York: Harcourt Brace and Company, 1948), p. 509.

The Bolsheviks did not invent, but rather used mob
strategy developed by Louis Blanque, a 17th Century French
Revolutionist.[3] Prior to World War I, bands of revolution-
aries in Russia staged bank robberies, terrorized the police,
looted and pillaged.[4] According to official policy, the
Bolsheviks were opposed to terrorism, however Lenin actually
advocated terror as a means of gaining power. He made clear
that a Bolshevik should not be against terrorism as a matter
of principle; that terror should be opposed only if and when
murder was inexpedient and ineffective; that political
assassinations should be favored when they promoted the
Communist cause.[5] In October, 1906, alone, during the
insurgency in Russia, 121 acts of terror, 47 clashes between
insurgents and police, and 362 'expropriations' were reported.

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[3] James Burnham, "Sticks, Stones, and Atoms," Modern
Guerrilla Warfare, Franklin Mark Osanka (ed.) (New York:
The Free Press of Glencoe, 1962), p. 423.

[4] Colonel Slavko N. Bjelajac, "Unconventional Warfare
in the Nuclear Era," Modern Guerrilla Warfare, Franklin Mark
Osanka (ed.) (New York: The Free Press of Glencoe, 1962),
p. 441.

[5] Editors, Orbis, "Partisan Warfare," 1958. Foreign
Policy Institute, University of Pennsylvania, Modern Guerrilla
Warfare, Franklin Mark Osanka (ed.) (New York: The Free Press
of Glencoe, 1962), p. 71.

More than 5,000 policemen and government officials were

murdered, and several million rubles were expropriated by

criminal and insurgent elements.[6]

The 'father of Communism,' Karl Marx, commented on

insurgency:

> A nation fighting for its liberty ought not adhere
> rigidly to the accepted rules of warfare. Mass
> uprisings, revolutionary methods, guerrilla bands
> everywhere; such are the only means by which a
> small nation can hope to maintain itself against
> an adversary superior in numbers and equipment.
> By their use a weaker force can overcome its
> stronger and better organized opponent.[7]

Lenin said:

> We as communists must and will support bourgeois
> liberation movements in the Colonial countries in
> those cases where these movements are genuinely
> revolutionary and their representatives do not
> prevent us from training and organizing the peasants
> and exploited masses in a revolutionary spirit.[8]

Lenin wrote on insurgency as a means for the proletariat to

emerge. He advocated avoiding the enemy and emphasized the

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[6]Ibid., p. 67.

[7]Lt. Col. George B. Jordon, "Objectives and Methods of Communist Guerrilla Warfare," Modern Guerrilla Warfare, Franklin Mark Osanka (ed.) (New York: The Free Press of Glencoe, 1962), p. 71.

[8]Colonel Slavko N. Bjelajac, "Soviet Activities in Underdeveloped Areas," Modern Guerrilla Warfare, Franklin Mark Osanka (ed.) (New York: The Free Press of Glencoe, 1962), p. 412.

necessity for current intelligence of enemy movements and
self-security. He stated that by using small, rigidly con-
trolled, highly trained cells of communists, the enemy
could be out maneuvered and weakened. He added one feature
not contained in earlier ideas, the use of terror - fear,
as a means of reducing resistance, as well as keeping one's
own forces under control.[9]

Lenin's article on partisan warfare, Partisanskaya
Voina, published 13 October 1906, is considered the original
writ of communist insurgency operational doctrine, and is
used as a model for many insurgencies in the Emerging Nations.
Insurgency to Lenin meant terrorism, hold-ups and robberies.
Lenin advocated 'expropriations' for financing the insurgency,
which in fact meant robberies planned by professional
criminals. In practical terms, Lenin advocated an alliance
between revolution and crime, and entered himself into
agreements with criminal elements during the Russian revolu-
tion. Later, during World War I, he recommended a notorious
highwayman to the Germans for sabotage operations. Lenin
recommended terrorizing police, army and government officials

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[9]Lt. Col. Frederick Wilkins, "Guerrilla Warfare,"
Modern Guerrilla Warfare, Franklin Mark Osanka (ed.) (New
York: The Free Press of Glencoe, 1962), p. 7.

as an effective means to neutralize the government.[10]

Lenin said:

Armed struggle aims at two different objectives
which must be distinguished sharply from one
another. The first objective is to kill indi-
viduals such as high officials and lower-ranking
members of the police and army. The second
objective is to confiscate money from the govern-
ment as well as from private persons.[11]

Krushchev expressed Soviet doctrine at the 21st

Communist Party Congress:

After the colonizers have been driven out, and when
national tasks have been mainly solved, the people
seek an answer to the social problems advanced.[12]

Need anyone question what Krushchev's answer to social problems

in the Emerging Nation would be?

Note Potekhin's justification for the use of force,

expressed in a resolution of the Afro-Asian Conference in

Accra (December, 1958):

The conference of the Peoples of Africa and Asia in
Accra supports to the full all fighters for freedom,
both those who use peaceful methods, resistance
without the use of force and civil disobedience,
and all those who are compelled to answer force with
force.[13]

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[10]Editors, Orbis, op. cit., pp. 65-67.

[11]Ibid., p. 71

[12]Bjelajac, "Soviet Activities in Underdeveloped Areas,"
op. cit., p. 414.

[13]Ibid., p. 415.

The Soviet publication <u>Komunist</u> 14 - 18 November 1959,

in its editorial, "The Growing Leadership of the Party in

the Construction of Communism," said:

> . . . the Communist party stands above the USSR
> government in determining foreign policy; and that
> struggle for life and death between workers and
> bourgeoisie will go on not only inside an individual
> country, but on the international arena as well; over-
> flowing into economics, politics and ideology. It
> will be a relentless political, economic, subversive,
> and propaganda offensive against the non-Communist
> countries and peoples.[14]

Insurgency as a tool in Communist peaceful coexistence, has

subjugated hundreds of millions of people. The present

offensive is in the Emerging Nations. The Emerging Nations

were discussed at the Warsaw Conference in March 1961. It

was reaffirmed that the Communist party should support by

all means possible the 'national liberation' movements in

Africa, Asia and Latin America.[15]

The tactics of insurgency, guerrilla warfare and

violence, as tools to alter society were synthesized by

Mao Tse-tung and made applicable to the nascent, underdeveloped,

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[14]Colonel Slavko N. Bjelajac, "Unconventional Warfare:
American and Soviet Approaches," <u>The Annals of the American
Academy of Political and Social Sciences</u>, Vol. 341 (May, 1962),
p. 78.

[15]<u>Ibid</u>.

emerging nations. Violence is advocated to undermine and weaken the nation prior to the overthrow, so that Communism as an alternative to chaos is desirable.[16] The Communist premise is that any weak government - Emerging Nation - with a faltering regime, is an eligible target for exploitation.[17] The basic danger is that Communism has learned to exploit and will support any discontentment, any war of liberation, regardless of the political leaning or cause. Weaker movements, or insurgencies against a relatively strong government, generally will accept Communist help, for it means the difference between success or failure of the movement.[18] It must be realized that the Communists may be backing an insurgency that is actually fighting a tyrannical regime, one that does not really represent, but rather suppresses the people.[19] Communism is capable of aligning itself with, and able to pull together, legitimately dissident

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[16] Russell Rhyne, "Patterns of Subversion by Violence," The Annals of the American Academy of Political and Social Sciences, Vol. 341 (May, 1962), p. 65.

[17] Charles Burton Marshal, "Unconventional Warfare as a Concern of American Foreign Policy," The Annals of the American Academy of Political and Social Sciences, Vol. 341 (May, 1962), p. 100.

[18] Franklin Mark Osanka, Modern Guerrilla Warfare (New York: The Free Press of Glencoe, 1962), p. 397.

[19] Lt. Col. George B. Jordon, op. cit., p. 402.

factions in an Emerging Nation, and through sound Communist

organization tactics, provide a real threat to an existing

government.[20]

Soviet doctrine advocates that the Emerging African

Nations bypass the capitalist stage and go immediately into

Soviet style socialism, which has a tremendous appeal to the

Emerging Nation.[21] It satisfies their need to get somewhere

fast.

Communism offers the Emerging Nation a political-social

method which promises: (1) a unified group of people, and

organization of forces who want change - to modernize;

(2) a base of power to defeat those hampering change; (3)

techniques for mobilizing people and forces to produce rapid

industrial growth; and (4) a framework of security, disci-

pline and order to replace the traditional society.[22]

Persuasion is accompanied by violence for political objectives.

The Communists have never won a national-open election;

[20]Ibid.

[21]Ibid., p. 416.

[22]Max F. Millikan and Donald L. M. Blackmer, The
Emerging Nations (Boston: Little, Brown and Company, 1961),
pp. 102-103.

therefore the state must be weakened for a takeover. Social harmony is attacked. The government is made to look inept in its role to help, and provide social order to the people. This operation penetrates society much as crime does; it bears on economy, group relations, cultural values, rules, attitudes toward other nations and people. Targets, motivations, and support within the society are found. The existing social order, the _status quo_ is the target; it must be emasculated before it is destroyed. Violence is a major tactic to destroy group loyalties; personal attachments; it creates dissatisfaction by forcing attention to basic emotions, self-preservation and fear.[23]

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[23]Rhyne, _op. cit._, p. 71.

CHAPTER IX

THE NATURE OF INSURGENCY

SOCIAL DISORDER

. . . those who will not learn from history are
condemned to repeat it. GEORGE SANTAYANA.[1]

Insurgency is not a new concept or tactic. The war-

like acts of a primitive society, such as ambushes against

a village, a hunting party or a water hole, were really

irregular warfare, the type of warfare resorted to by today's

insurgent. In the Old Testament, the 'insurgent' Gideon

'smote the enemy hip and thigh.' The 'insurgent' Maccabee

fought partisan war against the Syrians. For two thousand

years, delaying and harassing actions have been referred to

in military terminology as 'Fabian Tactics,' from Fabius

Maximus, who refused to meet Hannibal in open battle -

regular warfare, but accomplished his purpose by diverting

Hannibal from Rome and saving the city.[2] Caesar encountered

insurgents in Gaul and Germany, and in succeeding centuries,

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[1]Lt. Col. Joseph P. Kutger, "Irregular Warfare in
Transition," Modern Guerrilla Warfare, Franklin Mark Osanka
(ed.) (New York: The Free Press of Glencoe, 1962), p. 52.

[2]Ibid., p. 40.

insurgents of one kind or another played a part in European

conflicts.[3]

In the Hundred Years' War, England lost most of her

lands in France to the French as a result of insurgent type

activity. Du Guesclin, Constable of France, after studying

British military tactics, refused to meet the British in

open battle. He instead raided at night, ambushed convoys,

pricked at fortified camps and towns. He made no effort to

drive the British from France; he just made it uncomfortable

for them to stay.[4] Our American Revolution is certainly an

example of American Insurgency, prior to, as well as through

the armed conflict. Many guerrilla campaigns were waged in

various parts of the world between 1814 and World War I.

In the Mexico City Campaign, Mexican guerrillas harrassed

Scott's movements.[5]

Insurgency is the weapon of the minority, and the

advanced stage of insurgency - guerrilla warfare - the tactic

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[3]Peter Paret and John W. Shy, Guerrillas in the 1960's, Princeton Studies in World Politics, No. 1, second edition (New York: Frederick A. Praeger, 1962), pp. 6-10.

[4]Lt. Col. Frederick Wilkins, "Guerrilla Warfare," Modern Guerrilla Warfare, Franklin Mark Osanka (ed.) (New York: The Free Press of Glencoe, 1962), p. 4.

[5]Ibid., p. 5.

of the militarily weak. The Spanish insurgent resistance to
the Napoleonic invasion was resorted to, only after regular
forces had collapsed. Utilizing regular forces was the
preferred strategy. General Washington and the Continental
Congress preferred to employ an organized regular army as
long as possible before resorting to irregular warfare.[6]
The Vietminh in Indo-China grew from small guerrilla groups
into conventional military divisions to accomplish their
purpose.[7] Che Guevara states that guerrilla warfare is a
phase that does not achieve victory; victory is the product
of regular warfare.[8] Therefore, in an attempt to understand
insurgency one must realize the weaknesses of this type of
warfare as well as its advantages. Dwelling on the advan-
tages can, at best, cloud any effort to organize and accomplish
an effective counterinsurgency policy.

It was stated that insurgency is the weapon of the
weak, an effort of the minority to achieve power. It must be
assumed that these methods are extra-legal. If the methods

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[6]Paret and Shy, op. cit., pp. 19-33.

[7]George K. Tanham, Communist Revolutionary Warfare
(New York: Frederick A. Praeger, 1961), p. 33.

[8]Che Guevara, Guerrilla Warfare, trans. J. P. Morray
(New York: Monthly Review Press, 1961), p. 20.

of insurgency are unlawful it would follow that law enforce-

ment would play an important role in the various phases of

countering insurgency. Brigadier R. C. H. Miers, of the

British Army, in dicussing means to contain an insurgent

movement, stated that ". . . law-and-order is as important

a concomitant of national prosperity as are natural resources,

technical skill or economic viability."[9]

Peasants in the rural areas of the world seek social

justice and reform - at a minimum, the traditional way of

life _sans_ injustice. They also seek and need peace and

physical security.[10] Roger Hilsman, ex-Undersecretary of

State for Asian Affairs, said:

> To summarize my feeling on popularity, reform, and
> modernization; (1) they are important ingredients
> but are not the determinants of events and (2) their
> role must be measured more in terms of their contri-
> bution to physical security than we generally realize.[11]

A Communist insurgency combines the methods - factors - of

social reform, administration, and sheer terror to establish

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[9]Brigadier R. C. H. Miers, "Both Sides of the Guerrilla Hill," Special Warfare U. S. Army, Office, Chief of Information, Department of the Army (Washington: Government Printing Office, 1962), p. 121.

[10]Roger Hilsman, "Internal War: The New Communist Tactic," Modern Guerrilla Warfare, Franklin Mark Osanka (ed.) (New York: The Free Press of Glencoe, 1962), p. 460.

[11]Ibid., p. 461.

the political base.[12] Violence is used by the insurgent to

weaken the state and corrupt its social base.[13]

A fact of insurgency is that anything goes - the ends

justify the means - any methods including murder, robbery,

sabotage, etc., are fair game. In Latin America, force and

violence have been elevated to a political principle, a

principle followed by most of the Emerging Nations in the

world. The various Latin American countries have had many

years to sophisticate this principle, and much practice. In

Colombia, alone, prior to 1903, there were seventy revolts

or insurgencies, and one of them took eighty thousand lives.[14]

The violent, criminal type acts of an insurgent

movement are demonstrated by a list of acts of sabotage

committed by the Polish Underground Forces against the

Germans, from January 1, 1941, to June 30, 1944.

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Railroad locomotive damages. . . . . . . . . .  6,930
Locomotives held over and delayed during repairs  803
Trains derailed. . . . . . . . . . . . . . . .    732
Trains set afire . . . . . . . . . . . . . . .    443
Railroad cars damaged. . . . . . . . . . . . . 19,058
Railroad bridges blown up. . . . . . . . . . .     38
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[12] Ibid., p. 454.

[13] Russell Rhyne, "Patterns of Subversion by Violence," The Annals of the American Academy of Political and Social Sciences, Vol. 341 (May, 1962), p. 65.

[14] John J. Johnson (ed.) The Role of the Military in Underdeveloped Countries (New Jersey: Princeton University Press, 1962), p. 93.

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Railroad cisterns for fuel transport destroyed   1,167
Railroad cars with wood shavings set on fire .     150
Military motor vehicles destroyed. . . . . . .   4,326
Aircraft destroyed on the ground by bombs. . .      28
Tons of fuel destroyed . . . . . . . . . . . .   4,676
Oil wells spiked . . . . . . . . . . . . . . .       3
Military store depots set on fire. . . . . . .     122
Major army stores set on fire and destroyed. .       8
Faulty execution of aircraft engine parts. . .   4,710
Faulty cast of gun barrels . . . . . . . . . .     203
Damage to import machine tools in war plants .   2,872
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[15]

Since the end of World War II there have been many insurgent movements all over the world, but particularly in the Emerging Nations. Each has claimed that it was representing the people; however, in all cases there was a flagrant disregard for human life and property. ". . . actions have been little more than a campaign waged by bandits. . . ."[16] However, it is a mistake to underestimate this type of warfare, just because it takes the form of robbery, murder, and arson, rather than regular warfare.[17]

In Post World War II Greece, 1946, insurgents created serious problems for the government. They began by murdering

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[15]Tadeusz Bor-Komorowski, The Secret Army (London: Victor Gollanez, 1951), pp. 152-153, cited by J. K. Zawodny, "Guerrilla and Sabotage: Organization, Operations, Motivations, Escalation," The Annals of the American Academy of Political and Social Sciences, Vol. 341 (May, 1962), p. 12.

[16]Wilkins, op. cit., p. 12.

[17]Ibid., pp. 12-13.

local government officials; terrorizing, attacking, and occupying villages to show the people that the government could not protect them.[18] In Greece, seventy-three thousand insurgents completely wrecked the economic and social life of a nation of seven million people; seven hundred thousand people were forced to leave their homes. Although most of the people opposed them, the insurgents were able to gain substantial support through reprisals.[19] Two hundred thousand Greek forces were assigned to defeat thirty thousand guerrillas. In World War II the German Army was forced to commit fifteen divisions (three hundred thousand troops) to combat guerrillas. United Nations forces in Korea assigned ten divisions to combat guerrillas. And six thousand two hundred Fidelists defeated the entire Cuban Armed Forces.[20] In an address, Roger Hilsman, at the time State Department Director of Intelligence and Research, gave what may be the key to how twenty thousand Viet Cong are able to control

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[18]Franklin Mark Osanka, _Modern Guerrilla Warfare_ (New York: The Free Press of Glencoe, 1962), p. 215.

[19]Wilkins, _op_. _cit_., pp. 12-13.

[20]Lt. Col. George B. Jordon, "Objectives and Methods of Communist Guerrilla Warfare," _Modern Guerrilla Warfare_, Franklin Mark Osanka (ed.) (New York: The Free Press of Glencoe, 1962), p. 400.

3.5 million people. He reported that four thousand civil

officers were assassinated in South Vietnam during a twelve

month period. Since the only safe candidates for election

were Communist agents or pawns, regular Army officers were

placed as province and district chiefs in most parts of

Vietnam. Assassination is also used to recruit insurgents

either by direct intimidation or extortion.[21]

Insurgency is best suited to the Emerging Nation,

beset with its many problems, and is a real threat when used

successfully, as by Mao Tse-tung in China, Vietnam, Algeria,

and Cuba. It is applicable to all Emerging Nations; is

adaptable to local aspirations, and is an overt as well as

covert threat to every such nation in the world.[22]

Roger Hilsman lists the political factors that threaten

internal security and the stability of the Emerging Nation:

1. Antagonisms between underdeveloped states.
2. Disagreements between Regions of a State or between
   a Region and the center.
3. Social class antagonism.
4. Intense disagreement over foreign policy.
5. Traditional political rivalries within a social class.

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[21]Roger Hilsman, cited by Lt. Col. Forrest K. Kleinman, "Front and Center," Army, XIII, No. 5 (December, 1962), pp. 18-19.

[22]Rhyne, op. cit., pp. 67-68.

6. Lack of popular belief in the state as a
   sovereign entity.
7. Ethnic or racial issues.
8. Banditry.
9. Constitutional crises.[23]

Commenting on factor eight above, Mr. Hilsman says:

> Bandits (or armed rural gangs) that flout the
> authorities and exploit local neighbors have long
> existed in many parts of the world - colored perhaps
> with varying degrees of political or ideological
> overtones, but essentially dedicated to violence.
> One thinks of recent illustrations in the Philippines,
> of traditional sporadic outbreaks in Java, of troubles
> experienced by the new state of Burma. These actions
> impoverish the peasant, ruin the governments authority,
> paralyze public morals, and open the path to similar
> Communist tactics or, conversely, to establishment
> of Communist authority in that region.[24]

The prize or goal of the insurgent is authority. The

insurgent seeks to impair and weaken the government's ability

to exercise its authority, and to command allegiance of the

people.[25]

> It is easy to forget at a distance that counter-
> insurgency operations are not 'war' --not even civil
> war usually--but rather the civil-military action of
> a legal government confirming its own sovereignty.
> Because it is not a 'war' there are no 'lines.' There
> is no clear 'enemy territory' where everything is secure.

[23]Roger Hilsman, "Internal War the New Communist Tactic,"
Modern Guerrilla Warfare, Franklin Mark Osanka (ed.) (New
York: The Free Press of Glencoe, 1962), pp. 461-462.

[24]Ibid., p. 462.

[25]Charles Burton Marshal, "Unconventional Warfare as a
Concern of American Foreign Policy," The Annals of the American
Academy of Political and Social Sciences, Vol. 341, p. 97.

> The 'enemy' are irregular forces, usually scattered,
> and forest, swamp, or mountain based, and relying
> on persuasion, blackmail, and terror to achieve their
> aims. The loyalty and confidence of the nation's
> people is the objective. . . . A combined military-
> civil action is necessary to secure the national
> boundaries, to protect the people, to work among
> the people, to gain their confidence, to search out
> and destroy the guerrillas, and to maintain public
> confidence in the justice and stability of the
> government.[26]

These insurgency operations or 'wars of liberation'
are not really wars in the traditional sense of wars. The
tactics are the sniper, the ambush and the raid; terror,
extortion and assassination. The key is the maintenance of
internal security. It is impossible to carry out land
reform and political reform if the local peasant leaders are
being systematically murdered.[27]

Historically, the theme of the insurgent is to create
civil disorder. In Cyprus the E.O.K.A.'s objective was the
maintenance of terror and insecurity. The insurgents or
terrorists attempted to control the people through propaganda,

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[26]Cyrus R. Vance, _Military Review_, XLII, No. 2
(December, 1962), p. 29.

[27]Robert S. McNamara, "The Third Challenge," _Special
Warfare U. S. Army_, Office, Chief of Information, Department
of the Army (Washington: Government Printing Office, 1962),
p. 13.

social pressure and terror. Disorder and insecurity put the British authority in doubt. Fear of reprisal made information difficult to collect.[28] During the four years of insurgency on Cyprus, 600 people were killed, mostly murdered, and 1,260 were wounded. There were 4,758 bombs prepared, of which, 927 caused major damage, 855 minor damage, and 2,976 either failed to explode or were found by the police prior to detonation.[29] The E.O.K.A. insurgents assaulted and murdered those individual Cypriots, who collaborated with the British or disagreed with the insurgents methods of operation. These acts of violence drew a double dividend. They minimized the risk of betrayal by killing known traitors to the cause, and terrified potential traitors or informers. They also proved to be a useful method of raising funds.[30]

In the British campaign against insurgents in Malaya, a former terrorist estimated that by the end of 1952, eighty per cent of all new recruiting was based on some combination of coercion and trickery.[31]

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[28]Peter Paret and John W. Shy, Guerrillas in the 1960's, Princeton Studies in World Politics, No. 1, second edition (New York: Frederick A. Praeger, 1962),pp. 6-10.

[29]Dudley Barker, Grivas: Portrait of a Terrorist (New York: Harcourt, Brace and Company, 1960), p. 8.

[30]Ibid., p. 78.

[31]Lucian W. Pye, Guerrilla Communism in Malaya (New Jersey: Princeton University Press, 1956), p. 116.

The Vietminh tried to disrupt the French forces by denying them the use of roads, paths and waterways. The major part of their guerrilla activity consisted of mining and destroying roads.[32] The principle of security of the rear, in reverse, governed the Vietminh efforts to create insecurity in enemy held areas.[33] In the Vietminh instructions to insurgents, the same theme of civil disorder is emphasized.

> It is the duty of those who are in the enemy zone to create action around them, to strike the enemy with precision and speed, wherever he is, destroying all opponents and appropriating stocks and material and resorting to ambush, attacks, and other measures that create disorder and discontent.[34]

Commenting on the Viet Cong insurgency in Vietnam, Dr. Walt W. Rostow has said:

> . . . It is an unsubtle operation, by the book, based more on murder than on political or psychological appeal. When Communists speak of wars of national liberation and of their support for "progressive forces," I think of the systematic program of assassination now going forward in which the principal victims are the health, agriculture, and education officers in the Viet Nam villages. The Viet Cong are not trying to persuade the peasants of Viet Nam that communism is good; they are trying to persuade them that their lives are in-secure unless they cooperate with them.[35]

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[32]Tanham, op. cit., p. 89.   [33]Ibid., pp. 24-25.
[34]Ibid., pp. 77-78.
[35]Walt K. Rostow, "Countering Guerrilla Attacks," Special Warfare U. S. Army, Office, Chief of Information, Department of the Army (Washington: Government Printing Office, 1962), p. 25.

An example of this tactic demonstrates how far the Viet Cong will go in this respect. The Diem government, with aid from the United States, undertook a malaria control program, but the Viet Cong tried to jeopardize the effort by attacking and killing the agents who were sent into the villages to help with this health problem.[36]

In their efforts to win the support or control of the people, the Viet Cong employed the familiar combination of persuasion and terror used so successfully in the past.[37] The Viet Cong, as an insurgent, is interested in gaining people, not in gaining ground. They have ousted, killed, and kidnapped landlords, district chiefs, and government officials. They know that plain individual murder can win a group of Vietnamese over to the Viet Cong cause.[38] The goal of the Viet Cong activities is to paralyze and emasculate the legitimate regime and create a power vacuum in the lower echelons of government, by concentrating terrorist attacks on village and district chiefs, who are

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[36]Tanham, op. cit., p. 155.   [37]Ibid., p. 153.

[38]Col. Robert S. Rigg, U.S.A., "Catalog of Viet Cong Violence," Military Review, XLII, No. 12 (December, 1962), p. 25.

the target for assassination or abduction; and whose families

are subject to reprisals. It is impossible to provide a

bodyguard for every provincial official, but these men will

have to be protected if the Viet Cong are to be prevented

from systematically wiping them out and cutting off the

administrative link between the central government and the

outlying districts.[39] During 1960 alone, the Viet Cong

assassinated or kidnapped over 3,000 local officials, military

personnel and civilians. Activities took the form of attacks

against isolated garrisons, and newly established villages;

road and canal ambushes, destruction of bridges, and sabo-

tage of public works and communication lines. Because of

this activity, 200 elementary schools had to be closed,

affecting over 25,000 students and 800 teachers.[40] Lt.

Colonel Arthur P. Gregory, MAAG Officer assigned to the

Southern Delta in Viet Nam said: "Most of us are sure that

this problem is only 15% military and 85% social and economic.

It's not just a matter of killing Viet Cong but of coupling

security with welfare."[41]

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[39]Tanham, op. cit., pp. 154-155.   [40]Ibid., pp.114-115.

[41]Dennis Warner, "The Invisible Front Lines of South
Vietnam," Modern Guerrilla Warfare, Franklin Mark Osanka (ed.)
(New York: The Free Press of Glencoe, 1962), p. 275.

It has been found that in many cases the Viet Cong

are really juvenile delinquents, drunks, and habitual

criminals; they are criminals committing criminal acts in

the name of the Viet Cong. It may be significant that

Ho Chi-minh released all prisoners, including thieves and

murderers, from prison the first day he assumed power.[42]

Ho Chi-minh himself had experience as an ordinary criminal

in addition to his political background. Ho's father was

a government official serving under the French in Indo China;

at the time Ho was wanted by the police for looting and

assassination. His brother and sister were jailed for

insurgent activity, but before authorities could apprehend

Ho, he had signed on a French ship as a seaman. He fled to

England, France, Germany, and the United States where he

worked at odd jobs in New York, Baltimore and Boston. He

returned to France and wrote for a French Communist newspaper

before going to Moscow for insurgent training. After two

years in Moscow he was assigned to Canton to assist the

Russian advisor Borodin as language interpreter. He stated

subsequently, that his real mission was to assassinate

Chiang Kai-shek. His next assignment was Hong Kong where he

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[42]Lt. Col. Forrest K. Kleinman, "Report from Vietnam,"
Army, XIII, No. 2 (September, 1962), p. 32.

was to organize terrorist activities. He was arrested and
served an eighteen month prison term in Hong Kong for
assassination and anarchism. Thailand was his next post,
where for two years he organized terrorist activities, in-
cluding sabotage and murder. He was again arrested, sent
to prison, and finally expelled from Thailand. Indo-China
was his next assignment, where he gained control through
assassination of the League for Viet Nam Independence - and
later North Viet Nam.[43]

The insurgent seems to have four strategic objectives:

1. enhance the solidarity of the in-group;
2. undermine the strength of the enemy;
3. prepare for a general uprising; and
4. gain control of the territory by revolution.[44]

Weapons are not necessary to create havoc. The rioting mobs
in Tokyo, Seoul, and Ankara, who overthrew governments and
forced a president of the United States to cancel a visit,
were armed with their fists, staves, placards, bricks, a few

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[43]Henry J. Taylor, "U. S. Courts Disaster Pretending Red Leopard Has Changed Spots," The State Journal (Lansing, Michigan, Vol. 110, No. 4 (May 1, 1964), p. A6.

[44]J. K. Zawodny, "Guerrilla and Sabotage: Organization, Operations, Motivations, Escalation," The Annals of the American Academy of Political and Social Sciences, Vol. 341 (May, 1962), p. 12.

knives and revolvers. In the Congo, insurgents were armed with clubs, rocks, blow guns, bows and arrows, and magic spells. Ghandi and Nehru forced Britain to retreat through mob action, unarmed and generally peaceful. The insurgents in Indonesia, Iraq, Cuba, Bolivia, Egypt, Guatemala, Vietnam, Cambodia, Congo and Rhodesia, were mostly armed with sticks and stones, some rifles and machine guns, but most important, a mob, which is the basic weapon.[45] This conflict, the insurgency, involves the total society and each aspect of social life. Success is not due to new principles, psychological warfare, technical efficiency, tactics, terrain, or number of people with weapons, etc. The decisive factor is the nature of the power, its closeness and appeal to the people, its ability to win the people and their ideological convictions.[46]

One of the basic problems inherent in an insurgency is that war between states - formal wars - have rules, clearly

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[45]James Burnham, "Sticks, Stones and Atoms," _Modern Guerrilla Warfare_, Franklin Mark Osanka (ed.) (New York: The Free Press of Glencoe, 1962), pp. 418-419.

[46]Col. Slavko N. Bjelajac, "Unconventional Warfare: American and Soviet Approaches," _Modern Guerrilla Warfare_, Franklin Mark Osanka (ed.) (New York: The Free Press of Glencoe, 1962), p. 79.

defined territory, etc., an insurgency does not. It is

clandestine, cancerous; a war on culture, and society,

aimed to decay and disintegrate rather than to win a decisive

battle or overwhelm a particular force.[47] The insurgents

effectiveness can be measured by their effect on the govern-

ment, and their effect on the population on whose behalf they

are presumably acting.[48] A fact of insurgent actions is

that the government must soon achieve success, or it will

eventually be forced, through emasculation to sue for peace

or a coalition at any price, and accommodate the enemy.[49]

Since the insurgent is elusive, government forces

will direct reprisals against the population in an effort to

destroy support to the insurgent from the people, and as a

psychological release - a scapegoat, resulting from the

frustration of being unable to find and fight the insurgent.

These reprisals against the population only create more

support for the insurgent, and hasten his victory.[50] A

Vietnamese said, "The Americans can train soldiers in 3

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[47]Marshal, op. cit., p. 95.

[48]Zawodny, op. cit., p. 14.

[49]Charles T. R. Bohannan, "Antiguerrilla Operations," The Annals of the American Academy of Political and Social Sciences, Vol. 341 (May, 1962), p. 25.

[50]Zawodny, op. cit., p. 16.

months but they won't be able to teach them to love their

country in 3 years."[51] In Cuba, all of Castro's forces were

the victims of government terror in that they would be

killed if they returned home. Many had left because of

torture and the death of loved ones at the hands of the

government. Each one knew that they would not and could not

expect to live, as long as the government was in power.[52]

The government counter insurgency forces must abide by the

rules of warfare. If they use the insurgents tactics, they

add fire to and create more support for the insurgent move-

ment. In fact, insurgents often incite reprisals just for

this purpose.[53] Counter insurgency, like the suppression

of ordinary crime is normally accomplished by regular forces

of the state.[54] If the insurgents are politically weak, the

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[51]Warner, op. cit., p. 279.

[52]Dickey Chapelle, "How Castro Won," Modern Guerrilla Warfare, Franklin Mark Osanka (ed.) (New York: The Free Press of Glencoe, 1962), p. 328.

[53]Morris Greenspan, "International Law and Its Protection for Participants in Unconventional Warfare," The Annals of the American Academy of Political and Social Sciences, Vol.341 (May, 1962), p. 37.

[54]Russell Rhyne, "Appendix, Unconventional Warfare: Problems and Questions," The Annals of the American Academy of Political and Social Sciences, Vol. 341 (May, 1962), p. 106.

government can suppress the insurgency by treating it as a matter of restoring law and order.[55] The legality of an insurgency must be considered, for the insurgency is manifested by a series of violent acts, which look like ordinary crime, and which are, at least initially, treated as such. When gangs extend this activity to the confines of a city, the problem may be beyond the control and capabilities of the local police, and local criminal codes and laws. When this activity is extended to the whole country, even more of a legal and law enforcement problem results.[56]

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[55]Klaus Knorr, "Unconventional Warfare: Strategy and Tactics in Internal Political Strife," The Annals of the American Academy of Political and Social Sciences, Vol. 341 (May, 1962), p. 61.

[56]Rhyne, op. cit., p. 104.

CHAPTER X

THE EMERGING NATION; THE INSURGENT; AND LAW ENFORCEMENT

No one can question that it is in the interest of the
worlds best civilization that law and order and true
liberty consistent therewith shall reign everywhere
upon the globe. A permanent inability on the part of
any State or semi-State to secure this status is a
threat to civilization everywhere.[1]

A basic tactic of the insurgent is to create civil

disorder. Insurgents have always used, and will continue to

use any tool available to accomplish their purposes; the

criminal, drunkard, misfit, misguided; the dissatisfied,

regardless of reason. Following the breakdown of civil

order, the country is at the mercy of the insurgents, and

control of the government can be gained as it was in Moscow

in 1917. All elements of the victim country which promote

order must be strengthened to resist this kind of attack.

This process involves every instrument for protecting people.

Other areas of counterinsurgency are important, but the

protection of life and property and the maintenance of law

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[1]Professor Burgess, <u>Political Science and Compara-</u>
<u>tive Constitutional Law</u>, Vol. I, p. 47 (1893), cited by
Westel Woodbury Willoughby, <u>Social Justice</u> (New York: The
Macmillan Company, 1900), p. 267.

and order are basic requirements.[2]

Historically, as part of the 'American way of life'
and cultural background, politicans - political scientists
and policy makers automatically assume that the authority
and power of a government derives from the consent of those
governed. However, in the Emerging Nations of the world,
faced with insurgencies that are non-western in nature; with-
out benefit of the theoretical framework of the western
political scientists; this assumption may be used as a slogan
by the insurgent, but a more basic and at least immediately
powerful argument is added - sheer terror. What the insurgent
is really saying is 'consent to support us, or else.'
Another, more prosaic way of describing this fact of life,
in the language of law enforcement, is that the insurgent
is selling protection; a criminal activity that police forces
have been dealing with for centuries. The basic police
problem, both in ordinary crime and criminal insurgency, is
to get the victim's support in reporting, identifying, and
if necessary testifying against the extortionist. A problem
in the Emerging Nation is that the victim may very well be

[2]Lt. Col. Forrest K. Kleinman, "Report from Vietnam,"
Army, XIII, No. 2 (September, 1962), p. 24.

dissatisfied with the government himself. If the police force has lost rapport with, and is unpopular, the victim may consider the price of 'protection,' a necessary evil, a means of survival. In reality then, for a variety of reasons, apathy - antipathy - dissatisfaction - isolation, etc., the people may prefer to pay the price of protection to the insurgent, rather than put themselves under government control - accept help from the police. Successful actions against the insurgent requires information willingly given by the people. This will come only when the people can expect protection - security - social order by the law enforcement agency; and knowledge that it is serving the people and is concerned with their welfare.[3]

A primary factor in countering insurgency, is information and intelligence. The source of this type of information, in most areas of the world, is the police. The insurgency can be countered before it really begins if leaders and agents are arrested before active operations commence. Effective intelligence is also mandatory in defending and operating against the active insurgent.[4]

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[3] Monte Bourjaily, Jr., "Need is Clear for Civic Actions by the Military," Army Times, 13 November 1963, p. 13.

[4] Brigadier R. C. H. Miers, "Both Sides of the Guerrilla Hill," Special Warfare U. S. Army, Office, Chief of Information, Department of the Army (Washington: Government Printing Office, 1962), p. 121.

The British campaign in Malaya against the insurgent

MCP, was based principally on police operations. Initially

problems were encountered because of the lack of adequate

police support. The army was tied down with the police

functions of securing people and installations, and police

operations against individual and small groups of insurgents.

However, the Federation of Malaya Police was expanded; and

Home Guard Units and a Special Constabulary were organized.

The total number of regular and armed auxiliary policemen

reached approximately one hundred thousand during the campaign.

Most consisted of Malayans in the Special Constabulary,

Kampong Guards, and Home Guards. Also participating were

additional regular police with Scotland Yard experience,

former members of the Palestine Police with experience in

terrorism, men from the Hong Kong Police, and Shanghai

International Settlement Police.[5] Rather than utilize a

large scale military operation, the wise British commander

in Malaya, relied on aggressive and intelligent patrolling,

coupled with civil and police action to provide the break,

and induce insurgents to surrender.[6]

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[5]Lucian W. Pye, Guerrilla Communism in Malaya (Princeton: Princeton University Press, 1956), p. 97.

[6]Col. Richard L. Clutterbuck, British Army, "The SEP - Guerrilla Intelligence Source," Military Review, XLII, No. 10 (October, 1962), p. 19.

After June 20, 1948, gangs of MCP committed payroll robberies, intimidated groups of the society, slashed rubber trees, threw bombs, ripped up railroad tracks, kidnapped for ransom, committed murder, and engaged in acts of terror. One of the first targets was the police force. The tactics of the Malayan insurgent were to win over the population by means of fear, intimidation, terrorization, murder, arson, abduction, threats and blackmail. Special bands of assassins were organized which were called Lie Ton Ten, killer squads.[7] Since the tactics were murder and arson, general criminal activity, the British attitude was that of law enforcement rather than military, i.e., to find and arrest the insurgent using good police procedures.[8] From a legal standpoint, the Malayan situation was, as are all insurgent movements, not a war, but an 'emergency,' and the army was used merely to support the police and government. Emergency laws were enacted to cope with the situation. Capital offenses were expanded to include crimes such as 'consorting with terrorists,' 'possessing arms,' etc., however civil and not martial law

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[7]Major Anthony Crockett, "Action in Malaya," Modern Guerrilla Warfare," Franklin Mark Osanka (ed.) (New York: The Free Press of Glencoe, 1962), p. 310.

[8]Paul M. A. Linebarger, "They Call 'Em Bandits in Malaya," Modern Guerrilla Warfare, Franklin Mark Osanka (ed.) (New York: The Free Press of Glencoe, 1962), p. 295.

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was administered in the courts, by civil magistrates and

judges.[9] Although facetiously, a newspaper reporter commented

on the situation at the time:

> . . . . Coordination [of the counter-insurgency
> effort] is effected by Lieutenant General Sir
> Harold Briggs, a brilliant improviser who, since
> he is a key military personage in British Malaya,
> obviously serves in a civilian capacity . . . . It
> is up to General Briggs to coordinate everything
> he can find - governments, police, land forces,
> naval forces, air forces, and so on - in a unified
> campaign to suppress persons whom the British
> authorities do not describe as "Communist," but as
> bandits whose "rebellion" is labelled an "emergency."
> And warfare against them is not "war" but "operations."[10]

General Briggs was faced with a war that was not a war,

against enemies who committed murder. He was faced with

waging sociological warfare, and applying more the tactics

of the big game hunter than the soldier. A British Army

Officer in Malaya during the insurgency commented that the

enemy was always on the move and hard to find, that accurate

information was difficult to get because the people were

afraid. He said the best sources of information were from

the police, in fact, they were the only sources of in-

formation.

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[9]Crockett, op. cit., p. 311.

[10]Linebarger, op. cit., p. 294.

In Inpoh, a Joint Operations Room was set up in the
police station, manned by our Intelligence Officer
and a Police Operations Officer. Here was built up
a picture of bandit movements and strength. Camps
found and incidents reported often made it possible
to gauge the tenor of terrorist activity and to
anticipate their actions . . . . This close cooper-
ation between the military forces and the police was
the secret of all successful operations.[11]

Another counter-insurgent operation based on law

enforcement was the Philippine Government's campaign against

the Hukbalahap. The strategy of the Communist Party of the

Philippines was disclosed in a memo to the Central Committee

from the Secretariat.

Aim: To establish the New Democracy (People's
Democratic Republic) by overthrowing American
imperialism.
Direction of the Main Blow: Isolation of the
national bourgeoisie and other elements, who compro-
mise with imperialism and the winning over of the masses.
Main Forces: The proletarians and landless peasants.
Reserves: The middle class and rice peasants, the
Soviet Union, and the New Democracies (other Communist
States).
Disposition of the Main Forces and Reserves: Alliance
of the working class and peasantry.
Revolution:
1. Period of preparation - Battle for reserves or
strategic defense.
2. Seizure of National Power - Military offensive or
strategic offense.[12]

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[11]Crockett, op. cit., p. 312.

[12]Lt. Col. Tomas Tirona, "The Philippine Anti-Communist
Campaign," Modern Guerrilla Warfare, Franklin Mark Osanka
(ed.) (New York: The Free Press of Glencoe, 1962), pp. 204-205.

Effective detention of the insurgents and their supporters

would have required violation of constitutional guarantees,

i.e., suspension of the writ of habeas corpus, or declaring

the Huks legal belligerents. Neither action was politically

feasible. Insurgents captured could not be detained unless

regular criminal proceedings could be instituted based on

sufficient evidence, etc., they would be released and be

fighting again within hours or days. This created a situation,

not approved of by the government, but carried out anyway, of

liquidating the captured insurgent. This intensified the

insurgents will to win - to fight to the death, and provided

a strong propaganda weapon against the government.[13] This

type of tactic, resorted to by frustrated government forces,

further turned the people away from the police and the

government.

During the government campaigns against the insurgent,

a widely read columnist and radio commentator said:

> One has to look to the pithecoid savages of Japan,
> and the gangsters of Nazi Germany for examples of
> the pitiless ferocity with which our Filipino Storm-
> troopers, the bully boys of General Castaneda and

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[13]Charles T. Bohannan, "Antiguerrilla Operation,"
The Annals of the American Academy of Political and Social
Sciences, Vol. 341 (May, 1962), p. 21.

their civil guard allies make war on the civilian
population of Luzon. In the name of peace and order
villages and settlements are ruthlessly shelled and
then afterwards looted, the charming Japanese practice
of zoning is revived, prisoners are shot while con-
ventiently trying to escape, searches and seizures
without warrant are made, individual rights are
suspended, and Huks, or captured persons suspected
as Huks, tortured and killed. . . . The government
cannot hide behind the convenient fiction that it
has nothing to do with the brutal forces that
represent it. The government is no better and no
worse than the agencies through which it expresses
its will . . . . The MP's [Philippine constabulary
organization] can murder and loot and kill with
impunity; the law apparently does not apply to them.[14]

Ramon Magsaysay, Secretary of National Defense 1950 -

1953, was then (1950) appointed to handle the insurgent

operations. An important insight to his philosophy which

contributed to his success, is revealed in his statement

that:

Any democratic government is neither of necessity
nor automatically better in the eyes of the common man
than a communistic government. In order to stamp out
communism, the local government must clean its own
house. A status quo that has bred virulent communism
cannot remain unchanged. Communism seldom flourishes
where the people are content and prosperous basically.[15]

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[14]Anonymous Author, cited by Charles T. Bohannan,
op. cit., pp. 21-22.

[15]Major Boyd T. Bashore, "Dual Strategy for Limited
War," Modern Guerrilla Warfare, Franklin Mark Osanka (ed.)
(New York: The Free Press of Glencoe, 1962), p. 195.

Magsaysay's approach was to give the people a choice of all-out force, or all-out friendship. His success in part is attributed to good leadership and good troop behavior.[16] His program included land reforms, land for the landless. He offered the services of the constabulary to help those sincerely and peacefully seeking objectives. Instead of harsh treatment, he offered 'candy for the kids'; the police (constabulary) were directed to enter the villages as friends, guests; they gave candy and chewing gum to the children; became their friends. Rather than taking food from the villages, the constabulary were directed to take ample supplies, enough for their own use, and enough to share with the people. Magsaysay announced to the people that anyone could send him a personal telegram for five cents complaining of any wrong, and a special section in his office would take action on it and answer it within twenty-four hours. He instituted legal aid for those that could not afford it; lawyers were provided by the Judge Advocate General Corps of the Constabulary, at no charge. Insurgents that voluntarily surrendered were resettled in projects where they could start a new life with their own land and houses.

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[16]Bohannan, op. cit., p. 19.

Constabulary labor was provided to rebuild what the insurgents

had destroyed; roads, schools and villages were repaired.

The constabulary became 'servants' of the people. An infor-

mation program was established that reached even the most

remote areas, telling the people of the government's program,

publishing the positive program as well as the punishments

against those that did not cooperate. Magsaysay sold the

people on the government, related the goverment to the people.

He positively demonstrated that the government was for the

people, for their goals, and was also their protector; he

convinced them that the insurgents were in fact an enemy

of the government and the people.[17]

Magsaysay persuaded the President, against much

criticism from the press and government, to suspend the

writ of habeus corpus so the constabulary could have the

legal tools it needed to counter the insurgent. Although

a dangerous precedent, the tool was used wisely and enabled

the constabulary for the first time to legally detain in-

surgents caught or suspected of rebellion or aiding the rebels.

With this legal tool, the illegal practices born of frus-

tration, resorted to by the constabulary to fight their

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[17]Ibid., pp. 25-28.

enemy were no longer necessary. Magsaysay personally charged

each member of the constabulary with simply two missions:

(1) Be an ambassador of good will to the people, and (2)

Capture or kill the insurgent. Within six months after the

Magsaysay program was instituted, the insurgents ceased to

offer a threat to the stability of the government.[18]

Probably the most dramatic incident which reveals the

success of this type program involved an attempted assassin-

ation of Magsaysay. An insurgent agent who was sent to meet

with and assassinate Magsaysay, first listened to what

Magsaysay had to say about his program for the people, his

aims and goals. The assassin became so interested and con-

vinced of the worth of Magsaysay's plans that he defected to

the government and furnished information leading to the

arrest of the executive council of the Philippine Communist

Party and confiscation of their files.[19]

Lieutenant Colonel Harold T. Mooney, former Provost

Marshal, MAAG, Vietnam, at the 1962 meeting of the Association

of the United States Army in Washington, D. C., discussed

insurgency in Vietnam:

> In Vietnam, a major problem is how you can identify
> a Viet Cong. A Viet Cong looks and dresses exactly
> like any other Vietnamese farmer, laborer, fisherman,

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[18]Ibid., pp. 27-28.   [19]Ibid., p. 27.

teacher, public official, or professional man. He
(or she) has no distinguishing marks or character-
istics; he seldom wears any distinctive item or
uniform, and he usually does everything possible
to conceal his affiliation with, or his sympathies
for the Viet Cong. He is often a hardworking rice
farmer by day, and a disciplined, crafty and combat
tested marauder by night.

One of the reasons why the Viet Cong had the
strength it had was the absence of adequate and
properly trained police forces in rural areas. The
intelligence capacity of the police was not exploited.
Insurgency has its roots in these areas and will not
be overcome until law and order are restored, and the
police are able to protect lives and property.[20]

The policeman 'on the beat' has played an important

role in counterinsurgency in Vietnam. The Viet Cong announced

in 1962 (and again in 1964) a few days before the anniversary

of the Geneva Convention that partitioned Vietnam (20 July,

1954), that they would celebrate the occasion by assassin-

ating an American. The Vietnamese Army could not provide

the kind of protection necessary since Viet Cong agents were

undercover in all major cities. Assassins prowled the

streets of Saigon and Da Nang in search of American victims,

but before any of the Viet Cong were able to accomplish their

mission, they were arrested by Vietnamese police.[21] The

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[20]Lt. Col. Harold T. Mooney, "MP's in Counter-Insur-
gency," Army, XIII, No. 4 (November, 1962), p. 65.

[21]Lt. Col. Forrest K. Kleinman, "Front and Center,"
Army, XLII, No. 5 (December, 1962), p. 19.

policemen were able to function effectively because this was

their battlefield, this was their kind of war, this was

their basic mission - prevention of crime, and preservation

of law and order.

The Somali Republic, which gained independence at

the same time as the Congo, was faced with the same problems

as the Congo, those of bringing dissident tribal, political

and ethnic factions together. However, the transition to

independence in the Somali Republic was trouble free compared

to the disorder in the Congo. The small, efficient, western

trained National Police force is credited with maintaining

the social order and stability that was lost in the Congo.[22]

> There are many things we can do to help responsible
> and friendly governments attack this problem all along
> the line. I have already illustrated how the training
> of the armed forces can be better geared to the specific
> war against guerrillas. Equally important is the
> training of police and other forces to cope with the
> lessor manifestations of violence, not only in detec-
> tion and surveillance but also in handling actual
> outbursts. We may find ourselves encouraging reformers
> to organize mass parties, and in certain tense circum-
> stances we may need to help create citizens' militia
> forces.[23]

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[22]Roger Hilsman, "Internal War: The New Communist
Tactic," Modern Guerrilla Warfare, Franklin Mark Osanka (ed.)
(New York: The Free Press of Glencoe, 1962), p. 459.

[23]Ibid., p. 463.

As early as the middle 1950's a number of Emerging
Nations requested assistance from the United States in law
enforcement, to provide internal security. In July, 1963,
President Kennedy and Attorney General Robert Kennedy
implemented an unpublicized facit of foreign aid - police
assistance to the Emerging Nation. A State Department
memorandum, circulated in November, 1962, is worthy of note,
because it gives the Office of Public Safety more extensive
authority than any other technical office or division in the
Agency for International Development. The memo: ". . . vests
the authority for public safety programs and gives that
office a series of powers and responsibilities which will
enable it to act rapidly, vigorously and effectively. . . ."
A reason behind the program was to aid a second force, the
national police, as a power to balance the political
position of the military in the Emerging Nation. The Attorney
General felt that if the national - civilian police forces -
could keep order, provide for the necessary public security,
and halt insurgency movements before they became a threat to
the country, there would be less reason for military coups
d'etat in the Emerging Nations of Africa, Asia and Latin
America. This law enforcement assistance program has been

termed the most important single element in helping

Venezuela save itself from insurgent Communist overthrow.

The fact that President Raul Leoni took office as the first

constitutional successor to a constitutional president in

Venezuela's history, stands as evidence of the importance

of Public Safety assistance and the effectiveness of viable

law enforcement. The insurgents in Caracas, in addition to

terrorist activities, were trying the now familiar tactic

of killing a policeman a day in order to force military

intervention - which could be used as the _casus_ _belli_,

the rallying point for a 'revolution against the military

dictatorship.' Initially, the local civilian policemen were

rather ineffective at handling terrorist activities of the

insurgents. A contributing factor was that Venezuelan law

required a formal manslaughter charge against a policeman

who took a life. Under normal circumstances, with court

backlogs, the policeman would generally spend three months

in confinement waiting trial. With American Public Safety

Advisors' recommendations, the law was revised so that a

policeman who killed someone in the line of duty could be

examined by a board of civilian lawyers, and restored to

duty within a day. By autumn of 1963, more insurgents were

being killed than policemen. Officials attribute the now

relative social order in Venezuela to the strengthened

morale of the people - their determination not to be coerced

or intimidated by the insurgent, which was only possible

by an effective police force - the demonstration that

civilian law enforcement was able to counter the insurgent -

to provide public security.[24]

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[24]Holmes Alexander, "Kennedy 'Team' Deserves Credit for Crucial Venezuela Victory," The State Journal (Lansing, Michigan), January 14, 1964, p. A-6.

CHAPTER XI

LAW ENFORCEMENT IN SELECTED EMERGING NATIONS

The final step in the investigation of Law Enforce-
ment and the Emerging Nations is to survey selected law
enforcement systems in the Emerging Nations to determine
their organization, function, and place within the society
they serve; an effort to try to understand what law enforce-
ment is to the government and the people. It should be
kept in mind that the nations selected, originated the
information presented. A basic limitation which dictated
the selection of nations was the availability of information
on current law enforcement in usable form, relative to
structure, functions, selection, education, etc. Despite
the paucity of information it is felt that a rather repre-
sentative picture of the 'national police force' in the
Emerging Nation - the tool for law enforcement, can be gained.

The Republic of Turkey was selected for it is an
extremely advanced Emerging Nation with a long history of
independence and social control through viable law enforce-
ment. Its society also represents a composite of new and

old, Asian and European, East and West, with social character-
istics and problems inherent to both cultures.

Israel was chosen for investigation because it is a
new nation that seems, despite ethnic differences of its
people and external border problems, to have attained a
high degree of social control. The law enforcement activity
in Israel also had to overcome tremendous problems in relat-
ing itself to the people; people who for the most part had
been the subject of oppression by totalitarian police systems.

The Somali Republic was selected, because it
represents an African tribal-oriented nation with ex-Italian
law enforcement influences.

Nigeria represents an ex-British colony whose central
government coexists with strong regional governments and
strong tribal loyalties.

Lebanon was chosen because with the help of viable
law enforcement it successfully countered a strong insurgent
movement. It also represents an ex-French colony in the
Middle East.

The Sudan was selected as an example of an ex-British
colony; one whose society represents a blend of Arabic,
Middle East with Bantu or Black Africa.

Indonesia was selected as an example of a viable law enforcement program in an ex-Dutch colony for overcoming people-police anomosity; an attempt to relate the law enforcement to the traditional culture as a means of social control.

I. REPUBLIC OF TURKEY

Background. Turkish law enforcement traces its origin for twelve hundred years to the mass migrations from Asia, the Seljuk Turkish Nation and the Ottoman Empire. Historically, the administration of justice and law enforcement was the responsibility of the Kadilar (judges). In the 14th century Ottoman Empire, there was a formal police organization which was a branch of the Army, and a detective force, Bocekci Basi, which was in part staffed by ex-criminals. In 1867, police representatives were assigned to local governors and district administrators to assist in local law enforcement. The Police Reform Law of 1907, added executive, judicial and administrative branches and further modernized law enforcement. When the Turkish Republic was established in 1923, law enforcement was reorganized to serve Republican concepts of government.

Government. There is a central national government and sixty-seven local provincial governments. The national government appoints the governors of the sixty-seven provinces. The provincial legislatures, the 'Representative Councils,' are elected locally in each province. The sixty-

seven provinces are further organized into 553 districts,

which are divided into 940 communes and villages who elect

a village council. The Minister of Interior of the National

Government arbitrates any differences between the provincial

governors and their provincial councils.

Police Organization. The Turkish Police is a central

organization of the National Government, responsible to the

Minister of Interior through the Director General of Public

Security. National Police forces are assigned to provinces

and districts under a Chief of Police who is responsible

for professional - technical direction of law enforcement,

but the police also are responsible to the Provincial

Governors and District Administrators (Kaymakams) who

provide civil direction to the police in their areas.

Judicial Police. The Judicial Police are the Criminal

Investigators or Detective unit of the National Police Force.

They maintain close ties with the judiciary. They are

responsible for preparing and issuing warrants, and have

public prosecutor duties.

Political Police. The Political Police are the

counter-intelligence, anti-subversive unit of the National

Police Force. Their duties involve investigation and surveillance of subversive political activities; and include responsibility for any activities which involve the general security of the nation.

Administrative Police. The Administrative Police are basically responsible for normal traffic and public safety functions. However, their responsibilities include enforcing customs and passport regulations, alien control, issuing hunting and fishing permits, enforcing moral codes, enforcing press and film controls, and licensing public establishments.

Personnel and Training. There are two National Police schools in Turkey; the Police Institute in Ankara, and the Police School in Istanbul. Prospective policemen must attend one of these schools and successfully graduate to qualify for service. The training is designed to be strenuous, both physically and mentally, to insure top quality policemen. These schools also provide in-service training for selected, outstanding individuals which results in promotion to the rank of Sergeant when completed. There are also special courses for higher ranks in police management, supervision, tactics and various technical subjects.

Police assignments are made on the national level. Salary is based on rank and achievement. Medical care, equipment and uniforms are supplied by the government, as is a pension on retirement.

Police Ranks are:

Police Chief (various degrees)

Superintendent First Class

Superintendent Second Class

Captain

Lieutenant

Sergeant

Constable.

Disciplinary action may be taken at either the provincial or national level.[1]

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[1]The Provost Marshal, United States Army Europe, USAREUR PAM 550-1 Foreign Countries, The Police of Europe, Africa, and Asia (Headquarters USAREUR APO 403, 1963), pp. 63-65.
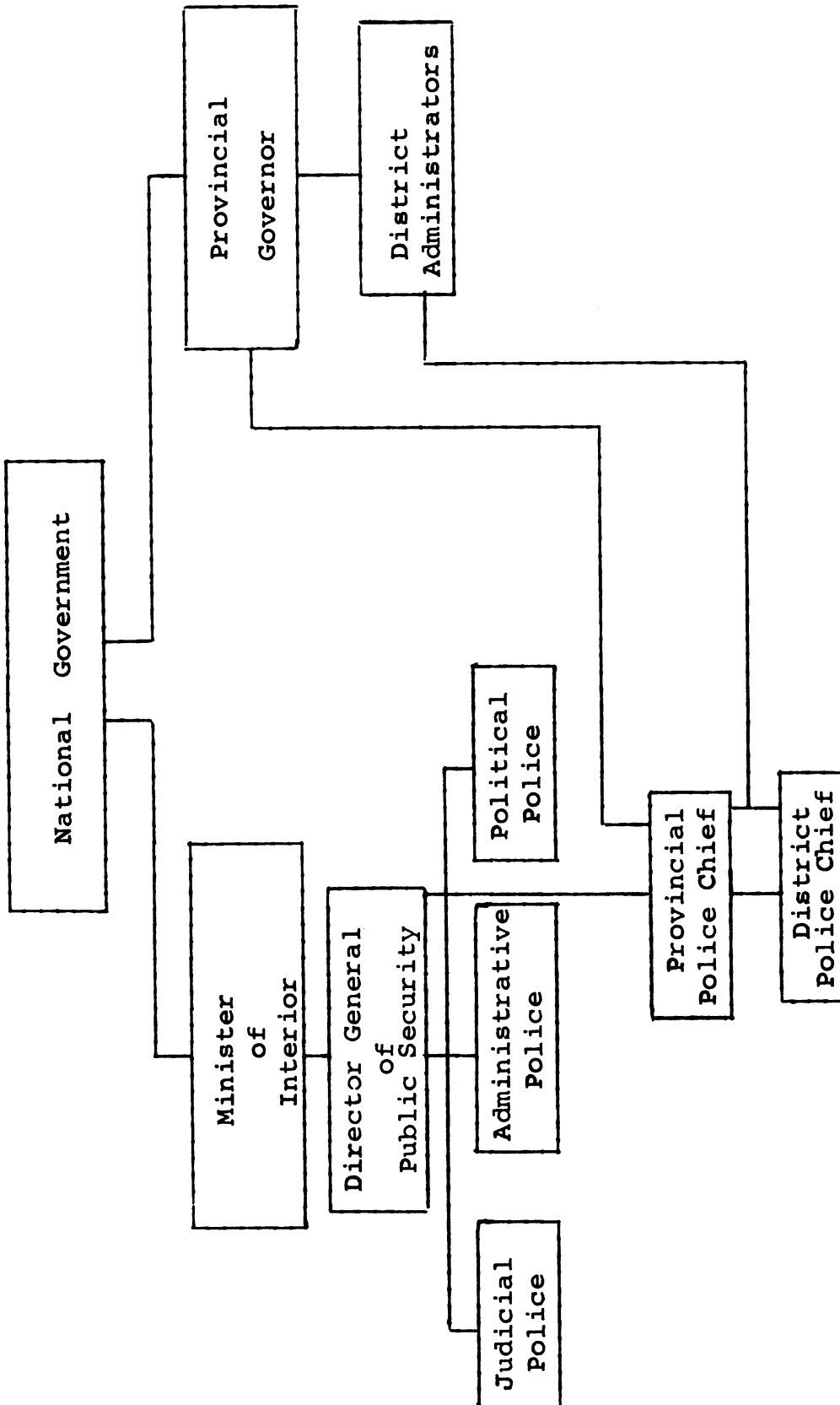
FIGURE 1.   REPUBLIC OF TURKEY

II. ISRAEL

Background. The Jewish Republic was founded in May, 1948, when the British Mandate over Palestine terminated. The country encompasses 7,992 square miles; with a population that has more than tripled since 1948; which in addition to border problems with Arab countries, and problems of population absorption and adjustment, creates a challenging law enforcement problem.

The Israeli National Police Service was founded when the Republic was formed in 1948. The force was originally formed from a small nucleus of ex-British police and army personnel with technical backgrounds. A major problem encountered by the Israeli police was to counter the anti-police, suspicious attitude maintained by the population. This obstacle has largely been surmounted by public relations programs.

Police Organization. The Israeli Police Service is a National organization responsible to the central government. Although national in orientation, close cooperation is maintained with local government and the population. Police

duties, authority and responsibilities are contained in the National Police Ordinance, which is based primarily on English Common Law. The National Police Service comes under a Ministry of Parliament which insures standardization of training, equipment, operation and separation of the police from political influence. The Commander of the police is the Inspector General who operates a National Headquarters. The country is divided into three police districts with District Commanders in charge who are responsible directly to the Inspector General. National central services include ballistic, chemical and disputed document laboratories, and criminal record and identification systems. An Institute of Pathology and Forensic Medicine is maintained in colaboration with Hebrew University. Other facilities and equipment include a modern communications system, a transportation fleet with coast guard boats, two light planes, light weapons, armored cars, horses for mounted patrols, and trained patrolling and tracking dogs. Israeli police in cities and normally throughout the country, perform their duties unarmed. There is a separately administered police organization, the Frontier Force, which is paramilitary in nature and is responsible for patrolling borders to prevent infiltration of hostile elements.

<u>Personnel and Training</u>. Considerable emphasis is placed on training, both recruit and in-service. Training includes police science, criminalities, and modern police methods and procedures. Superior officers are sent to a staff college for advanced work in administration and sociological subjects.[2]
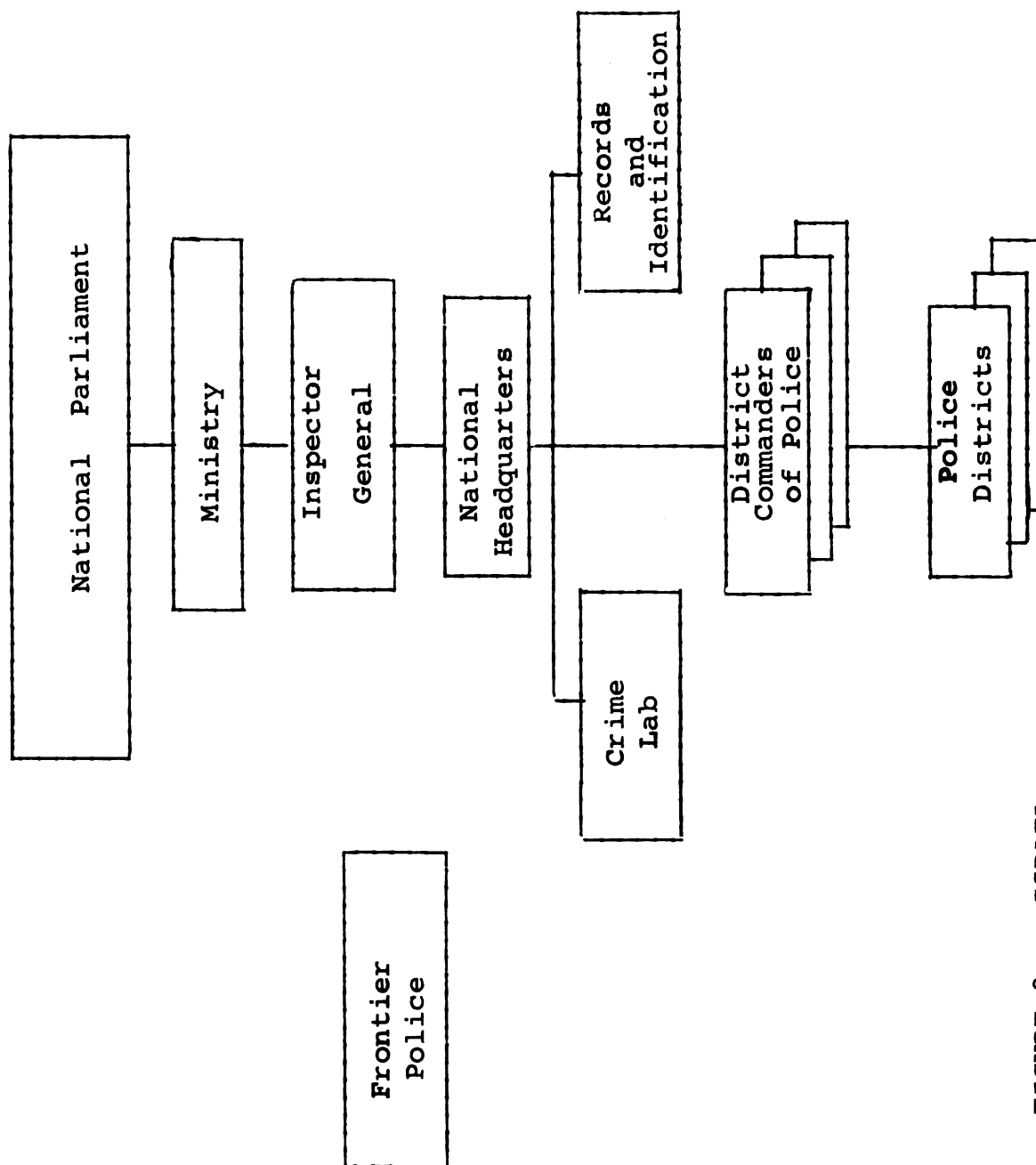
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[2]<u>Ibid</u>., pp. 67-69.

FIGURE 2. ISRAEL

III. SOMALI REPUBLIC

Background. On 1 July, 1960, the United Nations Trust Territory of Somali joined with the former British territory to form the independent Somali Republic. The Somali Police force traces its origin to the formation of the Somali Carabinieri in 1924 under the Italians. In 1941, the British Government administered Somaliland and organized a Gendarmerie to provide security and police protection. The Italians became administrators of Somaliland again in 1950, under United Nations auspices. From 1950 to 1955 under the Italians, two forces provided police services, the Security Corps and the Somali Police. In 1956, the Security Corps was disbanded and seventy per cent of the Somalis, including ten Somali officers, were transferred to the police functions and a Somali Commandant of Police was appointed. The Police force now employs two policewomen. Of interest is that in April, 1960, the National Police furnished twenty-seven officers and one thousand men to form the Somali Republic National Army.

Police Organization. The Somali Police is a national organization under central control of the government. The

National Headquarters, headed by the Commandant, consists of an Administrative Branch, Personnel Branch, Education Branch, Operations Branch, and Training School. A Criminal Investigation Branch is also under national control, responsible for nationwide criminal investigation and Crime Laboratory support. Other units assigned to National Headquarters are a Transit Company, a three hundred man Riot Control Company and a Transportation Company. The Special Branch is a separate unit responsible for subversion, espionage, immigration and alien affairs. The two basic field groups are the Territorial Group, organized into units stationed in the eight regions of the country, and the Mobile Group, organized into one hundred man units stationed at Region Headquarters, but capable of deploying rapidly to support any units in maintaining order.

Personnel Training. Recruits are selected by competitive examination. Recruit training consists of a six month course at the National Training School and several months of on the job training with police units, followed by sepcialized technical training at the Training School. Selected members of the Police Force are sent abroad for

training. To date, Somali policemen have received training in Italy, Kenya, England and the United States. Promotions are by examination and some are given for meritorious service. The head of state must personally appoint and promote commissioned officers.[3]

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[3]Ibid., pp. 88-90.

FIGURE 3. SOMALI REPUBLIC

Commandant of Police

National Police Headquarters

Special Branch

Administrative Branch

Personnel Branch

Education Branch

Criminal Investigation Branch

Operations Branch

Training School

Transit Company

Riot Control Company

Transportation Company

Mobile Group

100 man Units

Territorial Group

Regional Units

Districts

Stations

Posts
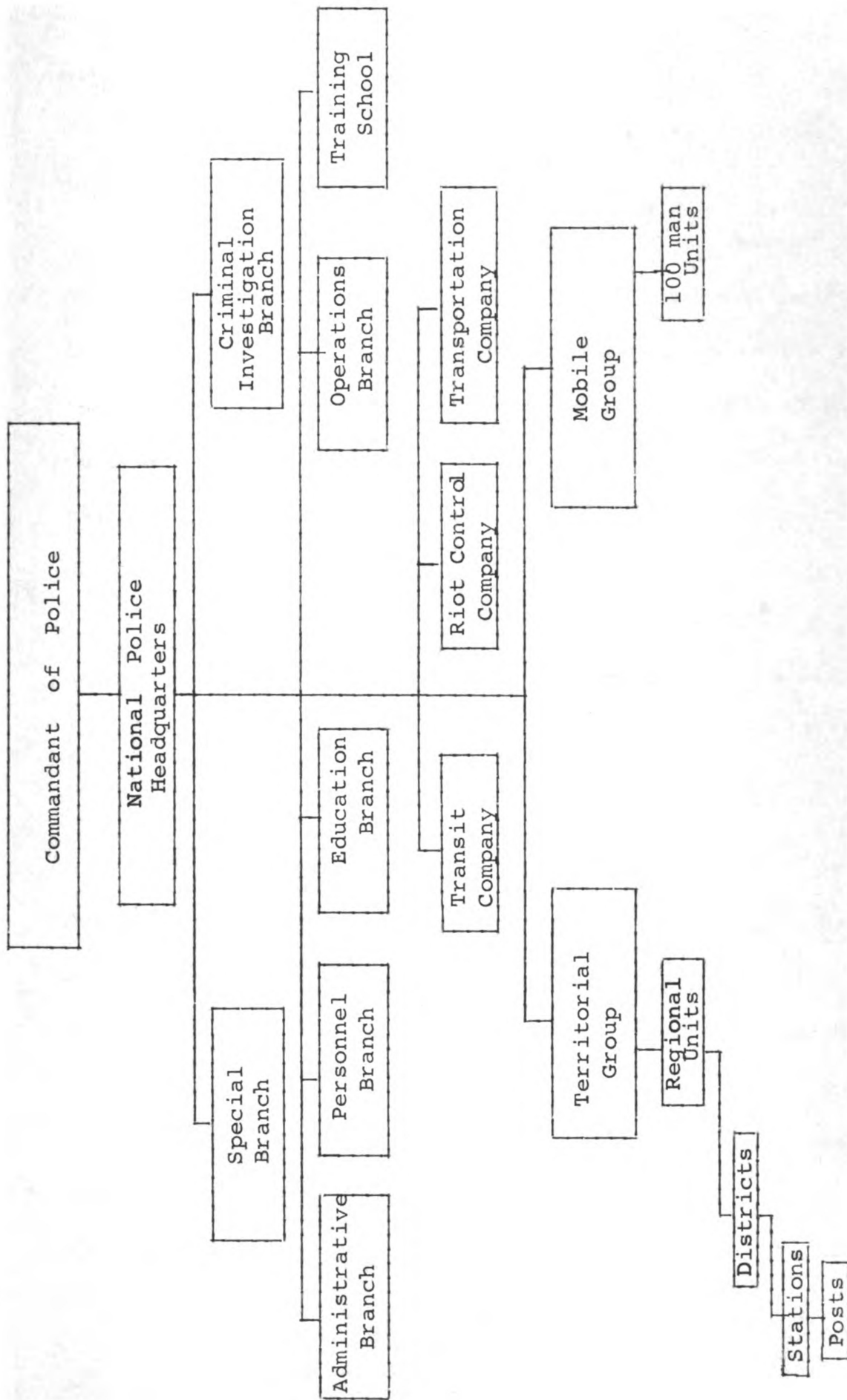
IV. NIGERIA

Background. Nigeria obtained its independence from Britain on 1 October, 1960. Nigeria is a federation of Lagos (the federal capitol) and the Eastern, Northern and Western Regions. The Federal Government is responsible for defense, external affairs, custom, excise, currency, banking, main communications, some institutions for higher learning and Police.

The Regional Governments are responsible for many aspects of economic development, health, school education, local government, and the levying of taxes. In addition, the Northern and Western Regions have local police forces.

Police Organization. The Nigerian Police Force is a National organization commanded by the Inspector General, who is responsible to the Prime Minister for maintaing law and order and preventing and detecting crime. Each Region has a Commissioner of Police who is responsible to the Premier of the Region for maintaining law and order and the prevention and detection of crime. Personnel strength of the force totals 15,000 men who operate from 256 police posts

throughout the country. Contingents of from 2500 to 4000 police are assigned to Regional Commands under the Regional Commissioner. The Regional Commissioners are directly responsible to the Inspector General, but are also responsible to the Regional Premier for routine requirements.

Operations. The police are generally unarmed, however police are trained in the use of tear gas and firearms. Anti-riot training is stressed; fifty man riot squads are fully mobile; minimum force is stressed. Communications consist of a HF link from Force Headquarters in Lagos to the Regional Headquarters; thirty-eight HF subsidiary stations within the Regions; a VHF teleprinter system from Lagos to the Regions; and VHF stations in eight towns, linking patrol cars to stations. The police maintain a large fleet of motor vehicles and motor launches.

Personnel and Training. Active recruiting programs attempt to provide the force with the best personnel available; with representation from as many tribes and regions as possible. Police Colleges are located at Ikeja and Kaduna. The police recruit training includes: basic law, police duties, drill, musketry, first aid and physical training.

On successful completion, the recruit graduates as a constable of police.

Since 1953, a program for cadet officers was instituted. Men with higher than average education may qualify to go to the Police College at Ikeja for a year's course of instruction and graduate as a cadet subinspector; they are then sent to a Provincial Police Headquarters for several months of on the job training; then go to England for specialized training. Senior police are sent to the United Kingdom Police College at Bramshill and Tulliallan Castle in Scotland for advanced police training.[4]
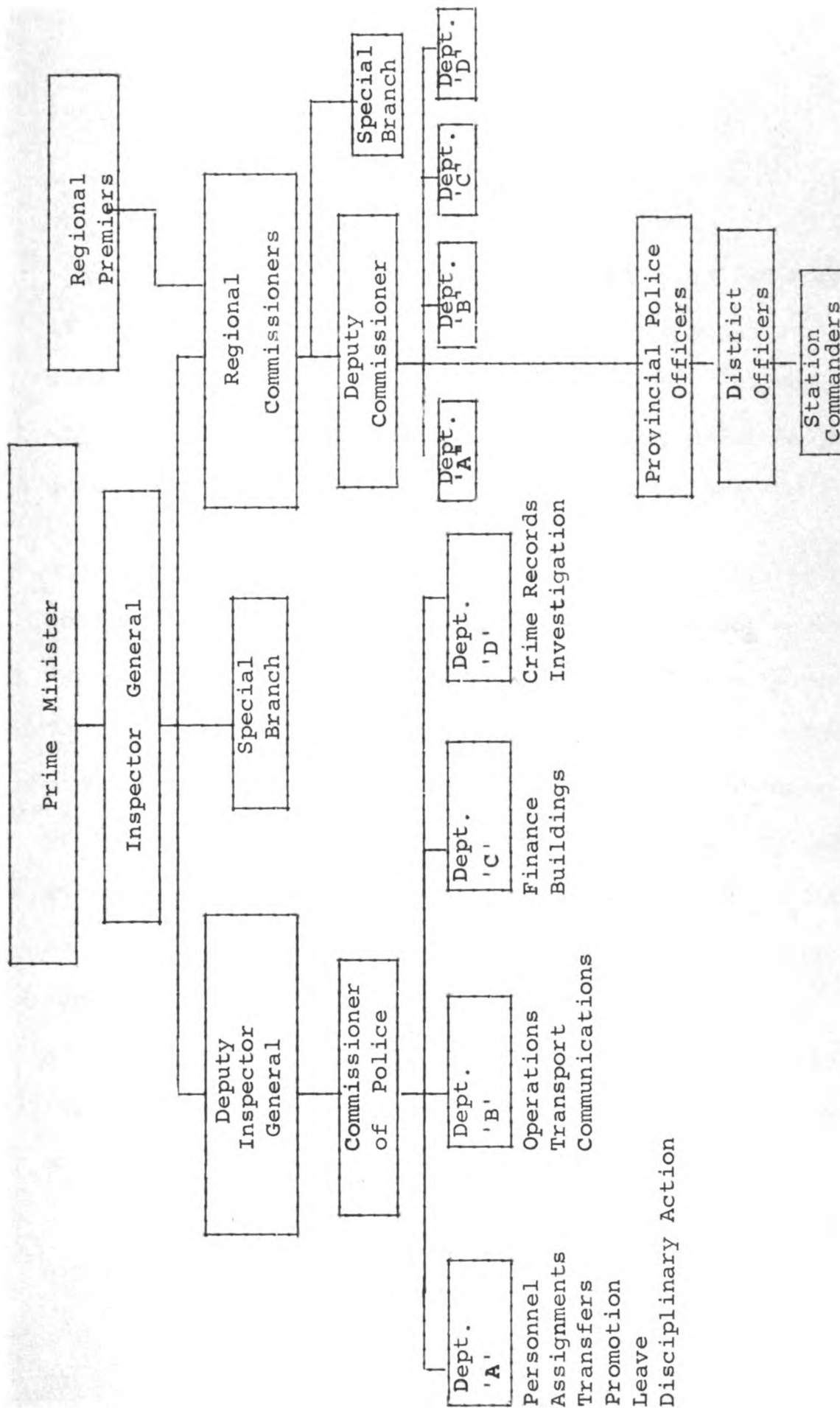
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[4]_Ibid._, pp.78-81.

FIGURE 4. NIGERIA

V. LEBANON

Background. The Internal Security Force of Lebanon
is a semi-national organization. All police organizations
were combined under a central command in 1959. Although
all police are subject to military law and regulation, only
a few of the main elements are military in nature.

Police Organization. The Internal Security Forces
come under the Minister of Interior. The Director General
is appointed by the Council of Ministers and reports directly
to the Minister of Interior. There are four major commands,
commanded by a line officer who reports to the Director
General; they are the **Gendarmerie** of Lebanon, the Beirut
Police Command, the Judicial Police Command, and the Internal
Security Forces Institute Command. An Inspector General is
appointed by the President and reports directly to the
Minister of Interior. Law requires that he cooperate with
the Director General in ensuring a high level of supervision,
efficiency, morale and training.

A Council of Command is an administrative and advisory
organization composed of:

1. The Director General of Internal Security.
2. Inspectorate General.
3. Commander of one or more of the four major commands.

Ex-officio members include two high ranking officers nominated by the Army and approved by the Minister of Interior. The Council of Command reports directly to the Minister of Interior and is responsible for recommendations concerning matters of personnel strength, equipment and organization. It controls policy concerning selection, promotion, employment regulations, and controls transfers of officers.

The General Staff is headed by a chief of staff and is divided into three General Staff Branches. The Special Affairs Branch is responsible for personnel matters. The Technical Affairs Branch is responsible for organization, training, collection of information, and liaison. The Administrative Branch is responsible for the budget, fiscal management, liaison with the Army and Finance Minister, and logistics.

The 2,800 man <u>Gendarmerie</u> is a para-military organization with the primary responsibilities of policing rural areas; and to provide, with the mobile battalion, an emergency force which can respond immediately when needed by other police units. The Regional <u>Gendarmerie</u> Company is commanded

by a major and is assigned to police a governate (the nation consists of four governates). The _Gendarmerie_ commander is the chief of police in the area his unit is stationed in. A platoon of the company is assigned to a district, and stations are established in cities, towns, or for a group of villages.

The Police of Beirut consist of 1050 men and have the sole responsibility of policing the city of Beirut. It is organized in companies and platoons which man police stations and posts within the city. There is also a traffic company, responsible for traffic regulation.

The three hundred man Judicial Police is the criminal investigation organization and is responsible for assisting the Judiciary in investigating and prosecuting crimes.

The Technical Investigation Division has a documents and archives bureau, a detective bureau, and a judicial records section. It provides central record and identification services for all Internal Security Forces.

The General Investigation Division is responsible for nationwide investigation of crimes involving morals, gambling, forgery and narcotics.

The Criminal Investigative Units are attached to each Company of _Gendarmerie_ and the Beirut City Police to provide criminal investigation support.

Internal Security Forces Institute. This major command unit is concerned exclusively with education; recruit, in-service, and pre-promotional training is accomplished at the Institute. Instructors are selected from outstanding personnel in the Internal Security Forces. The Institute emphasizes introduction of modern training techniques and methods.

Personnel and Training. Most police recruits come from the Army. Following one year of service, army personnel can volunteer for the Internal Security Forces, and after successfully completing a six month course at the Institute will be assigned as policemen. Ex-servicemen who can meet the standards may also qualify by completing the six month course at the Institute. Civilians must first complete six months of basic training with the Army before qualifying for the six month Police Institute training program.[5]
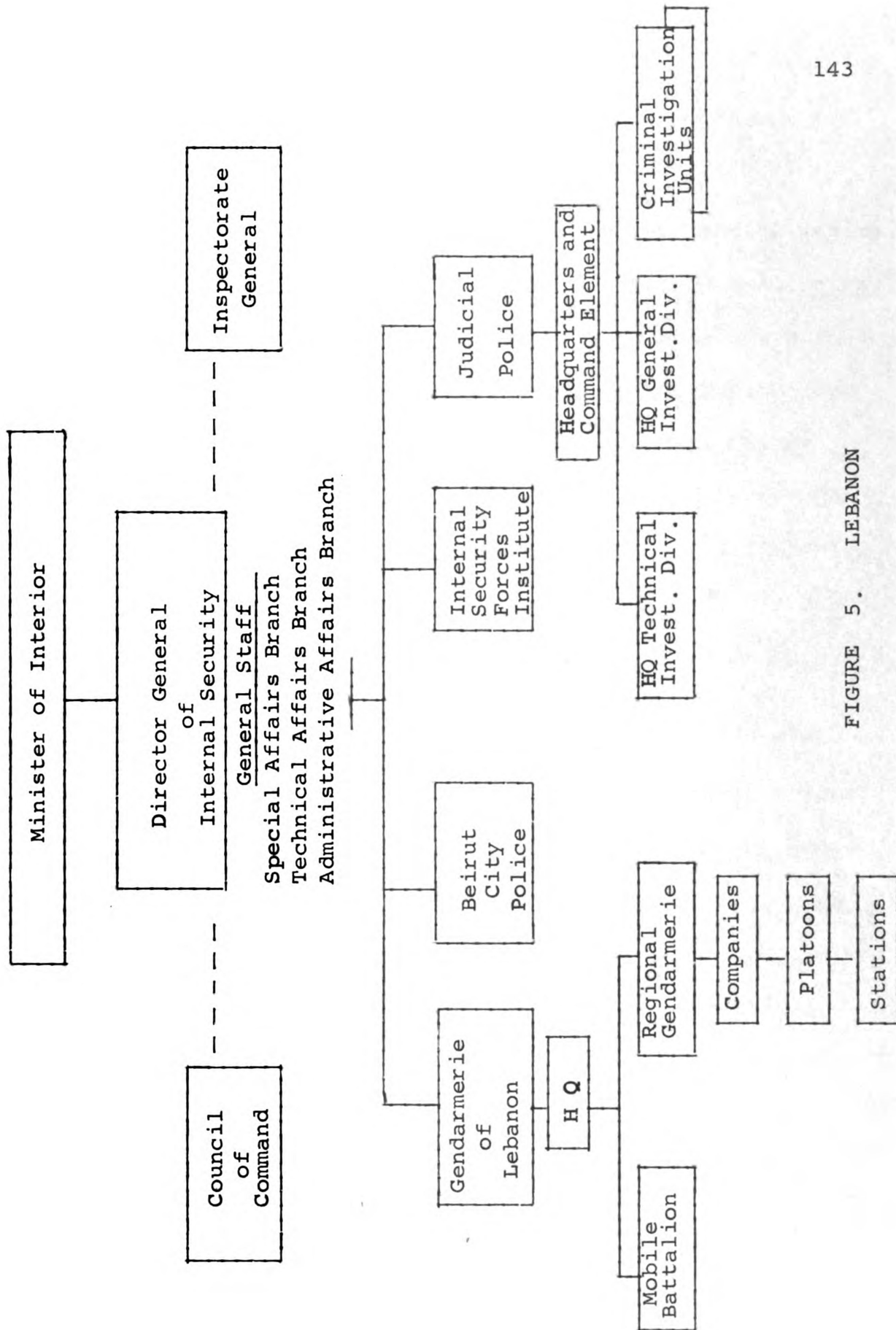
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[5]_Ibid._, pp. 74-77.

FIGURE 5. LEBANON

VI. SUDAN

Background. From 1892-1898, during the Mahdist regime, law enforcement was the responsibility of the regional Emirs who were directly answerable to the Khalifa in Omdurman for maintaining law and order in their regions. Community type law enforcement was generally practiced. Inhabitants of local areas pooled resources to maintain law and order and provide the necessary protection and security. Military law was instituted with the Anglo-Egyptian conquest. This was modified in 1908, and again in 1924 when civil police schools were opened to train policemen.

Government. There are nine provinces with provincial administrations composed of a National Government Represen-tative who is chairman of the Province Council; a Province Council composed of partly appointed and partly elected members, and a Province Authority composed of the senior national government officials from the various ministry's assigned to the province. There are, in addition, eighty-six local government areas, with Local Government Authori-ties. Although police is not a function of local government, in some areas local government officials are appointed as

officers and are responsible to the Provincial Commandant
of Police. The National government representative in each
province is the Military Governor, who commands all armed
forces in the province, including the police.

Police Organization. The Sudanese Police Force is a
central body under the Minister of Interior. A Commissioner
of Police has direct authority over the 10,240 man force.
The Administrative Branch is responsible for financial and
administrative matters. The Training Branch is responsible
for all training to include supervision of the Police College.
The Security Branch is responsible for preserving internal
security, to include crime detection. This branch operates
all criminal and identification files. The Immigration
and Nationality Branch is responsible for the control of
aliens and issuance of travel documents.

Personnel and Training. Each police unit maintains a
recruit training center and is responsible for local recruit-
ing. Outstanding constables may be promoted through the
ranks. Commissioned officers are obtained from either,
(1) the ranks; or (2) from graduates of the Sudan Police
College. Criteria for promotion from the ranks are:

1. Under 40 years of age.
2. At least 5' 8" in height.
3. Rank of sergeant or above.
4. Excellent character.
5. Adequate education.
6. Completion of a six month course of instruction at the Sudan Police College.

Criteria for selection to the Sudan Police College as officer candidates:

1. Between 19 and 22 years of age.
2. High School graduate.
3. 5' 8" in height minimum.

(Following two years of training at the Police College and having passed the final examination, cadets are commissioned as officers.)

Promotion is based on review of a promotion board (appointed by the Commissioner of Police, for officers; and local boards for other ranks), of those qualified and deserving. Police are retired at age fifty-five.[6]
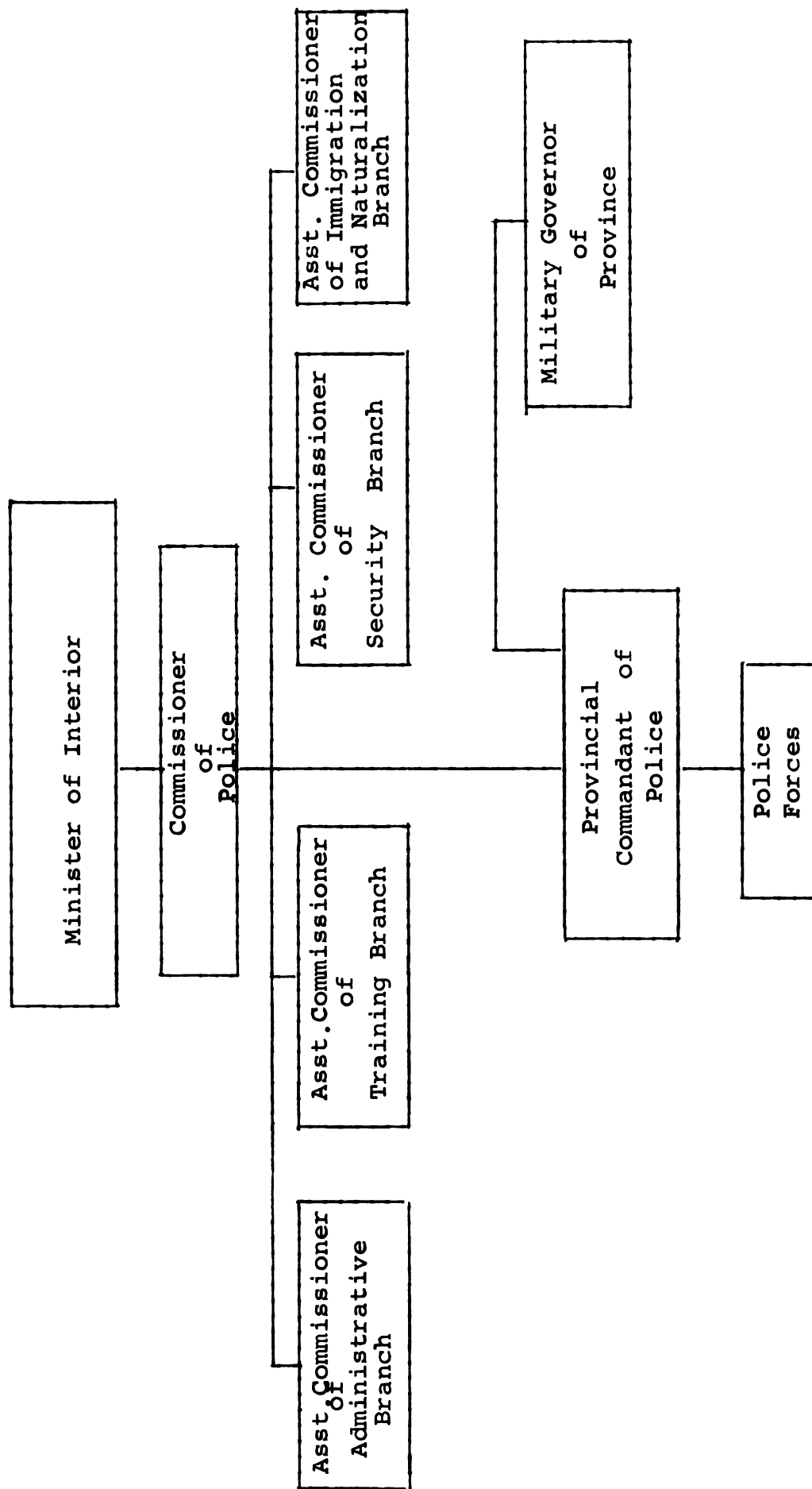
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[6]Ibid., pp. 85-87.

FIGURE 6. THE SUDAN

VII. INDONESIA

Police-Social Relations in Indonesia

An excellent example, in theory at least, of an Emerging Nation attempting to establish a viable relation between the society and the police is Indonesia's Tri-Brata program.

The Indonesian Police Force during the Colonial Period was designed to further and protect the interests of the Colonists. To enforce law and order they were actually used to suppress independence movements. With the coming of Independence, new police goals were necessary. The police were not working for the new independent government - supposedly reflecting the desires of the society. It was felt that along with the tasks of enforcing laws, the police must relate themselves to the people - the society. Police were enjoined to participate in all aspects of community activity and to acquaint themselves with people from all walks of life.

In order to establish a credo for the police of the new state - and to relate the police activity to the historic social control origin of law enforcement within the society, Professor Djokosutono, Dean of the Academy of Police Sciences

in Djakarta, in 1954 introduced new police principles bearing

the ancient Sanskrit name <u>Tri-Brata</u> (three solemn vows).

The Tri-Brata:

    I.   The Police should be exemplary servants of
the country and its people;
  II. The Police should be exemplary citizens of the
state;
III. The Police should be guardians of the self-
discipline of the people.

The vow is to apply to the police not only in their function

as law enforcement officers, but as human beings - members

of the society, working for the well being of the new state.

The law enforcement function has its roots in the

origin of the society - and has functioned throughout the

history of the community from tribal times - through city

states - to the modern structure of the nation. Regardless

of the type community - type police system - the ultimate

end of the community is to function for the happiness of

man and the welfare of the group as a whole. The <u>Tri-Brata</u>,

if practiced, lived - might well serve as a goal for Police

Forces in all of the Emerging Nations.[7]

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[7]General R. S. Soekanto, Chief Indonesian National
Police, "Tri Brata, Principles of the Indonesian Police,"
<u>The Police Chief</u>, XXIII, No. 10 (October, 1956), pp. 47-48.

VIII. THE NATIONAL POLICE FORCE

IN THE EMERGING NATIONS

In the Emerging Nations of the world, the National Police Force which is a para-military organization, exerts a strong influence over the country; its people, government, and politics. It is not comparable to any organization in the United States, which makes it difficult for the American to comprehend the scope and significance of this institution in the Emerging Nation. On the continuum of, from Community Law Enforcement to Ruler Appointed Law Enforcement, police agencies in the Emerging Nations fall toward the Ruler Appointed extreme. Whether for good or evil, they represent power - a central armed force in countries without arms.

This police force (many of which are modeled after the French and British Colonial Police) is in reality a second army, or "internal army." The army, per se, is responsible for external aggression, or defending the borders of the country against an external force. The National Police is the "local army" maintaining law and order, social control, and providing security and protection for the population.

As representatives of the central government, scattered in police posts throughout the country, they are often the only contact the people have with the government; in fact, in many rural areas of the world they are the government. As an intermediate institution between the government and the people, they act as a buffer between the government and the people. They relate the government's programs to the people; or oppress the people, depending on the regime and orientation of the government. As an agency of social control, in these rather primitive societies, they are the force that provides security and allows ordered society. By virtue of their power alone, they command a tremendous respect from the population. In the society of the Emerging Nation, which developed the Ruler Appointed System, the police status is that of the ruler - to be loved, or feared - but always respected. In these nations, surging with social restlessness, the police are a formidable force to satisfy the quest for order and security, to counter the insurgent activity by enforcing the laws of the nation, and securing the population from illegal coercion and terror.

As demonstrated in the survey of law enforcement systems, the level of education and training required of

both officer and enlisted policemen, is indicative of the

status of a police career. Not withstanding, on the face,

a favorable comparison with U. S. police training and

educational requirements; this factor is extremely signifi-

cant in grossly illiterate societies, where a status symbol

is a fountain pen displayed prominently on the person, to

create at least the impression that one can write.

Police functions and responsibilities in the Emerging

Nation far transcend Anglo-U.S. concepts of police power.

The National Police forces in the Emerging Nation generally

have, in addition to normal police power, various military

functions, and most important, administrative or regulatory

functions. These include: licensing hunting, fishing,

business; and prostitutes; censoring; enforcing morals,

sanitary regulations; issuing passports, travel permits, etc.

This extension of police power is often criticized; however,

in the milieu of the Emerging Nation, the police force is

very often the only existing institution capable of perform-

ing these duties. In addition to these formal responsibilities,

by virtue of his training as a representative of the govern-

ment, and by his position in the society, the policeman in

rural posts often serves, in addition to law enforcement

officer, as district leader, both social and political,
as doctor, lawyer, court, judge, jury, hunter, spokesman,
marriage counselor, etc.

Police methods, the seeming brutality of the National
Police Force in the Emerging Nation is often criticized and
undoubtedly with just cause. Although not to condone police
brutality anywhere, under any circumstances, the various
methods and techniques used must be viewed in context with
the society - the social milieu, in which they are employed.
What is considered brutal treatment to a New Yorker - a
product of western civilization may be an everyday fact of
life - the normal expected, accepted course of events to a
rural Asian. If the police represent, and their methods
and techniques reflect the super-ego of the society - its
cultural values, no issues should be taken of methods based
only on the fact that they differ from what is considered
propriety in another social setting. By virtue of its
basic mission; by virtue of its discipline and armament;
by virtue of its deployment throughout the entire nation,
and contact with the people; by virtue of its central authority,
the National Police Force in the Emerging Nation is also an
important center of political power.

CHAPTER XII

CONCLUSION

> . . . whatever may be the nature, process and stage
> of human enterprise. . . the main object of the social
> system always remains the same; to guarantee security
> and stability. For the protection of the entity
> against foreign violence, a military system is created
> . . . . To insure internal stability a police force
> and legal system are set up.[1]

It was the purpose of this study to examine, in view

of the social political climate, the law enforcement role

in the growth of a nation by providing security and stability

to the people and government. Based on this research, it

is felt that law enforcement has four basic roles in the

Emerging Nation which are integral to the process of

Nation building. These roles are: the social role, the

political role, the administrative role, and the tactical

role. The social role of law enforcement involves the

police function as a basic social institution, the agency

for social control; the law enforcement relation to people

as protector of the society; servant of the people. The

political role involves police as a government institution;

the institution that exercises the government's legitimate

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[1]Francis Delaisi, _Political Myths and Economic Realities_ (London: Williams and Norgate, Ltd., 1925), pp. 15-16.

right of coercion. In this role the police agency stands as a power center in the national government by virtue of its organization, strength, and deployment throughout the country. The administrative role involves the police as the administrative institution that bridges the gap between the national government and the village, tribe, or region; the agency which stands as a buffer between the government and the people. It is the bureaucratic institution that provides various administrative needs and controls for the country and the people. The tactical role of law enforcement involves the mechanics of maintaining social order; the mechanics of police work, coupled with an understanding of the technical means of subduing the enemy; good police work, professionally accomplished. It must be considered, however, that the police tactical role in the Emerging Nation involves military type doctrine and operations, in addition to the police role as it is conceived in the United States. These roles are acted concurrently, and are integral to the total aspect of the law enforcement system; there are no clear cut lines differentiating the various roles. It is felt that this model may prove of value as a means to understanding, and perhaps, with further research, a method for evaluating law enforcement in the Emerging Nation.

The first hypothesis investigated was substantially supported; that is, ideally, law enforcement is a product of the community it serves. The development of the community and law, or rules of conduct are inseparable. They are interdependent and represent the cultural heritage of the society. Various societies found different means for enforcing their rules of conduct. The means for enforcing laws were mutually inclusive of the growth of the society and represented the very foundation of the ideals of that society. The current position of law and law enforcement within a society should be directly connected to the traditions and ideals of the society. This position in existing society ranges from the rather personal people-police relationship in societies that generated the Community Law Enforcement system, to the more authoritarian type position of police in the societies that developed along the Ruler Appointed Police lines. Law and means of enforcing law permeate the social fabric and tradition of the society and the people. They are basic institutions - represent the individual's compromise of living in a group - and are extremely personal, in that they represent the order and security of civilization. The traditional place of the

police in the society is important to the individual - for
it represents the existence of the society as he knows it -
whether developed along Community lines or Ruler Appointed
lines. Whether it represents a heritage of the extension
of the individual policing himself or the paternalistic-
protection-brother-teacher role of the Ruler Appointed
system, its importance remains the same.

Although most societies represent various compromises
between the two extremes of law enforcement systems, the
relative position of the police is indicative of the develop-
ing society. It should be a personal possession of the
society. Other police systems representing other cultural
values of other societies can never lastingly be imposed on ⌄
a society. In Japan the position of the police represented
authority. This role of the police is what the people
expected and wanted - it represented their tradition,
heritage, and way of life. Our system which placed the
police as servants, representing the individual and insuring
that the public laws were enforced was based on our heritage
and was incompatable to the Oriental society. To establish
the relation of law enforcement in the society it is necessary
to examine the development of the society - for law,

law enforcement, and growth of the community are inseparable.

As research indicated, rather than a truism - an existing fact, this traditional relation of law enforcement and community in today's Emerging Nation is something to be strived for. However, any approach to improving law enforcement - community relations must take cognizance of what law enforcement means to the society, and must insure that law enforcement agencies and individuals are playing the roles society has designated - that law enforcement stands for the ideals - represents and lives up to all those tangible and intangible values which are characteristic of the society's law, law enforcement heritage.

> [Police should be] . . . the primary constitutional force for the protection of individuals in the enjoyment of their legal rights, designed to stand between the powerful and the weak, to prevent oppression, disaster and crime, and to represent the cause of law and order at all times and in all places.[2]

Law enforcement can and often does serve as a tool for oppressing people. This is an example of the inherent strength of the law enforcement institution. It is a power for good or evil - but it is still a power. As a government that oppresses the majority of the population cannot last - neither can the law enforcement activity that aids in the

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[2]Captain W. L. Melville Lee, A History of Police in England (London: Methuen and Co., 1901), pp. xi-xii.

oppression. The result of understanding law enforcement's relation to people is an entree to understanding and/or working toward what law enforcement can be in a society - the sine quo non of lasting, viable, social control.

The second hypothesis investigated was substantially verified; that is, as a basic institution representing social control; law enforcement can be a primary means of maintaining the stability and necessary secure environment, enabling the Emerging Nation to grow from community, ex-colony, village, or tribal complex to modern nation. The Emerging Nation is a manifestation of the revolution of 'rising expectations' - the desire for self-determination. The Emerging Nation is a political entity striving for the social consensus of real nationhood, while concurrently trying to administer a formal legitimate state. The problems are manifold, social - economic - psychological and administrative. Before any real reforms, or progress can be made, basic social order is necessary.

The national police forces provide the institution and means to secure this social control. With cognizance of the law enforcement role in the basic society, the social role of law enforcement in the Emerging Nation is evident:

allow law enforcement to relate itself to the society's
desire for social control; allow it to represent what the
society needs and wants. Let the Emerging Nation use the
law enforcement institution as a means to relate its programs
to the village, tribe, and region; to stand as a basic
administrative institution between nation and people. Beset
with its many problems, the Emerging Nation is the arena for
insurgency; the violence, corruption, and undermining of
existing rules and political and moral conduct of the society;
and the creation of social disorder. In addition to the
social and administrative roles of law enforcement; the
tactical role of law enforcement as a means to counter the
insurgent is evident: to provide social order and to protect
the people and government from those forces that seek to
disrupt the organized society. The importance of International
Communism in relation to the Emerging Nation and Law Enforce-
ment is in the threat it provides to social order. From its
inception, the Communist Party has advocated overthrow of
existing nations by revolution. The dissident elements in
the Emerging Nations, regardless of political orientation,
have proven fertile ground for Communist manipulation.

The nature of insurgency is complete social disorder, regardless of means. Historically, insurgent movements have either allied themselves with, or used the tactics of the criminal. The tactical manifestations of insurgency are criminal acts by definition - against the legitimate legal code - and include murder, robbery, kidnapping, extortion, arson, etc. The real causes of the insurgency, the legitimate disatisfactions, must be corrected. Social, economic and political reforms are necessary, but social order must be attained and maintained so that these programs can be carried out. The people must be protected. This is a police function. To adequately perform this function, the people must support the police - the police must represent the people. To achieve this mutual empathy - the police must play the role dictated by the society, by representing the traditional social control medium. In most of the Emerging Nations the police activity was established by the colonizing power, and enforced the desires of the ruling government - in many cases countering the forces of self-determination. This change of role of the police after the country has gained independence must be related to the people - by action and policy as well as information. To be effective, the police must represent the traditional values of social control. These ex-colonial,

national police forces represent a strong social and political power, for since they were used by the colonizing power to impose its control, they were well organized, equipped, and trained. Regardless of the benevolence of the colonizing power; regardless of whether or not a sound bureaucracy was trained to replace the colonial government, an efficient police organization was left. In many of the countries this national force is the most efficient, stable, educated, and professional government organization. By virtue of its relation to the people, representing the ruler under colonial government, it still represents power and strength to the people even though it may now be serving them, or the indigenous government. The national police forces - law enforcement, can counter the insurgent tactically through professional tactical police methods, countering the acts of violence and criminal activity and providing security to the people and nation. They can counter the insurgent by relating themselves to the people as a traditional means of attaining social control, representing the people's desire for rules, laws, and order; and as the administrative organization relating positively the government's programs, and acting as a link between government and people.

In summation it is felt that the following specific points have been substantially verified:

A return to the origin and nature of the community, law, and the enforcing of laws within the community is necessary to understand the position or relation of law enforcement within the modern community.

Law enforcement is a product of the community it serves; either representing its best interests, or oppressing it.

Law enforcement is a basic social institution.

The Emerging Nation is beset with many problems; social, administrative, economic, psychological; the government is unstable.

Many dissident factions in the nation, legitimate and otherwise, create serious threats to national - social stability.

In the Emerging Nations, the law enforcement activity represents a major power.

Viable law enforcement is essential for the social control necessary to enable a nation to develop according to its self-determined course.

Effective, efficient law enforcement is the primary institution to counter those movements or dissident factions from within or without, whose aim is to subvert or replace the existing lawful government.

International Communism is a threat to the Emerging Nation, for it offers dissident factions an organization, doctrine, and tactical support expertise, to overthrow an existing government.

The nature of insurgent activities is both social and tactical, the tactical activities are much the same as crime; i.e., terror, murder, robbery, etc.; all means to create social disorder.

The law enforcement role is extremely important from both the social aspect, relating the government to the people, and the tactical aspect, creating the necessary secure environment and maintaining social order, so that viable political programs can operate.

As a reflection of the social milieu, the law enforcement activity in the Emerging Nation is significantly different than the United States' concept of law enforcement. It is more comprehensive, represents more power, and has a relatively higher status position.

It is hoped that this study has provided a frame of reference and way of looking at (1) the origins of law enforcement and its relation to the people, cultural heritage, and values of the society it represents; and (2) as a basic institution of society, the law enforcement role in the struggle for nationhood and public sovereignty in the Emerging Nation, against the forces of insurgency. It is felt that the cross disciplinary approach used would be of significant aid in other areas of law enforcement research.

NEED FOR FURTHER RESEARCH

It is hoped that this effort will generate interest in further research relative to law enforcement and the Emerging Nation. Further social-anthropological studies of law enforcement in particular societies, as a means of improving modern law enforcement in the society would be useful. An

investigation of the hypothesis that: The tactical counter-measures of insurgency represent normal police activity; would be of significant value. Particularly valuable would be case studies and area studies of law enforcement in the Emerging Nations. Not only would this research be useful to the particular nation, the information obtained should add to a basic understanding of law enforcement in all nations.

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