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LAW AND ORDER IN CIVIL DEFENSE

SOME ASPECTS OF CIVIL AND MILITARY PROGRAMS FOR THE MAINTENANCE OF LAW AND ORDER IN A CIVIL DEFENSE EMERGENCY

By

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ABSTRACT

LAW AND ORDER IN CIVIL DEFENSE
SOME ASPECTS OF CIVIL AND MILITARY PROGRAMS FOR THE MAINTENANCE OF LAW AND ORDER IN A CIVIL DEFENSE EMERGENCY

by Frank Cohn

The purpose of this thesis entitled Law and Order in Civil Defense is to examine preparations at the national, state, and local levels of government, by both civilian and military authorities, to ascertain if realistic preparations have been made to insure a degree of success towards preserving law and order in case of a civil defense emergency. The target complex of Detroit, Michigan was selected as a specific critical locality where the existence or lack of civil defense planning for law and order could be examined concretely. To achieve the objective of the study, the National Plan of the Office of Civil and Defense Mobilization, the Basic Plan of the U. S. Army Headquarters Continental Army Command (CONARC), and implementing plans at subordinate levels were examined. Foreign civil defense programs, situations during World War II, and domestic disaster situations were examined to ascertain likely law enforcement requirements. The legal implications of civilian versus military control were considered. Key personnel of official civilian and military agencies involved in civil

defense and law enforcement operations were interviewed and solicited to present their concepts, problems, and experiences which might bear on law and order operations in the event of a civil defense emergency. The study is current for conditions existing in August 1961.

While significant accomplishments by both civilian and military agencies were notable, the overall impression gained during the study was that preparations in the target complex of Detroit were inadequate to insure the maintenance of law and order in case of nuclear attack. While plans existed which attempted to cope with preconceived disaster situations, such plans were uncoordinated, failed to exploit all existing resources, and were particularly unrealistic in terms of manpower utilization.

To correct existing deficiencies, the study proposes to concentrate on joint civilian-military planning groups at the State Area level and to devise joint mobile support plans for each target complex. To exert authoritative direction after nuclear attack, the institution of military area control over the disaster area with joint civilian-military staffs is recommended until civilian authorities are ready once more to take over the normal governmental functions. An emergency centralization and mobilization of all police agencies within the state and counties to include a buildup of auxiliaries and the creation of appropriate

staffs is urged. The sources of manpower augmentation for police forces should be designated from outside the target area. Effective test exercises are deemed essential to ascertain if command and control structures, the merging of civilian and military forces, and the implementation of mobile support is realistic, adequate, and promising of success.

ACKNOWLEDGMENTS

This thesis is dedicated to the conscientious and loyal civil defense workers at all levels of civil government and within the military establishment. It is hoped that their efforts toward increasing the defensive posture of our homeland will promote and insure the preservation of peace or cause the survival of our way of life in spite of war.

Foremost, my appreciation must be extended to all of the officials, civil and military, who offered their time for interviews and discussions which became the framework for this project. Without their assistance, this work would be meaningless. Of particular mention is the helpful guidance provided by Lt. C. V. Spawr and Lt. Donald Oates of the Michigan State Police. Their assistance in paving the way and opening doors to official agencies within the State of Michigan was invaluable. Likewise, the helpful hand extended by Gen. H. E. Dager (Ret.) within the Operational Headquarters OCDM at Battle Creek provided access to the most significant sources essential to this work.

The basic inspiration for this project was furnished by my faculty advisor, Dr. Leon Weaver. By means of constructive criticism, suggestions, referral to sources, and detailed editing he brought this work into proper focus.

Without his presence this thesis could not have been written.

In a more personal vein, the assistance of my dear wife Paula and of my good friend Kathryn Grazioli in providing encouragement, friendly prodding, and stimulating comments helped launch this work and sustained it through two years, until completion. The typing, proof reading, and corrections required were accomplished by them with efficiency, utmost care, and in a manner which made them an integral part of the overall project.

All those I thank and hope that this work will prove worth their efforts.

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CHAPTER I

THE PROBLEM AND PRACTICAL CONSIDERATIONS

The question of survival in our atomic age has posed varied problems and has forced governmental and political leaders to take certain preparatory measures. Federal officials have stated that, "The survival of the nation in the event of nuclear attack depends on the ability of federal, state, and local governments to carry out their responsibilities and continue to function."[1] The Federal Civil Defense Act, one of our basic civil defense laws, places the responsibility for civil defense jointly on the national government and the states.[2] However, it is generally recognized that too much apathy, official and public, characterizes civil defense at all levels of government. Recognized needs are not consistently translated into concrete measures for remedial action. The situation, in the writer's opinion, assumes alarming proportions.

Inadequate preparations for civil defense may lead to a breakdown in law and order incident to nuclear attack.

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[1] National Association of County Officials, "Civil Defense: Continuity of Government," Information and Education Service Report Number 16. Local Government Education and Research, Inc. (Washington, D. C., undated).

[2] 64 Stat. 1228 (PL 920), 81st Congress, 2d Session, January 12, 1951.

In a frenzy for self-preservation, a civilized community may turn into a lawless mob, destroying or depleting critical resources which may have weathered the attack, thus lessening chances of reconstruction. Appropriate controls must be exerted before, during, and after attack to maintain law and order. "The speed and skill with which police agencies adapt themselves to crises can be a major factor in the success or failure of the entire civil defense operation."[3]

It is generally recognized that local law enforcement agencies will not have the capability to effect necessary disaster control measures in case of nuclear attack, but that a joint effort of military and civilian authorities will be required to cope with the ensuing disintegration. Joint action of such magnitude requires detailed advance planning and extensive preparations. Civil and military law enforcement officials must be prepared; they must plan for a contingency which no one desires but which may be thrust upon us in a surprise attack.

I. PURPOSE

The purpose of this study is to analyze the effectiveness of law and order plans of civil and military

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[3]The International City Managers' Association, Municipal Police Administration (Chicago, Illinois: 1954, 4th Ed.), p. 455.

authorities for increasing the chances of survival after nuclear attack. The need for joint civil and military action is not an issue. Present civil defense plans incorporate the necessity of military assistance in a national emergency. It is the extent of military contributions, the pattern of overall control, and the urgency for action which are controversial. Responsible officials, both civil and military, will differ in their outlook and attitude towards these controversies. In one respect, the disagreements may stem from fear of losing our democratic heritage. We are reluctant to plan for even a temporary suspension of our basic freedoms, which are safeguarded under constitutional guarantees and protected by our civil form of government. In another respect, it is indeed difficult to face a frightening reality. "When a prospect is sufficiently catastrophic, most people simply refuse to look at it."[4] A Congressional committee has aptly noted that:

> The supreme worry of civil defense in the United States is that the American people and many of their elected officials refuse to accept the distasteful facts of reality simply because they are distasteful. And by refusing to accept and deal with these facts we compound the very danger we seek to avoid.[5]

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[4]David F. Cavers et al, "Legal Planning Against the Risk of Atomic War," Columbia Law Review, Vol. 55, No. 2 (February, 1955), p. 129.

[5]United States Congress, 85th Congress, 2d Session, House of Representatives, "Atomic Shelter Programs," Thirty-Fourth Report of the Committee on Government Operations (Washington: Government Printing Office, 1958), p. 21.

In this study, the author will attempt to face reality, consider the risks, and probe towards realistic solutions. The problems of command, participation, and early planning must be solved. Both civil and military plans must be examined in the light of realistic contingencies. If present civil defense planning is to be adequate, then a well functioning and coordinated team must exist at the local level, composed of civilian and military members designated to participate in preserving law and order. This study is designed not only to determine if such a team exists at one critical locality--the target city of Detroit, Michigan, but also to probe for weaknesses and recommend ways to correct existing deficiencies.

II. SCOPE

In order to ascertain effectiveness of law and order planning, a detailed examination of a field situation at a critical target area was used as one approach. Detroit, Michigan, is a critical target area in which civil defense planning has been conducted by both civil and military authorities.[6] To provide sufficient depth to the study, the actual field situation at Detroit had to be considered

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[6]United States Army, "Civil Defense," CONARC Basic Plan, Vol. 14, Chap. 4, with Change 13 (Fort Monroe, Va.: U. S. Army Continental Army Command, April 23, 1957).

in light of the conditions not only at the local, but also at the regional, state, and national level of planning, for both civilian and military authorities. The analysis of the Michigan and the Detroit situation is viewed as a case study of civil defense problems in metropolitan areas of the United States. The local planning is traced through two separate but concurrently developed operational planning channels of both civil and military authorities, evolving from the "National Plan" of the Office of Civil and Defense Mobilization and the "Basic Plan" of the U. S. Army Continental Army Command. The civil defense plans at all levels of government were examined and evaluated, since failures at any level may have adverse effects on the workability of local arrangements.

While this study is primarily concerned with the problems of law and order in a civil defense emergency, one cannot ignore that law and order planning is but one important phase in the overall civil defense program. Since many civil defense problems are interrelated, all those must be considered which affect law and order planning. Of particular applicability are the problems of fallout, shelter, evacuation, and sustenance. It would seem reasonable to speculate that any extensive radiologically contaminated areas, any lack of sufficient fallout shelters, any confusion pertaining to evacuation instructions or any threat of

hunger and thirst tend to increase the threat of panic and thus increase the postattack law and order problem. Conversely, adequate preparations to provide shelter, to plan and practice evacuations, and to store food supplies and protect them from contamination, should promote public confidence in official competence and enhance law and order. Law and order may be contingent upon the capabilities of authorities to fulfill the primary needs of people for food, shelter, and other necessities.

It is recognized that the difficulties encountered in some situations in World War II and those encountered in domestic disasters will seem insignificant when compared to the problems to be expected in case of World War III. Nevertheless, certain facets are similar and such past experiences, to some extent, can point towards solution of current problems. Therefore, historical lessons and peace time disaster studies, to the extent deemed pertinent, were included in the study.

For purposes of gauging the domestic progress in civil defense, some current foreign civil defense programs were considered.

Only unclassified information has been used.

The study is based on developments through August, 1961.

III. METHOD

While there is a wealth of material available pertaining to civil defense problems involving air raid warning systems, shelter construction programs, evacuation and sustenance problems, and many others, only limited material specifically deals with law and order problems subsequent to atomic attack. While basic law enforcement techniques may remain applicable, specific methods of operation may have to be devised; for example, local police forces are subject to annhilation during nuclear attacks; and operations in radiologically contaminated environments may pose unique challenges.

Applicable and available information was screened for pertinency, including extensive reports concerning World War II experiences of countries attacked by air, domestic disaster studies, and the more limited data pertaining to current civil defense arrangements in foreign countries. No difficulties were encountered in discovering voluminous legal discussions surrounding the complicated problems of military rule. The Office of Civil and Defense Mobilization library at Battle Creek, Michigan, offered a wealth of information and suitably complemented the material at hand in the Michigan State University library and in the law library of the Michigan Supreme Court at Lansing. The

unclassified civil defense plans of both civil and military authorities were easily accessible at the respective subordinate echelons of control.

To compensate for the meager material written on the subject of law and order in civil defense, an effort was made to interview personally such persons who were specifically concerned with emergency planning for law and order at all levels of government, both civil and military. In all but one case this method proved effective.[7] As an army officer conducting a university sponsored research project, the writer found that all official doors were opened. Officials were not only willing but proved quite eager to discuss their problems. Since some of the candid opinions uttered might prove embarrassing, in a few instances names have been withheld in the identification of certain quoted material.

The subject matter under consideration was so extensive and interviews so informal that systemization of questions and discussions had to be sacrificed. Each interviewee was encouraged to talk on matters of specific concern and interest within his sphere of responsibility. A type of self-structured interview situation thus arose which invariably focused on the problem areas at each level of contact.

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[7]The Detroit Police Department's Civil Defense officer preferred to refer questions to city civil defense officials.

It was the responsibility of the author to judge and place the proper emphasis on matters elicited from the interviewees, to preclude undue stress on inconsequential facets or under-emphasis of important matters.

A certain degree of bias in the study, in favor of military points of view may be noticeable to some; this is a reflection of the author's occupation. Nevertheless, a determined effort has been made to be objective. Criticisms of civil efforts, delineated in Chapter IV, are no more intense than the criticisms of military efforts, delineated in Chapter V. Personal evaluations and recommendations offered are derived from honest convictions in an effort to strengthen our national means to survive a potential enemy onslaught.

IV. CONTENT

The content of this thesis has been divided into seven chapters.

Chapter 1

Chapter I is intended to introduce the problem and place it in its proper perspective; to discuss the purpose, scope, and method of the study; and to list certain pertinent definitions.

Chapter II

Chapter II portrays a picture of the environment facing law enforcement officers after a nuclear attack. Particularly, the problems of radiation, warning, sustenance, shelter, and evacuation are discussed with their respective impact on law and order. Certain domestic disasters are considered to examine the repercussions of catastrophes on domestic populations. The experiences of Britain, Germany, and Japan during World War II are viewed for possible clues of popular reaction to bombing attacks as well as for insights into the efforts and coordination necessary by civil and military authorities to effect recovery in the post-attack environment.

Chapter III

Chapter III delineates the legal problems involved in military rule under three differing concepts: military assistance to civil authorities, military area control, and martial law. Each concept is discussed and some examples are furnished. The historical development of the United States' civil defense effort is recalled in an attempt to clarify present doctrine and thought concerning control and civil-military relationship concepts in potential recovery operations. The present civil defense efforts of various countries are delineated for purposes of comparison with domestic efforts.

Chapter IV

Chapter IV contains discussion of the civil effort to insure the maintenance of law and order in a post-attack situation. The National Plan and the organization of federal and state agencies as well as the civil defense arrangements within the target complex of Detroit are examined and assessed.

Chapter V

Chapter V is a parallel treatment to Chapter IV, examining the military efforts for maintaining law and order in a post-attack situation. Department of Defense and Department of the Army policies are considered as they are developed in the Continental Army Command, Fifth Army, and Sixth Corps plans towards post-attack recovery operations in Detroit. The army reserve, national guard, the regular army efforts towards this civil defense objective, and the inherent problems of military civil defense operations are considered.

Chapter VI

Chapter VI examines the coordination of present civil and military plans for maintaining law and order in a post-attack environment. Coordination is traced from the national through the state to the local level of liaison in Detroit. Deficiencies are delineated for detailed examination.

Chapter VII.

Chapter VII concludes the study with findings and with recommendations considered pertinent for each finding. An effort is made to offer remedies in a spirit of constructive criticism. No attempt is made to fix blame since this would require investigation beyond the scope of this study.

V. IMPRESSIONS

Certain impressions, difficult to substantiate completely, were gained and appear as recurring themes throughout the study. These impressions are worthy of mention immediately in order to set the stage and to illuminate the mood and climate in which later findings and recommendations were derived.

Civil defense officials contacted were earnest and concerned, but often frustrated to the point of exasperation; they would explain, "When the bomb strikes, people will see!".

Military officials contacted appeared to prefer not to be involved in civil defense projects. Instructions pertaining to civil defense appeared to be obeyed reluctantly. This reluctance might be caused by a lack of understanding as to how immense civil defense problems could be solved with the minimal forces and equipment at hand, and without

sacrificing the effectiveness of fulfilling primary military mission assignments.

In spite of official doctrine, most persons contacted (except for higher OCDM officials), believed that the army will be forced to "take over" after an attack. There appeared to be no public confidence in the ability of OCDM to cope with emergency law enforcement situations.

A fatalistic concept of "when it happens, nothing can be done" was quite noticeable among the civil and military personnel in and near Detroit, particularly among those who knew little of the civil defense problems involved.

A general belief existed that early attempts by the Office of Civil and Defense Mobilization and its predecessor agencies to use scare tactics on the public had not had the hoped-for effect.

It would be presumptuous to leave the reader with the impression that this study can present complete or perfect solutions to the problems of law and order in Detroit or anywhere else in the event of nuclear attack. Recommendations offered may only be ideas which could lead to further thought, study, and clearer thinking concerning a complicated problem. While certain recommendations are interdependent, others can quite obviously be considered independently. It is hoped that practical application of at least some of the suggestions offered will be feasible

as a means of improving our civil defense posture during these times of international tension.

VI. DEFINITIONS OF TERMS USED

For the purpose of this study, it is proposed that the following definitions be applied.

Civil Defense

Those activities and measures designed or undertaken outside the scope of direct military operations to minimize the effects upon the civilian population caused or which would be caused by an enemy attack upon the United States.[8]

Civil Defense Emergency

A domestic emergency disaster situation resulting from devastation created by an enemy attack and requiring emergency operations following the attack.[9]

Civil Disturbances

Unlawful violence by civilians.[10]

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[8]Department of the Army, Civil Defense, Field Manual (FM) 20-10 (Washington: December, 1959), Definitions, p. 69.

[9]Headquarters, Sixth U. S. Army Corps, Sixth U. S. Army Basic Plan, Vol. 4 (Fort Benjamin Harrison, Indiana, February 20, 1961).

[10]Ibid.

Critical Target Area

A standard metropolitan area of the nation which has 40,000 or more industrial employees as reported by the U. S. Department of Labor.[11]

Continuity of Government

All measures that may be taken to assure the continuity of essential functions of government in the event of enemy attack.[12]

Damage Assumptions[13]

The "A" Ring. An area surrounding ground zero in which virtually all buildings would be destroyed. (Approximately 1,579,300 people live in the hypothetical A ring area in Detroit).

The "B" Ring. An area surrounding zone A in which most buildings would be damaged beyond repair. (Approximately 1,096,360 people live in the hypothetical B ring area in Detroit).

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[11]Federal Civil Defense Administration, Annual Report (1956), p. 10.

[12]Michigan Office of Civil Defense, State Operational Survival Plan, Vol. 1, Glossary of Terms.

[13]Ibid., Detroit Damage Assumptions.

The "C" Ring. An area surrounding zone B in which buildings would be moderately damaged; that is, unusable without major repair. (Approximately 413,490 people live in the hypothetical C ring area in Detroit).

The "D" Ring. An area surrounding zone C in which buildings would be only partially damaged; that is, requiring repair but still usable. (Approximately 198,100 people live in the hypothetical D ring area in Detroit).

Defense Mobilization

The employment of government and the national economy for meeting essential military and civilian requirements.[14]

Domestic Emergency

An emergency affecting public welfare in the United States through any cause.[15]

Evacuation

Organized times and supervised dispersal of civilians from dangerous and potentially dangerous areas, their reception and care in safer areas, and their return to their home

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[14]Department of the Army, Emergency Employment of Army Resources--Civil Defense, Army Regulation (AR) 500-70 (Washington: September 9, 1960).

[15]Headquarters, Sixth U. S. Army Corps, loc. cit.

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communities. Evacuation may be of three types: strategic, tactical, and remedial.[16]

Strategic. During a period of international tension indicating a possible attack, removal of certain dependents, non-productive people away from danger areas.

Tactical. During a period of warning after enemy planes have been detected, removal of people from target areas.

Remedial. During the period following an attack, removal of all affected persons and those not needed for civil defense services.

Evacuation Area

That area within the blast zone of an aiming area which is to be evacuated in accordance with an operational evacuation plan.[17]

Fallout Areas

That portion of the state or area which is subjected to heavy radioactivity due to nuclear weapon fallout from

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[16] Michigan Office of Civil Defense, op. cit., Glossary of Terms.

[17] Ibid., See Appendix A (Graphic Portrayal of Definitions).

the target area.[18]

Impact Area

Area in which projectiles or bombs strike or are expected to strike.[19]

Law and Order

Definition 1. The condition of society characterized by the observance of the laws. (Preferred definition for this thesis).[20]

Definition 2. The control or regulation brought about by the existence or enforcement of such law.[21]

Local Government

Any country, city, village, town, district, or other political subdivision of any state, or the District of

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[18]Ibid., See Appendix A (Graphic Portrayal of Definitions).

[19]Department of the Army, Dictionary of United States Army Terms, Army Regulation (AR) 320-5 (Headquarters, Department of the Army, January, 1961); See Appendix A (Graphic Portrayal of Definitions).

[20]Oxford English Dictionary (Oxford: Clarendon Press, 1933), Definition 3, p. 114.

[21]Webster's Third New International Dictionary of the English Language, unabridged (Springfield, Mass.: G & C Merriam Company, 1961), Definition 1b(1).

Columbia.[22]

Military Support (or Military Assistance)

The provision of resources of the military department to aid civil authorities in maintenance of law and order and to assist in the recovery from the effect of disaster.[23]

Mobile Support

The organized assistance which comes to the disaster area from outside the critical target area.[24]

Mutual Aid

The banding together of civil defense forces in and near a critical target area.[25]

Natural Disaster

All domestic emergencies except those created as a result of enemy attack or civil disturbance.[26]

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[22]Department of the Army, Emergency Employment of Army Resources--Disaster Relief, Army Regulation (AR) 500-60 (Washington: July 10, 1959).

[23]Department of the Army, AR 500-70, loc. cit.

[24]The Provost Marshal General's School, "Nuclear Considerations," Industrial Defense, Student Reference (Fort Gordon, Georgia: January, 1960), p. 16.

[25]Ibid.

[26]Department of the Army, AR 500-60, loc. cit.

Non-military Defense

Measures by civil agencies to minimize effects of enemy attack on populations, cities, industries, and government; to insure continuity and restore essential functions.[27]

Operational Plan

Description of the action to be taken under a given set of conditions; this includes that part of the action which will be taken automatically.[28]

Panic

Definition 1. A fleeing crowd.[29] (Preferred definition for this thesis).

Definition 2. A sudden overpowering fright; a sudden terror often inspired by a trifling cause or a misapprehension of danger and accompanied by unreasoning or frantic efforts to secure safety.[30]

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[27]Federal Civil Defense Administration, Civil Defense Glossary (H-25-2, 1956).

[28]Michigan Office of Civil Defense, op. cit., Glossary of Terms; for further discussion, see Federal Civil Defense Administration, Operational Planning, Technical Manual (TM) 8-2 (Washington: Government Printing Office, 1957).

[29]William A. Westley, The Formation, Nature, and Control of Crowds (Canada: Defense Research Board, Oct. 31, 1955), p. 22.

[30]Webster, op. cit., definition 2.

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[33] Ibid.

[34] Ibid.

Reception Area

That geographical area beyond the outer edge of the urban fringe of a target area which can reasonably be designated to receive evacuees.[31]

Roentgen

A unit of quantity of x or gamma radiation. (Survey meters for civil defense--use are calibrated in roentgens per hour, dosimeters in total roentgens. A milliroentgen is 1/1000th of a roentgen).[32]

State Area

A civil defense area within the state, created for purposes of operational control (includes target complex and support area).[33]

Support Area

Any area designated to give aid and assistance to a disaster area.[34]

Target Area

A city of metropolitan area qualifying under one or

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[31]Michigan Office of Civil Defense, loc. cit.; see Appendix A (Graphic Portrayal of Definitions).

[32]Ibid.

[33]Ibid., Annex I.

[34]Ibid.

more of the following categories:[35]

1. Minimum population of 50,000 and including all of the closely linked surrounding area.
2. Those areas containing high concentrations of industry as well as population; that is, 40,000 or more manufacturing employees.
3. All capitols of states, territories, and possessions.

Target Complex

Comprises all the territory surrounding a probable target city (area), extending out to the distance necessary to encompass enough civilian resources to cope with the disaster inflicted upon that city.[36]

Welfare Area

A geographic area within a reception area comprising one or more townships in which evacuees are billeted, housed, fed, and otherwise cared for.[37]

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[35] Ibid.; see Appendix A (Graphic Portrayal of Definitions.

[36] Stephen S. Jackson, "The Role of the Military in a Civil Defense Emergency," Publication L60-160 (Washington: Industrial College of the Armed Forces, March 25, 1960), p. 11; see Appendix A (Graphic Portrayal of Definitions).

[37] Michigan Office of Civil Defense, op. cit., Glossary of Terms; see Appendix A (Graphic Portrayal of Definitions).

CHAPTER II

THE POST-ATTACK ENVIRONMENT AND LAW ENFORCEMENT REQUIREMENTS

The problem of adequate disaster planning for law and order has gained in significance and importance ever since the development of nuclear weapons by our potential enemy and as his capability to employ them in sufficient quantities has increased to threaten our very existence. Today, there is concern about possible attacks involving 100,000 megatons of bombs and nuclear underwater explosions which could create tidal waves capable of flooding and destroying along hundreds of miles of coastline. Preparations must be made in the light of realistic assumptions concerning the nature and size of the attack which might be experienced. This chapter is designed to look at the threats involved and to see what law enforcement measures may be necessary under conditions of nuclear destruction.

I. A PICTURE OF NUCLEAR ATTACK

To estimate the efforts necessary to maintain order in case of nuclear attack, it is essential to comprehend first the nature of the threat involved. Certain assumptions must be made to develop the post-attack picture realistically.

Any enemy attack would not be a token raid, but

rather a major effort directed against all of the major target areas of the nation.[1]

An enemy would attempt to achieve tactical surprise; this is particularly plausible when due consideration is given to the events and advantages gained at Pearl Harbor by the Japanese.

According to present calculations of enemy capabilities, it is estimated that a potential enemy would employ predominantly nuclear weapons of multi-megaton yield, delivered by jet bombers through bombs and missiles, and by intercontinental ballistic missiles with high yield nuclear warheads. As a guide for planning purposes and to preclude underestimation, the likelihood of an attack with five to fifty megaton bombs was recommended in the review of the Project East River study in 1955.[2] There is the additional possibility of destruction from short-range guided missiles from submarines and sabotage detonations from within the United States.

While it is considered unlikely that every possible target within the United States would be attacked in an

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[1]Joseph B. McLean, "Project East River--Survival in the Atomic Age," Bulletin of the Atomic Scientists, Vol. IX, No. 7 (September, 1953), p. 250.

[2]Otto L. Nelson, Chairman, 1955 Review Committee, Review of the Report of the Project East River (New York: Associated Universities, Inc., October 17, 1955).

initial nuclear assault, neither the total number of intended targets nor the pattern of the attack can be predicted. However, aside from military objectives, all metropolitan areas of 150,000 or more and all harbors should be considered as likely targets.[3]

Due to accidents and inaccurate aiming, strikes in non-target areas are likely. Sizable subsequent attacks, as well as chemical and biological agents, should also be considered. According to Professor David F. Cavers of Harvard University, it is dangerous to underestimate the extent of the attack. It cannot be assumed that there will be only a single bomb to a city or that only one strike will occur. He further states that:

> in the range of eventualities is the prospect of an attack or successive attacks so inclusive and so devastating that no arrangements for the continued functioning of the national economy could survive them. The country would then dissolve into a large number of substantially isolated areas, each engrossed in the effort to maintain life on a subsistence basis.[4]

Civil defense measures to insure the maintenance of law and order must be based on the present capability of the enemy blow, and not on "desirable" or "manageable" disaster

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[3]Office of Civil and Defense Mobilization, The National Plan for Civil Defense and Defense Mobilization (Washington: Government Printing Office, 1958), Annex I, Planning Basis.

[4]David F. Cavers, "Legal Planning Against the Risk of Atomic War," Columbia Law Review, Vol. 55, No. 2 (February, 1955), p. 133.

situations.[5] Law enforcement personnel must be prepared to cope with reality, and to maintain order under such situations which are likely to occur; underestimation will most certainly lead to failure of the mission.

Many problems, peripheral to law enforcement concerns, will influence greatly the measures which must be devised to cope with the disaster situation. While this study is not concerned with the reasons for, nor the solutions to these problems, they must, nevertheless, be mentioned to show that they exist and to indicate the impact they might have on measures necessary to maintain law and order in case of attack. Let us look at some of the more critical problems more closely.

The Burst and Radiation Problem

A nuclear burst results in heat, blast, immediate radiation, and residual radiation. The first three manifestations can be considered as an entity since their effects are produced virtually simultaneously. Total destruction of an area ten miles in diameter or more can be expected from a twenty megaton bomb.[6] Within the blast

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[5]For contrary assumptions, see Otto L. Nelson, Director, Report of the Project East River (New York: Associated Universities, Inc., October, 1952), Part I, General Report, and Part II, Measures to Make Civil Defense Manageable.

[6]United States Congress, 84th Congress, 2d Session, House of Representatives, Committee on Government Operations, Civil Defense for National Survival, Hearings before

area, the emergence of a fire-storm is possible. This fire, as it spreads, can cause more casualties and damage than the initial heat and blast effect.[7] The rubble created by the blast will hinder the efforts of fire-fighting and recovery forces.

Surface detonations causing extensive radioactive fallout should be assumed. The thermonuclear device detonated at the Pacific Proving Grounds in March, 1954, contaminated a cigar-shaped area extending approximately twenty miles upwind and two hundred miles downwind, varying in width up to forty miles.[8] Near the target area, the radiation dosage was approximately 5,000 roentgens for the first thirty-six hours after fallout commenced. For the same time period, the following dosage rates were registered:

2,000 r at 110 miles

1,000 r at 125 miles

500 r at 160 miles

300 r at 190 miles

Radiation absorption is for all practical purposes cumulative. A cumulative dosage not to exceed sixty roentgens

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Subcommittee (Washington: Government Printing Office, 1956), statement of Dr. Willard F. Libby, Part 1, pp. 60, 64.

[7]For more on fire-storms, see Section II below.

[8]Operation Castle.

is considered a safe dosage; 450 roentgens is the median lethal dosage (half of the people thus exposed will die); 600 roentgens is uniformly lethal.[9] Thus, 7,000 square miles of territory (equal to the State of New Jersey) downwind was contaminated to such an extent that survival would depend upon prompt evacuation of the area or upon taking shelter.[10]

According to Dr. Willard F. Libby, theoretically, the fallout area of a ten megaton bomb can cover a 100,000 square mile area with an average dosage rate of sixty-seven roentgens per day if winds disperse the fallout over a relative vast area. But higher rates will occur if the area is very concentrated. According to Mr. Lewis Strauss, in a concentrated area of 7,000 square miles, the dosage would only drop to ninety-five roentgens per day after the first week and it would be two weeks before six to seven roentgens per day dosage is attained and when several hours of safe outside exposure is feasible.[11]

Regardless of the controversy over the initial and

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[9]Statement by Mr. Earl C. McKeel, OCDM Staff College, in a lecture on November 15, 1960, at Battle Creek, Michigan.

[10]Bureau of Naval Personnel, U. S. Navy, Passive Defense (Washington: Government Printing Office), Chapter 2, Atomic Warfare, pp. 22-54.

[11]"Cheap H-Bomb is Now Possible," The New York Times Magazine, June 12, 1955.

protracted intensities, it must be recognized that most of the country will be subjected to varying levels of radioactive fallout. However, the fallout may not commence immediately after a nuclear blast. A circular pattern of fallout will appear in the vicinity of ground zero within about fifteen minutes after the burst and will include the heavier particles not carried up into the mushroom cloud. The smaller radioactive particles are carried up in the cloud and are spread by the wind. Where and when they will reach the ground will depend upon (1) the height reached before they begin to fall, (2) the size of the particles, (3) the wind pattern and speed between cloud and ground, and (4) the distance from ground zero.

When the fallout first arrives, the dose rate is low. It increases steadily as more and more fallout descends until a maximum rate is reached very quickly; then the dose rate will slowly decrease because of radioactive decay. (Decay occurs at a specified rate; the intensity of radioactivity will decrease approximately by 1/10th for every seven fold increase in time.)[12] The intensity of the

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[12]United States Congress, 86th Congress, 2d Session, House of Representatives, Committee on Government Operations, Civil Defense, Hearings before Subcommittee (Washington: Government Printing Office, 1960), p. 238; also The Provost Marshal General's School, "Nuclear Considerations," Industrial Defense, Student Reference (Fort Gordon, Georgia: January, 1960), p. 10.

fallout will depend on the yield of the bomb, the height at which it was detonated, and the condition of the weather. Fallout may start in the downwind area at any time after a gap of approximately one hour after a nuclear explosion.[13]

Law enforcement planning must provide for operations under the threat of fallout and seek means to cope with fallout problems. Towards this end we might ask if police are properly equipped with devices to measure fallout contamination and if they are adequately trained to recognize the dangers and to react to the limitations imposed by the fallout.

The Warning Problem

While possibly a three-hour warning is feasible in case of conventional air attack, and thirty minutes warning in case of missile attack, the OCDM National Plan recognizes the possibility that the first notification of attack will be the first missile exploding within the continental limits of the United States.[14] It has been estimated that a surprise enemy attack upon fifty major cities of the United States could result in the death of from sixty to ninety

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[13]Bureau of Naval Personnel, Passive Defense, loc. cit.

[14]OCDM, The National Plan, op. cit., Planning Basis.

million American citizens.[15] It is quite obvious that increased warning time can reduce casualties. Both strategic and tactical warnings must be considered.[16] Strategic warning can alert the populace to prepare additional protective measures; tactical warning can only enable the people to hastily utilize existing facilities for their protection. While no difficulties are envisioned in disseminating strategic warning through the use of television, radio, and newspapers which reach almost every household in the United States, the problem of disseminating tactical warning is not quite as simple. Due to the meager time available, rapid public notification is essential. An elaborate air defense warning system is in existence and the possibility of detecting missile launchings exist. However, can this information be exploited? It is commonly observable that the wail of sirens does not excite the population, since sirens are prevalent in routine police, fire, or factory operations. While siren signals are designated as attack warning signals, a sudden alarm by sirens will more likely be misunderstood than obeyed. In Oakland,

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[15]Statement by Maj. Gen. H. E. Dager (Ret.), Special Assistant for Military Liaison, OCDM, in an address to the Quartermaster Training Command, at the Quartermaster School, Fort Lee, Virginia, May, 1960; also Herman Kahn, "Why Russia Would Risk Nuclear War on U. S.," U. S. News and World Report (December 21, 1959), p. 50.

[16]For definition, see Chapter I (Definitions of Terms Used).

California, an inadvertent air raid alarm revealed that eighty-five per cent of the people did not know what to do, were not interested, or thought it was but another test.[17] It is further doubtful if the public knows specifically what to do in case the warning is understood. We must, therefore, reluctantly reach the conclusion that complete tactical surprise is likely in the first attack and that casualty figures will be high, unless radical steps are taken to reserve sirens for civil defense alerts and insure that every person knows what actions he can take to increase his physical protection.

It is true that our civil defense planning agencies have recognized that outdoor warning systems are relatively ineffective and have conducted tests with a new indoor alarm, the National Emergency Alarm Repeater ("NEAR") system. However, the funding of installing the system has not been solved. It costs $30 million to install generators, plus $5.00 for each alarm. Private industry and individual financing have been proposed.[18] But law enforcement plans cannot be based on potentialities; they must be designed to cope with existing conditions. Preparations must encompass the possibility of total surprise.

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[17] Civil Defense for National Survival, op. cit., Part 5, p. 1644.

[18] OCDM, Annual Report for 1959, op. cit., p. 19.

The question of follow-up warning should also be examined. The Conelrad system is designed to supply follow-up information concerning action to be taken after a raid such as for remedial evacuation.[19] No specific siren signal or otherwise audible fallout warning signal exists. The Conelrad system has received much public criticism.[20] It is claimed that many areas are not covered. Will radio stations be able to operate after attack? Will a sufficient number of people have transistor or battery powered radios to receive these instructions? If Conelrad dissemination of information fails, police may be the only agency which can fill the void and act as an official news dissemination agency to insure compliance with instructions for public protection and military necessity. Police planning should not rely on the existence of an effective news dissemination media; plans must incorporate the contingency of law and order operations without Conelrad assistance.

The possibility of a breakdown of the public information system presents an additional problem. The "unknown" creates anxiety which readily causes panic.[21] Project East

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[19]For definition, see Chapter I (Definitions of Terms Used).

[20]"Warning System Unsound," Washington News Roundup, Army Times, December 28, 1960, p. 4.

[21]Lt. Gen. Leonard D. Heaton, The Surgeon General, "If Disaster Comes," Army Information Digest (January, 1960), p. 10; for definition of "panic", see Chapter I.

River has found that the possibility of panic must be taken as a working assumption. It has been claimed that where people panic under attack, "more deaths and injury may occur from that cause than from the direct effects of military weapons".[22] If panic breaks out, its course is unpredictable.

A transformation of a frightened populace into a violent mob can occur instantly upon the occurrence of a seemingly unimportant event.[23] A mob could flee and impede the rescue effort, or could conceivably turn with aggressive passion to seek the destruction of scapegoats instead of the real enemy. Panic on a large scale can cause haphazard evacuations of urban populations, enhanced through rumors and fear, resulting in consequential damage to the war support potential. Situations depicted in modern fiction of screaming uncontrolled mobs being fired upon by police and military units can conceivably become reality if control is lost.[25]

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[22] Report of Project East River, op. cit., "Panic Prevention and Control," p. 1.

[23] Purdue University, "Panic Control," A Report Prepared by the Public Safety Institute, Industrial Protection Training Services (Purdue University), p. 9.

[24] Report of Project East River, op. cit., p. 10.

[25] See Philip Wylie, Tomorrow (New York: Popular Library, May, 1961).

To avoid panic, considerable communication is needed, but law enforcement planning cannot assume that this exists. Police must consider that the management of highly concentrated panic-stricken people in the vicinity of a detonation would be exceedingly difficult to control when communication and transportation facilities are inoperative and where radiation hazards are high.[26]

The Shelter Problem

A Congressional committee concerned with civil defense has stated that "the key measure in civil defense against nuclear attack is shelter".[27] In 1957, FCDA Administrator Val Peterson recommended a $30-40 billion shelter program to the president. Governor Hoegh, who succeeded him, endorsed this recommendation and commented that he considered his predecessor's program as essential.[28] OCDM's position on this problem never changed. The Governors' Conferences of 1959 and 1960 were vitally concerned with public shelters to give adequate fallout

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[26] Review of the Report of Project East River, op. cit.

[27] Civil Defense for National Survival, op. cit., p. 2.

[28] Damon Stetson, "Civil Defense See Missile Lag as Opportunity and Challenge," New York Times, (November 19, 1957), p. 17.

protection to all citizens and assure survival of our population. A federally supported program was recommended by means of a $100 income tax deduction per planned shelter occupant.[29] A Rand Corporation study has proposed a $500 million program of fallout shelter protection which estimated a saving of from 20-50 million lives.[30] The Rockefeller Panel Report noted that while it may be impossible to protect populations against the blast and heat effects of an atomic explosion, protection against radioactive fallout appears feasible and could cut the casualty rate in half, saving 25-35 million people. It further noted that a realistic shelter program was overdue. "It does not make sense for the free world to engage in a major military effort without, at the same time, protecting its most important resource, its civilian population."[31]

But while studies and legislators agree on shelter needs and while current radio spot announcements stress the desirability of shelter, the fact is that "the American people simply do not have the physical means of survival in

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[29]Declaration of Conference of State Governors (Puerto Rico, August 24, 1960).

[30]Herman Kahn, "How Many Can Be Saved," Bulletin of the Atomic Scientists, Vol. XV, No. 1 (January, 1959), pp. 30-34.

[31]Rockefeller Panel, "Prospect for America," The Rockefeller Panel Reports (Garden City, N. Y.: Doubleday and Company, 1961), pp. 138-141.

case of nuclear attack."[32] The states, so far, have been unsuccessful in providing shelter protection for their population. An extensive shelter building proposal was submitted by Governor Rockefeller to the New York State Legislature on February 15, 1960. But due to public apathy and legislative resistance, the plan had to be formally withdrawn on March 23, 1960, and a drastically reduced proposal substituted.[33] It is true that the national government in 1961 had a $207 million fallout shelter program. However, of this amount, $93 million was earmarked for identifying potential group shelter space, and the remainder for taking advantage of existing facilities and for research.[34] The present National Policy on Shelter proposes a five-point federal program:[35]

1. To inform the public of the effects of a nuclear attack.
2. To survey existing structures for protection.
3. To conduct research for shelters.

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[32]U. S. Congress, House of Representatives, Committee on Government Operations, "Civil Defense Shelter Policy and Post-attack Recovery Planning," Twenty-first Report by the Committee on Government Operations, 86th Congress, 2d Session, (Washington: Government Printing Office, 1960), p. 3.

[33]Ibid., p. 22.

[34]"House Maps Study of Civil Defenses," New York Times, July 31, 1961, and "Kennedy Asks Shelters in Big Cities," New York Times, July 27, 1961.

[35]For Department of Defense shelter policy for the military establishment, see DD Directive 3020.27, July 28, 1960.

4. To construct prototype shelter.

5. To provide federal leadership by building shelters in federal buildings.

In spite of the World War II experiences of England, Germany, and Japan where the necessity for public shelters became pressing in each instance, no federally financed public shelter program has been advocated by past administrations.[36] It has been aptly stated that the policy statement "there will be no massive federally financed shelter construction program" is a political decision with economic overtones, not a logical decision.[37]

The penetration effect of radiation is substantial.[38] Thus, shelter improvisation is not simple; prior planning and construction is mandatory to attain effectiveness. Since

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[36]For more details on lack of shelter in England, Germany, and Japan, see Section II below.

[37]Col. Myron F. Barlow, USAF, "The Civil Defense Program, Historical Background, Basic Concepts, Prospects, and Trends," (Washington: Industrial College of the Armed Forces, M59-8, 1958-59), commenting on the 1958 policy statement by FCDA Administrator (Governor Hoegh); see United States Congress, House of Representatives, Committee on Government Operations, "Atomic Shelter Programs," Thirty-fourth Report of the Committee on Government Operations, 85th Congress, 2d Session (Washington: Government Printing Office, 1958), pp. 11-12.

[38]It requires 2.2" of concrete to reduce radiation dosage by one-half (half thickness); see United States Congress, House of Representatives, Committee on Government Operations, "Civil Defense," Hearings before Subcommittee, 86th Congress, 2d Session (Washington: Government Printing Office, 1960), p. 238.

vast areas can be expected to experience lethal fallout dosages, the lack of adequate shelter facilities can undoubtedly cause an acute law and order problem. For example, will fear of radiation cause panic? Can police solve the problem of control in areas which on short notice will receive lethal fallout dosages and where inadequate shelter facilities make remedial evacuation mandatory? Can notification of required emergency action be effected and do emergency plans exist which can cope with this situation? Are adequate numbers of trained law enforcement officers available to handle emergency situations? These matters must be considered in police planning if law and order is to be restored.

The Sustenance Problem

Under present plans, a great emphasis is placed upon self-help since it can be expected that communities hit by an enemy attack will remain isolated for some time. People might have to remain in shelters (if they have them) for days or even weeks. Thus, the National Plan expects every family to sustain itself for a two-week period with food supplies within the home. While the community should have two weeks of self sufficiency, two additional weeks of self-sufficiency are envisioned as a capability of the state government. These guide figures appear as the fundamental precepts of all civilian planning since civil defense

assumptions dictate that outside assistance cannot be expected for two to four weeks at a minimum. Simultaneous nuclear strikes upon many communities resulting in nation-wide disorganization may cause this condition. But while the concept of local preparedness might be realistic, it cannot be assumed that the planned remedy is presently an accomplished and implemented fact. How many families have two weeks of food and water supplies on hand to be able to subsist during this critical period? No extensive surveys are necessary to show that adequate provisions are generally not at hand. At the present time, one need only look at one's own family and the families of neighbors and friends to see the inadequate compliance with planned objectives.[39] Even with short notice, upon a strategic warning of impending attack, the sudden run on stores could not hope to solve the problem. New York City, for example, would routinely run out of food in three days once supply and transportation lines were cut.[40] These shortcomings can be expected to be reflected in the problem of maintaining law and order during the critical periods prior to and following an attack. Can order be maintained when food supplies are low and resupply interrupted because of the destruction of

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[39]"Patriarche Raps C. D. 'Waste'," The State Journal, Lansing, Michigan, August 10, 1961.

[40]Stetson, op. cit.

communication routes or contamination of existing supplies by radiation? Can available uncontaminated food supplies be protected to insure equitable distribution? Can rioting and looting be prevented which might emerge from basic drives of self-preservation? It follows that law enforcement plans must be prepared not only to cope with a docile and beaten populace, but also be able to guard against desperate and ruthless elements seeking the means for survival within the environment of destruction and chaos.

The Evacuation Problem

Many cities--Detroit, for example--have plans for pre-attack evacuation, based on strategic and/or tactical warning of impending attack, in spite of skepticism expressed as to feasibility of evacuation and sufficiency of warning.[41] Some authorities have stated that mass evacuations of our cities may risk more lives than they would save and involve so many disadvantages as to be impractical. Others have asserted that evacuations are the most effective means of urban protection.[42] While both these extreme contentions may contain elements of truth, it also appears logical that

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[41] Review of the Report of Project East River, op. cit.; Civil Defense for National Survival, op. cit.

[42] Fred C. Ikle and Harry V. Kincaid, "Social Aspects of Wartime Evacuation of American Cities," Disaster Study No. 4 (Washington: National Academies of Science, 1956).

the evacuations of populations into areas where they are unprotected from fallout and where they may be reconcentrated to provide a new target are highly inadvisable.[43] The theory of tactical evacuation postulates a warning of several hours before an attack is delivered. As noted above, the feasibility of timely warning is dubious. But even if adequate warning has been received, the questions facing law enforcement officers are sizable. Are there sufficient personnel to cope with the traffic and congestion problem? Are people adequately indoctrinated to take proper actions; will the people follow orders; will electrical control systems continue to function effectively; and, if not, how will traffic controls be applied? What about the problem of control in the reception area? Will adequate shelter and food be available for evacuees? Can reception areas be evacuated on short notice, if the path of lethal fallout suddenly threatens these localities?

Likewise, in the case of surprise attack, the problem of enforcing migratory controls will be extremely complex. Orders may require remedial evacuation or may dictate the enforcement of a "stand-fast" in the stricken area. An effort might be made to return all individuals to their homes within one hour after the blast before fallout

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[43] Review of the Report of Project East River, op. cit.; Civil Defense for National Survival, op. cit.

radiation attains lethal strength. The cordonment of evacuation problems created in any of the mentioned contingencies must be solved. The extent of public obedience is particularly difficult to predict. Fear may produce unreasoned action; public compliance and cooperation should not be counted upon. Preaching evacuation may have the result of a wide flight of people attempting to drive to safety, regardless of instructions issued.[44] A vast army of police might be required to retain control; planning must be based on the worst contingency under the circumstances.

A Summary of Nuclear Attack Contingencies

We can see that law-and-order plans will be affected by, and should be designed to consider, the following realistic disaster eventualities:

1. A radius of ten miles or more of total destruction per missile hit.
2. Additional detonations.
3. Off-center target hits.
4. A possible fire-storm in built-up areas.
5. Probable surprise impact of first bombs.
6. Extensive and prolonged fallout over large areas commencing approximately one hour after attack.

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[44]Statement by Lt. Donald E. Oates, Civil Defense Liaison Officer, Michigan State Police, January 2, 1961, personal interview.

7. Transportation, communication, and public utilities failure; debris blocking access routes to target areas.
8. Insufficient shelter.
9. Insufficient uncontaminated food and water.
10. Necessity for emergency evacuation (or standfast).
11. A fear-stricken populace.

While the various problems of civil defense mentioned above increase the overall difficulties of maintaining law and order after a nuclear attack, clues for specific police planning can be noted: (1) The "Burst and Radiation Problem" brings forth the complexity of police operations after attack and the limitations imposed upon rescue and recovery forces; (2) The "Warning Problem" should alert police to be ready to assist in the dissemination of air raid and fallout warnings and to be prepared to prevent and control panic; (3) The "Shelter Problem" should caution police to be prepared to effect and control sudden remedial evacuations; (4) The "Sustenance Problem" should guide police planning towards training for riot control, prevention of looting, and the enforcement of economic stabilization measures; and (5) The "Evacuation Problem" poses a challenge to prepare adequate traffic control and traffic circulation plans, as well as to provide for the reenforcement of police personnel in evacuation, reception, and welfare areas.

II. WORLD WAR II EXPERIENCE OF FOREIGN NATIONS

Since statistics and speculations are of limited value in obtaining a concrete picture of postattack problems, the events of the past must also be examined for clues. Let us look at the World War II experiences of other nations and note the lessons which were learned in those countries. Some of these lessons are applicable today.

The civil defense organizations of the three heavily bombed nations, Great Britain, Germany, and Japan, appear as significant for consideration. It should be noted that their civil defense structures varied in accordance with their respective political organization and national characteristics. Of particular interest, for the purpose of this study, are their efforts toward maintaining law and order as well as military-civilian coordination for overall recovery operations.

Great Britain[45]

Due to lessons learned from World War I, preparations for civil defense were initiated by the British government four years before the outbreak of World War II and in the

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[45] Terence H. O'Brien, "Civil Defence," History of the Second World War--United Kingdom Civil Services (London: Her Majesty's Stationery Office and Longmans, Green and Company, 1955).

face of public apathy. The Munich crisis of 1938 resulted in sudden public support of the civil defense program. There was recognition that civil defense required both civil and military efforts, and that persons with military training and experience were needed to lead and organize the program. The program remained, however, essentially a civilian program, under civilian control. Mutual aid was developed to a high degree between neighborhoods within a community and between communities.

When war broke out in September 1939, one and one-half million Anderson (family) shelters had been built; over one million civil defense volunteers had been enlisted; and the public was psychologically ready for what had to be endured. Detailed news bulletins, evacuation plans, black-out precautions, shelter provisions, fire-fighting preparations, and gas-proofing installations were considered as evidence of the government's capability to handle the raids which were expected.

The Battle of London (September to early November, 1940), and saturation raids on other cities (Coventry--November 14-15, 1940, and Southhampton--November 30, December 1, 1940) gave the civil defense forces their real test and certain modifications in organization and assigned missions resulted.[46] The backbone of the civil defense effort

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[46]For example, overstaffing in stretcher parties and understaffing in rescue operations had to be remedied.

remained in the Warden Service. At the lowest operating level, trained "Incident Control Officers" were placed in command over all civil forces and services at the scene of an incident; often the Incident Control Officer was a police constable. The police with their extended auxiliary forces played a controlling major role in the overall civil defense effort.

The original plan for military assistance to civil defense services theorized that this would occur when civil defense services were stretched to the utmost in any area. "But the initial planning did not appreciate the extent to which this was to be necessary."[47] While the military had defense plan needs, after the first earnest raid the military forces had to be placed unreservedly at the disposal of civil authorities--subject to paramount military considerations. Local detachments were earmarked for call by the police in the area. The chief constable and the local commander had to work hand in hand. Inadequate coordination of relief forces was obvious after the first heavy raids. These raids demonstrated the "need for more detailed planning and the use of military forces in advance."[48]

Coordination was effected between civil and military authorities through attachment of military and police liaison

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[47] O'Brien, op. cit., p. 637. [48] Ibid.

officers. The scope of military assistance had to be widened. Assistance was to be provided in rescue work, aiding police, helping feed and care for the civil population, clearing of debris, repairing of roads, bridges, gas, water, electricity, supplies, and telephone communications.

The military was required to make detailed plans for those towns in which a particular unit might have to work. In Coventry, 600 troops were committed on the morning after attack; 1,100 troops by the second day. On the third day, 1,800 troops were committed and continued supporting the recovery operation for a period of one month.[49] During this period, they cleared debris, provided traffic control, repaired utilities, communication systems, and key factories, and operated field kitchens. In London, 13,500 troops were committed for many months. Military assistance was particularly valuable for small towns with meager resources.

Vital Factors for Consideration. Certain lessons learned by the British should prove applicable in our domestic civil defense effort. It must, of course, be kept in mind that a significant difference exists between conditions after a conventional air attack and conditions after a nuclear blast. It is aptly stated that "a sudden wave of holocausts caused by nuclear weapons would create problems

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[49] Ibid., p. 641.

far different from those presented by the gradual, piecemeal destruction inflicted on Britain and Germany".[50] Yet, this does not mean that certain lessons could not be applicable; it merely means that judgment must be used in drawing conclusions as to what those lessons are.

Furthermore, the bombing of England was on a much smaller scale than that which occurred later in Germany and Japan. Thus, it did not afford the extreme test of the civilian population and civil defense agencies that was afforded by the German and Japanese experience. The following developments in British experience are, nevertheless, pertinent to current civil defense planning in this country:

1. Lack of planning can prove disastrous. (For example, inadequate planning resulted in hardships following the Baedeker raids).[51]
2. The lessons of World War I were applicable in preparations for World War II. (Foresightedness of the Home Office and preparations before the first air raids can be credited with averting complete disaster).[52]

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[50]Cavers, op. cit., p. 130.

[51]O'Brien, op. cit., pp. 429 and 564.

[52]Office of the Secretary of Defense, A Study of Civil Defense, National Military Establishment (Washington: February 15, 1948), p. 5.

3. When the political situation became critical, with war threatening, the public demanded shelters in spite of prior public apathy towards shelter programs during peacetime.[53]

4. Civil defense exercises cannot simulate with any degree of realism the conditions to be faced after an actual raid.[54]

5. The morale effect of air attack can be out of all proportions to the material damage inflicted; the public must be psychologically prepared for the problems to be faced. (Compare the public alarm during the 1938 Munich crisis against the public acceptance of the dangers of war in 1939).[55]

6. Organization for civil defense must be centralized in some aspects and decentralized in others. (Fire Services required centralized control for maximum utilization while other controls were decentralized to provide Incident Control Officers with authority and command over all personnel at the incident scene, regardless of their particular civil defense service.)[56]

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[53]Note public apathy subsequent to Air Raid Precautions Act (ARP) 1937; note public support of Emergency Powers (Defence) Act of 1940, O'Brien, op. cit., pp. 95-169.

[54]Ibid., p. 618. [55]Ibid., p. 19. [56]Ibid.

7. Compulsory service in civil defense had to be instituted; competition between active and passive defense forces for manpower and material had to be controlled.[57]

8. Extensive military support to civil defense services was essential.[58]

9. Overspecialization in civil defense functions had to be eliminated.[59]

10. Extensive expansion of the police services (auxiliaries) had to be provided; fluctuations of strength of civil defense forces occurred in response to the problems encountered.[60]

11. Large, area-wide civil defense service organizations had to be organized.[61]

12. Mobile support lost effectiveness if committed piecemeal, but needed thorough organization before entering the target area to be effective.[62]

13. An effective damage estimation and reporting system was essential for the success of any

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[57] Ibid., p. 3. [58] Ibid., p. 470.

[59] Ibid., pp. 390-397.

[60] See Appendix B (Civil Defense Employment in Britain).

[61] O'Brien, op. cit., p. 470. [62] Ibid., pp. 616-618.

recovery operation.[63]

14. Road clearance provisions in mobile support operations were necessary to insure that the target could be reached by the recovery forces.[64]

15. The problems of the homeless, salvage, clearing of debris, restoring of public services, and unexploded bombs are complicated and require much advance thought; they are directly related to maintaining law and order and must not be underestimated.[65]

16. Without proper preparations panic can occur.[66]

17. Military and police liaison officers had to be exchanged for purposes of proper coordination and control.[67]

18. Police were required to perform many and varied functions during emergency operations.[68]

Germany

During the pre-World War II period, the German totalitarian methods appeared comparatively more effective

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[63] Ibid., pp. 620-622. [64] Ibid., pp. 401-407.

[65] Ibid., p. 631.

[66] Ibid. For example, a blocked exit caused panic and resulted in 178 deaths on March 3, 1943, at the Bethna Green Tube shelter, London.

[67] Ibid., pp. 636-643. [68] Ibid., pp. 390-397; 616-643.

in preparing the public for civil defense than the voluntary efforts of the British civil defense program. The public was forced to become "air protection minded" as far back as the Luftschutzgesetz (Air Defense Law) of July 1935.[69] But Germany underestimated the allied capabilities and failed to establish, in advance, an adequate national civil defense organization.[70] To compound this error, civil defense became a "political football" at the highest governmental level and the effectiveness of the overall program was impaired due to the scramble at the top.[71]

The principle of self-help dominated the German effort, under penalty of law, thus almost eliminating mutual aid at the lowest level. The initial preparations were designed to meet small and isolated attacks. Control of local civil defense was vested in the chief of police. He was assisted by the heads of the various civil defense services. The police ward was the primary operational unit which, in the larger cities, was broken down into sections

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[69] Ibid., pp. 636-643.

[70] The Provost Marshal General's School, op. cit., pp. 1-30.

[71] Stanford Research Institute, Organization and Adequacy of Civil Defense (Volume 2, Division II of Impact of Air Attack in World War II: Selected Data for Civil Defense Planning, prepared under subcontract with Stanford Research Institute, Lehigh University, May 31, 1953), pp. 1-21.

and groups for better organization. Police personnel controlled the recovery operation. The basis for postattack recovery was the "Self Protection Service", a grouping of ordinary households on a neighborhood or apartment-house basis. These households were organized under an unpaid part-time house warden and fire guard. Block wardens organized groups of houses. Extended self-protection service existed for industrial and commercial organizations.

The "Air Protection Police" was a Nazi party innovation grouping all full-time, paid, police controlled services. They were mobile in the bigger cities and reinforced the "Self Protection Service". There were fire, decontamination, rescue and repair, medical, veterinary, gas detection, and port damage units.[72] Probably the most important of these was the rescue and repair service which was responsible for clearance and demolition and for opening streets for passage. It was organized along military lines--battalions, companies, platoons, and squads of eight to nine man strength. Other services were similarly organized.[73] The "Fire Protection Police" and its auxiliary units, and the "Voluntary Fire Brigades" were separate services. They were closely

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[72] Ibid.

[73] U. S. Strategic Bombing Survey, Civilian Defense Division Final Report (Report Number ETO-40 of the U. S. Strategic Bombing Survey, January, 1947).

associated with the local police agency and police could conscript personnel to reinforce them. The "Technical Emergency Service" was incorporated into the police with police uniforms and police powers. It was a voluntary part-time unit performing rescue and repair work primarily for public utilities.[74] A large local reserve of this unit was maintained in each police precinct.[75]

"Mobile Reserves" were kept under the command of police in each military defense district. They contained units of the Air Protection Police, Fire Protection Police, and Fire Auxiliary, as well as Air Protection battalions of the German Air Force under air force control. Other services of a more technical nature were also available.[76] Further reinforcements were furnished by military aid detachments of the armed forces (mainly army) and the civil defense units of the Nazi party organization which furnished

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[74]Federal Civil Defense Administration, Principles of Civil Defense Operations, Administrative Guide (AG) 8-1 (July, 1951).

[75]U. S. Strategic Bombing Survey, loc. cit.

[76]The "Mortuary Service" which cooperated with the Air Protection Police; the Bomb Disposal Service--an Air Force unit; the "Factory Air Protection Service" formed from workers of factory and commercial establishments; the "Railroad Air Protection Service" staffed with railroad personnel; the "Communication Air Protection Service", a Post Office unit; and the "Harbor Air Raid Protection and Port Security", a police service forming a separate police district in the port areas.

five per cent of the air protection strength and covered the same services as the Air Protection Police.[77]

The control of reinforcements was complicated by the division of responsibility between police and the air force, and by the lack of a unified regional headquarters. To overcome this deficiency, rendevous points had to be established where trained rendevous staffs insured prompt and efficient employment of units. Police officers took charge of major incidents but problems of unified control continued to exist. The shortage of manpower and political considerations precluded the further merging of efforts.[78] Mutual aid was effected through party lines with the Police President of a city, or the leader of a Gau (province) ordering assistance from forces available within his area of jurisdiction.

The air offensive started in earnest on May 30, 1942, when 1,000 RAF planes raided Cologne. As air raids became concentrated, the civil defense forces were overwhelmed. Cologne, in 1943, evacuated 230,000 civilians with much confusion and difficulty.

In seven raids (and particularly in three night raids) against Hamburg, between July 24 and August 3, 1943, at least 50,000 were killed in the most devastating single city

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[77]Stanford Research Institute, op. cit., Volume 2, Division II.

[78]Ibid.

attack of the war. More were killed in one night at Hamburg than died at Nagasaki. Fires raged beyond control, burning for months thereafter.[79] The firestorm, with its nearly vertical thermal column and winds of gale force, was one and one-half miles in diameter and reached a height of two and one-half miles. Within twenty minutes after the first wave of incendiaries, two out of three buildings within a four and one-half square mile area were afire.[80] While Hamburg's basement shelters successfully protected most of their occupants against explosive bombs, they became death traps when blocked by debris; the fire engulfed the area, trapped the people, and killed them through heat and carbon monoxide poisoning.[81]

While Hamburg had developed an organization for Air Protection Services which was regarded as a model for other German towns, these forces were utterly overwhelmed. The 9,000 well trained and equipped civil defense personnel, battle trained in 140 previous small scale raids, were insufficient to cope with the disaster. The excellent fire fighting equipment available became useless. Water pressure

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[79] O. E. Kiesel, Die Unverzagte Stadt (The City Without Despair), (Hammerich and Lesser of Hamburg, 1957).

[80] Bureau of Naval Personnel, Passive Defense, op. cit., p. 16.

[81] Stanford Research Institute, op. cit., Volume I, Summary of Civil Defense Experience.

dropped to zero. Debris obstructed routes and impeded reinforcements, rescue operations, and repairs. All communications were destroyed and control had to be decentralized. Gas, water, and electric systems were rendered inoperable; transportation came to a standstill; and industry was paralyzed. The whole population required feeding. Thousands of dead littered the streets. Evacuation was required for 1,200,000 people; 250,000 were destitute after the first raid. Elaborate prior arrangements to cope with 200,000 homeless proved insufficient immediately. Five large collecting centers were created and three army kitchens were established.[82] Trains removed the homeless to other provinces. After forty-seven trains with refugees had departed, further raids upset plans and produced confusion. All women and children were requested to evacuate voluntarily. Most complied, but many able bodied workers also fled, depleting manpower resources. Large collecting centers had to be set up in the open by the party welfare organization. Vehicles of the armed forces, city officials, and police shuttled refugees to the nearest operating railroad station and to piers for evacuation by boat. Police guided the evacuees while other police, party officials, and the armed forces

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[82]U. S. Strategic Bombing Survey, "The Story of Hamburg," A Detailed Study of the Effects of Area Bombing on Hamburg, Germany (Report Number ETO 32 of U. S. Strategic Bombing Survey, January, 1947), pp. 1-8.

preserved order. The evacuation amounted to over a million persons.[83]

Reinforcements of all civil defense services arrived from the suburbs and from other cities such as Berlin, Lubeck, and Bremen. They were met at the outskirts by couriers and given assignments. A total of 35,000 civil defense workers were employed. The center of the city was declared a "dead zone"; the services concentrated on rescue of the people from the fringes of the firestorm area. Auxiliary detachments of the armed forces, and prisoners from concentration camps assisted in the removal of the dead in army vehicles. Identification of the dead and registration of evacuees soon became impossible. Army buses ran emergency transportation service and helped with the water supply. The biggest enemy was fire; the failure of the water supply and inadequate communications aggravated the problem and required extensive additional reinforcements.[84]

Some subversive and disruptive behavior developed in Hamburg and in other big cities. There were limited instances of underground activity and sabotage. There were instances of hoarding, black marketing, demonstrations,

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[83]Stanford Research Institute, op. cit., Volume I, Summary of Civil Defense Experience.

[84]U. S. Strategic Bombing Survey, op. cit., "The Story of Hamburg," pp. 1-8.

looting, and increased crime and delinquency.[85] As a precautionary measure, after the first saturation raids, police battalions were brought from the outskirts to maintain order and security. But mass uprisings and mass panic did not materialize. Looting incidents remained low because of the practice of imposing capital punishment for this offense. Extensive cordon measures prevented access to incident scenes.[86] Wardens were stationed at public shelter areas to control entrances and exits. Civilians were required to enter air raid shelters during an attack which assisted the police in the control of inhabitants. Party Storm Troopers (SS Troops) patrolled the streets during and after raids and were in a position to disperse any unauthorized gathering as the population emerged from shelter.[87]

The morale of the German people deteriorated under saturation air attacks. People lost faith in the prospect of victory, in their leaders, in promises, and in official propaganda. They wanted the war to end. But the police

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[85] U. S. Strategic Bombing Survey, The Effects of Strategic Bombing on German Morale (Volume II of U. S. Strategic Bombing Survey, December, 1946).

[86] U. S. Strategic Bombing Survey, Hamburg Field Report (Volume I of U. S. Strategic Bombing Survey, January, 1947).

[87] U. S. Strategic Bombing Survey, op. cit., The Effects of Strategic Bombing on German Morale.

state was able to suppress such desires.[88] German officials became alarmed and even Hitler thought that further attacks of similar weight as the Hamburg raid might force Germany to surrender. However, no subsequent attack had the same shock effect as the one on Hamburg.[89]

After the initiation of saturation raids, a reorientation of the civil defense effort became essential. By 1944, topside political jealousies were subordinated to an all out civil defense effort. Huge concrete bunkers were constructed offering protection even against direct hits and increased mobile reserves were hastily formed. Incendiary bombs posed the greatest menace; they were four to five times more destructive than high explosives. Military forces, primarily air force units, were equipped with fire fighting, demolition, and heavy rescue equipment. Fifty-three battalions were specifically organized for this mission employing almost 27,000 men.[90] Additionally, thousands of army troops were needed to clear debris to open access routes for the protective services.

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[88]Kiesel, loc. cit.

[89]U. S. Strategic Bombing Survey, Over-all Report, European War (Volume I of U. S. Strategic Bombing Survey, September 30, 1945).

[90]Office of the Secretary of Defense, A Study of Civil Defense, op. cit., p. 5.

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In spite of mutual aid from neighboring cities, the civil defense forces were overwhelmed by saturation attacks. In serious raids, fire fighting equipment was of little avail and attempts to control the fires were hopeless. The end result of 2,700,000 tons of bombs dropped on German cities was 300,000 civilians killed, 780,000 wounded, 3,000,000 dwellings destroyed or heavily damaged (twenty per cent of total), 7,500,000 people were made homeless, and the principle German cities reduced to rubble.[91] The German effort, hampered by administrative muddles, never appeared to have more than a partial concept of the needs of civil defense.[92]

Vital Factors for Consideration. The World War II experiences of Germany were similar to those of England. However, additional features are deemed significant and should be noted.

1. Disorganization at the highest governmental level affected operations in the field.
2. Heavy bombings demoralized the population and reduced the will to fight; an increase in subversive and disruptive behavior could be detected.

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[91] U. S. Strategic Bombing Survey, op. cit., Over-all Report.

[92] Office of the Secretary of Defense, A Study of Civil Defense, op. cit.

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3. There was no defense against firestorms; only the spread of the fire could be controlled.
4. Evacuations were difficult to organize and even more difficult to control.
5. The German police state could effectively control and subdue the will of the people over an extended period of time; in Germany, the breaking point was never reached.
6. Extensive military assistance was an absolute requirement after mass attack.

Japan

Japan was the most tardy in its final organized civil defense planning. Although planning did start early (seven years before British and German efforts), the military refused to acknowledge the feasibility of an enemy breakthrough.[93] This hampered the civil defense efforts and placed civil defense planning on false premises.[94] The protective services were developed by expanding regular police and fire departments, aided by auxiliary police, auxiliary fire organizations, and Special Guard units of police. Volunteer labor patriotic units were formed from which emergency repair units

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[93] Ibid., p. 6, Air Raid drills were conducted in 1928 under the auspices of the Minister of Home Affairs.

[94] U. S. Strategic Bombing Survey, Civil Defense Division Summary Report--Pacific (Volume I of U. S. Strategic Bombing Survey, March 15, 1946).

were organized through local police districts, subject to police authority. Workers were liable to call by order of the police.[95] Self-protection was directed by a decree of the Emperor and promoted through neighborhood groups. The governor of each prefecture became the protection chief of his political subdivision. Subordinate political leaders similarly commanded the air raid protection services.

The resulting organization for civil defense was structured as follows: All residents had membership in the "Neighborhood Group" which combined ten to twenty households. Its leader was elected, but unpaid. He, or another in the group, became the Special Air Raid Defense Leader trained by police. Ten to twenty neighborhood groups were banded into "Block Associations" which provided a degree of mutual aid. The officials of these associations were also elected and unpaid. A purely administrative "Federated Block Association" combined approximately twenty block associations and served as a political and administrative link between the block and the ward.

Police assumed control at scenes of incidents. The fire fighting service was under their direct control. To reinforce self-help groups, auxiliaries, under police control, were formed through appointment of members on the basis of

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[95]Stanford Research Institute, op. cit., Volume I, Summary of Civil Defense Experience.

prestige rather than ability or physical stamina. Auxiliary units of fifty to two hundred members made their headquarters in police stations or other government buildings. Five to ten subunits were formed. Each unit was composed of a "Fire Arm" (forty per cent of total strength), a "Guard Arm" (twenty-five per cent of total strength), and an "Emergency Medical and Gas Decontamination Arm" (thirty-five per cent of total strength).[96]

Mobilization for civil defense occurred as the alert sounded. Civil defense control centers were placed at municipal fire and police stations and a major control center, at the prefectural governmental level, usually was located in the police headquarters. Other services also assisted in large scale operations.[97] The army was made responsible for handling unexploded bombs.[98]

The civil defense effort was directed to accomplish

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[96]The "Guard Arm" had the following subdivisions: Political Thought Squad; Traffic Control Squad; Unexploded Bomb Squad; Observation Squad; Guide Squad; Alarm Squad; Light Control Squad; and Labor Squad.

[97]The "Emergency Medical Service" provided first aid treatment. The "Mortuary Service" was formed when the need became pressing. A "Rescue Service" was organized but proved ineffective. "Factory Air Protection", "Railroad Air Protection", "National Communication Air Protection", and "Harbor Air Protection and Port Security" services handled the civil defense efforts in their respective areas of jurisdiction.

[98]U. S. Strategic Bombing Survey, op. cit., "Japan," Civil Defense Division Summary Report--Pacific, pp. 22-46.

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(1) confinement of the conflagration to the area bombed, (2) restoration of essential utilities to the extent possible, (3) erection of crude shelters to reduce casualties, and (4) effecting evacuation plans for children.[99]

Saturation raids caught air raid defense forces off guard and unprepared in procedures, techniques, and equipment. Civil defense was not geared to the tempo of a modern attack and was overwhelmed in nearly every instance. Particularly the lack of equipment hampered the fire fighting, restoration, and rescue efforts. While the Japanese government desired shelters for everyone, it left the execution of the program initially to the individual, providing neither material nor funds. Thus, shelters were generally inadequate, the more primitive types proving to be fire traps. Tunnel shelters, constructed later, near the outskirts of cities, offered substantial protection. However, the government at no time established a definite and clear-cut shelter policy.

The haphazard exodus from urban areas before the major raids against Japanese cities were instituted was accomplished under conditions approaching panic and adversely affected the war economy. Nevertheless, the evacuations did succeed in saving many lives, particularly the lives of

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[99]Office of the Secretary of Defense, A Study of Civil Defense, op. cit., p. 6.

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children.[100] After the big attacks began, evacuations increased, but without control; decisions were left to the judgment or impulse of individuals.[101] Although there was sufficient manpower, proper leadership was lacking and efforts at the local level were misdirected. There was distinct evidence in many cities of panic and failure by the population to obey instructions during heavy raids. Individuals fled from incident scenes leaving civil defense forces stripped of adequate manpower. Police lacked the necessary authority to enforce compliance.[102]

From February through August 1945, 195,744 tons of bombs were dropped on Japan. The Japanese suffered more civilian than military casualties during the war.[103] The Tokyo fire bombing in 1945 affected an area of over eight square miles in six hours, leaving 84,000 dead, 100,000 injured, and 4,000,000 homeless.[104] The incendiary attack on March 10, 1945 caused more deaths than occurred at

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[100] U. S. Strategic Bombing Survey, op. cit., Civil Defense Division Summary Report--Pacific.

[101] Stanford Research Institute, loc. cit.

[102] U. S. Strategic Bombing Survey, op. cit., Civil Defense Division Summary Report--Pacific.

[103] Ibid., p. 2. According to the Japanese Ministry of Home Affairs, 269,187 were killed; 109,871 seriously injured; 195,517 slightly injured; 2,455,598 buildings completely burned; 30,124 partially burned; 54,915 completely demolished; and 63,810 partially demolished.

[104] McKeel, loc. cit.

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Hiroshima. The protective firebreaks 120 to 300 feet wide, which had been prepared in advance, proved of little value since incendiaries dropped on both sides of firebreaks. People fled into the streets and headed for the canals and rivers but many were trapped and either were burned or asphyxiated. Even fire-resistant structures were burned out.[105] Facilities to care for the wounded, and disposal of the dead were overwhelmed. A large percentage of medical personnel and medical facilities were lost in the fire. Cremation in the open and unidentified burial in mass graves became necessary.[106]

The efficiency of the attack was attributed to numerous factors. The highly built-up and extensive area with combustible buildings made every bomb count. The high wind and clear weather helped speed the fire. The ineffectiveness of the fire fighting forces and equipment precluded any realistic defense.[107] Since the efforts of civil defense forces were invariably overwhelmed, it was obvious that the preparatory measures had been inadequate and the potential

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[105] U. S. Strategic Bombing Survey, Effects of Incendiary Bomb Attack on Japan (Report Number 90 of U. S. Strategic Bombing Survey, April, 1947).

[106] Stanford Research Institute, loc. cit.

[107] U. S. Strategic Bombing Survey, op. cit., Report Number 90, Effects of Incendiary Bomb Attack on Japan.

impact of air attack had been grossly underestimated.

The atomic attack on Hiroshima on August 6, 1945, came as a complete surprise to the populace. The "all clear" from a previous alert had been sounded forty-five minutes before. Great numbers of civilians, workers and children, were in the open, and the general indifference accorded to a small group of planes caused people not to be sheltered and made casualties excessive. The bomb exploded at 0815 hours in an air burst, 1,850 feet above the ground, near the center of the city, thus causing uniform and extensive devastation throughout the entire city. Widespread primary and secondary fires resulted and a firestorm developed. The fire, as well as the surprise and the collapse of many buildings, cumulatively caused 70,000 to 80,000 killed, and an equal number of injured from a population of 245,000.[108] Of the 75,000 buildings in Hiroshima, 68,000 were destroyed. No residual radiation materialized.[109] After the explosion, some of the survivors started to flee from the city. In one instance, 1,600 died through panic when they took refuge in a park along the river and were forced into the water by new thousands crowding into the area. To prevent the spread of rumor and to brace morale, 210,000 copies of out-of-town

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[108] U. S. Strategic Bombing Survey, op. cit., Civil Defense Division Summary Report--Pacific, p. 3.

[109] The Provost Marshal General's School, op. cit.

newspapers were brought into the city daily to replace the destroyed local papers.[110]

On August 7, the Commander of the Japanese Second Army assumed general command of countermeasures and all military units and facilities in the area were mobilized to afford relief. But the need far exceeded the resources which could be made available. Remnants of police and civil defense forces reported for duty (190 policemen and 2,000 civil defense workers). The lack of first aid contributed to the seriousness of casualties. People rushed about while no one organized help. The primary reaction to the bomb was fear and uncontrolled terror. Each person seemed concerned only with the welfare of his own family. It was thirty hours before organized rescue parties arrived from outside of the target area.[111] The rescue and relief operation remained, however, paralyzed for three days and at least 20,000 died needlessly.[112]

While only little fire equipment was available, nothing could have controlled the fire. Water pressure was zero. All utilities and transportation services were

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[110]Val Peterson, "Panic The Ultimate Weapon," (reprinted from Colliers by FCDA, August 31, 1953).

[111]U. S. Strategic Bombing Survey, The Effects of Atomic Bombs on Hiroshima and Nagasaki (Volume I of U. S. Strategic Bombing Survey, June 30, 1946).

[112]The Provost Marshal General's School, loc. cit.

disrupted. Mass cremations and burials were immediately initiated. Electricity was partially restored on the 7th, railroad service on the 8th, telephones on the 15th, and regular rationing on the 16th of August. Although sanitary conditions were poor, no epidemic broke out. While many of the people felt unable to carry on, the Japanese fighting spirit was not uniformly destroyed.[113]

The second atomic bomb was dropped on Japan on the 9th of August 1945; this time on Nagasaki. Only vague reference of the Hiroshima bombing had appeared in the papers. The air raid signal sounded while the bomb was dropping; thus, Nagasaki was scarcely better alerted than was Hiroshima. An estimated 35,000 to 40,000 were killed and a 1.8 square mile area was devastated. However, no firestorm developed and the uneven terrain further confined damage and reduced casualties. The impact generally was less shattering than at Hiroshima; however, similar manifestations of public reactions could be discerned. Both in Hiroshima and Nagasaki, thousands died who might have been saved if organized assistance by thoroughly trained and well equipped forces had been ready for action.[114] The experience in both cities demonstrated

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[113] U. S. Strategic Bombing Survey, op. cit., The Effects of Atomic Bombs on Hiroshima and Nagasaki.

[114] Russell J. Hopley, Director, Civil Defense for National Security, A Report prepared by the Office of Civil Defense Planning, June, 1949 (Washington: Government Printing Office), p. 4.

that it is possible to provide simple and relatively inexpensive shelter at reasonable distances against blast and prompt radiation effects. But additional protection against fire and residual radiation is also necessary--either through improved shelters or prompt evacuation.[115]

Vital Factors for Consideration. While Japan was the first nation which was attacked with atomic weapons, the immediate end of the war precluded a development and modification of civil defense efforts to meet nuclear attacks. However, the following conclusions can be drawn from the Japanese experience:

1. Top level confusion in civil defense planning reduced civil defense effectiveness at the operating level.
2. A unified civil defense command and a comprehensive plan needed to be formulated, well in advance of anticipated hostilities, to include both the national level and all political subdivisions.
3. Panic had to be controlled to enable civil defense forces to function effectively.
4. Police were not provided with sufficient authority to exert effective controls.

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[115]Stanford Research Institute, loc. cit.

5. The shelter program was ineffective since it did not receive the financial support of the national government.

6. Adequate and modern civil defense equipment was lacking, yet necessary for proper operations.

7. Recovery forces, including military contingents, were not properly organized in advance and were not committed promptly in order to be of maximum benefit.

8. Optimum civil defense measures might have reduced casualties to one-twentieth of the amount actually inflicted.[116]

9. Looting was the most common crime following air raids.[117]

A Summary of World War II Experiences

The organizational scheme of civil defense in Germany and Japan, during World War II, because of political and other differences, is not entirely suitable as a model for United States civil defense organizations. The British experience, however, is more applicable for purposes of comparison. Nevertheless, in all instances, lack of

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[116] U. S. Strategic Bombing Survey, op. cit., Civil Defense Division Summary Report--Pacific.

[117] Irving L. Janis, Air War and Emotional Stress, A Rand Corporation Research Study (New York: McGraw-Hill Book Company, Inc., 1951, First Edition), p. 148.

centralization, particularly in planning and policy matters, resulted in faulty gaps within the civil defense operation of each country. A strong nationally supported shelter policy is one example. Controlled evacuation is another. But World War II produced no cities which had to be abandoned; all recovered--Hiroshima, Nagasaki, Hamburg.

Damages and casualties were reduced, and control maintained when there was timely implementation of prior planned control measures. In every country, a vast expansion of law enforcement personnel was necessary. Auxiliary police, wardens, and other civil defense service workers assisted police or took over functions which under extreme emergency conditions required police attention. Law enforcement personnel had to perform sundry tasks often only remotely related to the preservation of law and order.[118] The civil defense efforts were in most instances police-oriented, police-controlled, and police-supervised. Extensive military assistance was essential after every major raid. The military was the last, but also the decisive element of reserve. In the worst disaster of the war, in Hiroshima, military control had to be instituted to take charge of the recovery effort.

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[118]For example, note that police were placed in control over all civil defense functions at incident scenes in Britain, Germany, and Japan (see above).

Other lessons and conclusions may be summarized as follows:

1. While certain phases of civil defense planning and civil defense organization ought to be centralized for purposes of standardization and control, authority for the direction of emergency operations in the field should be decentralized.
2. Extensive police and military forces are required in a recovery operation; mobile reserves are essential.
3. Fire is the biggest menace of conventional air attack; police assistance to fire fighters is necessary to effectively combat this danger.
4. The problems of coordination and command require attention and clarification, particularly in military-civil operations.
5. Evacuation operations are extremely difficult to execute in an orderly manner and require extensive planning.

III. DOMESTIC DISASTERS

Since our country has never experienced an air attack, only clues to reactions of our population in the event of nuclear attack can be obtained by examining conditions which

followed natural disasters in the United States. It has been stated that a major natural disaster in any city can make local officials realize the difficulties and problems involved in a recovery operation and the inability of normally available police forces to cope with the situation.[119] While natural disaster relief and rehabilitation operations provide to some extent a realistic and constructive test of our domestic emergency plans and procedures, caution must be exerted that they do not give an erroneous impression of unlimited military resources.[120] It must always be kept in mind that such disasters are, to an extent, localized; and that military efforts can be marshaled for a concerted effort at one locality to provide relief. A nuclear attack will have nation-wide impact, and will tend to fragmentize the military assistance which is available. There follow summary descriptions of selected domestic disasters which might offer certain insights into the problem of war-time civil defense operations.

The San Francisco Earthquake

At approximately 5:15 a.m., April 18, 1906, a

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[119]Statement by Mr. Edward Gallagher, Police Division, OCDM, August 16, 1961, Battle Creek, Michigan, personal interview.

[120]Stephen S. Jackson, "The Role of the Military in Civil Defense Emergency," An address to the Industrial College of the Armed Forces (Washington: Industrial College of the Armed Forces L60-160, March 25, 1960), p. 11.

devastating earthquake shook San Francisco and set the city ablaze. The earthquake, lasting only a minute and a half, brought down many buildings and opened gaping cracks in sidewalks and roadways. Streets were jammed by mobs of choking people as fires broke out all over the city.[121] Water pipes were broken, there was no plan to fight large scale fires, and fire fighting equipment was unorganized and dissipated. The emergency headquarters was too close to the fire and had to be moved frequently. Sightseers further complicated the natural confusion and hampered the rescue effort. The normal means of communications failed. The local military commander, General Funston, disregarded regulations and called out troops for use by the civilian mayor. He acted on his own responsibility to infuse order into the chaos and was later praised for his action.[122] Troops from Fort Mason arrived by 7 a.m. carrying rifles with fixed bayonets. Cavalry, Coast Artillery, and Mounted Field Artillery made up the Regular Army force of 1,700 troops. They were later reinforced by National Guard, Navy and Marine units, and cadets from the University of

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[121]Hugh Clevey, Famous Fires (New York: The John Day Company, 1958).

[122]Lt. Col. C. F. C. Bentley, "Civil Defense in Peacetime Disasters," Canadian Army Journal, Volume XIV, No. 3 (Summer, 1960, published quarterly by the Directorate of Military Training under authority of the Chief of the General Staff, Department of National Defence), p. 15.

Berkeley.[123] The Regular Army assembled volunteers, coordinated the rescue and fire fighting efforts, and implemented an evacuation plan.[124]

Hordes of looters broke into stores and residential districts, drinking and robbing. The mayor issued orders authorizing soldiers and police to shoot and kill anyone found looting.[125] This swiftly issued proclamation, and the reassuring sight of the military, police, and volunteers, all armed, forestalled major crime and mass panic. A curfew was imposed. In two days of fire, 28,000 buildings were devastated, 452 people killed, and an estimated one billion dollars of property damage was inflicted.[126]

General Funston informed the Secretary of War of his actions, once communications were reestablished, and requested the necessary authority for continued action.[127] While the army did not act directly under the orders of civil authorities, General Funston did order army officers to consult with civilian authorities and to comply with their wishes as far as possible. Since civil authority continued to function throughout the emergency, no martial law ever

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[123]William Bronson, The Earth Shook, The Sky Burned (Garden City, N. Y.: Doubleday and Company, Inc., 1959).

[124]Clevey, op. cit.

[125]Bentley, loc. cit.

[126]Ibid.

[127]Bronson, op. cit.

existed in the city. It was a case of military assistance to civil authorities.[128] But for ten months the military continued to enforce some control measures in the area until civil officials were ready to reassume completely their responsibilities.[129]

The Texas City Disaster

On April 16, 1947, ammonium nitrate, on the SS Grandcamp anchored in the Texas City harbor, caused an explosion which killed 400 people--mostly firemen who had been called earlier to fight the fire aboard the anchored ship. The explosion blew up other ships in the harbor, airplanes in the sky, oil storage tanks, and factories on shore. Thick smoke, heavily charged with chemical fumes, and extensive fires presented a chaotic condition. Within the blast area, an adeptness of the trapped to extricate themselves and others became apparent. But in the close proximity of the disaster area, the predominant reaction was panic. While a minority remained to seek relatives and to help friends, headlong flight occurred, particularly in the residential district closest to the disaster. People were ready to believe rumors of new explosions and the spread of

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[128] Ibid. (For more on military assistance to civil authorities, see Chapter III).

[129] Jackson, op. cit., p. 8.

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fire. Thus, the fear of new dangers, rather than unreasoning horror, precipitated the unwarranted flight and confusion.[130] Forty per cent of the residents fled wildly from the city.[131] Calls for help were sent out and fire-fighting personnel from surrounding communities, U. S. Army, and Red Cross units were rushed to the area.[132] Localized organization and planning occurred informally and apontaneously. The U. S. Navy was on hand almost immediately and assisted in communications, rescue, first aid, fire-fighting, field kitchen service, and guard duty. Navy planes brought medical personnel and equipment from other parts of the state and from Louisiana and Washington, D. C.[133] The fires were brought under control after two days. The total number killed was estimated at 1,000, with 4,000 injured, and $67 million property damage.[134]

Other Domestic Disasters

Wind and water have inflicted numerous catastrophes on local communities in which military assistance was

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[130]Stanford Research Institute, Public Attitudes and Behavior (Volume I of Impact of Air Attack in World War II: Selected Data for Civil Defense Planning, prepared under subcontract with Stanford Research Institute, Lehigh University, June, 1953).

[131]Peterson, loc. cit. [132]Clevey, op. cit., pp. 87-90.

[133]Bureau of Naval Personnel, op. cit., pp. 19-21.

[134]Clevey, loc. cit.

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required. Some of the more recent episodes are selected for the purpose of seeking lessons which might be useful in atomic disaster situations.

Warner Robins, Georgia. On April 30, 1953, a tornado struck the town of Warner Robins, Georgia, and nearby Robins Air Force Base, leaving in its wake extensive damage and long casualty lists. The community is closely associated with the military base in everyday life, a factor which apparently facilitated coordination for recovery. While the city administration never relinquished overall authority over the recovery process, the operation was primarily a military one. A civilian employee of Robins Air Force Base became the liaison agent and operating director of the civilian recovery program. His prestige in both the civilian and military community served to insure a smooth cooperative effort of all factions involved. Three companies of the Georgia National Guard, plus air force personnel were committed to assist civil officials in police, rescue, debris clearance, medical, and communication functions. Although no formal plan for military assistance existed, the close proximity of the base and the integrated interests of both communities apparently were the factors responsible

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for overcoming this deficiency.[135]

Waco, Texas. A tornado in Waco on May 11, 1953, left 114 dead, 500 injured, and the downtown business section destroyed with estimated damage amounting to $50 million. City officials requested the air force at Connaly Air Force Base to take complete charge of the recovery operation. This request was not approved. However, in offering assistance, the air force assumed responsibility for organized rescue. Air force officials found city officials in a state of confusion. The National Guard was called out to patrol the area and prevent looting. Troops from Fort Hood, Texas, also assisted in the rescue work. The civil defense organization was totally ineffective and it was soon determined that it had existed only on paper. The urgent problems encountered were: (1) lack of control of sightseers, (2) traffic congestion, (3) lack of organization in initial effort, and (4) lack of a plan for disaster relief.

The military was able to provide a strong, organized, authoritarian agency with trained and disciplined personnel to bring order into the confusion. They were successful in supplying equipment, transportation, and an adequate

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[135]John Ballock and others, Studies of Military Assistance in Civilian Disasters: England and the United States (Washington: National Academy of Science, National Research Council, Division of Anthropology and Psychology, August 20, 1953), pp. 20-25.

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[136] Ibid., p

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communication system. While there was generally praise for the work of the military, a hostile reaction did develop later. Some sources criticized and blamed the U. S. Air Force for the loss of lives due to "inept handling" of the rescue effort.[136]

Flint, Michigan. Subsequent to the Flint tornado on June 8, 1953, the Michigan National Guard was formally mobilized by the governor. Public officials and law enforcement officers from all over the state were called to render assistance. In the path of the tornado lay 115 dead, more than 800 injured, and millions of dollars worth of destroyed property. Help was rendered by the Red Cross, Salvation Army, Red Feather Disaster Fund, Old Newsboys, and many governmental agencies. None of the disaster plans were executed according to expectations in the initial phases. Most voluntary organizations which relied on unstable volunteer membership broke down and were ineffective under crisis conditions.[137]

The arrest of an off-duty policeman from another city by a State Police officer pointed to the potentiality of looting by security personnel who have a far greater

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[136] Ibid., pp. 13-19.

[137] William H. Form and others, Flint-Beecher Tornado Report (Prepared for the National Research Council, 1954).

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[39] Ibid.

opportunity to commit this offense than the general public.[138] A convergence of traffic toward the disaster-struck area by returnees, looters, and sightseers was another facet which was clearly brought out in this disaster.[139] It should be noted, however, that this type of convergence, while true in most civil disasters, may not be applicable in areas contaminated by radioactivity. In those areas, an opposite effect can be expected to be experienced.

Hurricane Audrey. Hurricane Audrey struck the Louisiana and Texas coast on June 27, 1957. Parts of Louisiana were heavily hit. Army helicopters evacuated 566 persons in an air rescue operation. Military aid offered by the U. S. Army was primarily equipment for shelter, communications, and feeding, as well as medical personnel and supplies. Engineer units were alerted but never committed. Confusion existed due to the lack of knowledge of military channels by civilian personnel. Confusion also existed among law enforcement agencies. The State Police, the Sheriff's Department, the Civil Defense Auxiliary Police, and the Lake Charles Police all operated in the same area. Passes issued by one agency were not honored by another.

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[138] Charles E. Fritz, "Convergence Behavior in Disasters," Disaster Study Number 9 (Washington: National Academies of Science, 1957), pp. 53-54.

[139] Ibid.

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The overlap of jurisdiction and mission assignments and lack of coordination presented a serious problem which required high level attention.[140]

A Summary of Domestic Disaster Experiences

From the above examples, it can be surmised that integrated planning and extensive coordination can facilitate emergency actions. Clear cut and authoritative overall command is essential. To avoid confusion, advance planning should delineate lines of authority and respective mission assignments for all agencies expected to be involved in the operation. The more serious the disaster, the more military aid was necessary and expected. In the San Francisco earthquake, the niceties of jurisdiction, and the question of authorization for military authority and lines of command were ignored in deference to the necessity of the situation. The need established authority for an otherwise illegal action; success insured acceptance.

The effects of rumors, often based on false or erroneous reports, must be considered. Evacuations and the jamming up of transportation and communication channels are within the realm of possibility even if no valid reasons

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[140]H. J. Friedsam, "Memorandum on Formal Organization in Hurricane Audrey," (A Report Prepared for Disaster Research Group, National Academy of Sciences, National Research Council, October 20, 1957), pp. 1-132.

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exist.[141] Measures to prevent looting are essential.

The extent and success of recovery actions in domestic disasters appear directly related to the survival of disaster relief agencies located within the disaster area. Experience has shown that where the local agencies continued to function, the secondary effects of disasters could be limited. When, however, the local agencies were disrupted, an "isolation period" occurred which lasted until outside agencies could be brought into the disaster area to assist. The longer the "isolation period", the more extensive the damage from secondary effects, inflicting deaths and damage which could exceed the casualties and destruction caused by the primary impact.[142]

IV. LAW ENFORCEMENT REQUIREMENTS

What, then, are the lessons to be learned from our extensive knowledge of both domestic and foreign experiences in disaster environments: Can these costly experiences and

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[141]See Texas City disaster above; also note the evacuation of Port Jervis on August 19, 1955, based on an erroneous report of a broken dam and threatening flood, as reported by Elliott R. Danzig and others, "The Effect of a Threatening Rumor on a Disaster-Stricken Community," Disaster Study Number 10 (Washington: National Academies of Science, 1958), pp. 77-80.

[142]Anthony F. C. Wallace, "Tornado in Worcester," Disaster Study Number 3 (Washington: National Academies of Science, 1956), pp. 151-152.

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the findings deduced from them aid us to sounder consideration of specific and necessary law enforcement functions? Have present plans profited from such experiences as to include all major law enforcement requirements?

Envisioned Requirements

It is against a background of almost total disintegration that law enforcement agencies may have to come into play in order to create some semblance of order and allow government once more to function and to carry on the fight against the enemy. Towards this end law enforcement planning must encompass separate plans for separate phases of law enforcement activities, each with its own unique enforcement problems: (1) the pre-attack period, (2) the immediate post-attack period, and (3) the subsequent protracted recovery period.

In the pre-attack period, plans must recognize that individual citizens might not know what to do when the warning signals are sounded and even if they do know, would probably recognize that they may have neither food nor shelter, which means the difference between life and death. Police must be ready to assist in the dissemination of air raid warnings and to be prepared to prevent and control panic, riots, looting, and sabotage.

In the immediate post-attack period, the blast effects, the fires, and the radioactive fallout must be considered.

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Particularly the fallout will dictate limitations to the committment of recovery forces. The initial time gap between explosion and fallout must be exploited. As the fallout spreads, police must be prepared to disseminate fallout warnings and control sudden remedial evacuations or stand-fast requirements. Panic must be controlled. Police must be prepared to reconnoiter the extent of damage, to report urgent requirements, and to define the extent of radioactive contamination in order to insure the proper application of appropriate aid. The employment of recovery forces may counter the flow of evacuees. The problems of traffic control can be expected to be complicated far beyond any of past experiences.[143] All movements can be expected to be hindered by the fires, the rubble, unexploded ordnance, the likely loss of electric power, and the overriding limitations of the fallout. Such obstacles will tax the surviving law enforcement forces which might remain operational. Thus, plans must be prepared to provide for the reenforcement of police personnel in evacuation, reception, and welfare areas.

During the recovery period, the traffic circulation problem will continue to remain a major obstacle, thwarting the application of aid for reconstruction. As traffic

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[143]Federal Civil Defense Administration, Police Services, Administrative Guide (AG) 10-1 (May 1951, reprinted March 1958), p. 32.

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remains interrupted by the persistent fallout, blocked roads, destroyed transportation means, and the lack of fuel, "the states, counties, cities, the Federal Government, the armies and their component parts, for a time, will be out of contact; isolated recovery must begin at the local levels".[144] Gradually the fight against the disrupted economy must be won. Law enforcement planning during this period must be based on the assumption that the normal distribution, communications, transportation, production, power supply, and government aid and direction will be "disrupted or non-existent for periods ranging from days to months".[145] The military may be forced to take over certain governmental controls. Again, plans to counter riots and looting must be considered, as well as preparations made to enforce economic stabilization measures. The road towards recovery will be slow, the measures to be taken will be protracted, requiring adequate enforcement forces, sufficiently trained and equipped to survive the existing hazards.

Differing Law Enforcement Plans

The National Plan delineates six functions necessary for the preservation of law and order during a civil defense

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[144]Dager, loc. cit.

[145]OCDM, The National Plan for Civil Defense and Defense Mobilization, op. cit., p. 10.

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emergency.[146] A somewhat different concept of five functions is delineated by the Michigan State Police.[147] Other sources may mention various other law enforcement areas of interest (see Chapter IV). Below in Table I, the author's proposed plan is offered in comparison with the law enforcement mission concepts of the National Plan and the Michigan State Police.

It should be noted that the National Plan seems too general for the operational needs of law enforcement agencies such as the Michigan State Police, and a more detailed description of functions appears necessary. It is important to place appropriate emphasis on potentially major law enforcement functions and not to submerge any within broad generalizations, such as the category "general police administration". Certainly evacuations, cordonments, and panic control missions cannot be considered under this heading. While the Michigan State Police concept appears more realistic from an operational standpoint, it, too, reveals certain vital omissions. In support of the author's proposal, the following is submitted.

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[146] Ibid., Annex 16, Maintenance of Law and Order, p. 7. (See Appendix C "Annex 16, Maintenance of Law and Order").

[147] State of Michigan, A Training Manual for Auxiliary Police, (Prepared by Michigan Office of Civil Defense and Michigan State Police, January 1954, Revised March 1959).

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TABLE I

PROPOSED PLAN OF LAW ENFORCEMENT MISSION DURING A CIVIL DEFENSE EMERGENCY

Proposed Plan*	The National Plan	The MSP Plan
1. Enforcement of rules and regulations of governing authorities	Continued functioning of local, state, and federal courts	
2. Traffic control	Emergency highway traffic control and supervision	Traffic control
3. Assisting with injured and dead and with fire fighting operations		Assisting with injured and dead
4. Panic control		Panic control and direction of evacuees out of the area to places of safety, where they may obtain food, shelter, and medical attention
5. Imposition and control of evacuation and/or stand-fast requirements, to include controls in evacuation, reception, and welfare areas		
6. Prevention of looting and sabotage, guarding of disaster area and enforcement of economic stabilization measures	Security and protection of vital facilities and resources Enforcement of economic stabilization measures as required and as feasible, in support of federal regulations	Prevention of looting and sabotage, guarding of disaster area and issuance of necessary passes and permits
7. Providing a means of communication		Providing a means of communication
8. Explosive ordnance reconnaissance	Explosive ordnance reconaissance	
9. Radiation reconnaissance and damage estimation	General police administration and operations	

*Underlined wording indicates proposed additions not found in either the National Plan or the Michigan State Police plan.

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Proposal 1 (Enforcement of rules and regulations of the governing authorities)

This proposal should be included to insure law enforcement preparations to support civil authorities such as local, state, and federal courts, or a military administration under conditions of martial law or military area control, as applicable under the particular post-attack conditions.[148]

Proposal 2 (Traffic control)

All types of traffic control, emergency traffic and other traffic is hereby included.

Proposal 3 (Assisting with injured and dead, and with fire-fighting operations)

Lessons learned during World War II and in domestic disasters should dictate the inclusion of these activities.

Proposal 4 (Panic control)

While panic may not develop before, during, or after an enemy attack, no one can offer guarantees against this eventuality. Police must be prepared to cope with panic since panic control may develop into a major mission assignment.

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[148]See Chapter III.

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Proposal 5 (Imposition and control of evacuation and/or stand-fast requirements, to include controls in evacuation, reception, and welfare areas)

This function is gaining significance as the threat of radioactive contamination of ever more powerful bombs increases and the problems of shelter and evacuation require progressively more public attention. Civilian circulation control measures such as imposition of curfews, issuance of passes, et cetera, are deemed to be included in this category.

Proposal 6 (Prevention of looting and sabotage; guarding of disaster area and enforcement of economic stabilization measures)

While there appears general agreement that the prevention of looting is a major law enforcement function, there is no unanimity concerning the other functions mentioned. The word "sabotage" connotes the activity of either indigenous or foreign agents against which police should certainly be watchful. It carries the concern of the national interest and ought to be included as a police mission. Once included, there is no longer a need to mention specifically "the security and protection of vital facilities and resources" since proper protection against sabotage and control of looting should include this mission. Complementing the prevention-of-looting mission, however,

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are measures necessary to insure an equitable distribution of scarce resources and supplies. Disorders may certainly follow any mismanagement within this critical area. The enforcement of economic control measures is, therefore, clearly a law-and-order function which should be considered a major responsibility by police.

Proposal 7 (Providing a means of communication)

Police should provide an emergency means of communication, by making their extensive communication nets available to the governing authorities during civil defense emergencies. The contingency of a breakdown of public communication systems after an attack and the need to furnish the public with fallout warnings must not be ignored. Only the police potentially remain capable to assume this mission.

Proposal 8 (Explosive ordnance reconnaissance)

While the Michigan State Police omits this activity from specific mention as a police disaster function, it seems more appropriate to provide emphasis to this activity. The police, with proper training, can assume and should assume this function. Mobile police forces equipped with radio communications are capable of finding, identifying, and isolating duds until demolition experts, civilian or military, can be summoned to the scene. The lessons of

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World War II, in Britain, must not be forgotten. The nuclear age offers additional complications requiring additional personnel and more training for a similarly necessary job.

Proposal 9 (Radiation Reconnaissance and Damage Estimation)

Although neither the National Plan nor the Michigan State Police plan appears to consider this mission as a major function, some communities have placed this responsibility upon their local police forces.[149] It is an intelligence activity rather than a massive attempt to correct all urgent requirements which should be attempted by local law enforcement agencies on the scene. The value of this function was demonstrated in the British World War II experience, as discussed above. A mobile and radio-equipped police force can report disaster conditions to centrally located civil defense operations centers enabling appropriate recovery forces to be diverted speedily and safely to take remedial actions. While on patrol, police will be required to monitor radiation intensities for their own protection. This information must be passed on for the protection of others, to assist recovery forces, and for the benefit of the general public.

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[149]See Chapter IV.

Emergency Law Enforcement Planning

If the need for the above delineated proposals is realized and the potential disaster situation, as pictured in the first portion of this chapter, is considered, the following conclusions can be drawn which should affect emergency law enforcement planning at the local level:

1. The local level is the level of prime responsibility for maintaining law and order.
2. There must be a capability to increase substantially the number of law enforcement officers.
3. Massive military assistance to law enforcement will be required in civil defense emergencies.
4. Swift mobile support should be considered the key to the post-attack recovery operation.
5. Police must possess sufficient authority to implement required control measures during emergency periods.
6. Advanced civil defense police planning and training is essential; planning must provide clear-cut lines of authority and command to insure a coordinated, joint (civil-military) law enforcement effort during a civil defense emergency.

To achieve desirable police capabilities, the Michigan Association of Chiefs of Police has proposed a six-point

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program which provides for the expansion of law enforcement agencies and other preparations to enable police to assume a civil defense mission.[150] The sixth point states "Development of plans with federal agencies for interstate operations which may require federal support or other assistance". It would appear appropriate to amend the sixth proposal to include "and in case of operations under military rule". The latter point will be discussed in more detail in the following chapter.

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[150]See Appendix D (Civil Defense Program, Michigan Association of Chiefs of Police).

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CHAPTER III

LEGAL AND HISTORICAL BACKGROUND

In order to apply military help during civil defense emergencies, it is important that the legal foundation involving command and control relationships between military and civilian authorities be properly defined. Constitutional and statutory provisions, legal and historical precedents, the evolution of our civil defense organization, and the current civil defense arrangements in foreign nations all may assist in pointing the way toward determining an appropriate civil-military relationship during joint recovery operations subsequent to nuclear attack. To preserve law and order and to assist in national recovery after a devastating nuclear strike, strong control measures may be necessary, but they must be used only as a means toward a speedy return to our democratic system of government. Our democratic heritage must not be sacrificed as an expedient measure to facilitate reconstitution of centralized governmental controls.

I. LEGAL PROBLEMS OF FEDERAL INTERVENTION

Historically, the military has frequently been able to offer aid to civil communities in case of emergencies. It does appear that such aid is expected. In the Constitution

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[2] Ibid., Ar

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of the United States we find provisions upon which federal intervention in local affairs can be based. It provides that the United States shall guarantee to every state a republican form of government and shall protect each against invasion, and on application of the legislature or of the executive, against domestic violence.[1] Additionally, the president is commanded to take care that the laws of the United States be faithfully executed;[2] and he is given the means to accomplish this by being designated as the Commander in Chief of the Army and Navy.[3]

The emergency powers of the president are further strengthened by federal statutes. In accordance with present laws, federal intervention and/or assistance can occur in case of national disaster, domestic violence, or similar contingency as follows:

1. To aid state authorities at the request of the state and by presidential proclamation. The request should be initiated by the state legislature or, in its absence, by the governor.[4]

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[1] Constitution of the United States, Article IV, Section 4.

[2] Ibid., Article II, Section 3.

[3] Ibid., Article II, Section 2.

[4] Chapter 1041, 70A Stat 15, August 10, 1956 (formerly Section 201 R. S. 5297) and Chapter 1041, 70A Stat 16, August 10, 1956 (formerly Section 204 R. S. 5300).

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All state and local resources must have been utilized.[5]

2. To enforce the laws of the United States within a state; no request by the state is here envisioned; however, a presidential proclamation appears necessary. This intervention may occur if there is unlawful obstruction, combination, assemblage, or rebellion against governmental authority and the situation is beyond the capabilities of state and local authorities.[6]

3. To protect the rights of citizens within a state; again no request by the state is here envisioned but a presidential proclamation appears necessary. This may occur if there is a denial of equal protection of the laws of the United States.[7]

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[5]The Army Intelligence School, "The Army's Role in Civil Disturbances," Instructor Folder (Fort Holabird, Md.: January, 1958); for example, Dorr's Rebellion in Rhode Island in 1841; derived from constitutional authority, see Constitution of the United States, Article I, Section 8; for envisioned procedure, see Army Regulation (AR) 500-50.

[6]Chapter 1041, 70A Stat 15, August 10, 1956 (formerly Section 202 R. S. 5298) and Chapter 1041, 70A Stat 16, August 10, 1956; for example, the Whiskey Insurrection of 1794 as discussed in The Army Intelligence School, Instructor Folder, op. cit., p. 5.

[7]Chapter 1041, 70A Stat 15, August 10, 1956 (formerly Section 203 R. S. 5299) and Chapter 1041, 70A Stat 16, August 10, 1956; for example, racial tension in New Orleans after the end of the Civil War; The Army Intelligence School, Instructor Folder, op. cit.

4. To protect the property of the United States; in these circumstances no request by the state nor a presidential proclamation is necessary. Any military commander may take appropriate action when it is deemed essential. This right is based on the established and accepted principle embodied in common law and statutes that the Federal Government can protect its own property.[8]

5. Upon request of local authorities, when all local resources have been exhausted, the respective Zone of Interior Army Commander is authorized to consider and honor such a request.[9]

6. In an extreme disaster, the nearest installation or troop commander may, on his own initiative,

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[8]Chapter 1041, 70A Stat 15, August 10, 1956 (formerly Sections 201-203, R. S. 5297, 5298, and 5299); Army Regulation (AR) 500-50; Executive Order 8972, December 12, 1941. For example, John Brown's Raid on Harper's Ferry on October 16, 1859, The Army Intelligence School, Instructor Folder, op. cit., p. 7; see also Lima v. Lawler, 63 F Supp. 446 (1945) and United States v. Strickland, 62 F Supp. 468 (1945) pertaining to private citizen's right to arrest without warrant.

[9]For example, in case of disaster relief due to floods, hurricanes, and other natural disasters; Army Regulation (AR) 500-50; Disaster Relief Act of 1950, 64 Stat 1125 (PL 875), 81st Congress, 2d Session, September 30, 1950; Federal Civil Defense Act of 1950, 64 Stat 1228 (PL 920) 81st Congress, 2d Session, January 12, 1951; Reorganization Plan Number 1 of 1958, H. Doc. No. 375, 85th Congress, 2d Session, April 24, 1958.

> offer such assistance to local authorities upon direct request, as deemed necessary, when communication failure and urgency dictate immediate action without waiting approval from higher headquarters.[10]

It thus appears that adequate laws are in existence under which the military can provide military aid to local communities. Military intervention can occur either with or in some cases without the request or consent of the state, and either in coordination with or apart from civilian resources. Since civilian communities heavily hit in a disaster usually can be expected to demand military help towards recovery, it is only the extent of this help which is at question, and the manner in which it is to be applied. On one end of the scale, we find minimal aid to the civilian directed recovery operation, while on the other end, we find complete military authority over the area to insure an orderly, coordinated, and centrally directed recovery program. A number of intermediary conditions are feasible. While national policy prohibits that the armed forces of the United

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[10] Executive Order 10427, January 16, 1953--aid is subject to confirmation by higher commanders and subject to coordination by OCDM as communicable channels are developed; Chapter 1041, 70A Stat 15, August 10, 1956, and Chapter 1041, 70A Stat 16, August 10, 1956. For example, the riot of 150 Chinese in San Francisco Immigration Station in 1928, The Army Intelligence School, Instructor Folder, op. cit., pp. 9-10.

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States be subordinated to civilian command of either local or even federal civilian officials, the question of the military relationship with civilian officials must be determined.[11] Three different relationships are discernable: military assistance to civil authorities, military area control, and martial law.

Military Assistance to Civil Authorities

This is the preferred method by both civilian and military authorities, under present concepts; in such a situation all federal aid will be channeled under the coordination of a civilian government or civilian controlled agencies (such as OEP--Office of Emergency Planning). When this method is employed, civil government must generally be able to function. Military aid will augment the civilian effort and will not be in lieu thereof. Assistance will be in the form of specialized teams, manpower, provisions of supplies, and technical assistance as required. Since the military remains under federal military command, the military commander will be responsible for deciding which civilian requests may be honored in accordance with federal

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[11]Army Regulation (AR) 500-50 states "Federal troops . . . will be under the command of, and directly responsible to, their military superiors. They will not be placed under the command of an officer of the State Defense Forces or of the National Guard not in the Federal service, or of any state, local, or federal civil official . . .". (Of course, the President is the Commander in Chief of the Armed Forces, as specified by the Constitution).

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law.[12] In practice, military action may occur even against the wishes of civil officials. However, the military must act within the law of the land, and federal courts may curb military action and will retain jurisdiction over the disposition of civil offenders.

An example of military assistance to civil authorities in case of disorders was a situation in Detroit, Michigan during World War II. On June 20, 1943, Detroit suffered one of the worst race riots since the first World War. Unfounded rumors ignited existing tensions and caused widespread looting and beatings, leaving thirty-four dead and approximately 1,000 wounded.[13] Governor Harry F. Kelly declared a state of emergency in the Detroit metropolitan area and thereby closed places of amusement, barred the sale of alcoholic beverages, and imposed a 10 p.m. to 6 a.m. curfew.

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[12]The Posse Comitatus Act of June 18, 1878, revised as 70A Stat 626 (PL 1028), 84th Congress, 2d Session, August 10, 1956, as amended by 73 Stat 144 (PL 86-70), June 25, 1959, states that it is unlawful to employ any part of the army as a posse comitatus save as expressly authorized by the Constitution or by an act of Congress. Since military commanders are subject to prosecution if army troops are used in contravention to these statutes, military commanders must have option to decide if utilization appears in conformance with federal law.

[13]Val Peterson, "Panic, The Ultimate Weapon," reprinted from Colliers, August 21, 1953, for FCDA; Office of the Provost Marshal General, World War II--A Brief History (Washington); "Twenty-three Dead in Detroit Rioting," New York Times, June 22, 1943, pp. 1 and 7; "Commissioner J. H. Witherspoon blames U. S. Army Officials for Delay," New York Times, June 30, 1943, p. 42.

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The Detroit Police Commissioner requested army assistance, but due to inadequate knowledge by local officials of federal procedure, twelve hours were lost before a presidential proclamation was issued. President Roosevelt ordered the Secretary of War, upon receiving a plea from the governor, to dispatch federal troops in assistance of civil authorities. The Commanding General of the Sixth Service Command was ordered to stop the rioting. Federal troops from Fort Wayne, Mt. Clemens, Fort Custer, and River Rouge were drawn into action as the disturbance continued. Over 4,000 troops using jeeps, trucks, and armored cars were committed before the situation was brought under control. Cooperation with state and city police was effected. A total of 6,000 Michigan National Guardsmen were ordered mobilized, and most were committed. While the military enforced civil law throughout the city, there was no interference with the operation of the courts. Civil law was not superseded and the right of habeas corpus was not impaired.

Military Area Control

In those specific geographic areas in which an overriding military mission exists, the Secretary of Defense may declare a partial military rule. Civil government will be expected to accord precedence to military requirements and will not interfere with the military mission. No military jurisdiction over civil government, people, or resources

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is envisioned except as absolutely required by the military mission. Coordination can be effected through a federal civilian agency (such as OEP--Office of Emergency Planning).

For example, during World War II immediately after Pearl Harbor, the West coast was declared a military area by Executive Order and security measures were taken.[14] All people with Japanese ancestry had to abide by a 10 p.m. to 6 a.m. curfew and on March 27, 1942, compulsory registration and evacuation was instituted.[15] A Security Control Authority was organized to implement security measures. Legislation was enacted on March 21, 1942, which indicated Congressional concurrence and acceptance of the executive action.[16] This statute was legally based on the Congressional power to wage war and punish offenses against the security of the United States. The statute as revised presents current legislation, with broad language, permitting the exclusion of any class of persons from specified areas in case of emergency and it decrees that violations of military orders are misdemeanors punishable by the

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[14]Executive Order 9066, February 19, 1942.

[15]The Judge Advocate General's School, Civil Emergencies. Selected Cases and Materials (U. S. Army, Charlottesville, Virginia, undated), p. 44.

[16]Chapter 191, Section 97a, 56 Stat 173, March 21, 1942, later revised under Chapter 645, Section 1, 62 Stat 767, June 25, 1948.

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federal courts.[17] Subsequently, the security measures taken in March, 1942, were upheld by the courts.[18]

In military areas, the degree of military control will be exerted as dictated by necessity, similar to conditions of martial law. Army policies specify that the establishment of some form of martial rule will take place upon the creation of military areas.[19] Many of the controls normally associated with martial law are feasible; for example, curfew, control of circulation of personnel, evacuations, and others. However, civil courts can be expected to function. The delineation, as to when controls within military areas become conditions of martial law, might be difficult to determine, particularly since the precise concept of what constitutes martial law is debatable (see below). It may be argued that government within a military area is a degree of martial rule.

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[17]The Judge Advocate General's School, Lectures on Martial Law (U. S. Army, Charlottesville, Virginia, revised edition, April 15, 1956); Civil Affairs and Military Government School, "Bases for the Exercise of Military Jurisdiction," (U. S. Army, Fort Gordon, Georgia, CAMG 1420).

[18]See Hirabayashi v. United States, 320 U.S. 81, MJ 1231 (1943) and Ex parte Endo, 323 U.S. 283, MJ 1246 (1944).

[19]Department of the Army, Civil Defense, Field Manual (FM) 20-10 (Headquarters, Department of the Army, December, 1959), App. II, p. 107.

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Martial Law

This method of complete military control of government is to be imposed only when the agencies of civil government are paralyzed, overthrown, or overpowered and unable to operate.[20] Explicit executive authority for such action is required by Army Regulation; under such circumstances, military forces gain control over non-military forces.[21] The military might limit the right of assembly, order curfews, search and seize weapons and other property without warrant. The writ of habeas corpus might be suspended and military tribunals could conceivably try civilian violators of promulgated rules and regulations.

Authority for martial law can only be implied from the Constitution. State martial law situations are ruled by state constitutional requirements while federal martial law is subject solely to federal constitutional interpretation. The words "martial law" do not appear in the Constitution of the United States, but can be found in some federal statutes and in the Constitutions of seven states.[22]

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[20]Army Regulation (AR) 500-50, op. cit.; U. S. Army CONARC, Basic Plan, Volume IV, Chapter 4 "Civil Defense" with Change 13, April 23, 1957 (Headquarters, U. S. Army CONARC, Fort Monroe, Virginia).

[21]Ibid.

[22]Charles Fairman, The Law of Martial Rule (Chicago: Callaghan and Company, 2nd Edition, 1943). The seven states are Vermont, Rhode Island, Maryland, Tennessee, Massachusetts, New Hampshire, and South Carolina.

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The federal constitution empowers Congress to call out the militia to suppress insurrection and repel invasion.[23] The constitution also states that the "Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it".[24] It is not specified if Congress and/or the President has this right. Most lawyers currently will agree that martial law and the suspension of the writ of habeas corpus are not synonymous. Martial law entails many more measures and in some instances the writ may not be suspended while a martial law situation may exist.[25]

The major obstacle to denoting clearly and precisely what martial law entails appears to be a problem of semantics. According to one view, martial law is "the carrying on of government in domestic territory by military agencies in whole or in part, with the consequent suppression of some or all civil agencies" (definition number 1).[26] In a contrary view, it is "the law of military necessity in the actual presence of war. It is administered by the general

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[23] Constitution of the United States, Article I, Section 8.

[24] Ibid., Article I, Section 9.

[25] Fairman, op. cit., pp. 42-45; Frederick B. Wiener, A Practical Manual of Martial Law (Harrisburg: The Military Publishing Company, 1940), pp. 8-9.

[26] Wiener, op. cit., p. 10.

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of the army, and is in fact his rule. Of necessity, it is arbitrary, but it must be obeyed" (definition number 2).[27] Purists insist that martial law and common law are mutually exclusive: "where one prevails, the other cannot".[28] While some authors such as Rankin claim that martial law is constitutional, others such as Fairman state that the term is actually a misnomer since it is not law at all, but rather denotes an unconstitutional or extraconstitutional means used to preserve the Constitution when constitutional methods are inadequate; therefore, the term martial rule would be more sensible to use.[29] To partially overcome this problem, modifying terminology has been proposed. We may then have qualified (or preventive) martial law which connotes definition number 1, versus absolute (or punitive) martial law which implies definition number 2. This distinction has been used with a measure of success by some, although it has also been criticized by others as useless, since martial law in every instance is qualified in some

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[27]Robert S. Rankin, When Civil Law Fails (Durham, North Carolina: Duke University Press, 1939), p. 30.

[28]Fairman, op. cit., p. 46.

[29]Judge Advocate Branch, Sixth Service Command, "Legal Aspects of Military Aid to the Civil Power,"(May 17, 1943). (See Fairman and Wiener, op. cit. on discussion concerning unconstitutionality or extraconstitutionality of martial rule.)

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sense by the extent of the necessity by which it is created.[30] This latter point is apparently quite valid. Any actions taken by military authorities under conditions of martial law may later be ruled illegal by the courts, if these actions cannot be justified by necessity.

Even the major distinctions between absolute and qualified martial law are not clear-cut. While qualified martial law implies that the use of military tribunals as a means of punishment is not envisioned, it does not preclude the suspension of the writ of habeas corpus. The possibility of distinct terminology for each of the numerous martial law conditions which might exist is complicated by the numerous factors and interpretations concerning the precise meaning and delimitations involved in martial law.

A Differentiation

At the risk of some oversimplification, the distinction between assistance to civil authorities, military area control, and martial law, can be explained in terms of coordination and command. When military assistance is rendered to civil government, military and civil authorities must coordinate their courses of action, each retaining command function over their own resources. In military area control,

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[30]Rankin, op. cit., advocates use of this terminology while Wiener, op. cit., p. 13, criticizes it as useless.

functions having no military consequence are retained under civil jurisdiction, while the military will assume command over functions involving the military interest. Under conditions of martial law, the military may assume overall command.[31]

To give a clearer picture of the legal problems of martial rule in possible civil defense disaster situations, a selective review of past domestic experiences is appropriate.

Pre-Civil War Examples

The military court arose in the days of feudalism when the line separating civilians from soldiers was not well marked. It was extensively used in England under the reigns of Henry VIII and Elizabeth, and was drastically limited by the Petition of Right in 1628.[32] Martial law was employed in the North American colonies by the British Royal Governor on several occasions.[33] During the early years of the United States, martial law was used with extreme care by the presidents and state executives. The most prominent use in that period came in 1815 when, on the 16th of December,

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[31]For more on this matter, see Chapter VI below.

[32]Fairman, op. cit., pp. 6-13.

[33]The Judge Advocate General's School, Lectures on Martial Law, op. cit., p. 9. For example, in 1775 in Boston and in Virginia.

General Andrew Jackson placed New Orleans "under strict martial law" fearing that the local legislature might submit to the British. After the victory over the British, General Jackson refused to terminate martial law until he had received official information concerning news of peace from Washington. In the meantime, heavy public criticism developed over the protracted martial rule. Upon charging an author of a critical article as a spy before a military court, Judge Hall, a federal district judge, granted a writ of habeas corpus. General Jackson had the judge arrested, jailed, and expelled from New Orleans. After martial law was terminated, Judge Hall returned and fined General Jackson $1,000 for contempt of court. The judge maintained that while the original situation might have called for martial rule, the time of its duration was in error. In 1844, Congress voted to restore the fine and also upheld General Jackson's concept and use of martial law.[34]

The significance of the case points to the divergence of views of the judiciary and Congress with respect to the military power over civilians in time of war and in the territory of operation. Congress held that the power of the military commander under such circumstances is supreme over soldiers and civilians, and that the writ

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[34]Fairman, op. cit., pp. 108-109; Rankin, op. cit., pp. 3-25.

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In 1842, Dorr's Rebellion to overthrow the Rhode Island charter was resisted by a state legislative declaration of martial law. Federal assistance became necessary. In a subsequent court case, the majority opinion of the United States Supreme Court held that domestic violence might constitute war and that martial law was constitutionally permissible.[35]

Civil War Examples

During the civil war, federal martial rule frequently prevailed along the military frontier and even in the interior of both sides. The military government which was initiated in the subjugated states after the war should not, however, be confused with martial law.[36] Martial law prevailed in Baltimore without any express declaration (April 19, 1861) and the writ of habeas corpus was disregarded. Whether the words "martial law" were publicly expressed or not did not alter the factual situation. Later, on June 30, 1863, martial law was formally declared by the Commanding

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[35] Luther v. Borden, 7 How. 45 (1848).

[36] Mississippi v. Johnson, 4 Wall 475 (1866), and Georgia v. Stanton, 6 Wall 50 (1867). The term "Military Government" is normally applied to the rule by the military in occupied territories in foreign lands; Department of the Army, "Lectures on Martial Law," DA Pamphlet 27-11(April,1960).

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General which specifically authorized civil courts to function provided they did not interfere with military authority. There were many other declarations of martial law by federal field commanders, such as in Missouri in August, 1861, in Kentucky in 1862 and 1863, and in Ohio in July, 1863. On December 2, 1861, in St. Louis, General Halleck declared martial law by authority of the president, and on July 5, 1864, the president personally declared martial law in Kentucky.[37]

The most significant court case arising out of the civil war was the Milligan case.[38] It concerned a civilian who was arrested as a spy in a non-combat zone where martial law had been proclaimed and who subsequently was tried by military commission. The United States Supreme Court held that the exercise of punitive martial rule in Indiana in 1864 was excessive. The court defined strict limits of martial law. It indicated that martial rule cannot arise from a threatened invasion, but that the invasion must be real and must cause the civil courts to close. If courts are open and unobstructed, martial law cannot exist. Trial by military commission is an illegal procedure even if authorized by Congress, except within the theater of war.

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[37] Fairman, op. cit., pp. 109-113.

[38] Ex parte Milligan, 4 Wall 2 (1866).

Martial law is called into action by Congress or in time of peril by the president.

While the Milligan case is still considered "good" law today, it did not settle all future law on martial rule. Subsequent court decisions debated as to what was meant by courts being "open and unobstructed". While the strictest interpretation implies "physically open", modern legal authorities are inclined to believe that it means that courts must be able to function in an unobstructed manner, and if not, then they can be considered inoperative.[39]

Post Civil War Examples

After the civil war, strikes and other industrial antagonisms evoked numerous martial law situations within states and the states' power was not always wielded with perfect impartiality. In Idaho, in 1899, in the Coeur D'Alene mining district, a condition of state martial law supported by federal troops existed. The troops aided the state power but were not under state command. Although the governor did not suspend the writ of habeas corpus, claiming lack of authority, the courts declined to issue any writ, acknowledging the existence of a state of insurrection and rebellion as delineated in the governor's proclamation. The

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[39]Rankin, op. cit., p. 63; Wiener, op. cit., pp. 106-108.

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state supreme court upheld the actions of the governor.[40] In this case, the Milligan case reference of "unobstructed" was interpreted to mean that martial law could exist when courts, while open, were intimidated.[41]

During the miners' strike in Colorado in 1903 and 1904, the governor instituted martial rule on several occasions. Request for federal troops was denied. In subsequent court cases, the United States Supreme Court ruled that the governor's declaration of a state of war is conclusive and the governor is the sole judge of the use and extent of martial law.[42]

The miners' strike in West Virginia, 1912-1913, resulted in the most comprehensive legal discussion of martial law in the United States. During the strike, martial law was declared three times and never officially terminated in the interim. Military tribunals were established although civil courts were physically open. Four distinct concepts of martial law evolved from the case of Hatfield v. Graham.[43]

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[40] In re Boyle, 6 Idaho 609 (1800).

[41] Fairman, op. cit., pp. 81-82; Rankin, op. cit., pp. 65-72.

[42] In re Moyer, 35 Colorado 154 and 159 (1905); Moyer v. Peabody, 148 Fed 870 (1906); 112 United States 78 (1909); Judge Advocate Branch, "Legal Aspects of Military Aid to Civil Power," op. cit., pp. 8-10.

[43] Hatfield v. Graham, 73 W. Va. 759 (1914), 81 S. E. 533; State v. Brown, 7 W. Va. 519 (1912), 77 S. E. 533.

1. The governor claimed that his proclamation of martial law was conclusive and suspended the courts from functioning.
2. The majority of the state supreme court upheld the action of the governor and declared the military tribunals not contrary to due process of law. However, the governor's action could be examined and reversed if bad faith for the martial law proclamation could be proved.
3. The minority of the state supreme court held that only qualified martial law is possible (no military commissions authorized) except in the case of real war, then punitive martial law could function.
4. A United States Senate investigating committee contended that the governor had the power to invoke qualified martial law but that punitive martial law could only be invoked if the courts were already closed (basing their opinion on the Milligan decision).[44]

During the coal miners' strike in Colorado in 1913-1914 under state martial law, military commissions were used, not as courts, but to insure that no one would be mistakenly

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[44]Rankin, op. cit., pp. 85-113.

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detained. The state authorities were overwhelmed and the president ordered federal troops onto the scene. Such orders were considered as superseding the state power. Federal troops declined state court writs of habeas corpus but obeyed the writs of federal courts.[45] While federal martial law was not formally declared, Secretary of War Garrison maintained that there were no additional actions federal troops could take even if a proclamation of martial law were issued. Such proclamation was, therefore, considered unnecessary.[46]

Dynamiting in the miners' dispute in Butte, Montana, in 1914, resulted in absolute state martial law wherein military tribunals were set up. The state court, however, found that the governor had exceeded his authority. A gradation of the use of martial law by persons in authority was suggested.[47] The court held that the governor could only declare qualified martial law. He could send troops and detain prisoners but did not have the power to establish military courts or suspend the writ of habeas corpus. The suspension of the writ was considered a legislative function. Absolute martial law can only exist in time of war and only

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[45]See Tarble's case, 13 Wall 397 (1871), 20 L. Ed. 597.

[46]Fairman, op. cit., pp. 85-86; Rankin, op. cit., pp. 114-120.

[47]Ex parte McDonald and In re Gillis, 49 Mont 454 (1914); Herlihy v. Donohue, 52 Mont 61 (1916).

Congress can declare war (as distinguished from insurrection). Even the president cannot suspend the writ unless authorized by Congress.[48]

In the case Ex parte Lavinder which resulted from a qualified martial law condition declared by the governor of West Virginia during the coal strike unrest in 1921, the state court diverged from the earlier Hatfield v. Graham case and ruled that the substitution of martial law for civil law could not extend beyond the actual theater of war.[49] The state declaration of "state of war" during the civil unrest was held absurd by the State Court of Appeals.

In the case of United States v. Wolters arising from an absolute martial law condition involving federal troops in Galveston, Texas, in 1920, the federal court upheld the right of the governor to set up military courts to uphold municipal law.[50] And in the case of United States v. Fischer arising from an absolute martial law condition, in 1922, involving federal troops in Nebraska, the federal court upheld the right of military courts, while under martial law, to punish civilians for military offenses, even while

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[48] Fairman, op. cit., pp. 88, 213-219; Rankin, op. cit., pp. 120-126.

[49] Ex parte Lavinder, 88 W. Va. 713 (1921), 108 S. E. 428.

[50] United States v. Wolters, 268 Fed 69 (1920).

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civil courts were operating.[51]

During the depression, the state militia was increasingly called upon, often for trivial situations and to assist in political contests. For example, Governor Sterling of Texas declared martial rule within fifty feet around each oil well in a political squabble over price fixing. In the case of Sterling v. Constantin in 1931, the federal court questioned the governor's discretionary power to invoke martial law and ruled that it was in error.[52] This finding tended to reverse the Martin v. Mott decision wherein the court declined to inquire into the propriety of a martial law decision by the president.[53] The decision of the chief executive, state or federal, could be reviewed by the court. Later instances substantiated the right of the court to examine the facts leading to a decision of martial law and rule on the necessity of such a decision.[54]

Hawaii

Subsequent to the Japanese attack on Pearl Harbor, at 4:30 a.m. on the 7th of December, 1941, Governor Poindexter

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[51] United States v. Fischer, 280 Fed 208 (1922).

[52] Sterling v. Constantin, 287 US 378 (1932), 77 L. Ed. 375, 53 S. Ct. 190.

[53] Martin v. Mott, 12 Wheat 19 (1827), 6 L. Ed. 537; See Fairman, op. cit., and Rankin, op. cit.

[54] State v. Swope, 38 N. Mex. 53 (1933), 28 P. (2d)4; Hearon v. Calus, 178 S. C. 381 (1935).

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of Hawaii suspended the writ of habeas corpus and placed the Territory of Hawaii under martial law. The Commanding General of the Hawaii Department became the military governor of Hawaii until the danger of invasion was removed. The military took control over the executive, legislative, and judicial functions of the government.[55] This action was taken under authority of the Hawaiian Organic Act, a federal statute.[56] On December 10, 1941, President Roosevelt expressly recognized the act of the civil governor. The action had been taken for the sake of safety and public security. There was danger of invasion and of further air attacks. There was danger from the numerous Japanese nationals and there was need to control consumer goods and to plan for the evacuation of civilians. The military utilized the normal civil organizations as far as possible but committed extra military personnel to assist.[57] All firearms were called in, night driving was regulated, schools were temporarily closed, a curfew was repeatedly

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[55]See Appendix E (Martial Law Organization in Hawaii) and Appendix F (Functional Chart of Hawaii Under Army Rule).

[56]31 Stat 141, C339 (48 U.S.C. 532), April 30, 1960.

[57]United States Congress, 84th Congress, 2d Session, House of Representatives, Committee on Government Operations, Civil Defense for National Survival, Hearings before Subcommittee (Washington: Government Printing Office, 1956), Part 2, p. 353; statement of Admiral Arthur Radford, former Chairman of the Joint Chiefs of Staff.

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imposed, the occupations of enemy aliens were controlled, a few militarily vital areas were evacuated, travel priorities to the mainland were established, telegraphic communications were censored, only limited number of periodicals were allowed to be published, the radio was controlled, sale of critical supplies was limited, prices were fixed, wages were frozen, and liquor was banned.[58]

On the 7th of December, all courts were suspended and a "Military Commission" and two "Provost Courts" were created. The Military Commission could adjudge punishment to include the death penalty while Provost Courts could punish by imprisonment of up to five years and/or $5,000 fine. The civil courts were reopened on the 16th of December but for only extremely limited functions. The following month, the functions were expanded but still no jury trial and no grand jury session could be conducted, no writ of habeas corpus could be issued, and civil trials of military personnel were not authorized. The denial of the writ of habeas corpus was sustained by federal court action.[59] In September, 1942, jurisdiction over certain offenses was again withdrawn from civil courts (for example, prostitution, assault, drunkenness). Pursuant to Executive Order, Hawaii

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[58] Fairman, op. cit., pp. 239-251.

[59] Ex parte Zimmerman, 132 F 2d 442 (1942).

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became a military area in October, 1942.[60]

On March 10, 1943, civil authority was substantially restored except over workmen on military projects, over military personnel, and over violations of military orders by civilians. In July, 1943, a conflict between the military and the judiciary developed. The court claimed that the suspension of the writ of habeas corpus had been lifted and granted a writ for two civil defendants in military custody. The military governor at first refused to accept the writ, but reconsidered. When he refused, however, to produce the prisoners before the court, the judge found the military governor in contempt and fined him $5,000. Subsequently, a general order was issued prohibiting all pending and future habeas corpus proceedings under penalty of five years imprisonment and/or $5,000 fine. The judge complied and withdrew the writ. In Washington, D. C., conferences between the War Department, Department of the Interior, and Justice Department were held. The general order was rescinded in October; the prisoners were released; the fine of the military governor was reduced to $100 but was never paid due to a presidential pardon.[61] Military rule was officially terminated on October 19, 1944.

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[60]Executive Order 9066, October 16, 1942.

[61]The Judge Advocate General's School, Lectures on Martial Law, op. cit., pp. 34, 40-43.

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While many measures taken by the military authorities in Hawaii during the period of martial law were criticized as unnecessary, very few were judicially tested as to whether they were justified.[62] However, widespread criticism of the military regime did not develop. Persons holding positions of importance in the community were little disturbed by the invasion of their civil liberties. The U. S. Chamber of Commerce and the business community backed the military authorities. Only labor resented the restrictions which caused jobs to be frozen, and the curfew which curtailed the freedom of movement.[63]

Eminent legal authorities acknowledge that the measures taken may have been appropriate on the afternoon of the 7th of December, 1941 and for a while thereafter; there is general agreement among legal authorities that they were continued too long.[64] In the subsequent Duncan case, the United States Supreme Court held that the measures were excessive and, therefore, unlawful and the military administration of Hawaii was held unwarranted.[65] However, the

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[62] Ibid., p. 46.

[63] J. Garner Anthony, Hawaii Under Army Rule (California: Stanford University Press, 1955), pp. 105-106.

[64] Ibid., pp. 64-65.

[65] Duncan v. Kahanamoku, 327 US 304 (1946).

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findings implied that if the necessity exists, broad exercise of martial rule would be sanctioned.[66]

II. PRACTICAL IMPLICATIONS OF MARTIAL LAW

From the past experiences of martial rule presented above, certain conclusions can be drawn. Numerous factors in various combinations appear to be involved which determine the precise meaning of martial law--depending upon the lawyers' point of view concerning such issues as:

1. Martial law must be proclaimed; or martial law proclaims itself.
2. Martial law is absolute; or martial law is qualified by the degree of need.
3. A martial law proclamation is conclusive and not reviewable by government; or judicial review of executive judgment to invoke martial law is legal.
4. Martial law supersedes the Constitution; or martial law is extraconstitutional; or martial law is unconstitutional.
5. Martial law can only exist in time of war; or martial law can be declared in domestic insurrections and other disturbances.

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[66] U. S. Army Command and General Staff College, Legal Status of the Military, Selected Readings and Supplemental Material (Fort Leavenworth, Kansas: November 1, 1948), p. 7.

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6. Martial law can only function in the theater of operation; or martial law need not be restricted to the combat zone.

7. Martial law means automatic suspension of the writ of habeas corpus; or the suspension of the writ of habeas corpus is a separate action.

8. Military tribunals can legally be created while martial law is in existence; or trial of civilians by military tribunal is unconstitutional and never permitted.

9. A martial law proclamation closes courts; or martial law can only be proclaimed if courts cannot function in unobstructed fashion; or martial law can only be proclaimed if courts are physically closed.

10. Common law is superseded if martial law exists; or civil courts may continue to function during martial law in all matters not involving the military interest.

11. Martial law is a legislative act; or martial law is declared by the judgment of the executive.

As was illustrated above, various court decisions have wavered between these varying concepts and often have come to conflicting conclusions. Many of the legal precedents have resulted from the invocation of martial law by

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states in the course of labor strife. It is from these instances that martial law has received a threatening connotation of militarism and police state rule. While state martial law decisions cannot be applied directly to the problems of a national emergency, nevertheless, the decisions of state courts may influence federal courts in making their decisions. Only few modern precedents of federal martial law exist. But the total effect of the precedents is confusing partly because of the political and emotional situations under which they were formed, and partly because litigations to test military measures often are referred to judges ill-equipped to apply the law to such unfamiliar situations.[67]

Thus, if the judges in retrospect disagree as to what actions are legal and proper, the military commander is certainly at a disadvantage when he must make his decisions under the stress of an emergency. "The lot of a military commander in martial law is not a happy one. Only those things dictated by necessity, not expediency, are justified. The court will ultimately hold him accountable for his acts."[68] He may be found civilly and/or criminally liable, although Congress can reimburse for civil actions and the president

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[67]Fairman, op. cit., p. 49.

[68]The Judge Advocate General's School, Lectures on Martial Law, op. cit., p. 22.

may pardon criminal convictions. While most judges can be expected to find military personnel not liable if acts are done in good faith, particularly since such trials can be transferred into federal courts, nevertheless, some courts have stricter standards.[69] It is thus understandable that military leaders do not like to function under martial law contingencies.

Martial Law in Civil Defense Situations: Operation Alert 1955

Current concepts and confusions concerning martial law were forcefully presented in the civil defense exercise Operation Alert 1955. On June 16, 1955, as a part of the civil defense test exercise, the president issued an exercise "proclamation" declaring "limited martial law". Within the proclamation, the writ of habeas corpus was suspended and martial law was to be in effect throughout the United States, its territories, and possessions until terminated for specified areas by the president. The proclamation specified, as a limitation to the martial law authority, that elections were not to be affected and civil courts were to function to the extent as not to materially affect the war effort. The writ of habeas corpus was suspended only

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[69] *Ibid.*, p. 29.

with respect to federal offenses.[70] The word "limited" was used particularly to connote that the measures authorized were not selected for the purpose of suspending the courts.

The decision to simulate invoking martial law in the exercise was made unexpectedly by the president when he was informed that the exercise presented a picture of destruction of fifty-three major cities, fleeing populations, uncounted dead, and extensive fallout over the country. The president later emphasized that he resorted to this action in order to enhance further study of this problem and not because he expected to take a similar course of action in case of a real emergency.[71]

The president's action was criticized as hasty, unstudied, and legally unsound, but defended by others as arising out of necessity.[72] Studying the impact of the president's actions, one of the biggest handicaps mentioned was that the army was not prepared to effect communications between the federal executive establishment and the remainder

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[70] U. S. Congress, Civil Defense for National Survival, op. cit., Part I, pp. 279-280.

[71] Ibid.

[72] Ibid., pp. 284-340. This action was criticized by Dr. Charles Fairman and upheld by Representative Chet Holifield (Calif) and Mr. Michael P. Balivan, Staff Director of the House Military Operations Subcommittee.

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of the country. A vast expansion of the G-5 staff section (Civil Affairs) would be required to handle all of the functions which the army would have to control under martial law conditions.[73] Furthermore, military personnel would be far less competent to handle and/or supervise civilian type functions than the civilian specialists who are continually employed in these respective fields.[74]

A system of imposing martial rule during the first few days after an attack and quickly reverting to civil control was considered as exceedingly difficult to achieve since once the administrative channels for the accomplishment of work were formed, a change of the pattern through a shift to a different system would not be easy.[75] Yet it was conceded that if we as the people of this country "let ourselves get into the worst spot", martial rule by the army might be "the best way to get out".[76]

Current Military Doctrine

Subsequent to Operation Alert, the army recognized that martial law is a distinct possibility in case of atomic attack and commenced to plan for such an eventuality. The following doctrine evolved:

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[73] Ibid., pp. 292-293; statement of Dr. Charles Fairman.

[74] Ibid., p. 295. [75] Ibid., p. 298.

[76] Ibid.; statement of Dr. Charles Fairman.

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The military considers martial law as the public right of self defense. Necessity creates, justifies, and limits its existence. Its purpose is to restore order and to reestablish civil government. Both the president and Congress have the authority to declare martial law and this authority can be delegated by the president to subordinates, under conditions prescribed by Army Regulations.[77] National or regional martial law conditions are feasible. Subordinate officials are usually given the task of determining the detailed measures required by the emergency. General Orders will be published which will inform the public as to what is required. Courts are the final arbiters if the allowable limits of discretion have been exceeded in any particular case. If so, then respective officials may be civilly and/or criminally liable for their actions. The courts, themselves, will determine if and when a review of military actions should proceed; if courts are closed, the review could come later. The writs of federal courts must be obeyed unless circumstances dictate otherwise, while writs of state courts may be rejected. Civilian violators will normally be turned over to civil authorities for disposition as soon as possible. However, if courts are not functioning, then trial by military

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[77]Army Regulation 500-50, loc. cit.

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tribunals would be authorized.[78] Military tribunals would be organized along principles encompassed in the present Manual for Courts Martial.[79] In any event, good records must be kept for later reference in case they are needed. Only the minimum force necessary may be used in any situation. The firing of weapons is to be used only as a last resort. Federal intervention terminates when the necessity for the intervention has ceased. However, partial return of control may come earlier. Since no two martial law situations are identical, the organizational structure can be expected to vary; it should fit the circumstances.[80]

Martial law as considered by the army is not a desirable course of action. It detracts from the primary mission; it forces actions in civilian fields in which army personnel have little experience; it poses a vast communication problem since all functions of government must be controlled through military channels; it places commanders and subordinates into difficult situations of making decisions which may later be ruled illegal by courts, thus

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[78] U. S. Army Command and General Staff College, Legal Status of the Military, op. cit., p. 11.

[79] Manual for Courts Martial, United States, 1951.

[80] Army Regulation 500-50, loc. cit.; The Judge Advocate General's School, Lectures on Martial Law, loc. cit.; Judge Advocate Branch, "Legal Aspects of Military Aid to the Civil Power," loc. cit.; The Army Intelligence School, "The Army's Role in Civil Disturbances," loc. cit.

exposing them to possible criminal and/or civil suit. It is far more preferable to support civil authorities than to invoke martial law.[81] However, the army acknowledges that "if and when this country is attacked, some degree of martial law may be required".[82]

Thoughts for Consideration

While the military doctrine is a practical and workable guide for future action, more precise guidance by civil government appears necessary in case the usage of martial rule is contemplated in future operations under conditions of martial law or in military areas. While it is true that no one can ever predict what the precise requirements of a future situation may be, and while some acts will have to be performed without awaiting legislative authorization, the entire legislative picture surrounding the problem of martial rule should come into sharper focus and the ideas of Congress should be made known:

1. Congress should authorize the president to initiate measures which are appropriate and which presently are acknowledged as necessary, but are considered doubtful in respect to

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[81] Ibid.

[82] U. S. Army Command and General Staff College, Legal Status of the Military, op. cit., p. 11.

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2. Congress should specifically authorize the president to suspend the writ of habeas corpus in case he deems it appropriate in an emergency. This authorization has never been granted.[84]

3. Congress should clarify the action which is to be taken if the courts are closed or inoperative. The suppression or supplanting of civil courts has never been upheld in a decided case. There are no statutes or rules of law prescribing a definite procedure for military tribunals for punishment of civilians for violation of military orders.[85] The relationship of the federal court and military area jurisdiction should be defined.

4. Congress should protect soldiers from liability when obeying orders for which they might reasonably believe their superior officer has good grounds to issue. Some courts have held that an illegal order protects no one--both the superior and subordinate are liable.[86]

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[83]Judge Advocate Branch, "Legal Aspects of Military Aid to the Civil Power," op. cit., p. 22.

[84]The Judge Advocate General's School, Lectures on Martial Law, op. cit., p. 18.

[85]Ibid., p. 29. [86]Ibid.

III. HISTORICAL ASPECTS OF U. S. CIVIL DEFENSE

The relationship of the legal problems and principles discussed above to present civil defense doctrine can be best understood by a brief review of selected aspects of the historical development of civil defense in the United States.

Civil defense is not a new concept. Throughout history, the tendency has been for more of the civilian populations of the warring powers to be drawn into the conflict. World War I increased the problem; World War II made virtual combatants out of entire civilian populations. World War III can be expected to obliterate many distinctions between combatants and non-combatants.

Development of Civil Defense in World War I and II

During World War I, no real threat of enemy action against the American homeland existed. However, legislation was enacted which contributed to civil defense concepts. In August, 1916, Congress established the Council of National Defense to coordinate industries and resources for the national security and welfare. State and local defense councils were formed numbering 182,000 units by Armistice Day, 1918.[87]

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[87] The Provost Marshal General's School, Industrial Defense, Student Reference (Fort Gordon, Georgia), Chapter 4, "Civil Defense," pp. 1-30.

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Civil defense came into formal existence just prior to the United States' entry into World War II. In the summer of 1941, the President, by Executive Order, established the U. S. Office of Civilian Defense (OCD) within the Office of Emergency Management in the Federal Government.[88] The organization was modeled after the British system which had been functioning since 1935. In January, 1941, the first Conference of Law Enforcement Officers to discuss specific problems of civil defense was called by the U. S. Attorney General; problems of sabotage, traffic, communications, disaster operations, and potential air raids were considered.[89] But there was more talk than action. The Japanese attack on Pearl Harbor demonstrated our total lack of civil defense preparedness. Thereafter, state and local governments which had been independently developing their local volunteer organizations were influenced by OCD toward standardization. However, the federal organization had no power to direct, only to recommend; thus, standardization was never achieved.

The extensive liaison and cooperation between OCD and the armed forces gave an impression of military supervision,

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[88]Executive Order 8757, May 20, 1941.

[89]California State Department of Education, Report of First State-Wide Conference of Law Enforcement Officers to Discuss Specific Problems of Civil Defense (Sacramento, California: April, 1941).

causing confusion and misunderstanding.[90] The War Department never controlled OCD. It only furnished technical assistance in the fields of air raid warning, shelters, auxiliary fire and police programs, and many others.[91] Regional offices of OCD, located in nine U. S. cities, controlled regions whose boundaries coincided with the War Department Corps Areas (later Service Commands) to facilitate coordination.[92]

The wartime OCD was criticized for its lack of centralized authority and lack of delineation of civil defense responsibilities.[93] In addition to the civil defense mission, the active volunteers of the organization participated in sundry other functions such as selling war bonds; advising on victory gardens; promoting child welfare and nutrition; assisting in salvage, educational, and rationing programs; and other activities. While these activities were considered praiseworthy in the opinion of some, they were believed by others to have detracted from the primary

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[90]Office of the Secretary of Defense, A Study of Civil Defense, National Military Establishment (Washington: Government Printing Office, February 15, 1948), p. 7. (Hereafter referred to as "Bull Report").

[91]The National Archives of the United States, Federal Records of World War II, Vol. 1, Civilian Agencies (Washington: 1950), pp. 196-206.

[92]Ibid. Headquarters of these regions were in Boston, New York, Baltimore, Atlanta, Cleveland, Chicago, Omaha, San Antonio (later Dallas), San Francisco.

[93]Bull Report, op. cit., pp. 8-9.

mission.[94] It was noted that "in retrospect the organization would have been inadequate to cope with a heavy attack".[95] Without any real test, the federal organization was dissolved on June 30, 1945, by Executive Order and no other agency took over its functions.[96]

Post World War II Developments

As relations with the Soviet Union progressively deteriorated, subsequent to World War II, a War Department Civil Defense Board was established on November 25, 1946, headed by Major General Harold R. Bull. In February 1948, after studying domestic and foreign civil defense experience, the board in its report (Bull Report) recommended that the Secretary of Defense be made responsible for the over-all coordination of civil defense, and a permanent civilian-directed agency (Civil Defense Agency) be established as a separate entity within the Department of the Armed Forces (later organized as the Department of Defense), and that this agency be made responsible for planning, organizing,

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[94]Russell J. Hopley, Director, Civil Defense for National Security. A Report Prepared by the Office of Civil Defense Planning for the Secretary of Defense (Washington: Government Printing Office, 1949). (Hereafter referred to as "Hopley Report".) The Hopley Report defended these activities while the Bull Report criticized them.

[95]Bull Report, op. cit., p. 7.

[96]Executive Order 9562, June 30, 1945.

operating, coordinating, and directing civil defense activities. A regional civil defense organization under the Civil Defense Agency was to insure federal, state, and interstate coordination. A national policy group (National Resources Board) was to formulate over-all national policy. The Departments of the Army, Navy, and Air Force were to render military support in assisting the Civil Defense Agency planning and to the states in an emergency.[97]

As a result of the Bull Report, in March 1948 the Secretary of Defense established the Office of Civil Defense Planning within his organization; this office was headed by Mr. Russell J. Hopley. The planning organization was terminated in June, 1949, and its report (Hopley Report) recommended a permanent peacetime system of civil defense (national, regional, state, and community) to round out our defense structure. According to this report, the civil defense organization, a civilian controlled agency, would be capable to assist in peacetime disasters and could easily be expanded in an emergency. For this purpose, the Hopley Report advocated the establishment of a national Office of Civil Defense (OCD), preferably responsible to the Secretary of Defense, with a small permanent staff within the Executive Branch of the Federal Government. Close coordination between

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[97]Bull Report, op. cit., pp. 22-24.

OCD and the military establishment was envisioned. The recommendations contained in this report placed the operational responsibility for civil defense in the states and local communities, and advocated metropolitan area organization for large cities, mutual assistance plans and mobile support, the utilization of local volunteers and existing agencies, and well organized and trained civil defense units in local communities.[98] It also provided for military aid to civil authorities at the state level.[99] While the Hopley Report was first called fantastic by some elements of the public and press, it soon became evident that it dealt with realities when the Russians announced their first atomic detonation.[100] The report and its recommendations became the basis of our present civil defense structure and concepts.

In September, 1950, the National Security Resources Board headed by Stuart Symington (presently U. S. Senator from Missouri), submitted a specific plan for U. S. civil defense which recommended passage of a basic civil defense law, the establishment of an agency to be called the Federal Civil Defense Administration, and the appointment of an

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[98]Hopley Report, op. cit., p. 2.

[99]See Appendix G (Steps in Civil Defense Action).

[100]Department of the Navy, Bureau of Naval Personnel, Passive Defense (Washington: Government Printing Office, 1957), p. 320.

administrator to head this agency.[101] The plan stressed the use of voluntary civil defense workers. For example, state organized police auxiliaries were to function in Police Areas (subdivisions of state organizations). Extensive military assistance to civil authorities was envisioned. The plan was submitted to Congress on September 18, 1950, and evolved into the Federal Civil Defense Act of 1950. In the meantime, by Executive Order, the Federal Civil Defense Administration (FCDA) was established within the Office for Emergency Management.[102]

Civil Defense Under FCDA

The Federal Civil Defense Act of 1950 made the FCDA an independent administration in the Executive branch of the Federal Government.[103] It is this act which is the legislative basis of our current civil defense organization. Under Title III (Emergency Authority) of the act, the President of the United States or Congress may declare a national emergency for civil defense purposes which grants the administrator of FCDA (and later by reorganization plan, the Director, OCDM) broad powers over property, and makes

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[101] National Security Resources Board, United States Civil Defense (Washington: Government Printing Office, 1950).

[102] Executive Order 10186, December, 1950.

[103] 64 Stat 1228 (PL 920), 81st Congress, 2d Session, January 12, 1951.

available to him the resources of federal departments and agencies, except those needed for military requirements. Thus, provided civil agencies were capable of performing effectively, the administrator could forcefully employ measures to direct the recovery program of the nation, including measures necessary to maintain law and order. Under this legislation Congress may consent to interstate civil defense compacts for mutual aid, if approved by the administrator. Police and National Guard units under state control could thereby be massed and dispatched across state lines. Similar mutual aid pacts were authorized to be negotiated with neighboring countries, although the constitutional question involved in such agreements has yet to be resolved.[104]

While the 1950 civil defense legislation was being considered, Congress also passed the Defense Production Act of 1950 and the presidential powers to mobilize production resources for defense were assigned to the Office of Defense Mobilization (ODM).

In 1952, the Department of Defense, the Federal Civil Defense Administration, and Office of Defense Mobilization cooperated in Project East River, a study conducted by civilian specialists and scientists from ten eastern

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[104] *Ibid.*, Title I, Legislative History.

universities, designed to determine more clearly the needs for civil defense efforts in the atomic age. The project's report in ten volumes presented concrete recommendations for the improvement of civil defense in the United States. Its concept provided that civil defense work was to be accomplished by those who performed similar work on a normal basis. The cooperation of many diverse agencies and the assignment of specific responsibilities was recommended. State and local civil defense was to be operated through the normal command channels of state and local governments, with the same chain of command functioning for disaster operations. Volunteer workers in an emergency were to be organized in the field. Increased emphasis on manpower planning was considered essential and preparations for compulsory universal service were to be undertaken. Such a civil defense system would depend to a large extent on civilian volunteers. A hard core of auxiliaries could provide the base for an expansion in an emergency.[105] The project laid heavy emphasis on adequate warning systems to insure proper public action in case of attack. Emphasis was also placed on strategic defensive measures to reduce urban vulnerability

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[105]Associated Universities, Inc., Disaster Services and Operations (Part VI of Report of Project East River, Otto L. Nelson, Jr., Director, 10 volumes; New York: October, 1952), pp. 1-45.

and increase industrial dispersion.[106]

In June, 1952, FCDA also requested the Stanford Research Institute to bring together data and information on the impact of air attack during World War II for the purposes of assisting in civil defense planning. The reports and records compiled by the U. S. Strategic Bombing Surveys after World War II were designated as source material. Subsequent planning assumptions were based on the results of the Stanford Research Institute study, the Project East River report, and on data received from the Atomic Energy Commission tests of nuclear explosions in 1954.

In 1953, under Reorganization Plan Number 3, the National Security Resources Board was abolished and its functions were integrated into a reorganized Office of Defense Mobilization. ODM had no clearly defined statutory responsibilities for civil defense planning but asserted authority in this field in its capacity of advisor to the president, and as inheritor of National Security Resources Board functions and delegated powers from the president under the Defense Production Act of 1950, as amended.[107]

In 1955, a Review of the Project East River was

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[106] Ibid., Part VII, Warning and Communications for Civil Defense, June 12, 1952.

[107] U. S. Congress, Civil Defense for National Survival, op. cit., Part I, p. 52.

undertaken. While it noted certain accomplishments in the continental defense system, the warning system, and the stockpiling of medical supplies, it unequivocably declared that the nation's preparedness in non-military defense was far from what it should be. Furthermore, observations were made in reference to changing concepts presented by the hydrogen bomb tests of the Atomic Energy Commission and the Soviet hydrogen bomb explosion of August 12, 1953. Planning assumptions had to be revised to consider megaton rather than kiloton bombs, an increased fallout problem, and the emergence of intercontinental ballistic missiles. Metropolitan area plans were again deemed advisable and immediate planning needs for fourteen major cities in the United States were stressed. Specifically, a serious gap in federal-state-local relationships was noted in the field of non-military defense and a persistence of public apathy. The progress of FCDA and ODM was deemed too slow and FCDA's lack of stature and prestige was noted.[108]

The Disaster Relief Act of 1950 delineated the disaster emergency powers of the president and was applicable to natural disasters.[109] Responsibility for administering

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[108]Otto L. Nelson, Chairman, 1955 Review Committee, Review of the Report of Project East River (New York: Associated Universities, Inc., October 17, 1955).

[109]64 Stat 1125 (PL 875), 81st Congress, 2d Session, September 30, 1950.

this legislation was given to FCDA and its successor organization OCDM by Executive Orders.[110] Confusion of civil defense responsibilities between ODM and FCDA were obviously in existence and were clearly defined in the Holifield Committee hearings of 1956.[111] Rapid technical advances of military science had led to a serious overlap of functions. Central coordination and direction was necessary.[112]

Civil Defense under OCDM

The 1956 Holifield Committee hearings recommended the combining of civil defense functions of the Office of Defense Mobilization and those of the Federal Civil Defense Administration.[113] Congress felt that civil defense was in so low a state that nothing could make it worse and something could make it better.[114] Thus, in 1958, Reorganization

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[110]Executive Order 10346, April 1, 1952, and Executive Order 10427, January 16, 1953.

[111]U. S. Congress, House of Representatives, Committee on Government Operations, 84th Congress, 2d Session, "Civil Defense for National Survival," Twenty-fourth Intermediate Report of the Committee on Government Operations (Washington: Government Printing Office, 1956), pp. 1-3.

[112]The Provost Marshal General's School, Industrial Defense, op. cit., Chapter 2, "Nuclear Considerations," pp.1-11.

[113]U. S. Congress, Twenty-fourth Intermediate Report of the Committee on Government Operations, op. cit., p. 4.

[114]U. S. Congress, House of Representatives, Committee on Government Operations, 85th Congress, 2d Session, "Analysis of Civil Defense Reorganization," Twenty-sixth Report of the Committee on Government Operations (Washington: Government Printing Office, 1958).

Plan Number 1 merged ODM and FCDA into the Office of Civil and Defense Mobilization (OCDM) within the Executive Office of the President. It brought together all defense mobilization and civil defense planning functions in a single agency.[115]

The plan authorized the president to delegate any of the transferred functions to any agency in the Executive branch of the government. It provided for a director, deputy director, and three assistant directors, no more than ten regional directors, and transferred to the director of OCDM, the National Security Council membership which was formerly held by the director of ODM. This plan did not, however, create any new civil defense functions or increase the degree of federal responsibility for civil defense.[116] It was a plan which provided for "government in emergency" assigning emergency functions to existing governmental agencies and de-emphasizing the employment of volunteers.

Another problem required attention. The Federal Civil Defense Act of 1950 presumed primary local responsibility for civil defense. This viewpoint was heavily

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[115] U. S. Congress, House of Representatives, Committee on Government Operations, "Civil Defense Shelter Policy and Post-attack Recovery Planning," Twenty-first Report of the Committee on Government Operations, 86th Congress, 2d Session (Washington: Government Printing Office, 1960), p. 3.

[116] U. S. Congress, Twenty-sixth Report of the Committee on Government Operations, op. cit., p. 3.

criticized at the local level.[117] The 1956 Holifield hearings resulted in a recommendation that the basic responsibility for civil defense should be vested in the national government with state and local units of government having an important supporting role.[118] While this viewpoint was never adopted, to remedy partially the situation, PL 85-606 was enacted in 1958 which expanded federal assistance and made civil defense a joint responsibility of the national government, the states, and their political subdivisions.[119]

Since Reorganization Plan Number 1 did not fix the organizational pattern of federal civil defense, the president is currently authorized to re-delegate civil defense functions to any federal agency he wishes; thus, the reassignment of civil defense functions to the Department of Defense announced in President Kennedy's speech on May 25, 1961, needed no further legislative action.[120]

By Executive Order, the president transferred

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[117] U. S. Congress, Civil Defense for National Survival, op. cit., Part 5, p. 1725; see statement of William Evans, Deputy Civil Defense Director, Wayne County, Michigan.

[118] Ibid., p. 4.

[119] 72 Stat 532 (PL 85-606), August 8, 1958.

[120] "Transcript of Kennedy Address to Congress on US Role in Struggle for Freedom," New York Times, May 26, 1961, p. 12.

responsibility for major civil defense functions from OCDM to the Secretary of Defense, effective August 1, 1961.[121] OCDM was retitled as the Office of Emergency Planning (OEP) and retained responsibility for civil defense coordination within the national government, such as food stockpiling, medical supply storage, import restrictions, materials stockpiling, and industrial mobilization.[122] While this organization is designed to be a small planning agency, its continued existence is to insure that the civil defense program will remain a civilian controlled and directed effort in our nation.[123]

Thoughts for Consideration

The need for the latest reorganization can be considered as evidence of a certain amount of failure in our civil defense program. The failure of FCDA and OCDM have often been laid to public apathy.[124] Perhaps this is true,

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[121]Executive Order 10952, July 22, 1961.

[122]"Pentagon to Direct Broad Civil Defense," New York Times, July 21, 1961, and "Civilian Board to Retain Control in the Civil Defense Expansion," New York Times, July 22, 1961.

[123]"News Behind the Day's News," The State Journal, Lansing, Michigan, July 18, 1961, pp. 1 and 6.

[124]Statements by Major D. J. Weber, Physical Security and Industrial Defense Action Officer, Plans and Operations Div., OPMG, Washington, December 20, 1960; William Powell, Chief, Field Services Division, MOCD, Lansing, Michigan, January 17, 1961; and Commissioner Joseph A. Childs, Michigan State Police, Lansing, Michigan, January 18, 1961, personal interviews.

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but there is evidence that public apathy may now be fading.[125] It can only be hoped that the current reorganization will pay dividends and place proper emphasis on the important aspects within our civil defense program. The better the program, the better our chances to maintain law and order after attack. Conversely, a deficient program will increase the problems of law enforcement. It seems that our civil defense preparations may have gross deficiencies; police preparations must allow for these and must face their impact realistically. As deficiencies are corrected, law enforcement procedures can be modified. To improve our civil defense preparedness, the lessons of the past must be considered. But also the present can offer guides. Perhaps we can learn from the programs of other nations.

IV. CURRENT FOREIGN CIVIL DEFENSE MEASURES

To evaluate fairly our present standing in civil defense preparedness for law and order, we should examine the progress made by other selected nations in this field. Of course, foreign programs are adapted to the political climate and needs of the respective nation involved. Yet certain approaches might seem novel and may merit further

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[125] Editorials, "Let's Get Serious About Civil Defense," August 13, 1961, and "Civil Defense Boost in Works," July 25, 1961, The State Journal, Lansing, Michigan.

consideration in this country with a view to possible adaptation for domestic use.

Great Britain

In Great Britain, current British defense strategy tends to stress passive defense and de-emphasize military defense.[126] The government has recognized the more limited applicability of evacuation when comparing nuclear war with the conventional war fought in the past. Since fallout can be expected all over the country, the distinction between evacuation, neutral, and reception areas will be less significant. Only in areas of greatest population concentration might dispersal still be applicable to a certain limited extent.[127] To meet the expected problems, wide-scale participation of the armed forces is deemed necessary.

Since the publication of the Defence White Paper in 1956, it has been recognized that the main role of the British Army in the United Kingdom will be to provide aid to the civil population. The majority of troops of the Regular Army and Reserve will be involved in civil defense

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[126]The Provost Marshal General's School, Industrial Defense, op. cit., pp. 1-30.

[127]U. S. Congress, Civil Defense for National Survival, op. cit., statement of Dr. Charles Fairman, pp. 288 and 310.

in direct support of civil authorities.[128]

The overall concept of civil defense in attacked areas is a three-echelon program:

The First Echelon consists of the normal civil and industrial civil defense service.

The Second Echelon are mobile columns of civil agencies (for example, fire service columns) plus the army's Mobile Defense Corps.

The Third Echelon is the assistance by all of the armed services, primarily the army.

The civil defense force in Britain consists of volunteer forces (e.g., Auxiliary Fire Service, National Health Service Reserve, and Special Constabulary) amounting to 500,000 persons. Governmental responsibility for civil defense is vested in the Home Office, while operational control is exerted by the Director General of Civil Defence who is on an equivalent level with the Commanders in Chief of the United Kingdom.

The country is divided into ten civil defense regions which correspond approximately with military districts. In case of communication failure between region and the national government, a regional commissioner and his staff can take

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[128] Military Support in Civil Defence, Civil Defence Pocket Book Number 2 (London: Her Majesty's Stationary Office, 1958), p. 2.

over all the powers of government. Most regional directors are retired senior officers of the armed services. Below region, the framework of existing local governments is used. While this does not provide clear-cut lines of jurisdiction, it is considered to be compensated by gains in esprit de corps and morale of local workers.

The civil defense forces are organized at the local level in five sections: (1) rescue, (2) wardens, (3) ambulance, (4) casualty collecting, (5) welfare, and controlled by a headquarters. A local controller (town clerk) is appointed for overall command of the civil defense forces and he is assisted by a full-time civil defense officer.[129] The command structure of police, fire, medical service, and their auxiliaries are independent of the civil defense organization under the regional level. The police and police auxiliaries have responsibility for the maintenance of law and order, control of traffic, control of aliens, general assistance and guidance to the public, measures for internal security, assistance in evacuations, road reconnaissance pertaining to extent of damages and radiation, control of homeless, and control of the public in fallout

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[129]Lt. Col. C. Paddock, "The Role of the Army in Civil Defence," The Army Quarterly, The United Service Magazine, Vol. LXXIII (London: William Clowes and Sons, January, 1957), pp. 54-60.

areas.[130]

For the purpose of creating an effective link between the local civil defense forces and the armed forces, a Mobile Defence Corps has been created. Members are specially trained in and equipped for fire fighting, rescue, and ambulance duties. Such duties may be expanded to include the enforcement of law and order if deemed appropriate. Forty-eight reserve battalions of six hundred men each are scheduled for specified duties in fire fighting, rescue, or ambulance assignments. Each battalion is organized as a Mobile Column.[131] The battalions are distributed over the whole country and would be mobilized like any other unit of the rescue forces in time of war. Members of the Mobile Defence Corps are selected from the army and air force and receive one month of full-time training in their respective duties in special training depots.

Training depots have the capacity to train about 10,000 men per year. Additionally, fifteen days of annual reserve training with the respective battalion is required. In event of mobilization, the battalions come under the operational control of local army commanders, and their deployment will be at the commander's discretion and under

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[130] Military Support in Civil Defence, loc. cit.

[131] See Appendix H (Mobile Defence Corps Battalion).

military command, in consultation with civil defense regional authorities.[132] But the government also recognized that the local services plus the Mobile Defence Corps would not, in themselves, be sufficient. All members of the armed forces have received training in elementary civil defense duties as part of their normal military training. Units will plan an active operational role in assisting the local civil defense services in support of civil government.[133]

A Commander-in-Chief of United Kingdom land forces has been appointed for command of troops involved in home defense. Joint planning and training is conducted with civil defense forces. Assistance by military units is contemplated in the fields of light rescue, route clearance, communications, medical, transportation, police, and unskilled labor. Aid to civil power in the restoration of law and order can be rendered. Armored regiments, artillery regiments, military police units, and infantry battalions are singled out as units which possess the capability to assist police. Functions such as traffic control, sign posting, marshaling of the homeless and prevention of

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[132]U. S. Congress, Civil Defense for National Survival, op. cit., Part 2, p. 305.

[133]Statement on Defence, 1955, Command Paper 9391, Her Majesty's Government, Great Britain, pp. 22-26.

looting are specifically mentioned as within their capability.[134]

The Army District Headquarters are located near the Civil Defense Regional Headquarters to facilitate extensive coordination. Since the lack of unified command of all the various civil defense services below region might be a weakness, the Army District Headquarters has become the key operational center for coordinating army support in case of disaster.[135]

The preparations accomplished by the government of Great Britain are not for the purpose of enforcing martial law in Britain. However, the capability of an army "take-over" exists. The concept is that complete integration of military and civil defense forces will exist as far down in the chain of command as possible. The army can, thus, reinforce any weaknesses in civil control. It could conceivably strengthen civil government by 100 per cent, and would be temporarily in sole command, until joint control could again be restored.[136]

The civil defense preparations in the United Kingdom appear to grasp realistically the seriousness of the

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[134] Military Support in Civil Defence, loc. cit.

[135] Paddock, loc. cit.

[136] Ibid.

situation. The assignment of a civil defense mission to the army, the efforts toward civil and military integration, and the formation of "Mobile Columns" through the use of draftees should be noted by planners in the United States.

Canada

It has been stated that "the Canadian problems (in civil defense) do not differ materially from our own".[137] But the Canadian approach has been different from ours.

The Canadian effort toward civil defense is a joint military and civilian venture. On May 31, 1960, the Canadian Prime Minister, in the House of Commons, announced the Canadian plan for reorganizing the civil defense organization.[138] The old civil defense agency was absorbed by a newly organized Emergency Measures Organization (EMO) directly under the Prime Minister. A committee of cabinet ministers under the chairmanship of the Minister of National Defence was made responsible for emergency plans, policy, planning, and guidance. The Department of National Defence

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[137]David F. Cavers, "Legal Planning Against the Risk of Atomic War," Columbia Law Review, Vol. 55, No. 2 (February, 1955), p. 132.

[138]"Emergency Communications for National Survival," Canadian Army Journal, Vol. XIV, No. 3 (Summer, 1960), published quarterly by the Directorate of Military Training under authority of the Chief of General Staff, Department of National Defence, p. 2.

was assigned five specific missions:[139] (1) warning, (2) rescue, (3) re-entry, (4) emergency communications, and (5) direction of municipal services.

The army received the missions to: (1) disseminate the federal warning to provinces and target cities, (2) provide and install sirens, (3) establish fallout patterns from weather analysis, (4) man static and mobile monitoring stations, and (5) perform quick re-entry into bombed cities, between bombing and lethal fallout, to save lives.

Twenty-two mobile support columns consisting of eight hundred men and two hundred vehicles each are organized for this purpose as first-echelon relief. Each column has a detachment for radiological reconnaissance, four heavy rescue companies, and components for road clearing, decontamination, medical, and other services. Forty-four columns of militia provide the second echelon, and civilians compose third and fourth echelon units for continued operation under army control.

The Royal Canadian Mounted Police (RCMP) continues its peacetime responsibilities on an enlarged scale for (1) law and order, (2) movement control, (3) anti-sabotage, and (4) apprehension of enemy agents. Their strength will be

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[139]Major General F. F. Worthington (Ret.), "Pattern for Survival," Canadian Army Journal, Vol. XIV, No. 3 (Summer, 1960), p. 4.

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increased by trained reserves or auxiliaries, and the RCMP is expected to work with the provincial police in a common effort.[140] Military action can support police action when necessary.

The survival operations are controlled by the Federal Headquarters through Regional Headquarters in each province. Each Regional Headquarters consists of a military component drawn from the appropriate Army Command or Area headquarters and a civilian component of both the Federal Government and the Provincial Government. Decentralization of control in operations is emphasized.[141]

Civil defense planning is to be based on the following four features:

1. Need for protection against radioactive fallout.
2. Dispersal of non-essential personnel from major cities (pre-attack evacuation).
3. Preparation for reception of evacuees in rural areas.
4. Arrangements for removing persons from areas heavily contaminated by fallout (post-attack evacuation).

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[140] *Ibid.*

[141] "Emergency Communications for National Survival," *loc. cit.*

The provinces are expected to plan along similar lines as the Federal Government. Emergency organization and planning will be a part of the everyday civic structure with small coordination staffs directly under the county or town clerk. Expenditures for civil defense are prorated on a basis of seventy-five per cent federal, fifteen per cent provincial, and ten per cent local. Shelters (or lack thereof) against fallout are recognized as the biggest problem, and their construction is the responsibility of the home-owner.[142]

The Canadian plan appears to grasp the reality for need of both military and civil components in a recovery operation. Towards this end, specific mission assignments are made along functional lines which enable each component to plan realistically for their respective mission. It is also interesting to note that the plan attempts to take advantage of the gap between the detonation and fallout. It meets head-on the problem of evacuation after attack from expected fallout areas. Such evacuations are planned. Only a test in battle can determine whether this is feasible.

American military officers at Detroit, familiar with the Canadian plan, praise the Canadian system as a realistic

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[142]Worthington, loc. cit.

approach.[143] It is considered a military-oriented system wherein an Army Brigadier can consider himself in charge of a five to six county area, and within this area can exert complete control over any civilian departments (such as the police department) as necessary. It establishes clear-cut lines of authority and realistic mission assignments. A U. S. plan, patterned after the Canadian system, might be adopted advantageously.

Russia

The Soviet Union has the most advanced civil defense program of the Eastern Bloc nations, and, in the view of some authorities, in the world. The civil defense efforts are centered around a concept of shelters and more recently, evacuation. Its program became more active in 1955. The public was then familiarized with protection measures in case of a nuclear attack and organized group actions were planned.[144]

The MPVO (Local Anti-Aircraft Protection System) is the official civil defense organization of Russia. It has

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[143]Statements by Major Charles Trickett, Army Reserve Center Coordinator and Adviser for Ann Arbor, April 26, 1961, Ann Arbor, Michigan, and Lt. Col. David Hagens, Dearborn Sub-sector Commander and Civil Defense Liaison Officer to the City of Detroit, April 26, 1961, personal interviews.

[144]Assistant Chief of Staff, Intelligence, U. S. Army, "Civil Defense Operations in Communist Nations," unclassified extract of notes (1960).

a professional corps of full-time civilian employees and its officers are on the staffs of all governing authorities in the Soviet Union.[145] The mayor of a city is responsible for civil defense and he issues orders through a city civil defense staff, headed by a city civil defense chief. The protective services are developed around the existing public service departments.[146] The police department is designated as the nucleus of the service which is to maintain public order and security. Regular military personnel are not scheduled to be committed to non-military defense missions unless the success of their own mission becomes involved. However, military-type units are scheduled for mobilization in time of war, to be committed on civil defense missions. As in World War II, many women would be assigned to such units.[147]

Recent testimony before the Holifield Committee has indicated that the Soviet Union might have spent more than $3 billion since 1948 toward civil defense in spite of

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[145]Paul C. McGrath, "Civil Defense in the Soviet Union," (Washington: Office of Civil and Defense Mobilization, OCDM-DC 28198, 1958).

[146]Leon Gouré, Soviet Civil Defense (Santa Monica, California: Social Science Division, The RAND Corporation, January 19, 1960, revised March 14, 1960), pp. 3-4.

[147]Assistant Chief of Staff, Intelligence, U. S. Army, "Civil Defense Operations in Communist Nations," loc. cit.

reports to the contrary which claim that she has not embarked on any substantial shelter program and is not conducting any practice alerts.[148] Current expenditures for civil defense are allegedly as high as $1.5 billion annually.[149] (Compared to the 1961 U. S. civil defense budget request for $207 million for our domestic fallout shelter program.) Details of civil defense budget requests are, however, kept secret.[150]

To organize the population in a civil defense program, the Russians, in 1955, reactivated the World War II civil defense organization. The activities of DOSAAF (Volunteer Society for Cooperation with the Army, Air Force, and Fleet) are classified secret. The organization was under the control of the secret police until 1958, but at that time was placed under the Ministry of Internal Affairs. The secrecy of its overall program appears to be exerted to prevent

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[148]U. S. Congress, House of Representatives, 86th Congress, 2d Session, "Civil Defense in Western Europe and the Soviet Union," Part III, Civil Defense in the Soviet Union, Fifth Report of the Committee on Government Operations (Washington: Government Printing Office, April 27, 1959), pp. 39-61; also "Soviet Lag Seen in Civil Defense," New York Times, July 16, 1961.

[149]"Russian Populace 'Ready for Attack'," The State Journal, Lansing, Michigan, August 10, 1961 (reporting the testimony of Leon Goure, RAND Corporation, before Subcommittee of the Committee on Government Operations, August 9, 1961).

[150]McGrath, loc. cit.

undue alarm in other countries which might result in an imitation of similar survival programs, and secondly, not to give the impression that Russia is planning for war.[151] Khrushchev has claimed that his civil defense workers number 22 million, mostly demobilized army personnel. (Comparably, 25 million people were thus employed during World War II.)[152] At the lowest level, volunteer Self-Defense Groups with specialized teams are organized, forty-eight civil defense workers per five hundred residents.[153] Within the DOSAAF program, eighty-three per cent of the population have since been induced to volunteer for civil defense courses.[154] The training program is conducted by the Communist Party.[155] Three courses were presented. The first, in 1955, consisted of ten hours of instruction in theory. The second, in 1956, twenty-two hours long, dealt with practical lessons in survival. The third, in 1959 and 1960, was a fourteen-hour

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[151]For interpretation pertaining to absence of or covert preparations for civil defense within the Soviet Union, see Osgood Caruther, "Moscow: Despite the Strident Propaganda There Are No Signs of an Acute Impending Crisis," New York Times, July 16, 1961, Section 4, p. E3; and reply by Leon Goure, "Soviet's Civil Defense," (Letter to the Times), New York Times, July 23, 1961, Section 4, P. E8.

[152]Henry Jordan, "Inside Russia Civil Defense," Pageant, Vol. 17, No. 2 (August, 1961), pp. 6-15.

[153]Leon Goure', Soviet Civil Defense, op. cit., pp. 4-17.

[154]Jordon, loc. cit. [155]McGrath, loc. cit.

course rounding out the loopholes with a practical study in air defense. A training program in shelter management has recently been inaugurated.[156]

Seven miles from Moscow, an entire governmental city has been constructed, 1300 feet below sea level, embedded in primeval rock. It can withstand a direct hit by a twenty-megaton hydrogen bomb. The deep subways of Moscow, Kiev, and Leningrad were designed as bomb shelters in 1960. Other public shelters have also been constructed which can withstand all but a direct hit, and have been provided with a two weeks food and air supply. A 1930 law has made it mandatory to equip every new building with bomb shelters of steel-reinforced concrete. While these shelters are not designed to withstand direct hits, they can protect outside of the immediate impact area and can be made suitable to provide for fallout protection.[157]

While the original policy for civilians had been to "stand-fast", this policy has recently been changed to evacuation. Non-essential manpower is to be evacuated to staging area 25 to 50 miles beyond city limits, and then into the back country along routes dotted with fallout-proof way stations.[158] The program is facilitated by the fact

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[156]Jordon, loc. cit. [157]Ibid.

[158]Ibid.

that Soviet industrial and population centers are smaller and much more widely dispersed than United States' concentrations.[159] The Holifield Committee concluded that more people have learned the fundamentals of civil defense in the Soviet Union than in any other country.[160]

Such extensive preparations should provide us with a clue concerning current Soviet intentions. It should behoove us to heed this inherent warning and to begin taking equally extensive protective measures for our own security. We should take note of the vast popular training program, the shift of policy to dispersion of cities, and the existence of extensive shelter and fallout protection facilities within the Soviet Union. The thorough organization of the Russian populace for civil defense should facilitate measures designed to preserve law and order in case of nuclear attack.

Denmark

A concentrated civil defense program exists in Denmark since 1949, which was revised in 1956 to deal with the impact of the hydrogen bomb on emergency planning. The program incorporates provisions for self-protection, local services, and Mobile Columns designed specifically for civil

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[159]McGrath, loc. cit.

[160]U. S. Congress, Fifth Report of the Committee on Government Operations, loc. cit.

defense. The national budget allots four to five million dollars annually for civil defense expenses, an amount 3.2 per cent of the military budget.[161]

To further self-protection, since 1960, all private structures except one or two story houses were forced by law to include secure shelter within the building. The self-protection program is stressed in factories, dwellings, and rural districts touching all inhabitants of the small nation.

Local services are volunteer organizations grouped in a Civil Defense Commission headed by the mayor of a town or city. The permanent staff of the police and municipalities participate in this program tailored principally to deal with fire, emergency water supply, rescue and clearance, emergency welfare, and protection of public utilities.[162] The present strength of volunteer forces is 90,000 people.[163]

The state-organized Corps of Mobile Columns is a military service, the "prestige" service, of the armed forces. All persons 16 to 65, except those liable for military service, are subject to call for service in civil

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[161] Ibid., pp. 26-28. (Compared to U. S. expenditures of .1 per cent of the military budget.)

[162] "Civil Defence in Denmark, " Civil Defence, International Bulletin, 4th Year, No. 28 (Geneva, Switzerland: October, 1957), p. 4.

[163] U. S. Congress, Fifth Report of the Committee on Government Operations, loc. cit.

defense. However, most ranks are filled with volunteers. The military draft obligation may be fulfilled with service in civil defense. A twenty year liability is involved; one year of active duty, nine years of part-time duty, and ten years on the inactive rolls.[164]

The organization of the Corps of Mobile Columns is modeled after a standard military division consisting of three brigades, each of three columns. Each column is stationed at a different locality and is further broken down into three sections, of which two are trained during peacetime conditions. A column is equipped with 230 vehicles, no arms, and staffed with 200 officers and 900 men at full strength staffing. The current strength of the Corps is 10,000 men; target strength is 18,000. Its officers receive training at a civil defense academy, while fifteen per cent of its men receive six months additional training at a non-commissioned officer's school. Salaries and grades are comparable with military units, however, different titles are used. Training, which is conducted at eleven locations throughout the country, is designed toward proficiency in fire fighting, rescue, signal, first aid, and the maintenance of discipline.[165]

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[164] Ibid.

[165] "Civil Defence in Denmark," loc. cit.

It appears that Denmark is excellently prepared for civil defense. It should be noted that the civil defense program has been tailored towards a military type of organization. The program of maintaining law and order does not appear to be emphasized, since the Corps is unarmed. Could it be that the existence of extensive shelter provisions have given the people a sense of security, which might tend to discount the dangers of civil disorders and the need for extensive law enforcement preparations?

Sweden

Sweden allots two per cent of its total annual budget, up to 28 million dollars per year, to civil defense.[166] The emphasis of Sweden's program is placed on shelter preparations, while evacuation planning is considered unrealistic. Fifteen public shelters, with a capacity for 100,000 people, have been constructed in natural rock formations and serve as garages in peacetime. Such shelters reportedly are designed to offer protection against hydrogen bombs up to one to two miles from point of detonation. Ten thousand people can enter these shelters within four minutes.[167]

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[166] U. S. Congress, Fifth Report of the Committee on Government Operations, op. cit. (This expenditure is 13 times greater than in the United States on a comparable per capita basis.)

[167] Ibid.

Organization for civil defense exists in Sweden since 1944 and has received vast public support since 1950. Women have been integrated into the program since 1955. All persons 16 to 65 years old must register for civil defense duties. A general civil defense service has been organized for community protection. Special organizations exist for home and for industrial civil defense. The present program envisions expenditures of 147 million dollars over the next ten year period, to care for the country's 7.5 million inhabitants.[168]

Sweden, like Denmark, appears well prepared for civil defense. The extensive shelter program appears equally to instill a sense of security into its population. There is no evidence of particular emphasis on law and order functions.

Norway

Civil defense has played a significant role in Norway since 1936. The present basic civil defense law dates back to 1953 and organizes the country into four major regions, fourteen sub-regions, and one hundred thirty-five local civil defense organizations. The current annual budget allocations range from three to six million dollars. Presently, programming emphasis is being shifted from evacuation planning to shelter construction, retaining

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[168] *Ibid.*

provisions for the strategic evacuation of non-essentials. Fifty per cent of the population of towns with 10,000 or more inhabitants may be evacuated in four days provided sufficient warning time exists. Large public shelters should provide protection for the remaining population.[169]

The civil defense program is directed by a specialized and independent department of the Ministry of Justice and Police. Aside from the self-protection and warden services, special civil defense services for fire, rescue, health, order, and emergency feeding exist. All residents, except military conscripts, are liable for duty of about twenty hours each year, for a ten-year period. While only 300 persons represent the peacetime permanent staff, the wartime potential is 20,000 persons, approximately ten per cent of the population.[170]

Mobile teams have been organized with eleven per cent female representation. These teams are specialized toward functioning in the following fields: fire, rescue, public health, gas defense, order, repair of public utilities, and management and liaison. A total of 53,000 persons have been

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[169] Ibid., pp. 28-31.

[170] "Organization in Norway," Civil Defence, International Bulletin, 4th Year, No. 25/26 (Geneva, Switzerland: August, 1957), p. 7.

assigned to the mobile teams.[171]

It should be noted that Norway has made specific provisions for the maintenance of law and order, both in the protective services and in the mobile team organizations. It is also significant that the entire civil defense structure has been placed under the jurisdiction of the ministry which is responsible for law and order in the country, the Ministry of Justice and Police.

Switzerland

Proclaiming that civil defense is consistent with its policy of neutrality, by deterring aggression, Switzerland allots 2.5 per cent of its military budget to civil defense and has organized a civil defense service on par with the three military services in the country.

The emphasis of the nation's civil defense program is on shelter construction and trained civil defense workers. Fourteen million dollars per year have been allocated for shelter construction. The present shelter capacity reaches over 900,000 people and by 1963 should reach two million people, in a country with 2.8 million inhabitants.[172]

The Federal Department of Justice and Police controls

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[171] Ibid.

[172] U. S. Congress, Fifth Report of the Committee on Government Operations, op. cit., pp. 37-38.

civil defense; its chief is a former army colonel.[173] A 1955 law invokes compulsory civil defense service for all males between the ages of 15 and 65 for a three to six day period each year; women may volunteer. The entire civil defense program is closely integrated with the military services. Twenty-eight civil defense battalions have been formed, especially equipped and ready to be placed at the disposal of local civil defense chiefs. Vast civil defense exercises are conducted uniting the regular military forces, the civil defense forces, civil defense organizations, welfare agencies, and civil populations of the larger cities. Each soldier has been issued a booklet entitled, "Civilian Defence is part of National Defence". The entire Swiss population has been versed in vital civil defense information.[174]

In a city of 75,000 inhabitants, 21,000 persons are organized in civil defense service organizations, such as warden (the largest service with 12,000 members apportioned), industrial defense, auxiliary fire, assisting homeless,

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[173]"Swiss Civil Defense," Civil Defence, International Bulletin, 6th Year, No. 44 (Geneva, Switzerland: February, 1959), p. 2.

[174]"Swiss Union for CD in Action," Civil Defence, International Bulletin, 4th Year, No. 29 (Geneva, Switzerland: November, 1957), p. 2.

health, technical, and other special services.[175] The police are specially trained and alerted to control looting and perform other law enforcement functions, as required.[176]

Switzerland is another nation which has taken civil defense preparations seriously. While law and order functions are not over-emphasized within the civil defense program, the larger percentage of organized citizens have been placed under the Federal Department of Justice and Police in various civil defense service organizations. This should seem to provide police with an excellent capability to enforce any necessary measures to preserve law and order subsequent to a nuclear attack. The large warden service should provide ample and direct assistance to the regular police forces, as required.

Thoughts for Consideration

It appears that, at least in some respects, American efforts to provide clear-cut, decisive, and protective measures to the American people lag behind the efforts of the various countries considered above. In some of these foreign countries, vast shelter building programs have

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[175]"Position and Organization of CD in a Swiss Town," Civil Defence, International Bulletin, 7th Year, No. 56, (Geneva, Switzerland; February, 1960), p. 3.

[176]"Large Scale Local CD Exercise in Switzerland," Civil Defence, International Bulletin, 5th Year, No. 39, (Geneva, Switzerland: September, 1958), p. 4.

been inaugurated, a large percentage of the national budget has been diverted to civil defense programs, military efforts have been integrated into the overall civil defense plans, civil defense organizations, to include organization for mobile support, have been created and staffed--often in connection with conscription and with the help of women volunteers. The efforts of these countries seem to hold promise that law and order can be maintained to some extent subsequent to nuclear attack.

We, in the United States, may not have progressed that far. Could it be that the national government in the United States does not possess the necessary authority, during the planning phase, to effectively direct and control the civil defense program for results at the operating level? Regardless of the cause of deficiencies in the domestic program, civil defense voids can only sharpen the needs for more extensive law enforcement preparations.

Both civil police and military authorities should be responsible for developing effective, integrated plans to cope with any realistically imaginable contingency and be prepared to react in accordance with the needs of the particular situation. Are our preparations adequate? The current preparations of both civil and military authorities will be considered in detail in the following three chapters.

CHAPTER IV

CIVILIAN ORGANIZATION FOR LAW AND ORDER IN CIVIL DEFENSE

The enormity of the task of civil defense poses the obvious question: Can civil defense be realistically applied in our nation and be effectively carried out by civil authorities? Project East River reports suggest the possible solution to this problem of breaking down and defining the major problem areas involved and then assigning each area to a competent organization which will maintain a "stipulated standard of performance".[1] One such vital area is, of course, the preservation of law and order.

The National Plan for Civil Defense and Defense Mobilization reflects the Executive policy of assigning tasks to existing governmental agencies.[2] State and local plans expand on the national doctrine and implement the national policy in the field. The doctrine must be sound at the federal, state, and local levels if law and order is to be maintained throughout the nation after nuclear attack. Let us see if civil government is presently capable of

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[1] Joseph E. McLean, "Project East River--Survival in the Atomic Age," Bulletin of the Atomic Scientists, Vol. IX, No. 7 (September, 1953), p. 247.

[2] Office of Civil and Defense Mobilization, The National Plan for Civil Defense and Defense Mobilization (Washington: 1958); hereafter referred to as The National Plan.

preserving order in a civil defense emergency at a local level selected for detailed study--namely, Detroit.

I. THE NATIONAL PLAN

The National Plan was promulgated by the president and published by the Office of Civil and Defense Mobilization (OCDM) in October 1958. Its authority is derived from the constitutional powers of the president.[3] The plan is designed to direct and program the national effort for civil defense.[4] The plan provides for the contingencies of international tension, limited war, and general war. It delineates the national civil defense program as (1) the national government is responsible for overall leadership and direction, and for assistance to the states, (2) the governor of a state is responsible for civil defense in his state, and for assistance to local subdivisions, and (3) the appropriate local governmental authorities, such as the mayor of a city, village head, or county commissioner are responsible in their jurisdiction.

Civil defense personnel serve on the staff of elected

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[3]See Chapter III above; also The Provost Marshal General's School, Civil Defense Reference Material (Fort Gordon, Georgia, Mimeographed, undated).

[4]Statement by General H. E. Dager, Special Assistant for Military Liaison, OCDM, in an address to the Quartermaster Training Command at the Quartermaster School, May, 1960, Fort Lee, Virginia.

and appointed heads of local government who retain the command responsibility throughout an emergency. Full use of existing governmental agencies and departments is envisioned, with trained auxiliaries supplementing government personnel and performing functions for which there are no counterparts in existing governments. Lines of succession of authority have been delineated to insure the continuation of existing government.[5]

In the opinion of some, the National Plan is not an operational document, but should be considered as a planning directive upon which local operational plans are to be based.[6] It is a broad statement of principles and responsibilities which attempts to project the non-military defense of the nation for ten years into the future and is designed to be flexible for dealing with changing international situations. The National Plan does not provide for any independent resource to implement its desired courses of action. It relies entirely on personnel, material, and equipment of the various federal agencies, states, local governments, and private groups and individuals. Insofar

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[5]National Association of County Officials, "Civil Defense: Continuity of Government," Information and Education Service Report Number 16 (Washington: Local Government Education and Research, Inc., undated).

[6]Statement by William Powell, Chief, Field Services, MOCD, January 17, 1961, Lansing, Michigan, personal interview.

as practicable, those who do a given type of work under normal conditions are to be earmarked for similar tasks in a civil defense emergency. A model state civil defense act to implement this concept is proposed which is being followed by most states.[7] The failure to provide for independent implementation of the plan is considered a weakness and an idealized solution by some.[8] But OCDM personnel maintain that this course of action is the only solution precluding the expenditure of vast sums to create a separate and distinct civil defense organization.[9] A second major criticism voiced by some is that the plan contains only limited authority for the national government during periods of planning and preparations.[10] It is claimed that only after a state of civil defense emergency has been declared is sufficient centralized control authorized.[11] Thus, planning and

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[7]The Provost Marshal General's School, Civil Defense Reference Material, loc. cit.

[8]Department of the Army, Civil Defense, Field Manual (FM) 20-10 (Washington: Department of the Army, December, 1959), p. 64; also statement by Major D. J. Weber, Physical Security and Industrial Defense Action Officer, Office of the Provost Marshal General, Washington, December 20, 1960, personal interview.

[9]Statement by D. D. Pohlenz, Asst. Director for Plans and Operations, OCDM, Washington, December 2, 1960, personal interview.

[10]Statement by Major D. J. Weber, loc. cit.

[11]See Title III, "Emergency Authority," The Federal Civil Defense Act of 1950, 64 Stat 1228 (PL 920), 81st Congress, 2d Session, January 12, 1951.

preparations are accomplished on a voluntary basis. The lack of authority by OCDM to apply effective sanctions in directing and coordinating the numerous governmental agencies at all levels of government, during the planning phase gave it a certain impotency to which is often attributed the present state of unpreparedness in the field of civil defense.[12]

The National Plan presents two general missions.[13] While one mission deals with mobilization and management of resources and production, the other mission involves "protection of life and property by preparing for, and by carrying out, non-military functions to prevent, minimize, repair, and recover from injury and damage". This mission places a major responsibility upon police towards achieving its fulfillment. According to the National Plan, local government is the basic entity responsible for the emergency maintenance of law and order. State law enforcement forces should support local police as necessary. Only upon the request of a state government, or in the event the state government is unable to act, will the national government assume and exercise necessary functions for local maintenance of order. Upon request, the Secretary of Defense will

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[12]Department of the Army, Civil Defense, op. cit., p. 27.

[13]The National Plan, op. cit., p. 2.

provide emergency military aid to civil authority to assist in maintaining law and order, provided it does not interfere with the conduct of the primary military mission.[14]

These concepts are delineated specifically within forty-two annexes to the National Plan which deal with separate problems of civil defense, but which are interrelated and mutually supporting. In dealing with law and order, the following pertinent annexes must be considered in detail and are applicable to police operations, as follows:

Annex 1 (Planning Basis)

This Annex provides information about the conditions of attack to be expected and the nature of the post-attack environment. All planning must be based on these expected conditions. The Annex acknowledges the limited capabilities of police in the initial phases after attack due to radioactive contamination.

Significance for Police Planning. To integrate police plans in overall planning, police must base their own plans on the proposed planning assumptions.

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[14] Ibid., Annex 7; see Appendix I (Annex 7, The National Plan); also Office of Civil and Defense Mobilization, Annual Report of the Office of Civil and Defense Mobilization for Fiscal Year 1959 (Washington: Government Printing Office, 1960), p. 20.

Annex 7 (The Role of the Military)[15]

This Annex sets forth responsibilities of the armed forces of the United States in assisting civil authorities in time of domestic emergencies and provides for liaison between civil and military authorities. It stresses the importance of civilian planning, which, it states, should not be based on military assistance or help which may not be provided. Furthermore, it stresses the concept that recovery will be attempted within civilian control and that martial law is not contemplated as a recovery measure. Mutual support is the guiding principle in domestic emergencies. The Zone of Interior Army Commander decides, at the time of attack, what types and amounts of resources will be used in support of civil defense activities.

Significance for Police Planning. Civil police will have to plan for extensive coordination in case military help for the preservation of law and order is effected.

Annex 8 (Preparations for Continuity of Government)

The national objective, to preserve constitutional leadership and authority under all conditions, is stated in this Annex and steps are delineated which the federal, state,

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[15]Copy attached as Appendix I.

and local governments might take towards this goal. The utilization of private organizations and individual citizens as volunteer auxiliaries to government agencies is deemed necessary. The maximum use of government personnel, facilities, and equipment as well as the establishment of emergency operations centers are stressed as keys to successful action in efforts to preserve constitutional government after nuclear attack.

Significance for Police Planning. Police must be prepared to assist in creating a climate within the post-attack environment where remnants of government can survive and reconstitute themselves. Law enforcement agents must be prepared to back up the orders and demands of the surviving governmental structure, whether civil or military, until effective constitutional government is reconstituted; planning must include the contingency of temporary loss of constitutional authority. Police may also have to be prepared to assist in marshaling and organizing civilian volunteers for official duties.

Annex 11 (Protection of Essential Facilities)

While private industries, institutions, and organizations have the responsibility to provide for the physical security of vital facilities, police may have to help in protecting those which affect the general public welfare.

Furthermore, facilities owned by governmental agencies may require police protection.

Significance for Police Planning. In order to be effective, surveys and plans incorporating appropriate actions must be formulated well in advance. Large numbers of police or auxiliaries may be required.

Annex 12 (Directed Movement)

This Annex discusses the possibilities of strategic, tactical, or remedial evacuations which may be imposed by local authorities.[16] It particularly discusses the interrelationship of shelter and evacuation and their combination in local plans which local authorities must consider in making their decisions.

Significance for Police Planning. Police will have to plan and supervise the traffic aspects of any evacuation movements which might be initiated. Adequate staffing and planning will be essential.

Annex 13 (Warning)

This document discusses the responsibilities, functions, and execution of the warning system to be implemented in case of attack.

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[16]For definitions, see Chapter I, Definitions of Terms Used.

Significance for Police Planning. Police must integrate their own warning dissemination within the overall warning system. In many jurisdictions, the entire responsibility for receipt and relay of warning information has been delegated to the police.

Annex 14 (Damage Assessment)

To institute appropriate recovery and relief actions, a compilation of the damages which have occurred must be accomplished. This Annex discusses the overall structure for compiling such information.

Significance for Police Planning. The police will certainly be involved in collecting data in the field for use by the local civil defense organization and higher echelons. Police plans must incorporate this function. Such information will provide the basis upon which local recovery and assistance plans are framed, as well as provide the necessary intelligence data for consideration in state and national decisions.

Annex 16 (Maintenance of Law and Order)[17]

This Annex provides the specific basis for police planning. It designates the local police forces as the basic units to preserve law and order, assisted by state

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[17]Copy attached as Appendix C.

forces. State and local governments are also responsible for aiding in the enforcement of federal operations and emergency measures. Guiding principles for planning are provided. The Annex discusses training, expansion of forces, planning participation of police, and liaison, stressing interstate mutual aid compacts, enactment of necessary legislation, and coordination of plans with federal agencies.

Significance for Police Planning. It is, of course, essential for police to incorporate all of the elements treated in this Annex into their emergency plans. Furthermore, such plans must be tested to insure their workability under simulated emergencies. In some respects a better test can be provided in actual natural disasters which can, at least partially, reflect the stresses and strains involved in contemplated emergency actions.

Annex 17 (Disaster Services)

This Annex applies to casualty care and emergency public health, emergency welfare services, rescue, debris clearance, fire protection, and decontamination.

Significance for Police Planning. While the primary responsibility for such emergency services usually should be assigned to another agency, police will certainly be involved as a supporting or coordinating agency in many of the problems considered herein. Necessary coordination must be

effected in advance with agencies concerned for workable operational arrangements.

Annex 22 (Clandestine and Unexploded Ordnance Defense)

In this Annex, the police are specifically designated as the local government agency which is responsible for reporting and reconnaissance activities regarding clandestine and unexploded ordnance. It is recommended in this Annex that ten per cent of the regular police and twenty per cent of the State Police force should be specifically trained to fulfill duty requirements in explosive ordnance reconnaissance functions. Army know-how in this field is to be utilized in such training.

Significance for Police Planning. Since training is a time consuming and continuous process, the police training contemplated in this Annex must be accomplished early and cannot be postponed until the emergency is imminent.

Factors for Consideration

The National Plan outlines the major emergency functions which police can expect to fulfill. The National Plan does not intend to provide for specific implementation. Supporting plans at lower levels must accomplish this. However, the lack of mentioning certain critical functions, as discussed in Chapter II above, such as control of evacuees and looters, panic and riot control, might tend to downgrade

the importance and complexity of the problems involved. It may well be desirable to revise Annex 16 in order to focus more specific attention upon all of the major activities which police might receive as mission assignments, and to revise Annex 7 to provide for extensive liaison and coordination in case of military control over operations aimed towards maintaining law and order.

II. THE OFFICE OF CIVIL AND DEFENSE MOBILIZATION

The national government generally confined its civil defense efforts to advice, guidance, financial, and material assistance to the states and their local subdivisions.[18] The federal agency responsible for planning, coordination, and execution of the federal plan, until August 1961, was the Office of Civil and Defense Mobilization (OCDM) established within the Executive Office of the President.[19] OCDM was not only designed to keep pace with the changing threats of nuclear warfare, but had programmed ahead until 1965.[20] Under recent directives of the president, many of the functions of OCDM, such as maintenance of law and order, are now

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[18]Note cut-off date of study August, 1961, see Chapter I.

[19]See Appendix J (OCDM Organization Chart).

[20]Statement by Major General Holmes E. Dager (Ret.), Special Assistant for Military Liaison, OCDM, at Battle Creek, Michigan, October 21, 1960, personal interview.

integrated into the Department of Defense, while others remain in the newly organized Office of Emergency Planning, in a move designed to strengthen the implementation of the civil defense program.[21] The full impact of the reorganization on future national civil defense policy cannot be determined at this time.

National Organization

The internal organization of OCDM was set up according to functional needs. It very closely paralleled military staff organization with emphasis on planning and operating responsibilities. OCDM was headed by a Director, appointed by the President with the advice and consent of the Senate. A Deputy Director and three Assistant Directors were similarly appointed. The Director and part of his staff maintained offices in Washington, D. C., for the purpose of establishing policy and facilitating coordination with other federal agencies. A major portion of the staff was located at the OCDM Operational Headquarters, in Battle Creek, Michigan, where national civil defense operations could be controlled in an emergency.[22] A Civil Defense

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[21]Executive Order 10952, July 22, 1961.

[22]The Provost Marshal General's School, Industrial Defense, Student Reference (Fort Gordon, Georgia: mimeographed, undated), pp. 1-30,

Advisory Council assisted the agency in formulating policy. It consisted of three representatives of the state government, three of the political subdivisions of states, plus six prominent citizens, appointed by the president. Its chairman was the Director, OCDM. The Council was also advised by panels from the following organizations:

The Council of State Governments

The Governors' Conference

The American Municipal Association

The U. S. Conference of Mayors

Coordination of approximately twenty federal agencies was accomplished by means of another board, the Civil and Defense Mobilization Board. This board coordinated mission assignment participation of the various governmental agencies and assisted in developing priorities, apportionment of responsibilities, and other coordination.[23] The Director of OCDM was its chairman and could designate as members, with their consent, the heads of federal executive departments and agencies. Subsidiary boards were appointed by the Director at regional levels. The organization of OCDM, as was the case of its predecessor agency, the Federal Civil Defense Administration (FCDA), allowed for some specific

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[23]United States Senate, 86th Congress, 2d Session, Internal Security Manual, Senate Document Number 26 (Washington: Government Printing Office, August 31, 1960), p. 134.

representation of the police problems. At the national level, a Police Division grouped with the Engineer, Fire, Reception and Care, and Rescue Divisions, functioned under the supervision of the Deputy Assistant Director for Emergency Community Services, who, in turn, functioned under the general supervision of the Assistant Director for Plans and Operations.[24] The Police Division was staffed with a Director and a Deputy Director. Since the operation of only two men must be limited in scope, only broad policy guidance could be offered at this level. Such staffing might be adequate if followed through by similar and more extensive staffing at lower levels. We shall soon see that this was not accomplished.

The police program was based upon the National Plan with particular emphasis on Annex 12 (Directed Movement), Annex 16 (Maintenance of Law and Order), and Annex 22 (Explosive Ordnance Reconnaissance). Final decision on all matters relating to the program were reserved by the Director, OCDM. Local officials were encouraged to organize more and wider mutual assistance agreements in the police field among adjoining communities.[25] It was at the local level where

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[24]See Appendix K (OCDM Organization for Police Services).

[25]Statement by Thomas Stack, Director, Police Division, OCDM, Battle Creek, Michigan, November 21, 1960, personal interview.

most of the police problems were expected to be solved, with general guidance provided by publications and training courses recommended by the Police Division. It should be noted, however, that the Police Services manual, which contains basic police doctrine for civil defense emergencies, was published in 1951 and is considered by some to be obsolete, yet was reprinted without revision in 1958.[26] The lack of staff precluded its revision.[27] In 1961 a revised copy was in the process of being published. This would appear essential in the light of various significant developments in weapons and civil defense doctrine since the original publication date (1951) which, no doubt, must have had decisive impact on police plans.

While fine courses for many civil defense subjects are available and federal assistance is feasible for decentralized police courses at the local level, there is no "Police Supervisor Course" in existence at the OCDM Staff College which is specifically designed to help police administrators solve problems of maintaining law and order in a civil defense emergency.[28] Only in the field of traffic control can

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[26]Statement by Lt. Donald E. Oates, CD Liaison Officer, Michigan State Police, Lansing, Michigan, January 8, 1961, personal interview.

[27]Statement by civil defense official (name withheld).

[28]See Appendix L (List of OCDM Training Courses); also

concrete accomplishments be noted. An Emergency Traffic Control course for civil defense has been developed and is conducted by the Northwestern University Traffic Institute, at Chicago, Illinois. A technical manual has also been published for planning guidance.[29]

To alleviate the deficiency of the non-existent centralized police supervisor's course, a three-day seminar has been developed which will be presented to local police officials at centrally located cities in each region. Region 1 was scheduled to receive this instruction in September, 1961. At forty-five day intervals, other regions were scheduled to follow in numerical order. Subjects scheduled for discussion were: (1) mobile support and mutual aid, (2) traffic control, (3) explosive ordnance reconnaissance and nuclear accident hazards, (4) radiological monitoring, (5) auxiliary personnel and special skill requirements, and (6) Annexes 7 and 11, National Plan.[30]

OCDM, Federal Contributions Manual, Change 3, M-25-1 (Washington: Government Printing Office, January, 1957, revised March, 1958).

[29]USCD, "Planning and Organizing for Civil Defense Traffic Operations," TM 27-2, FCDA (Washington: Government Printing Office, November, 1955).

[30]Statement by Edward Gallagher, Assistant to the Director, Police Division, OCDM, Battle Creek, Michigan, August 16, 1961, personal interview.

An important assistance which the national government can offer to local civil defense organizations, during the planning phase, is the allotment of monies for civil defense purposes. An increase in such aid has occurred lately through the matching fund formula currently authorized under Public Law 85-606.[31] Now, the national government can help pay the salaries of local civil defense officials. This should prove a big boost towards adequate local staffing.[32] It should also considerably strengthen the influence of the federal agency. However, Congress initially refused to appropriate money to implement this legislation. Use of such federal appropriations is now limited in some jurisdictions by low state or local governmental appropriations to match the federal monies.

To assist the Director of the Police Division, OCDM, in formulating policy, a committee of civilian police officials was created in 1959, named the OCDM Police Committee. Its membership in 1961 consisted of nineteen police officials representing city, county, and state officials, as well as the International Association of Chiefs of Police, the National Sheriff's Association, the Federal Bureau of Investigation, and the military (Office

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[31] 72 Stat 532 (PL 85-606), 85th Congress, 2d Session, August 8, 1958.

[32] Statement by D. D. Pohlenz, loc. cit.

of The Provost Marshal General). The advisory group was helpful in developing the seminar plans mentioned above. In its 1960 program, the committee concentrated on four major areas:[33]

1. Development of instructor capability in police training for peacetime and emergency missions.
2. Urging of inclusion of police non-military defense courses in police administration programs of colleges, universities, and police academies.
3. Securing endorsement and implementation of Annexes 12, 16, and 22 of the National Plan at the local community level.
4. Reviewing hazards and precautions and developing procedures for dealing with accidents involving nuclear material.

The predecessor of this committee was the Civil Defense Committee of the International Association of Chiefs of Police. The purpose of both committees was identical: to offer professional advice to OCDM in the field of law and order for disaster operations. The old committee, which existed until 1960, was criticized for failure to include

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[33]OCDM, "Police Advisory Committee Meeting," (folder) April 27-28, 1960, at Executive Office Building, Washington, pp. 6-7.

more prominent police officials with prestige and influence. Little had been accomplished by the group and its previous chairman acknowledged that its composition reflected the general apathy and lack of interest in the field of civil defense which police personnel generally express.[34] The new advisory committee may be more energetic and constructive in recommending sound and concrete programs for police emergency operations. The staff of the Police Division is planning to place more reliance on this body and holds out great hopes for concrete accomplishments.[35]

To examine the activities of the Police Division of OCDM, a review of the OCDM Annual Report can be enlightening.[36] During fiscal year 1959, the following was accomplished:

1. Assisted states in developing statewide civil defense plans by providing technical advice and guidance.
2. Published a technical manual on methods and techniques for maximum use of highways during emergencies.

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[34]Views expressed by George D. Eastman, former Chairman of Civil Defense Committee, IACP, East Lansing, Michigan, November 25, 1960, personal interview.

[35]Statement by Russell Prior, Deputy to the Deputy Assistant Director for Emergency Community Services, OCDM, Battle Creek, Michigan, November 21, 1960, personal interview.

[36]OCDM, Annual Report of the Office of Civil and Defense Mobilization for Fiscal Year 1959, loc. cit.

3. Supported training courses for police personnel and procured equipment through the use of federal matching funds and surplus property.
4. Expanded and improved police communication equipment through federal contributions.

While this might be a sizable task for the personnel presently assigned, the question remains, "is it enough?" Why cannot OCDM concretely provide assistance by:

1. Preparing a realistic plan for mobile support of police personnel based on existing political subdivisions.
2. Conducting surveys at critical target area locations to recommend implementation of police plans based on existing resources.
3. Inspecting target area arrangements for adequacy and sufficiency of police planning and resources.
4. Conducting a Police Supervisor Course for police actions in nuclear attack.

To do this type of job, either an extensive personnel increase in the Police Division, OCDM, would be necessary, or private educational institutions, under federal contract, might be induced to help solve these problems.

Regional Organization

Although a Police Division existed in the Operational Headquarters of OCDM, no specific counterpart existed in the regional offices. There were eight regional offices, designed as field units, responsible for five to eight states each. Their staffs paralleled the National Office organization, varying in strength from fifty to seventy personnel in each region.[37] In Region 4, in Michigan, the police functions were assumed by the Plans and Operations Division. Since the scope of functions of the Plans and Operations Division were far wider than the problem of law and order (for example, continuity of government, CBR defense, communications and warning, shelter and vulnerability reduction, other emergency community services), this division could not reasonably be expected to be concerned in detail with police problems.

In Region 4, only one person was assigned to handle all matters pertaining to emergency community services. No regional Police Advisory Committee existed to assist him. Furthermore, he was primarily occupied with problems involved in reception and welfare areas, leaving little time for law-and-order problems.[38] It was expected that Region 4 could

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[37]See Appendix M (OCDM Regions).

[38]Statement by civil defense official (name withheld).

assist in coordinating mobile support between states in case of emergency, but it was also acknowledged that the region could not influence emergency actions after an attack, if planning had not previously been adequate.[39] It was recognized by personnel at the regional headquarters that counterparts at regional level would be desirable, as had been originally recommended in the Hopley Report.[40] However, the staff in such offices would need to be large if state planning was to be influenced to any material degree. The decision to increase regional staffing might then become political as the question of states' rights can be injected, since many states resent federal interference in state affairs.[41]

A few years ago, plans were made for the expansion of Emergency Community Services function at the regional level by providing additional staff for police functions, but due to lack of funds this plan was not implemented and no plans currently exist to expand.[42] The present concept

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[39]Statement by Richard L. Jarvis, Deputy Director for Plans and Operations, Region 4, Battle Creek, Michigan, August 16, 1961, personal interview.

[40]Russell J. Hopley, Director, Civil Defense for National Security, A Report prepared by the Office of Civil Defense Planning, June, 1949 (Washington: Government Printing Office), p. 137.

[41]Statement by civil defense official (name withheld).

[42]Statement by Thomas Stack, loc. cit.

is in conformance with the thoughts of former OCDM Director, Governor Hoegh, who stated that the Police Service program is in good shape and "states will be able to keep their own houses in order".[43]

III. THE MICHIGAN STATE PLAN

In the fifty states, the fifty different state constitutions and legal systems are the basis for the development of separate and distinctive civil defense organizations and plans. This lack of uniformity may be considered a weakness.[44] But unless the national government (including a majority of the Congress) decides to make all civil defense officials federal officers, no other solution seems feasible. Neither is such a decision likely to be adopted. A district plan exists in the State of Michigan. This plan has been examined to probe for its potential effectiveness.

Legislative Provisions

The Michigan Civil Defense Act created the Michigan Office of Civil Defense (MOCD).[45] Emergency powers were

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[43]United States Congress, 86th Congress, 2d Session, House of Representatives, Committee on Government Operations, Civil Defense, Hearings before Subcommittee, March 29, 1960 (Washington: Government Printing Office, 1960), p. 119f.

[44]Statement by Major D. J. Weber, loc. cit.

[45]Act Number 154, Public Acts of 1953; as amended by Act Number 98, Public Acts of 1954, and Act Number 227, Public Acts of 1956.

conferred upon the governor to act in an emergency. The act provides for mutual aid (inter- and intra-state) as well as cooperation with the national government. The act is designed to provide for both enemy attack as well as sabotage and natural disasters. It organized the state government for civil defense. Coordination with the federal plan is directed and a Civil Defense Advisory Council of fifteen members is created to provide guidance.[46]

The act originally provided that all counties and cities with populations of 10,000 or more were required to have a local civil defense organization. Since this posed grave problems of control, the law was recently changed to strengthen county organizations.[47] While county organizations and organizations of cities with 50,000 inhabitants or more remain mandatory, townships, villages, and cities with 10,000 or more have the option to establish their own civil defense organization, or else integrate into the county organization. Current civil defense organizations at the lower echelons have not been encouraged to disband.[48]

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[46]See Appendix N (Michigan State Civil Defense Organization Chart).

[47]Amendment of Sec 3, Act Number 154, Public Acts of 1953 by Act Number 221, Public Acts of 1961, June 7, 1961; effective September 7, 1961.

[48]Statement by Robert Stierer, Civil Defense Director, Pontiac, Michigan, August 24, 1961, personal interview.

While the legislative provisions lend permanence to the Michigan Office of Civil Defense, they did not solve all problems. The state organization must operate on a year-to-year basis, controlled by funding. The state legislature is reluctant to give full support to the civil defense program and a legislative battle for funds occurs every year.[49] The state organization does not have the necessary prestige to accomplish its objectives. The label "civil defense" appears to be held in disrepute, "We are stuck with the name; the name must be changed!"[50]

The emergency powers given to the governor provide him with the authority to exert operational control over all civil defense forces and civil defense auxiliary helpers in the state. This emergency power includes the commitment and exchange of police services in agreement with other states and the national government. The governor is, furthermore, permitted to utilize the National Guard and State Guard, while under his control. His control is, of course, limited by the powers conferred by Congress to the president. The governor loses control over the National Guard when it is federalized by the president.

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[49]"Legislature May Slash CD Budget," The State Journal, Lansing, Michigan, March 29, 1961, p. 17; also statement by civil defense official (name withheld).

[50]Statement by civil defense official (name withheld).

In direct charge of MOCD is a Civil Defense State Director. With the approval of the governor, the director may delegate to departments and agencies of the state government appropriate civil defense responsibilities. Political subdivisions of the state are authorized to appoint and employ, with or without compensation, air raid wardens, rescue teams, auxiliary fire and police personnel, and other civil defense workers.

The State Survival Plan

In August, 1955, Congress appropriated $13,800,000 for a thorough analysis in each state and major target area of all factors and information pertinent to the development of operational survival plans. These survival studies brought together in voluminous detail data relating to population and its density, highway capacities, transportation facilities, communications, food and water resources, and various governmental responsibilities.[51] Michigan participated in this program and a State Survival Plan, as well as a plan for the City of Detroit, was formulated. The State Survival Plan, except for the portion dealing with the evacuation of Detroit, is not an operational document. It is designed to give planning guidance to the political

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[51]Damon Stetson, "Civil Defense Sees Missile Lag as Opportunity and a Challenge," New York Times, November 19, 1957, p. 17.

subdivisions of the state. There is much skepticism concerning the feasibility of implementing the portion of the plan which stresses evacuation. One official candidly acknowledged that the Michigan plan was forced upon the state, through contract, by the national government, even when most state planners privately expressed a lack of confidence in evacuation.[52]

The resulting state plan has a combination of evacuation and shelter protection plans for its communities.[53] Evacuation is directed for women, children, aged, infirm, and non-essential personnel from target areas, when an attack is anticipated, to pre-designated reception areas outside of the probable critical areas. Shelter is to be provided for non-evacuees and in case of little or no advance warning. The local civil defense director is made responsible for the decision to evacuate or to take cover. This decision is to be based on the best estimate at the time available between the receipt of an attack warning and the probable time of attack. The critical target areas in the state are Detroit, Flint, Grand Rapids, and Lansing. Other cities with populations of between 40,000 and 100,000, and/or five military airfields are designated as secondary

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[52]Statement by civil defense official (name withheld).

[53]Michigan Office of Civil Defense, State Operational Survival Plan, Vol. I (October 1, 1958).

target areas. Within the state, five civil defense areas are created for purposes of operational control (Detroit is located in Civil Defense Area Number 5).[54] The plan envisions a state of emergency to be declared by the president making federal resources available through OCDM. The state forces are to be mobilized under the governor of the state and the director of MOCD. Continuity of government is provided through depth of personnel staffing in all governmental agencies at all levels. The state government expects to evacuate to the State Civil Defense Emergency Control Center on the campus of Central Michigan College at Mount Pleasant. It should be noted, however, that so far no preparations have been made to install communications or provide shelter protection for this headquarters.[55] The legislature has refused to allot the necessary funds.[56]

The Area Control Center for Area 5 is located in the County Building in Ann Arbor (alternate at County Jail, Howell). The plan provides flexibility, thus utilizing any target areas which are not attacked as support areas. All target areas must have evacuation and support plans prepared.

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[54]See Appendix O (Area 5 and Detroit Target Complex).

[55]Statement by Gerald G. Miller, Director of Civil Defense, Washtenaw County, August 24, 1961, at Ann Arbor, Michigan, personal interview.

[56]Statement by William Powell, loc. cit.

The coordination of civil defense activities within target areas is the responsibility of the State Civil Defense Director until Area Control Centers are activated; then the respective Area Coordinator assumes responsibility.[57] Area Coordinators have not as yet been selected. Only recent federal legislation which provided for matching funds has made it feasible to consider staffing the various Area civil defense positions.[58]

Within the plan, the Commissioner of the Michigan State Police is assigned as Chief of Police Services, reporting directly to the State Civil Defense Director. A deputy chief and assistant deputy chief (both State Police officials) are provided for his assistance. The Disaster and Civil Defense Committee of the Michigan Association of Chiefs of Police advises on matters of policy.[59]

The Police Service organization encompasses five Police Service Areas, and includes county sheriffs, city police organizations, fire services, and highway traffic control in its plan. The organizational structure is patterned after the guide recommended by the Office of

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[57]See Appendix P (Command and Control Organization Chart--State of Michigan).

[58]Public Law 85-606, loc. cit.

[59]Meetings are conducted twice a year. Statement by Lt. Donald Oates, loc. cit.

Civil and Defense Mobilization.[60] The normal State Police organization parallels this structure for reinforcement in any emergency situation. Additionally, State Police personnel are assigned as Area Coordinators in the Police Service organization. The Area Coordinator for Police Services is in charge of all local law enforcement agencies within his area, except that the eight State Police districts are not included in the Area Control Center jurisdiction, as they compose the state reserve for police.[61] The Area Coordinator for Police Services works for the Area Coordinator who is in overall charge of the respective State Area and who in turn is responsible only to the Director, MOCD.

The various rural and city police organizations are designed to function under the State Area command. The chief of police of cities of 10,000 or more is designated as Chief of Police Services for his community. In rural areas, the sheriff will be the Director of Police Services with equal authority and responsibility as the city police chief (Chief of Police Services). Assistance is requested through the Area Control Center and if not capable of fulfillment locally, the request is then channeled to the

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[60]Federal Civil Defense Administration, Police Services, Administrative Guide, AG-10-1 (Washington: Government Printing Office, May, 1951, reprinted March, 1958).

[61]See Appendix Q (Michigan State Police Organization During Civil Defense Emergency).

State Director of Police Services. The State Police, as the state reserve, is employed in the area of greatest need.

The Mobile Support Concept

The Michigan Office of Civil Defense concurs with the federally proposed concept of mobile support.[62] It is at the State Area level that mobile support would have to be organized. The idea of mobile support for a target area is integrated into a web defense concept. A target is divided into seven to nine zones which radiate from the assumed target center. Mobile support is organized outside of the target area, preferably even before the attack and funneled along pre-designated routes radially into each zone. Of course, movement and entry will be affected by radiological contamination; allowances for this contingency must be made in implementing plans. Each zone is commanded by a controller and overall control is exerted from a main control center. Extensive capabilities for communication and reconnaissance are prerequisites to the successful completion of mobile support plans. Such plans permit the employment of fresh, shock-free personnel who are trained, equipped, and organized into units in the support area.

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[62]Department of the Army, Civil Defense, Field Manual (FM) 20-10 (December, 1959); also see now obsolete publication, Federal Civil Defense Administration, Principles of Civil Defense Operations, AG-8-1 (Washington: Government Printing Office, July, 1951).

Mobile support forces can be centrally controlled when organized as Civil Defense Mobile Support Groups, each group consisting of approximately 500 to 600 persons.[63] More than one-tenth of this force would be police personnel. It is envisioned that maintaining order and the control of traffic would be their most important mission. Police operations would be conducted in teams of two to six men.[64]

The execution of mutual intra-state assistance plans is envisioned to be accomplished with the assistance of auxiliary police. Auxiliary police are to be organized along military lines, by squads (8-12 men), platoons (3 squads to a platoon), and companies (4 platoons to a company). While some auxiliaries remain behind in their local communities, the regular experienced officers, reinforced by auxiliaries, would be moved to assist in the target area.[65] It is significant to note that since the State Area level of control has not yet been staffed in the State of Michigan, the mobile support concept remains a paper idea and not an operational doctrine. Operational plans for implementing mobile support at the State Area level are not in existence.

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[63]See Appendix R (Civil Defense Mobile Support Group).

[64]FCDA, Principles of Civil Defense Operations, op. cit.

[65]Michigan Office of Civil Defense and Michigan State Police, Training Manual for Auxiliary Police (State of Michigan: January, 1954, revised March, 1959).

The Auxiliary Police Program

In Michigan, the auxiliary police program has gained in importance since the use of volunteer wardens by localities was abandoned as a federal project by OCDM in 1958. While localities may maintain a warden organization of their own, in most communities the functions previously performed by wardens will have to be assumed by police, and particularly by police auxiliaries.[66] The proposed ratio of auxiliaries to regulars is 4:1. However, this ratio has nowhere been achieved in Michigan. Even a 1:1 ratio is not in existence in some counties.[67] Only approximately 10,000 auxiliary police are presently functioning in the state.[68] The Disaster and Civil Defense Committee of the Michigan Association of Chiefs of Police has stressed an appeal to emphasize this program.[69] Training is a particular problem.[70]

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[66]Statement by Edward Gallagher, loc. cit.; also Department of the Army, Civil Defense, op. cit., p. 64.

[67]See Appendix S (Survey of Law Enforcement Agencies of the State Of Michigan).

[68]Comparable national average: national active police strength 270,000; the estimated auxiliary strength 300,000 partially equipped and trained or being trained; OCDM, Annual Report of the Office of Civil and Defense Mobilization for Fiscal Year, 1959, op. cit., p. 20.

[69]Statement by Lt. Donald E. Oates, loc. cit.

[70]See Appendix T (Proposed Training Program for Auxiliary Police).

Most auxiliary personnel are poorly trained.[71] A federal auxiliary training program is available which requires sixteen to twenty-four members for courses in basic, intermediate, and advanced auxiliary police functions, in which the national government can pay up to $160 per course.[72] However, the requirements may be too high. A prerequisite to the course is the completion of the Basic Civil Defense Course and the Standard First Aid Course. Then the three auxiliary courses must be administered in order. Each course is twenty hours in duration.

A new interim Basic Auxiliary Police Course Instructor Guide was published in April, 1961, by the Police Division, OCDM. The course, however, is designed more to teach police auxiliaries normal and routine police duties, stressing public relations, rather than operations in an emergency.[73] The course does not appear to be properly coordinated for emergency action. For example, the type of phonetic alphabet used in the manual deviates from the standard phonetic alphabet used by the military and NATO

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[71]Statement by Commissioner Joseph A. Childs, Michigan State Police, Lansing, Michigan, January 10, 1961, personal interview.

[72]OCDM, Federal Contributions Manual, loc. cit.

[73]See Appendix U (Basic Auxiliary Police Course).

powers.[74]

Apparently, the specific proficiencies required in an emergency are taught in the last stages of the educational program. While this may be sound teaching procedure and necessary for utilizing auxiliary police during peacetime situations, the realities of the world situation seem to require a more aggressive program. Volunteer students cannot be counted upon to attend a total of five courses, each of twenty-hour duration, before they become qualified for emergency duties. The lack of trained auxiliaries offer concrete proof of this contention. It would appear that the federal program is somewhat unrealistic and, thus, not utilized adequately.

Within the State of Michigan, the City of Detroit appears more advanced than most communities with respect to an auxiliary police program. A partially trained auxiliary force of approximately 4,500 is presently in existence, and an expansion to 20,000 is contemplated; however, no target date for this goal appears to exist.[75] As a matter of fact,

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[74]OCDM, Instructor Guide, Basic Auxiliary Police (Interim) (April, 1961), Lesson 7, p. 5, compare with Department of the Army, Operation of Tactical Voice Radio Sets, Department of the Army Technical Bulletin, TB Sig 555-14 (Washington: November 14, 1957), Appendix II, p. 88.

[75]Statement by Inspector Harry Reeves, Civil Defense Officer, Detroit Police Department, Detroit, Michigan, January 4, 1961, personal interview.

the situations in 1961 and in 1956 appear identical.[76]

Certain problems with respect to auxiliaries exist, aside from funds. To maintain interest, certain peacetime missions are assigned. Note, for example, the assignment of auxiliaries to assist regular police patrols in minor emergencies.[77] Careful screening must eliminate the obviously unfit volunteers who can "cause more harm than good in this business".[78] The extent of arming of auxiliaries must be decided.[79] In Detroit, auxiliaries are not armed and arming is not contemplated. While it is acknowledged that arming auxiliaries might prove to be necessary in the future, lack of training has, so far, precluded it.[80] To maintain good attendance during training, an interesting program of instruction and good instructors are essential, otherwise

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[76]United States Congress, 84th Congress, 2d Session, House of Representatives, Committee on Government Operations, Civil Defense for National Survival, Hearings before Subcommittee, May, 1956 (Washington: Government Printing Office, 1956), Part 5, pp. 1687, 1688.

[77]Editorial, "They Aim to Serve," New York Journal American, July 10, 1961.

[78]Statement by Lt. Donald Oates, loc. cit.

[79]Statement by Lt. Col. D. R. Dingeman, Plans and Training Division, Office of The Provost Marshal General, Washington, December 22, 1960, personal interview.

[80]Statement by Peter C. McGillivray, Civil Defense Operations Coordinator, City of Detroit, Detroit, Michigan, February 1, 1961, personal interview.

interest lapses within one year of service.[81]

Mayors, managers, and city councils are generally resisting the idea of training and utilizing auxiliaries, fearing lawsuits.[82] The compensation laws, in case of injury and/or accident, might need amending to protect communities from such suits. This factor may be the real key to the local resistance encountered in employing auxiliaries. To secure fuller utilization of auxiliaries, the national government might have to help in solving this problem with financial assistance by underwriting auxiliaries involved in accidents. State efforts to correct the deficiency have been defeated by the Michigan legislature in 1953, 1954, 1955, and 1957.[83]

The State Police

The Michigan State Police appears as the best prepared, best trained, and best functioning police unit in the State of Michigan. The organization has done much planning and training to meet civil defense emergencies. The State Survival Plan has assigned numerous civil defense missions to this state force.[84] While no specific State Police civil

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[81]Statement by Lt. Donald Oates, loc. cit.

[82]Statement by civil defense officials (names withheld).

[83]Statement by William Powell, loc. cit.

[84]See Appendix V (Detailed Civil Defense Mission Assignment of Michigan State Police).

defense plan exists, the current Standing Operating Procedure for emergencies is flexible enough to be applicable.[85] However, the organization's biggest handicap is its limited size. Its present strength of approximately 900 enlisted personnel permits only about 150 men to be massed in an emergency while simultaneously allowing for minimum manning requirements throughout the state.[86] This force is, of course, insignificant when confronted with such a vast catastrophe as can be expected in case of atomic attack. Such a small force could not be expected to offer material help to the giant Detroit complex. State Police officers realize that there are insufficient law enforcement officers to handle law and order problems in the state during civil defense emergencies, even with National Guard and U. S. Army help.[87]

The organization can be reinforced with only 186 men of the State Conservation Department.[88] Statutory provisions prohibit its expansion by means of auxiliaries, and present official attitudes are against recommending a modification

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[85]Statement by Lt. Donald Oates, loc. cit.

[86]Ibid.

[87]Statement by police officials (names withheld).

[88]Statement by William Powell, loc. cit.; also State Operational Survival Plan, op. cit., Vol. I.

of the law.[89] It is felt that any State Police auxiliary would have to be a semi-military force with obligations to serve in case of emergency in order to be of reliability and value.[90] Politically, this might be difficult to achieve during peacetime. Also, state recruitment of auxiliaries could be considered as in competition with local recruitment.[91] However, it should be noted that local agencies have apparently not fully exploited this means, since auxiliary police strength is uniformly inadequate. The State of Ohio has increased its State Police forces with auxiliaries, and to achieve a semi-military organization has used the American Legion as the sole recruiting base. However, such a method of recruitment can have certain political implications which are not deemed advisable by Michigan officials.[92]

The State Police, aside from normal law and order functions and missions such as mass movements, evacuations of populations, and traffic control, is also in charge of disseminating the attack warning within the state, coordinating fire fighters (since State Police officers are

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[89]Statement by Commissioner Joseph A. Childs, loc. cit.

[90]Ibid. [91]Ibid.

[92]Statement by civil defense official (name withheld).

State Fire Inspectors), rescue, and intelligence functions.[93] Furthermore, the State Police has been designated to provide guards for critical facilities. While this function is, of course, vital, the utilization of this highly mobile and flexible unit for such a mission appears as sheer waste. Certainly other less critical agencies should be able to assume stationary guard functions with adequate efficiency.

The operational headquarters of the State Police at Lansing is not protected against either blast or fallout. Neither have arrangements been made for shelter at the alternate site at Mount Pleasant.[94] The lack of funds provided for civil defense purposes by the state legislature has perpetuated the existence of a major deficiency in the field of law enforcement in the state. An exceptionally fine state-wide police communication net is thereby extremely vulnerable.

IV. THE DETROIT TARGET COMPLEX PLANS

The Detroit Target Complex involves a total of sixteen counties in the State of Michigan, thirteen of these compose State Area 5.[95] To examine the civil defense

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[93] State Operational Survival Plan, op. cit.

[94] Statement by Lt. C. V. Spawr, Operations and Communications Officer, Michigan State Police (and Major, Military Police, Michigan National Guard), Lansing, Michigan, January 2, 1961, personal interview.

[95] See Appendix O (Area 5 and Detroit Target Complex).

preparations for the target complex, the plans of communities and counties within the target area and within the reception area must be considered.

Target Area Planning

The Detroit Target Area encompasses all of the urban and rural areas within a radius of twenty miles from the city limits.[96] It includes all of Wayne County, and parts of Macomb, Oakland, Washtenaw, and Monroe counties. Each county has its own civil defense organization and civil defense director; this is in addition to the civil defense organization of the City of Detroit.[97] Within the target area the city civil defense organization appears predominant.

The Detroit Office of Civil Defense was created as a separate department of the city government by the enactment of the Detroit civil defense ordinance, adopted by the Common Council on November 29, 1954. The mayor has been given the authority to designate the city departments which constitute the civil defense forces of the city and which are required to participate in the civil defense program.

The civil defense organization of the City of Detroit gives the appearance of a well-organized, efficient

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[96] State Operational Survival Plan, op. cit., Detroit Target Area, Vol. III, p. 2.

[97] See Appendix W (Detroit Target Area Organization Chart).

organization staffed with dedicated personnel. Planning under the State Survival Plan has progressed well but no great reliance has been placed on the surrounding community. Such planning reflects a self-help concept for civil defense. This course of action is understandable since the state's Area Coordinator organization has not yet been staffed. Yet self-sufficiency, under the circumstances in which Detroit might find itself, seems unrealistic. Detroit, as a major target city, can expect wide-scale destruction and outside help will be essential.

Detroit has a beautifully constructed and protected civil defense headquarters and a proposed alternate site.[98] But if there were a surprise attack, personnel expected to man this nerve center might never reach it; with one stroke, civilian control within the city could be lost.[99]

The civil defense organization is headed by a civil defense director, supported by a staff composed of the heads of city departments who are designated as deputy directors. (For example, the Commissioner of Police is a Deputy Director.) There are no volunteer committees operating civil defense in

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[98]Civil Defense Headquarters, City of Detroit, is located at 900 Merrill Plaisance, Detroit 3, Michigan; the proposed alternate site is at the Wayne County Training School, Northville, Michigan.

[99]Statement by Lt. Col. David Hagins, Dearborn Sub-Sector Commander and Military Civil Defense Liaison Officer to the City of Detroit, Detroit, April 26, 1961, personal interview.

Detroit.[100] As elsewhere, funds are the limiting factor in training and preparation. When Congress in 1959 refused to appropriate matching funds for administrative civil defense expenses for local and state governments, the city of Detroit cut its budget for civil defense exactly in half.

Detroit has an elaborate evacuation plan based on school districts and evolved from the State Survival Plan studies (see above). The plan encompasses thirteen counties of State Area 5, with five counties or parts of counties designated as evacuation and target areas, and the remainder of these counties plus three northern counties of State Area 4 designated as reception areas.[101] Evacuation of approximately 3¼ million residents from an area encompassing 1165 square miles is contemplated. One-way road systems, patrolled and guarded by local law enforcement agencies are established. No entry into the target area will be allowed. Fifty evacuation routes consisting of 117 traffic lanes with a traffic volume ranging from 1000 to 1500 vehicles per hour are designated and a speed of 35 miles per hour is prescribed. (Five people per car are assumed.) All vehicles are directed to move to the nearest evacuation

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[100] United States Congress, Civil Defense for National Survival, op. cit., p. 1685.

[101] See Appendix X (Civil Defense Operational Channels for the Detroit Target Complex).

route and then to the designated reception area. Families will be reunited in the reception areas. Utilizing private and commercial vehicles, the plan claims the feasibility to evacuate the city within four hours and fifty-five minutes.

A total of 2,526 police personnel, involving 169 police agencies, are necessary to execute this plan outside of the city limits of Detroit, thus involving almost all of the law enforcement agencies and their auxiliaries in the area.[102] The plan, however, has never been tested. While some, particularly the framers of the plan, believe that it is workable, others are highly skeptical.[103] The assumptions to the plan hold that adequate warning time will be available. Current plans require a minimum of two-hour warning time before the mayor will order evacuation.[104] It would thus seem that only strategic warning could provide the necessary warning time requirement.

The Detroit police force of approximately 4,500 men, although well trained, is considered by some as

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[102]See Appendix Y (Police Requirements for Detroit Evacuation Plan).

[103]Peter C. McGillivray, loc. cit., considers it a workable plan; a more skeptical opinion is offered by Representative Holifield in U. S. Congress, Civil Defense for National Survival, op. cit., Part 5, pp. 1663, 1664.

[104]Statement by Gerald Miller, loc. cit.

insufficient even for peacetime operations.[105] Attempts are being made to expand but it is questionable if sufficient auxiliaries will ever be available to satisfy the need (see "Auxiliaries" above). Even if Detroit is only lightly hit, assistance will be needed in the field of law enforcement. In a major surprise attack, the existing Detroit Police Department can be expected to become inoperative due to heavy casualty rates within the target area.

According to the Michigan State Survival Plan, the Detroit Police Department will be expected to perform the following functions: maintain public discipline, control traffic evacuation, aid in communications, perform reconnaissance, establish police sector headquarters, assist in identification of casualties, and perform other necessary police functions in the various police sectors.[106] The Police Department, if at all possible, will attempt to continue operating through its normal organizational structure of precincts and bureaus, augmented by auxiliaries. Each member of the department has a primary assignment for civil defense conditions. The higher police officials will be dispersed at the Department Headquarters at the Civil

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[105]Statement by Peter C. McGillivray, loc. cit.

[106]State Operational Survival Plan, op. cit., Vol. III.

Defense Control Center and at its alternate site.[107]

For purposes of control and decentralization, the city is divided into twelve sectors. In case of a surprise attack, and on the premise that regularly assigned personnel may not reach their assignments, police are instructed to assemble at six pre-determined rendevous points located at the outskirts of the city. There are no offices or communication facilities at the rendevous points since their only purpose is to assist in the mobilization of police personnel. Police groups are then formed. Provisions are made for the assembly of twelve groups, one per sector. The minimum staffing of a police group is a lieutenant in charge, a sergeant as second in command, and twenty men. Additional men can be added if available and as needed. Continuity of command is insured since the senior officer at any location is designated to take command. The police groups will maintain liaison with their respective sector coordinator, but will operate under orders from the senior police officer at the control center. Thus, centralized control is maintained.[108] The State Survival Plan, however, cautions that

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[107]The Police Department, City of Detroit, is located at 1300 Beaubien, Detroit, 26, Michigan; the department's alternate site is the Civil Defense Headquarters at 900 Merrill Plaisance; further dispersal to the proposed alternate Civil Defense Headquarters at Wayne County Training School, Northville, Michigan is envisioned.

[108]See Appendix Z (Emergency Police Organization for the City of Detroit).

its planning is to be considered only as a guide because of the "unforseeable magnitude of problems" to be encountered during evacuation or post-attack operations; leadership is visualized as the key to success.[109]

The State Survival Plan mentions cooperation with local law enforcement agencies to deal with police problems in reception areas. However, no detailed liaison structure is provided. All requests for outside police aid are to be channeled through the city Civil Defense Director. Since outside assistance through mobile support would appear as the most likely and most promising recovery effort, omission of a specific structure for this contingency appears to be a major deficiency in city planning.

Reception Area Planning

In the counties surrounding the expected target area, scores of political subdivisions exist, and each community has developed its own civil defense program to the extent it considers practicable. Present efforts of state and county governments to weld these programs together have had comparatively little success. The weighing of two opposing problems, the problem of self defense versus the problem of assisting nearby communities, is brought sharply into focus by the lack of resources and funds. Public apathy has

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[109] State Operational Survival Plan, op. cit.

further complicated the problem. Not one community in the vicinity of Detroit can be considered ready to meet a civil defense emergency.[110]

The leaders of political subdivisions of the state consistently refuse to yield to any approaches which might be considered as infringements of their areas of jurisdiction. Frictions between cities and counties on the one hand and the state organization on the other are particularly involved. The personalities of some of the civil defense directors have clashed sharply in the past and this has presented an impediment to planning.[111] Mutual aid agreements have been resisted by some cities,[112] and a general disrespect is noticeable by regular personnel toward part-time volunteers.[113] The results of such controversy are a sporadic and fragmentary effort in civil defense preparedness. Some counties seem well organized while others are totally lacking in civil defense preparedness. However, the

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[110]Statement by Lt. Col. David Hagins, loc. cit.; also U. S. Congress, Civil Defense for National Survival, op. cit., Part 5, p. 1723.

[111]Statement by civil defense official(name withheld).

[112]For example, Ann Arbor.

[113]Statement by Gerald Miller, loc. cit.; also statement by Glenn Leonard, Public Safety Director, Oak Park, August 24, 1961, Oak Park, Michigan, personal interview; and statement by Lt. Ray Magett, Civil Defense Coordinator, Pontiac Police Department, August 24, 1961, Pontiac, Michigan, personal interview.

unanimous consensus of all civil defense and police officials contacted was that the civil preparations to cope with a nuclear disaster were totally inadequate and that control would be lost. A spot check revealed the following conditions:

Livingston County.[114] The Civil Defense Director of the county is a part-time Township Supervisor and farmer in the community. A civil defense Survival Plan exists but its content is not highly valued since approximately ten different plans have been published during the last six years. The county has a population of 40,000 which expands to 120,000 during the summer vacations. This indicates that a considerable number of evacuees could be received during the "off-season" (any time except summer). The limitations in absorbing refugees in the summer have not been considered in the plan. The civil defense plan uses the existing agencies of county government to implement its objectives.[115] According to the County Survival Plan, the sheriff's department has been assigned responsibilities for five missions: (1) attack warning, (2) traffic control, (3) law enforcement, security, and intelligence, (4) rescue, radiological meter

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[114]Statement by Sheriff Lawrence Gehringer, Howell, Michigan, August 24, 1961, personal interview.

[115]See Appendix AA (Livingston County Survival Plan Organization).

readings, and (5) auxiliary and communications.[116] The odd grouping of missions might be noted.

The strength of the sheriff department is fourteen men and the organization can be expanded with twenty-five partially trained auxiliaries. The force is considered inadequate for routine operations by the local sheriff.[117] In case of emergency the traffic problem within the city of Howell alone would force commitment of the entire manpower available to the sheriff, plus the city police force (grand total approximately 60 men) at that locality. Routes 16, 59, and 155 converge into the city, and particularly Route 16 could be expected to carry a heavy load of refugees from Detroit. While the traffic problem within the county would overwhelm the existing police force, other missions would be completely ignored. Radiological meter readings could not be accomplished since neither equipment nor trained operators are available. (Most of the deputies are ex-military men, but could not be expected to know how to utilize meters without training.) While the plan prescribes the mission of police support to other counties and/or cities, no thought has been given towards compliance because

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[116] *Ibid.*

[117] Statement by Sheriff Lawrence Gehringer, *loc. cit.*

of lack of personnel.[118] The county is ill-prepared for an emergency. It has a paper plan which is unrealistic and has not been able to exploit its resources towards marshaling manpower and equipment for emergency operations.

Washtenaw County.[119] Four townships in Washtenaw County are located in the C-Damage ring (moderate damage expected), assuming a twenty-megaton bomb is dropped on Detroit, and would be evacuated in case of an officially ordered target complex evacuation.[120] The remainder of the county is a reception area for the township's 66,000 evacuees and for certain separated families and injured refugees who could find space in the largest medical installation of the state, at Ann Arbor. All other refugees from Detroit are to be routed non-stop toward the support area in the west (toward Battle Creek). Washtenaw County will be in the path of a great percentage of evacuees and the traffic problem is expected to be staggering. Inadequate police staffing exists for this mission. The man responsible for realistic planning within the county is the dynamic and resourceful full-time county Civil Defense Director, a former army

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[118]Milton Conine, Civil Defense Director, Livingston County Survival Plan, Annex D, undated, p. 1.

[119]Statement by Gerald Miller, loc. cit.

[120]For definition, see Chapter I, Definitions of Terms Used.

officer.[121] For example, to assist traffic control during emergency evacuations, it is planned that semi-trailers will be confiscated and placed to block side roads to insure undiverted movement along the evacuation routes. To achieve optimum organization, the county has been divided into eight zones for purposes of control.[122] An expensive radio control system has been installed in the County Building at Ann Arbor from where the Civil Defense Director can issue his instructions. Fallout protection for the basement control center is the next step in emergency preparations. All of the county government has been integrated into an emergency plan. A total of 170 radiological measuring instruments have been purchased and await distribution; trained operators are available. The civil defense program has been a steady pressing force, convincing the Board of Supervisors to invest reasonable funds for emergency action. In most phases of civil defense, planning appears extensive and organization towards action appears excellent.

In the police field, however, the picture appears bleak. While three auxiliary police organizations are in existence in Ann Arbor, Ypsilanti, and Chelsea, local

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[121]Washtenaw County Civil Defense Director, Gerald Miller.

[122]See Appendix BB (Washtenaw County Civil Defense Organization).

police personnel will acknowledge that their forces are totally inadequate to handle the expected problem. The sheriff is in charge of all police services. Excellent relations exist between the sheriff and the police chiefs of the communities[123] (a situation which is not always in existence elsewhere). Police planning has been conducted successfully through committee work of the police chiefs, the sheriff acting as chairman. Mutual aid agreements have been accomplished except for the city of Ann Arbor where a personality clash between the county and city Civil Defense Director has precluded an agreement.[124] The sheriff has received an appropriation for a training officer (a full-time lieutenant), who will be involved in civil defense functions for a considerable part of his time. The Civil Defense Director hopes that the Police Service Plan will then be written up. However, a considerable increase in trained police forces within the county will be required in order to accomplish any extensive law and order plan.

While reasonable measures are being taken for internal operations within the county, no thought has been given toward furnishing of forces for mobile support. The lack of existence of a State Area organization within the state

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[123]Statement by Gerald Miller, loc. cit.

[124]Ibid.

appears to be the cause. There is also a lack of confidence in the MOCD. To partially compensate for the void, an unofficial Area 5 (13 counties) Directors Association has been formed. This organization is designed for the informal discussion of mutual problems and the counties near Detroit are well represented. However, this organization is not designed nor equipped to substitute for the lack of State Area staffing.

It is generally acknowledged that the civil defense forces of the county may be overwhelmed, particularly if simultaneous strikes should develop in Detroit, Grand Rapids, and Flint. The lack of shelter and the potential 3½ million evacuees can pose an insurmountable problem. If control is lost by police forces, a call for martial law is contemplated by local authorities. But if overall control is lost, the only hope remains in instances of spontaneous leadership which might arise locally. A pool of 10 million World War II ex-soldiers could provide the cadre for such action. So far, no efforts have been made toward organizing this manpower for civil defense.

Pontiac, Michigan. The city of Pontiac has a new Survival Plan dated June, 1961. Up to that time, and for the last eight years, the city was poorly prepared for civil defense. Local officials admitted that paper programs existed for the purpose of securing funds from the state and

national government; but no one had taken civil defense seriously.[125]

Mutual aid agreements are in existence between the city of Pontiac and nine neighboring communities. These were drawn up in response to normal cooperative efforts. Under this concept, police forces could be assembled for mobile support, as had been accomplished subsequent to the Flint tornado of 1953. However, no overall plan to meet a civil defense emergency exists. The strength of the police department is 110 men. Effective September 6, 1961, a police auxiliary force was being formed in accordance with the new Survival Plan, prescribing a formula of 4 auxiliaries per 1,000 population.[126] As an initial contingent, 32 members have been accepted for a twelve-week training course patterned after, but not in strict conformance with, state and federal training programs. At present, Pontiac police officials do not contemplate requesting federal matching funds because of the administrative problems involved in complying with federal specifications.[127]

According to the local Survival Plan, the Police Division is given the missions of (1) protecting life and

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[125]Statement by city official (name withheld).

[126]340 men per 85,000 population.

[127]Statement by Lt. Ray Magett, loc. cit.

property, (2) preserving the peace, (3) enforcing the laws and emergency measures, (4) controlling sabotage, looting, mob hysteria, and panic, (5) coordinating mass movements, (6) rendering first aid and performing light rescue work, and (7) operating communications and warning facilities.[128] The Chief of Police heads the Police Division and is designated Deputy Civil Defense Director for Law Enforcement, responsible only to the City Manager (Director of Civil Defense). While mutual aid is provided by police agencies of seven other communities, the State Police, and industrial plant police forces, no arrangements for mobile support in a civil defense emergency have been considered. The plan appears as a workable operations plan for internal emergency conditions (such as natural disasters); it is, however, inadequate if emergency assistance to Detroit is to be implemented.

Oak Park, Michigan.[129] Within the target complex, but outside of Detroit, all civil defense planning appears to cease beyond the Wayne County line. For example, the city of Oak Park, with a population of 36,000, does not have an operational plan for civil defense.

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[128]Pontiac, Michigan, Pontiac Survival Plan, Annex D (Police Division), June, 1961.

[129]Statement by Glenn Leonard, loc. cit.

In Oak Park, the Director of Public Safety is appointed Civil Defense Director; however, no funds are allotted to develop staffing for this function. Since primary responsibilities in the field of police and fire services are full-time functions for a Director of Public Safety, no time remains available for civil defense responsibilities. The problems of civil defense appear discouraging at all levels. From the national government, counterpart funds are not obtainable since no approved Survival Plan exists. In any case, the city administration claims that the city cannot afford the delay in reimbursements, nor does it wish to be subjected to federal controls.

The state civil defense organization conducts periodic meetings which, however, are considered repetitious by the local civil defense officials attending, and the complaint is voiced that no concrete operational guidance is being provided by the state. Local officials acknowledge that the biggest problem which exists is the organizational void at the State Area level. Local communities will not yield jurisdiction on their own initiative. The informal organization of county directors can only be used for debate. An Area Controller with legal responsibility and command authority is a necessity for realistic planning and for organizing the target and support areas.

Oak Park has a sixty-man Public Safety (merged fire

and police) force. Additionally, sixty trained auxiliaries are available. Further expansion of the auxiliary contingent has been considered, but difficulties in training and maintaining interest has forced abandonment of greater efforts. Traditionally, police and fire forces can pull together in an emergency. Fourteen cities in Oakland County are banded together by routine mutual aid agreements, but these agreements are not based on civil defense emergencies. Mobile support concepts are not included. In spite of a fine nucleus of police and auxiliaries, the civil defense program in Oak Park must be considered a failure with no funds, no personnel, no equipment, and no realistic plan.

V. THOUGHTS FOR CONSIDERATION

The civil defense efforts for the Detroit Target Complex are concentrated in the city of Detroit. The out-county area (reception area) presents a picture of uncoordinated and often only meager efforts toward self protection without consideration of supporting Detroit under emergency conditions.

Close examination of the inherent problems of the present Detroit Survival Plan can give police officials an insight into the overall difficulties and ramifications of police participation in this type of emergency. The controversy concerning evacuation (i. e. whether potential evacuees

are physically safer in the reception or in the possible target area), should alert police planners to be prepared for either contingency. Due to the numerous uncertainties and surprise factors which cannot be predicted prior to an attack, the present Survival Plan, from the police standpoint, should be considered as a "type movement plan" which can provide valuable planning guidance for post-attack remedial evacuations of large segments of the population within the State of Michigan.[130] Police must not rely on the belief that the present plan will be implemented in accordance with the precisely prescribed formula. Flexibility to meet any actuality must be the key to realistic police plans.

Organizational Problems

To analyze the major source of difficulty in the operational civil defense plan for Detroit, it becomes quite clear that organization and staffing at the State Area level, the most critical level of control, is lacking. The importance of area organization was recognized by the Project East River review committee in its 1955 report, wherein it recommended that the metropolitan target zone be utilized as a basic unit for civil defense planning and operations; it specified that regions rather than cities

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[130]Statement by civil defense official (name withheld).

must be considered as an entity.[131]

One of the difficulties in organizing an effective State Area organization is that this political entity of government (e.g. the combination of several counties into a political subdivision) does not exist in normal governmental operations. Thus, the State Area level must be improvised for civil defense purposes since hydrogen bombs will not respect the existing political boundaries. It is generally recognized that the problem of State Area authority is not solved and "no one seems to know quite how to solve it".[132]

Once proper State Area level organization is provided, an operational State Area plan is essential. The plan must provide for mobile support within the concept of local emergency planning. This will require a greater emphasis on development of larger auxiliaries. The national guidance on mobile support does not specify how such forces can be assembled under existing political jurisdictions. If the auxiliary program were centralized under State Police control, the problem could be solved. However, in view of current political opinions in the state, such a program

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[131]Otto L. Nelson, Chairman, 1955 Review Committee, Review of the Report of Project East River (Associated Universities, October 17, 1955).

[132]U. S. Congress, Civil Defense for National Survival, op. cit., Part 1, p. 40.

would be almost impossible to be adopted until the emergency would make it too late for implementation.[133] An alternate practical solution must be found. It is proposed that the zonal breakdown within the counties (see Washtenaw County above) might provide the proper basis for auxiliary development. The major city in each zone might be made responsible for furnishing a determined auxiliary allocation, commensurate with its population strength (platoons or company-strength units). Adjoining townships and towns would be satellites of the major city to help furnish personnel for an emergency auxiliary. Township contingents would be integrated into major city forces for command and control during an emergency. The plan must then be tested on a State Area basis. It must be remembered that poorly trained units are better than untrained units. An emergency training course should be implemented which can later be expanded with additional instructions to develop an emergency auxiliary into a truly auxiliary police force. But the need exists for immediate manpower; this emergency need must be met before ideal solutions can be applied.

Control Problems

It is at the State Area level that the most capable personnel must be placed. This is not only true in the

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[133]Statement by Michigan state officials (names withheld).

police field but for all other functions as well. Most important, the Area Coordinator must be a decisive and influential personality who can insure that his orders and those of his staff are obeyed. The problem appears to be partially solved in the State of New York. There, the civil defense director of the larger cities is the deputy state director for the respective metropolitan area and, thus, would function as an area coordinator.[134]

In Michigan's Survival Plan, under each Area Coordinator, a Police Service Coordinator is provided. Current plans contemplate the staffing of this post with a sergeant of the State Police. The lack of field testing of the State Area paper organization may have beclouded the problems which are involved and may have resulted in a gross underestimation. Closer examination should make it obvious that present staffing is totally inadequate. To organize effective mobile support for Detroit, the author visualizes division-size forces (15,000--20,000 men) if the effort is to have any impact and result.[135] We must further recognize that there are a vast number of police agencies involved in the law enforcement field within the state. The requirement

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[134]Statement by Peter C. McGillivray, loc. cit.

[135]Note the extensive forces employed in domestic and foreign disaster situations, specifically in Detroit race riots, and military forces employed in the Battle of London and in Hamburg, see Chapter II above.

to group these agencies for purposes of command and control and the fact that the span of control must be limited (ranging from 3-15 subordinates, depending on the function and level of command involved), should make it evident that the appointment of only one Police Coordinator for an entire State Area is completely unrealistic. An extensive supporting staff will be essential. Detailed planning would be necessary and tests need to be conducted before a suitable staff structure could be formulated. The designation of a sergeant of the State Police to fulfill this critical post is as unrealistic as appointing him Police Commissioner for Detroit. Certainly the job entails equal, if not more responsibility, if the functions are to be properly exercised. The inadequacy of this appointment and the difficulties it would entail in obtaining the support of the sheriffs, and police chiefs in the area, have been voiced by personnel concerned. A high ranking State Police officer should be utilized for the job.[136]

The title "Coordinator" appears also as a bothersome problem. While technically the governor has the emergency authority to "order" all police within the state to comply with issued instructions, the term "Coordinator" has a disturbing connotation of voluntary compliance by local

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[136]Statements by Sheriff Lawrence Gehringer, Glenn Leonard, and Gerald Miller, loc. cit.

units. Admittedly, the term is being used to make the concept more palatable for public relations purposes.[137] However, this might create confusion in stress situations when all police agencies are to be brought under direct state control. The concept is, of course, a divergence from normal practice, wherein mutual support agreements are formulated on a voluntary basis. Certainly the obligatory nature of response to commands must be clearly defined so that everyone will understand his responsibilities under centralized command in an emergency.

Planning Problems

The Michigan State and Detroit Survival plans require yearly revision for realistic appraisals of existing problems. Although yearly revisions had been envisioned in the 1955 Review of the Project East River Report, no general revision of the State Survival Plan has so far occurred.[138] It is only by review that a proper focus can be placed on the major deficiencies and weaknesses, thus concentrating corrective measures at the weakest links within the plan. The Federal Government should play an active part in such reviews. It should examine local plans and match them

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[137]Statement by civil defense official (name withheld).

[138]Nelson, loc. cit.

against pre-determined minimum standards. Weaknesses beyond the scope of state resources must then be considered by the Federal Government to achieve appropriate solution. It has been suggested that vast amounts of federal funds will be necessary to rectify the civil defense void in Michigan.[139]

One of the major planning problems is the acceptability of the premise of the feasibility of evacuation. Implementing police civil defense plans must take the premise under consideration. Evacuation as a policy was criticized by Congress as long ago as 1956 as "dangerously shortsighted" since adequate warning time could not be guaranteed, and "fanciful" because of the fallout problem.[140] Even allowing for the assumption of timely warning, success of the Detroit evacuation plan is far from sure. The following factors must be considered:

1. Panic might develop by families trying to reunite (the present plan calls for family reunion only in reception areas).[141]
2. Unofficial evacuations (i.e. without official sanctions) might disrupt order and direction of movement.

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[139] U. S. Congress, Civil Defense for National Survival, op. cit., Part 5, p. 1720.

[140] Ibid., Part 1, Foreword, and Part 5, p. 1632.

[141] Ibid., pp. 1633-1636.

3. Precise public reaction under emergency conditions cannot be predicted.

4. So far, no specific numerical distribution and assignment of evacuees in reception areas has been accomplished.[142]

5. Insufficient shelter against radioactive fallout is available in areas designated to receive refugees.[143]

From the police standpoint, there are other problems. For example, the problem of maintaining law and order in the evacuation areas has not been particularly considered. No general plan for this is in existence. While detailed traffic planning has been conducted, the lack of tests and exercises precludes assessment of the feasibility of present plans. Certainly the coordination of so many police personnel belonging to so many police agencies is not a simple problem which can be expected to be solved perfectly on paper and work satisfactorily on the first trial. On the other hand, what if there is to be no evacuation? Officials acknowledge that because of the chances of insufficient warning, it may not be practical to move people from Detroit. Their chances in basements might be better than on the road,

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[142]Statement by Lt. Donald Oates, loc. cit.

[143]U. S. Congress, Civil Defense for National Survival, op. cit., Part 5, p. 1720.

in case of fallout.[144] Certainly, local self-sustaining action will be vital since transportation and communication facilities should be assumed as severed, and area and state-wide operation will not be feasible. Such conditions might last for six weeks.[145] There appears a real need to strengthen local police organization to sustain a six-week operation. This type of planning has been grossly neglected up to now. The federal Police Advisory Committee could do much in sponsoring and requesting appropriate university research studies to deal realistically with presently unsolved problems.

Overall Estimate of Civilian Planning for Detroit

It appears that under present plans local authorities will be unable to cope with the law and order problem arising from a nuclear attack within the Detroit target complex. While the total picture may appear bleak, there are many encouraging signs.

Accomplishments

1. Certain communities have accomplished outstanding progress in internal civil defense preparedness.

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[144]Statement by Peter McGillivray, loc. cit.

[145]Statement by William Powell, loc. cit.

2. Most civil defense officials are dedicated, devoted, and sincere public servants, accomplishing the utmost in face of hard obstacles.
3. The Michigan State Police is an effective and efficient, though limited, mobile reserve.
4. Local makeshift arrangements have been attempted to overcome higher level deficiencies.
5. Efforts toward improvement are generally noticeable.
6. Detailed administrative planning has been conducted.
7. Considerable emphasis has been applied in the field of emergency traffic control.
8. Seminars are being conducted by OCDM for local police officials.

Deficiencies

1. Inadequate legislative financial support has been provided for civil defense.
2. Federal assistance is often ineffective; guidance and persuasion appear to have failed as a policy.
3. Federally delineated minimum standards for community civil defense preparations do not exist.
4. A centralized, permanent Disaster Police Supervisor course under the auspices of the OCDM Staff College for police administrators is lacking.

5. Inadequate operational planning exists.
6. Yearly review of planning has not been accomplished.
7. The State Area level of operations, the most critical level, has not been activated nor properly staffed.
8. No operational mobile support plan has been developed.
9. Overall planning emphasis is based on assumptions of limited validity, such as the feasibility of evacuation.
10. The effectiveness of police planning has not been adequately tested.
11. The police command structure requires clearer definition.
12. Inadequate police personnel staffing to meet emergency conditions exists throughout the state.
13. The present police reserve is inadequate in strength and over-committed with missions.
14. Major portions of present police auxiliaries are located within the potential impact areas.
15. No standing operating procedure for a state-wide mobilization of Police Service, in case of alert, exists.

16. Effective emergency integration of all law enforcement agencies within a county under a centralized command does not exist.

Some Unanswered Critical Questions

1. What is the reliability of present police and auxiliary personnel--will they report for duty in times of emergency?
2. How can a large, well-trained police auxiliary be created?
3. How can mass hysteria and panic be controlled?
4. How can the present civil defense organizations gain prestige and public support?
5. Can the delay between bomb explosion and fallout be exploited in police planning?
6. Is emergency shifting of population from expected fallout areas feasible with adequate police planning?
7. What is the proper police staffing for State Area control?
8. How can the national government concretely help local police planning and preparations?
9. How can integration of all law enforcement agencies under centralized command be best accomplished?
10. How can the activities of Police Advisory Councils be strengthened?

Assessment. Even if existing deficiencies are aggressively attacked, local and state civil authorities will not possess the capability for self-supported recovery. Federal forces will be required to support or implement the enforcement of law and order. Military planning towards this objective will be considered in the following chapter.

CHAPTER V

MILITARY ORGANIZATION FOR LAW AND ORDER IN CIVIL DEFENSE

The former Secretary of the Army, The Honorable Wilbur E. Brucker, has pointed out that "sizable military forces may be required for employment in civil defense and substantial military forces may be necessary to assure national survival". The army's responsibility to offer "effective assistance" in civil defense would be second only to its combat responsibility.[1] It is apparent that currently efforts are being undertaken to strengthen the role of the military in civil defense.

I. ORGANIZATIONAL CONCEPTS

The announced reassignment of civil defense functions within the Federal Government, as delineated by President Kennedy in his public address of May 25, 1961, will have numerous and yet unknown ramifications.[2] While civil defense remains civilian in nature and leadership,[3] it appears

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[1]"Civil Defense High in Army Mission," Army, Navy, Air Force Journal (July 22, 1961), p. 16.

[2]"Transcript of Kennedy Address to Congress on U. S. Role in Struggle for Freedom," New York Times, May 26, 1961, p. 12.

[3]Office of The White House Press Secretary, News Release of The White House, July 20, 1961.

obvious that the armed forces are to play a larger part within the overall program. In an Executive Order issued in July, 1961, the President reassigned from the Director, OCDM, to the Secretary of Defense responsibilities for the fallout shelter program, the chemical, biological, and radiological warfare defense program, alert warning and communications system, and the program to assist the state and local governments in various post-attack community services, including the maintenance of law and order.

According to present organization, a small Office of Civil Defense, not of departmental stature, but reporting directly to the Secretary of Defense, will function as a separate civilian-controlled entity, within the Department of Defense.[4] A total of 1,200 of the 2,000 federal employees of OCDM were transferred to the Department of Defense effective August 1, 1961.[5] It is likely that the Department of the Army may receive a more active and involved role in civil defense operations. The 1961 international crisis in Berlin lent impetus to emergency action; budget allocations for Fiscal Year 1961-62 were increased to allow for expansion in civil defense operations, especially in shelter surveys.

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[4]Statement by Edward Gallagher, Deputy Director, Police Division, OCDM, Battle Creek, Michigan, August 16, 1961, personal interview.

[5]"Kennedy Shifts Civil Defense to the Pentagon," The Washington Post, July 21, 1961, p. A2.

But not until some time has passed will the full impact of the president's plan be discernible.

Differing Proposals

It may well be that a fourth department in the defense establishment, a Department of Civil Defense, will eventually have to be created as proposed by some military planners.[6] Under such military concepts, the strength ceiling for reserve components would have to be raised and civil defense units would be made a part of the national military reserve component structure. Civil defense rescue groups might be formed commanded by a type logistical command, cellular in structure. Such organizational changes would be aimed at rectifying manpower deficiencies and providing civil defense with a more dignified position in the Federal Government. Furthermore, such changes would attempt to eliminate the parochial planning concepts based upon political jurisdiction whose boundaries no bomb will observe. The advantages of civil defense as a fourth department in the Department of Defense structure have been discussed in Congress and it has been noted that such a step would clearly establish civil defense as a part of the total national defense program. Closer integration of military and civil

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[6]Col. Edwin W. Weisman, "A Paramilitary Civil Defense Corps for CONUS," (Thesis, U. S. Army War College, Carlisle Barracks, Pennsylvania, March 19, 1958).

defense considerations would be accomplished, facilitating the transfer of excess and surplus military stocks to civil defense uses and possibly increasing the willingness of Congress to support civil defense budget requests.[7] However, such organizational changes have been vehemently opposed in the past by the military, although encouraged by many governors and mayors.[8] Present organizational changes appear to be tailored toward taking advantage of most of the improvements listed.

In a somewhat different approach, future organizational changes could transfer civil defense functions into the present Department of the Army structure as a separate branch or even to be integrated into a present branch of service; for example, as part of the military police.[9] If a civil defense mission were to be given to the Military Police

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[7]United States Congress, 85th Congress, 1st Session, House of Representatives, Committee on Government Operations, "Status of Civil Defense Legislation," Eighth Report by the Committee on Government Operations (Washington: Government Printing Office, 1957), p. 26.

[8]United States Congress, 84th Congress, 2d Session, House of Representatives, Committee on Government Operations, Civil Defense for National Survival, Hearings before Subcommittee (Washington: Government Printing Office, 1956), statements by Admiral Radford and General Taylor, Part 2, pp. 343, 344, 430.

[9]Statement by Lt. Col. David R. Dingeman, Plans and Training Division, Office of the Provost Marshal General, Washington, June 27, 1961, personal interview.

Corps, extensive expansion of the Corps would be required as occurred during World War II. During that war, eighty-nine military police battalions were formed for the purpose of performing internal security duty under the Internal Security Division of the Office of the Provost Marshal General.[10] Additionally, an extensive auxiliary military police program was inaugurated wherein civilian guards became subject to military discipline and the Articles of War. A total of 200,000 auxiliary military police personnel were thus employed at the peak of expansion in the summer of 1943. Such an auxiliary program might provide a guideline for future utilization in civil defense. Further study is, of course, necessary. The biggest criticism of this type of reorganization is that civil defense would be too far removed from executive control and could lose in stature. If maximum stature were desired, a fourth department would need to be established.

Some Reservations

There are many local civilian administrators who fear the over-concentration of power within the national government as a threatening violation of states' rights, and many particularly fear the threat of "militarism".[11] Up to the

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[10]Office of the Provost Marshal General, World War II--A Brief History (Washington: undated).

[11]Statement by civil defense official (name withheld).

present, the organization and authority of federal civil defense agencies have stressed avoidance of such criticism; but by the same token such agencies have in many ways been ineffective.[12] It remains to be seen if the lessons of the past which appear to demand some centralization of authority for civil defense preparation and organization will eventually be applied, overcoming objections and suspicions due to the mandates of necessity for survival.

Under current concepts, military support to civil authorities is an emergency task within the mission of all active and reserve forces of the army, navy, and air force, when essential military requirements will permit. It is, however, not a primary mission,[13] although it has been acknowledged that the military situation might require military participation in civil defense operations, regardless of the criticality of the military mission, in a desperate effort for national survival.[14]

Consideration must also be given to the fact that military bases and installations are primary targets in a

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[12]See Chapter III (Historical Aspects of U. S. Civil Defense).

[13]U. S. Army, CONARC Basic Plan, Vol. IV, Chapter 4, with Change 13 (Fort Monroe, Virginia, April 23, 1957).

[14]Stephen S. Jackson, "The Role of the Military in a Civil Defense Emergency," An Address to the Industrial College of the Armed Forces, L60-160 (Washington: March 25, 1960), p. 3.

nuclear war. Remnants of military forces subjected to a nuclear attack may be heavily engaged for some time in their own relief and recovery operations. In some situations, it is conceivable that civil assistance may be required to re-establish the military.[15] Yet military forces, even if hit hard, have one advantage--organization. The lines of succession are always delineated. The remnants reorganize and carry on to fulfill their mission, provided that their reduced strength is still sufficient to accomplish the objective.[16] Such military forces have the capacity to render assistance and to maintain order. It is the extent of this assistance which is in dispute.

The military establishment of the United States clearly has capabilities within its present structure to expand and accommodate civil defense functions, as may be deemed advisable by political leaders.

II. ORGANIZATIONAL STRUCTURE

At the Department of Defense level, the Secretary of Defense determines the emergency military requirements of the nation and all military resources, personnel, material,

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[15]Statement by General H. E. Dager (Ret.), Special Assistant for Military Liaison, OCDM, in an address to Rotary Club, Battle Creek, July 18, 1960.

[16]Statement by Maj. D. J. Weber, Physical Security and

equipment, and service not required by the military will be made available to support civil defense.[17] Prior to the reorganization of August 1961, the Office of Emergency Planning in the Department of Defense, located in the Deputy Secretary of Defense's office, served as a contact point between Department of Defense and all other governmental agencies in the emergency planning field. It received civil defense requests and transmitted these to the appropriate services for action or comment. It was responsible for establishing Department of Defense policy in dealing with OCDM. Its specific future functions, in view of recent organizational changes, however, are not yet clear.[18] The assignment of civil defense functions to the Department of Defense may vitally alter the role of this office. The expansion of the newly formed Office of Civil Defense must be closely watched to discern the precise Department of Defense involvement in civil defense.

The Department of the Army Role

Responsibility for civil defense and related matters has been assigned to the various services by the Department

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Industrial Defense Action Officer, Plans and Operations Division, Office of the Provost Marshal General, Washington, December 20, 1960, personal interview.

[17]Department of Defense Directive 3025.1, July 14, 1956.

[18]Statement by Lt. Col. David R. Dingeman, loc. cit.

of Defense.[19] The Department of the Army has been made responsible for the planning for emergency military support of operations for civil defense and for coordinating the participation of the Departments of the Navy and Air Force in this activity. It is envisioned that in most localities primarily army resources would be utilized for civil defense missions.[20] The Department of the Army assumes sole responsibility in the field of civilian auxiliaries and auxiliary military police. Department of Defense specifies that planning will include the contingency of instituting martial law operations in case the civil defense organization is unprepared or incapable of operating without military support.[21]

Army regulations prescribe the precise authority and actions available to commanders in case of emergency.[22] The army preparedness for civil defense emergency operations reflects the "ONE ARMY" concept wherein all active and reserve component forces are included in plans for the execution of missions commensurate with capabilities. Department of the

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[19]Department of Defense Directive 3025.1, op. cit.

[20]U. S. Congress, Civil Defense for National Survival, op. cit., Part 2, statement by General Twining, p. 373; statement by Admiral Burke, p. 403; statement by General Taylor, p. 428.

[21]Department of Defense Directive 3025.1, op. cit.

[22]Department of the Army, Emergency Employment of Army Resources--Domestic Disturbances, Army Regulation 500-50, (March 22, 1956).

Army efforts are directed toward the strengthening of the capabilities of civil agencies with emphasis on those at the state and local levels.[23] No special civil defense forces are authorized to be created or even earmarked; however, all army troops have been given the mission of civil defense as a secondary task. Specific commitments of units will depend upon the situation.[24] The authority of commanders to respond to extreme emergency situations in case of communication failure, has been delegated to the lowest level. This effort towards decentralization appears extremely valuable and realistic.

Two types of civil defense missions are envisioned.[25] "Type A Mission" contemplates the use of standard military organization to assist within their respective capabilities. The "Type B Mission" contemplates the use of specialized military units when available, or cadres, to assemble and direct civilian resources, both personnel and material, under conditions of martial law. Cadres are composed, when practicable, of personnel and/or units whose military specialty can be exploited to supervise specific civil defense

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[23]Department of the Army, Civil Defense, Field Manual (FM) 20-10 (December, 1959), p. 74.

[24]Jackson, op. cit., p. 1.

[25]Department of the Army, Civil Defense, op. cit., App. II, p. 108, and pp. 85-90.

operations.

With reference to law and order functions, the employment of the following troop units is recommended:

Military police units should be utilized for traffic control, maintenance of law and order, control of civil population to prevent looting, rioting, and civil disorder.[26]

Civil affairs units should be utilized for manning of control headquarters and assembling and controlling civilian law enforcement personnel for usage separately or in coordination with military police.[27]

Combat arms (infantry, artillery, armor) should be utilized for riot control, guard duty, prevention of looting, plundering, and mass hysteria control. However, such tasks are considered well within the capabilities of most military units since all units must be prepared to furnish their own interior guard. The missions delineated above would merely be an extension of interior guard duties under conditions of martial law. A system of curfew would be necessary and punitive measures might be required to insure enforcement.[28]

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[26] Ibid., App. IV, p. 139.

[27] Ibid., p. 141; also see Appendix CC (Organization of a Public Safety Team).

[28] Ibid., p. 137; also The Provost Marshal General School, "Common Non-Technical Fields in Civil Defense," Instructional Material DA PM 5015 (Fort Gordon, Georgia, March, 1957).

Organized reserve units are particularly suitable for civil defense missions since such units are dispersed throughout the United States with at least one, and in most instances, many units in every designated target area in the United States.[29] The planned and authorized strength of ready reservists of all the armed forces is 2,900,000 men; however, this strength has not been achieved.[30] Furthermore, reserve units are normally slated for other than civil defense missions in case of war.

The CONARC Role. It is the Continental Army Command (CONARC) which has the operational responsibility to coordinate, designate, and guide all military help to civil communities in case of atomic attack, to include assistance rendered by the Departments of the Navy and Air Force, the Marine Corps, and the Coast Guard.[31] The overall guiding doctrine is, of course, the concept that the primary army mission is to fight the enemy in the field. Thus, only such forces which are not needed to immediately fulfill the primary mission can be made available to help in civil defense operations. The corollary to this doctrine is that military

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[29] U. S. Congress, Civil Defense for National Survival, op. cit., statement by Carter L. Burgess, p. 565.

[30] Ibid., p. 567.

[31] U. S. Army, CONARC Basic Plan, Vol. IV, loc. cit.

assistance cannot be counted upon and that civilian civil defense planning must be based on self-help rather than on reliance on military assistance. Under past doctrine, both Department of Defense and OCDM were in complete agreement that "non-military defense is not and will not be a responsibility of the military".[32]

The Department of the Army concurs in this doctrine and requires CONARC to apply it in plans for regular army units, reserve units, and national guard units. Thus, it is the premise of only emergency and minimal help which has received emphasis in CONARC planning for civil defense. But contradictory to this concept remains the ever present threat that martial law may be declared, and that civil defense would then become a primary mission of the armed forces. The CONARC plan provides for both contingencies, (1) support of civil authorities capable of maintaining control, and (2) assumption of complete control under martial law.[33]

The CONARC Plan provides that in case military assistance to civil authorities is authorized in a civil defense emergency, reserve and national guard units will

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[32]Statement attributed to OCDM Director Leo Hoegh by General H. E. Dager in an address to Civil Affairs officers, Fort George Meade, Maryland, August 12, 1960.

[33]U. S. Army, CONARC Basic Plan, loc. cit.

first be employed. As a last resort, regular army units may be committed. Teams of experts are to be utilized for specific missions in preference to instituting military control over entire functions. Military assistance is to be provided in minimum quantities for a minimum length of time, limited to resources not required for the primary military mission. The primary military mission may be defense, training, mobilization, or deployment. Civil control is to be restored as soon as possible. Assistance is thus designed to re-establish law and order and to protect life and property.[34] Minimum application of aid should facilitate easy disengagement in case of military commitment to a primary combat mission.

Historically and constitutionally, troops must remain under military command and cannot be attached to local civil defense organizations for their operational control.[35] Only coordination and specific mission assignments are feasible whenever civil control is maintained over the recovery operation. CONARC has directed subordinate commands to formulate their own specific plans for the contingency of supporting civil defense missions. All units must plan for this mission since CONARC, under Department of the

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[34] Ibid.

[35] U. S. Army, Army Regulation 500-50, loc. cit.

Army direction, has refused to specifically designate any unit for a civil defense mission until after an attack has occurred. Furthermore, no additional funds have been allocated for a civil defense mission.

The Fifth U. S. Army Role. In the continental United States, the six United States Armies under Headquarters CONARC have the responsibility to implement the CONARC Plan. The Fifth United States Army encompasses identical territory under the jurisdiction of OCDM Regions 4 and 6 in an obviously paralleled control structure. The Detroit target complex is in OCDM Region 4 and, thus, becomes the concern of the Fifth United States Army.

The Army commander, at the time of an emergency, will determine the necessity for and the extent of support to civil authorities. He is responsible for the coordination of all military planning, liaison with civil authorities and the other services, and will direct local commanders of military installations nearest a disaster area to provide immediate assistance, as necessary.

In case of communication breakdown between Headquarters, Fifth United States Army, and subordinate installations, no real problem is envisioned. Such a breakdown is plausible since Fifth Army Headquarters is located in Chicago, another target city. Adequate authority has been delegated through army regulations to provide subordinate

commanders with a wide latitude for unilateral action in offering and authorizing assistance to civilian communities under emergency conditions.[36]

Very little civil defense planning is physically accomplished at Army level. This planning has been delegated to the U. S. Army Corps which are actively staffed reserve organizations and have the function of coordinating reserve activities within their respective areas of jurisdiction.[37] In the Fifth Army area, four Army Corps are deployed; the Sixth, Eleventh, Fourteenth, and Sixteenth. For the Detroit target complex, the Sixth U. S. Army Corps at Fort Benjamin Harrison, Indiana, has jurisdiction. There, a general plan is formulated which requires local reserve units to submit their detailed implementing plans in conformance with the broad, general mission assignment provided by Fifth Army. As the detailed plans from the various reserve units throughout the state(s) are submitted, they are coordinated by the Corps Headquarters with appropriate civil agencies. The contingency plans are then channeled upward and coordinated further at Fifth Army Headquarters in the Area Damage Control Center headed by the Fifth Army G-4.

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[36] *Ibid.*

[37] U. S. Army, Headquarters CONARC, Memorandum Number 30, Fort Monroe, Virginia (September 4, 1959).

The Sixth U. S. Army Corps Role. The Sixth U. S. Army Corps expands on CONARC planning. The Sixth Corps plan clearly specifies when military assistance might be given to civil communities. The priority of responsibility for the recovery of the civil community is designated as provided by CONARC directive in the following order: (1) individual, (2) private interest, (3) local, (4) state, and (5) federal government.[38]

Military assistance is included in Federal Government aid but is limited to resources not required for defense, training, mobilization, and deployment. Civil defense missions, if possible, are to be performed by provisional or composite units composed primarily of reservists whose military skills can best be utilized for such a mission.

The plan provides for assistance to civil authorities and for the assumption of complete control over all civil operations under conditions of martial law, when civil authority and control have been overwhelmed or lost. It specifically lists the target complexes of Detroit, Michigan, Indianapolis and Gary, Indiana, for such an eventuality.[39] Under martial law conditions, military cadres are to

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[38]U. S. Army, Sixth U. S. Army Corps Basic Plan, Vol. IV, Annex J (Fort Benjamin Harrison, Indianapolis, Indiana, February 20, 1961).

[39]Ibid., Appendix 4.

assemble and direct civilian resources (both personnel and material) to accomplish restoration of law and order until civil authority is re-established. Such cadres are to be augmented by military emergency teams and civilian resources.[40] The provisional units thus formed would operate as mobile task forces to restore law and order, alleviate human suffering, protect the public health, protect public property, and restore essential services. Active army forces are not necessarily included in the operation; their deployment is contingent upon their availability. Personnel of other services are not considered, since none of their sizable contingents are operational in the area. However, specific emergency teams of regular army units and of other services may be utilized, as necessary, within the concept of the Sixth Corps plan. Cooperation with the Governor of Michigan and local government officials, industry, and labor is desirable provided it does not interfere with the accomplishment of the military mission.[41] The implementation of the military plan is believed feasible within one to four days following a nuclear strike.[42]

The plan's control structure is modeled after concepts proposed in Field Manual 20-10.[43] Cadres are designed to

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[40] Ibid. [41] Ibid. [42] Ibid.

[43] Department of the Army, Civil Defense, loc. cit.

assemble and control civilian personnel and organize them into zone, district, and division commands, as necessary.[44] A district organization is superimposed over a target complex such as Detroit and broken down into zones for purposes of control. Counterpart control is prescribed. For example, the district commander would be the commanding general of the army installation and the civilian opposite to him might be the mayor of the target complex or his designated civil defense director; the provost marshal would have the chief of police as his counterpart. This association of responsibility between military personnel and civilians is continued throughout all levels of the cadre organization.

In the Sixth Corps plan, the 5235th USAG at Ann Arbor is directed to assume command over the specified task force organization of the Detroit District. Other army reserve units assist in the centralized overall control of the district. They compose a reconnaissance group, a medical group, a welfare group, a supply and maintenance group, mass burial group, a transportation group, and a police battalion.[45] The 366th Ordnance Company in Grand Rapids, Michigan, is designated as a police battalion and has the mission to (1) restore law and order; prevent

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[44]Up to six zones constitute a district; two or more districts constitute a division.

[45]See Appendix DD (Military Police Battalion).

looting, (2) establish a place of detention, (3) operate military courts which may be established, (4) protect government property, (5) enforce ordinances and proclamations of the military government, (6) enforce rules for circulation of traffic and personnel, and (7) coordinate with Zone Police Groups.[46]

To further the organization of the district (city), ten zones are created within the city. Each zone is supported by a specific county of the surrounding support area: St. Clair, Lapeer, Livingston, Calhoun, Jackson, Lenawee, Hillsdale, Branch, Washtenaw, and Monroe.[47] Units formed in the respective county will be moved to that particular zone in Detroit. A zone commander assumes command over the zone and directs operations within.[48] Each zonal command has a police group, a medical group, a damage control group, and a service restoration group to assist in its operations.[49] It is significant to note that engineer, signal, ordnance, artillery, and infantry units make up the police groups for zonal support.[50] The total

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[46]U. S. Army, Sixth U. S. Army Corps Basic Plan, loc. cit.

[47]See Appendix EE (Sketch of Support Area Zones).

[48]See Appendix FF (Sketch of Zonal Boundaries).

[49]See Appendix GG (Military Organization Chart for Defense of Detroit).

[50]See Appendix HH (Military Police Group).

manpower requirements for this plan are 209,980 men. Of these, 12,629 are military, and 197,351 are civilian fillers.[51]

It is the Corps Headquarters which would be expected to implement and supervise the conduct of the military plan for civil defense under emergency conditions. This would appear to be a formidable task.

The Role of Regular Army Units. Very few regular army units are located in Michigan. The largest army installation is at Fort Wayne, located within the city of Detroit. Only minimal troops--a medical unit, a small military police detachment, and garrison troops--are stationed there. The units have a disaster plan which can be invoked in case of a civil defense emergency in which rescue teams are formed to assist the civilian community. The teams are directed to be trained in the following: (1) characteristics of a disaster caused by nuclear attack, (2) concepts of civil defense and essential first aid, (3) fire fighting, and (4) rescue operations.[52] Additional training for officers and NCOs is prescribed, including such subjects as the authority, responsibility, and limitations of the military in civil defense emergencies, and implementation

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[51]See Appendix II (Personnel Requirements for the Detroit Operation).

[52]U. S. Army, Sixth U. S. Army Corps Basic Plan, loc. cit.

of martial law when directed by the president. Most of this training has been accomplished. However, the small size of the military police detachment involved (36 military policemen) makes such assistance insignificant.[53] None of the proposed provost marshal teams could be formed by military police at Fort Wayne because of their limited strength.[54] If regular army troops are to be used in Detroit, they might have to be moved from Fort Riley, Kansas.[55] But the regular army units often constitute our emergency striking forces (STRAC and STRAF forces) which surely could not be deployed for civil defense missions. Such forces are needed as our first line of defense in case of enemy ground attack or as a force to counter aggression elsewhere. Regular army units must be considered as our last resort for use in a civil defense mission.[56]

The Role of the Michigan National Guard

The Michigan National Guard appears as a particularly suitable organization which could contribute substantially

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[53]Statement by Major John A. Haas, Intelligence and Operations Officer (S-2 and S-3), Fort Wayne, Detroit, Michigan, July 25, 1961, personal interview.

[54]See Appendix JJ (Provost Marshal Teams).

[55]U. S. Congress, Civil Defense for National Survival, op. cit., Part 5, p. 1678.

[56]U. S. Army, CONARC Basic Plan, loc. cit.

in the maintenance of law and order in cases of disaster. Certainly its history in assisting during natural catastrophes and civil disturbances provides substantial experience for its employment in case of a more serious emergency. Under conditions of a state emergency, the governor has complete control over the national guard; federal forces would require the consent of the governor to be able to exert operational control over the guard.[57] But certain problems exist. Since an atomic attack will bring on war, the national guard expects to be federalized, causing the governor to lose all control over this force. For that reason, the national guard is not integrated in any state planning in Michigan for civil defense. No civil defense mission has been assigned by the governor.[58]

The unit, once federalized, is placed under the control of the Sixth U. S. Army Corps. The Senior Army Advisor (ARNG) of Michigan assists the Corps Commander in planning for the employment of the force.[59] No provisions are made for a civil defense mission in a federalized status under Sixth U. S. Army Corps plans. In view of the lack of

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[57] Ibid.

[58] Statement by Maj. General Ronald D. McDonald, The Adjutant General, State of Michigan, Lansing, Michigan, January 27, 1961, personal interview.

[59] U. S. Army, Sixth U. S. Army Corps Basic Plan, loc. cit.

a civil defense mission assignment from either state or federal authority, relatively little planning and training has been accomplished by the Michigan National Guard towards employment in emergency law and order operations. Since there is no current plan to reinforce the Michigan civil defense effort, effective liaison between the Michigan National Guard and state or federal civil defense organizations is lacking.[60]

CONARC training directives limit the available training time for the national guard in the same manner as for the reserves (see below). The national guard's massing for summer training could provide an ideal medium for a realistic civil defense operation, but presently training is only directed towards fulfillment of a combat mission. Furthermore, equipment necessary for a civil defense mission is lacking. Special equipment, food, and supplies would need to be distributed and stockpiled for civil defense duties. This has not been accomplished.

III. THOUGHTS FOR CONSIDERATION

The magnitude of the potential law and order problem involved after a nuclear attack must not be forgotten. Full-strength divisional forces of military, civilian, and

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[60]Statement by National Guard officer (name withheld).

auxiliary law enforcement personnel may still not be sufficient to maintain law and order in case of a saturation type of attack and extensive lethal fallout in the State of Michigan, and specifically, in the Detroit target complex.[61] On the military side, a complete review of the civil defense role of the army reserve and national guard appears mandatory.

The Mission Problem

Primarily, a realistic decision must be made as to the necessity of military help in case of an atomic attack. The country cannot fight in a war if the population is completely demoralized, decimated, and uncontrolled. If civilian forces cannot be expected to cope with the law and order problem alone, then a civil defense mission must be assumed by the armed forces on a primary basis, at least initially following an attack. While certain military forces must be earmarked for the defense of the Continental United States (for example STRAC forces), and other regular army forces must be earmarked for further mobilization and conscription for a fast expansion of the armed forces, other army forces, such as specific army reserve units and the national guard, should be earmarked for civil defense

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[61]Statement by Major General Ronald D. McDonald, loc. cit.

missions, including the mission of maintaining law and order.

Problems of the Army Reserve. Certainly, the present half-hearted measures taken by army reserve forces in preparing for civil defense can only lead to a feeling of false security at best, and at worst, to a demoralization of the fighting spirit of troop units involved when faced with an impossible task. It is up to the highest military authority to lend impetus to constructive changes. At the lower unit levels, the plea for a logical plan is prevalent among unit commanders.

The Holifield Committee in 1955 recommended that the role of the military forces in civil defense should be clearly defined and that state and local officials should be fully informed as to the terms and conditions under which military assistance to civil defense authorities will be rendered in the event of widespread disaster and the breakdown of civil government.[62] The present concept of "we'll try to give you some, but don't depend on us", does not seem to do justice to this fair and reasonable recommendation.

The army is preparing for the contingency of military assistance to civil authorities and for the contingency of martial law, rendering priority to the first contingency and

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[62]U. S. Congress, Civil Defense for National Survival, op. cit., p. 4.

mainly utilizing the army reserve.[63] The two opposing concepts present a dilemma which cannot be realistically solved in one plan without compromising either or both fundamental positions.[64] The following should demonstrate the dilemma more clearly:

1. The CONARC plan, while stressing minimal help, pre-supposes in its planning assumptions that sizable military forces will be required for employment in a civil defense emergency role.
2. It is the president who is to determine the magnitude of military involvement in civil defense, after considering the military requirements and capabilities after an attack. However, the national communication channels may be cut after a nuclear attack and local commanders will then be forced to make the necessary decisions.
3. While troops should only be employed for a minimum amount of time, planning assumptions state that the period of employment for military forces involved in civil defense emergency missions may be several weeks or even months in duration.

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[63] Jackson, op. cit., p. 10.

[64] U. S. Army, CONARC Basic Plan, op. cit.

4. While the primary mission of the army is a combat role, the planning assumptions note that assistance in a civil defense emergency may be the initial emergency task of the military until resources and bases are sufficiently restored to permit organization, training, and deployment of forces.

5. While determination as to whether a specific unit will execute a military or civil defense mission is to be made after an attack, decentralized operation is considered mandatory in view of severe limitations envisioned for movement and communication.[65]

A certain degree of contradiction can be noted within each proposition delineated above. Contradictions might be reconcilable within a paper plan, but they may not be able to be reconciled when the plan is applied in practice, in the field.

It is true that the army reserve should never be relegated to an air raid warden service, and must aggressively guard its combat role. Certainly the army must be prepared to defend the zone of interior against enemy air or sea attack subsequent to any bombing. But the army may

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[65] Ibid.

assume more than one primary mission provided that additional funds and personnel are allotted for its accomplishment. This has not occurred. Presently, civil defense functions must be assumed as additional missions; thus the army is financially unable to assume a major civil defense mission and operational planning must reflect this difficulty.

Problems of the National Guard. A similar problem exists within the national guard. Officials of OCDM would have liked the assignment of a civil defense mission to the national guard, but the fear that the guard may be relegated to the role of a "home defense force" invited resistance from national guardsmen rather than a willingness to assume this mission.[66] All national guard commanders agree that the federal tactical mission must remain the number one mission for national guard units.[67] Yet guard personnel will readily acknowledge that they could play a vital and constructive role as one of the forces employed in a civil defense disaster. Of course, it is generally acknowledged that the guard does not have the capacity to do it alone.[68]

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[66]Steve Tillman, "Pentagon Against Guard Cut," Army, Navy, Air Force Register (June 3, 1961), p. 21.

[67]Statement by Maj. Gen. Ronald D. McDonald, loc. cit.

[68]Statement by Lt. Col. Clarence C. Schnipke, Office of the Adjutant General, Michigan National Guard, Lansing, Michigan, January 20, 1961, personal interview.

The U. S. Conference of Governors has gone much farther. It is their contention that:

> Governors must demand that the Department of Defense and other agencies of the Federal Government be understanding and give consideration to those state requirements in their analysis of the role of the National Guard in the overall defense picture. The Federal Government is being unrealistic and shortsighted when it bases its decision for National Guard funding on considerations of the role of the National Guard solely on its need as the first-line reserve for the active combat forces.[69]

According to the beliefs of the governors, the national guard is best prepared for a recovery mission with:

> Trained units for special functions such as signal, demolition, road building, bridge construction, medical assistance, mass feeding, camps, transportation, military police, and combat units for internal security to assist in the handling of the large, hysterical and distraught groups of our citizens who will need our care and attention.[70]

A plea was further made by the state governors to keep national guard strength at 400,000 men. But the fact remains that federalization may remove the guard from a civil defense mission. This remains true in spite of remarks made by the former OCDM Director, Governor Hoegh, that only about six national guard divisions are designated M-day (Mobilization day) forces and that the other national guard divisions will

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[69]Ernest Vandiver, "Report of the Conference Advisory Committee on the National Guard," Annual Meeting U. S. Conference of Governors (Glacier National Park, Montana, June 28, 1960), par. 8.

[70]<u>Ibid</u>., par. 6.

be available to the governors for their use and command.[71] The governors may well consider that a general mobilization might occur before any attack is launched and that in such an eventuality, more than six national guard divisions can be expected to be federalized. Once federalized, the guard assumes a primary military mission as any other regular army unit. The Department of Defense insists that these forces are needed for military missions in a national emergency and has urged the states to plan for a substitute--a state defense force.

A State Defense Force. To offset the potential loss of the Michigan National Guard on a federal combat mission, consideration is being given in Michigan to forming a state defense force modeled after the "Ohio Defense Corps" of the State of Ohio. While such a plan is in existence, so far state funds have not been allotted to implement it.[72]

In Ohio, the "Ohio Defense Corps" is designed to take the place of a federalized national guard for state use by the governor. The force is organized at cadre strength with units located in various armories throughout the state. The

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[71]United States Congress, 86th Congress, 2d Session, House of Representatives, Committee on Government Operations, Civil Defense, Hearings before Subcommittee (Washington: Government Printing Office, 1960), p. 121.

[72]Statement by Maj. Gen. Ronald D. McDonald, loc. cit.

number of units and strength within units are optional. Tables of Organization are modified from like units of an infantry division, and are subject to change at the dictates of necessity.[73] Training is conducted in accordance with stated missions emphasizing specialist training and leadership. Military police manuals, directives on traffic control, security, and other subjects are being used as training guides. The main objective of the cadre force is to be able to expand and give assistance to local authorities in case of emergency. Assistance can be provided to local government and police to restore law and order. As required by the specific mission, the force can operate as a battalion, a regiment, or a unified command.[74]

The force is staffed with many personnel who have had prior military experience and should know how to act in an emergency. It is supported strictly through state funds and an annual budget of $90,000 is allotted. The primary mission of the force is a civil defense assignment. The extent of expansion will depend on its mission. Such forces have also been created in California, Texas, and Indiana in response to Public Law 364 which provided the states with

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[73]See Appendix KK (Organization of Ohio Defense Corps).

[74]Statement by Col. Harold O. Linscott, Chief of Staff, Ohio Defense Corps, in a letter dated February 27, 1961; also Adjutant General Department, State of Ohio, Ohio Defense Corps, (Columbus, Ohio, June 15, 1959, Manual).

the necessary authority to organize and maintain such forces.[75] The state defense force is not subject to federal call. The military has considered the organization of state defense forces as essential. "They might mean the difference between organized recovery and chaos in coping with mass panic, dislocation, and serious refugee problems".[76] The army encouraged dependence upon them rather than upon the national guard or army reserve and has proposed the development of mutual support plans between the state defense forces of various states.[77] But it was soon evident that more vigorous exploitation of Public Law 364 would be necessary before any dependence could be placed nationally upon this concept.[78]

While the Michigan legislature has so far been reluctant to consider the matter, such a force appears as an essential element for preserving law and order subsequent to a nuclear attack.[79]

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[75] 64 Stat 1072, (Public Law 364), 84th Congress, 1st Session, August 11, 1955.

[76] U. S. Congress, Civil Defense for National Survival, Part 2, p. 342, statement of Admiral Radford.

[77] Ibid., p. 429, statement of General Taylor.

[78] Ibid., p. 342, statement of Admiral Radford.

[79] Statement by Michigan state official (name withheld).

Manpower Problems

It is the manpower problem which appears to be the most significant and difficult problem to solve. In case of war, there will be a need to mobilize and train a far greater percentage of personnel than the ten million who were mobilized and ready for civil defense tasks during World War II in order to secure reasonable assurance for national survival. At the present time, the armed forces do not have this capability. The active military forces have a current strength of approximately 2,296,000 men. Of these, the army has approximately 850,000 and is scheduled for expansion to almost one million men under current directives.[80]

The ready reserve is an entity of about two and one-half million men which should be considered as a fairly well trained and available force. One million men of the ready reserve are immediately available under current laws in case of a national emergency. On the other hand, the standby reserve must still be processed by selective service before it becomes available and, thus, appears as an uncertain potential for any emergency action.[81]

In case of war or national emergency declared by Congress, all persons of the ready, standby, and retired

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[80]"Congress Acts, and Now," U. S. News and World Report, August 14, 1961, pp. 33-34.

[81]Jackson, op. cit., pp. 11-12.

reserve may be utilized. While sizable numbers of the reserve can be expected to be organized in the event of surprise attack, the extent of immediate mobilization is far more limited. Under such circumstances, the only solution which appears feasible is that organized military cadres will assemble and support or direct civilian resources until civil authority is re-established.[82] Yet this concept may not be able to be implemented in the field, at the present time. Active reserve units are currently authorized to be staffed at cadre strength but the proposed military cadre personnel requirement of the Detroit plan cannot be attained in most of the units involved. Military fillers will be needed to bring units even to cadre strength.

Military police strength is particularly low. The district police battalion requires 699 military personnel, but only 87 cadre personnel are provided in the unit currently designated for this mission. Each zonal police group requires 171 military personnel but on the average only 61 cadre personnel are provided in units currently designated for this mission, ranging from a low of 23 men to a high of 109 men.[83]

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[82] Ibid.

[83] On the basis of only one military police battalion active within the group; actually three battalions should be committed requiring 411 military cadre personnel; see Appendix GG (Military Organization Chart for Defense of Detroit).

To fill up reserve units in the event of mobilization, manpower allocations for fillers could be provided from a pool of inactive, unassigned standby reservists kept in control groups.[84] But the addresses of such reservists are not kept current in the control group. Only draft boards keep active records and would normally be expected to mail out call-up notices--many of which would never be delivered, due to unreported changes in residence.[85] A general call-up over the radio might be the only feasible emergency recourse but the response to such notification is questionable.[86] Normally, fillers would need a ninety-day to six months training period to be considered effective.[87] Even well trained cadres of reserve units could not hope to cope with this training deficiency. Reserve unit commanders are quite hazy as to how their units could be quickly filled up or, without fillers, what the units could accomplish with minimal cadre strength. In accordance with the present Sixth Army Corps Basic Plan, civilian fillers must be

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[84]Statement by Maj. Forrest A. Walker, Flint Sub-Sector Commander, at Lansing, Michigan, January 20, 1961, personal interview. (635,000 such reservists are presently under the control of Sixth Corps Headquarters).

[85]Ibid. [86]Ibid.

[87]Statement by Lt. Col. David Hagens, Dearborn Sub-Sector Commander and Civil Defense Liaison Officer to the City of Detroit, Detroit, Michigan, April 26, 1961, personal interview.

procured to fill up the various police groups, but no arrangements have been made to earmark civilian fillers. They would be even less trained than military fillers if assembled at random, under conditions of martial law.

The lack of qualified leadership is another problem. In the reserve forces surrounding the Detroit target area, only approximately five field grade officers are available to take charge of the recovery operation in Detroit. Many other field grade officers and general officers are located within the target area and are not participating in accordance with current directives. Yet, some key personnel could be expected to survive an attack and they would indeed be needed to assist in the operation. A plan is required for the utilization of survivors inside of the target area.[88] Administrators for key facilities and operations would be particularly useful if order is to be preserved. If capable civilian personnel could be consolidated and training in civil affairs units designed to cope with this contingency, much could be accomplished in time of need. Of course, present civil affairs units would need to be increased in strength and new ones formed. It seems that while the Sixth Corps plan appears excellent in its organizational structure,

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[88]Statement by Major Charles Trickett, Army Reserve Center Coordinator and Advisor for Ann Arbor, Michigan, Ann Arbor, April 26, 1961, personal interview.

the manpower for the organization is not presently available.

As a brighter prospect, the manpower problem in the Michigan National Guard is more reassuring. The guard draws upon the manpower of the civilian community for its personnel. Some key civilian personnel would be affected whenever the guard mobilizes. For example, thirty-one Michigan State Police personnel are members of the guard. This constitutes about two and one-half per cent of the Michigan State Police strength. However, since these officers are known losses, the State Police has made allowances for this fact in its emergency plans. The loss would not present a crippling blow to State Police operations.[89] But the guard does express concern over its ability to organize quickly in case of emergency. A surprise attack could inflict extensive casualties and disorganization limiting its effectiveness.[90] Nevertheless, the guard has an advantage over reserve forces since every record of every guard member is kept up to date in the Office of the State Adjutant General, each member has a specific assignment, and can be contacted in case of

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[89]Statement by Lt. C. V. Spawr, Operations and Communications Officer, Michigan State Police (also Major, Military Police, Michigan National Guard), Lansing, Michigan, January 2, 1961, personal interview.

[90]Statement by Lt. Col. Clarence C. Schnipke, loc. cit.

emergency.[91]

Training Problems

Civil defense training was initiated by the military subsequent to the Holifield Committee report in 1956, which recommended that active and reserve military personnel be trained in civil defense duties as a part of their regular military training.[92] But only limited training time is available for reserve units and CONARC training directives specify quite strictly how the reserve training time of approximately two hours per week is to be allocated.[93] Only extremely meager training time is allotted for civil defense subjects, enough only for minimum orientation. Civil defense training is further limited to instructions or procedures by which military skills can best be employed in a civil defense emergency; such training may not be designed solely to enable a unit to perform a civil defense mission.[94]

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[91]Statement by Major General Ronald D. McDonald, loc. cit.

[92]United States Congress, 84th Congress, 2d Session, House of Representatives, Committee on Government Operations, "Civil Defense for National Survival," Twenty-fourth Intermediate Report of the Committee on Government Operations, July 27, 1956 (Washington: Government Printing Office, 1956), p. 4.

[93]Specifically, 8 hours per month plus 4 drills.

[94]U. S. Army, CONARC Basic Plan, op. cit.

Inseparable from the problem of training is the problem of equipment. Special equipment for civil defense operations is necessary and personnel must be trained to use it. For example, present radiation monitoring equipment is extremely limited in all units; it is considered insufficient to train an adequate number of personnel.[95] Yet, such equipment must be considered essential if units are to be expected to perform law-and-order missions intelligently under conditions of radioactive fallout. Units will require sufficient equipment and sufficient training time to familiarize personnel with its proper use for effective operations. It soon becomes apparent that within the meager training time available and the specialized civil defense knowledge required, personnel must already possess a basic technical knowledge if they are to be ready to answer civil defense missions without extensive additional training. The technical knowledge of their branch of service should be related to the respective civil defense mission to be assigned.

Military police and civil affairs units are specifically suited and technically trained for missions involving law-and-order functions. The mission of the Military Police Corps is "supporting combat operations by the maintenance of discipline through the enforcement of military law, orders,

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[95]Statement by Lt. Col. David Hagens, loc. cit.

and regulations within and for the Department of the Army and for other components of the Department of Defense as directed".[96] The civil affairs mission is "to support military operations through the support or control of local law enforcement agencies in implementing measures to maintain public order, promoting the security of the military forces".[97]

Numerous military police and civil affairs reserve units exist in the Fifth Army area, and particularly in the Sixth Corps area, some in the State of Michigan.[98] Yet, none have been assigned a mission involving the defense of Detroit within the Sixth Corps plan. Some are considered to be located too distant from the target area, while others are located inside of the potential impact area and, by CONARC directives, are prohibited from being utilized in the civil defense plan of that particular target city.[99] In their place, ordnance, engineer, signal, artillery, and infantry units are slated for police service in the Detroit

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[96]Department of the Army, The Military Policeman, Field Manual (FM) 19-5 (July, 1959), p. 4.

[97]Department of the Army, Civil Affairs Military Government Operations, Field Manual (FM) 41-10 (May, 1957)

[98]See Appendix LL (Military Police and Civil Affairs Units in Fifth Army Area).

[99]U. S. Army, CONARC Basic Plan and Sixth U. S. Army Corps Plan, loc. cit.

area.[100]

Privately, personnel of these miscellaneous units involved have expressed doubt that they could materially contribute anything of benefit to the expected confusion and chaos, in event of disaster. Their lack of adequate training in civil defense subjects is compounded by a complete lack of experience and training in police subjects.[101]

It should also be noted that no modification in equipment for the assumption of a military police mission has been authorized for the units involved. While military police units insure their effectiveness through their mobility and extensive communication capability, units inexperienced in police work are even more handicapped by the lack of this vital equipment.

The employment of non-military police units for police missions in Detroit is indeed ironic because an entire military police group, the 300th MP Command (POW), is located in Dearborn, Michigan, but prohibited from participating in the defense of Detroit, since Dearborn is within the Detroit target complex.[102] Upon closer examination, it can be determined that although the 300th MP

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[100]See Appendix GG (Military Organization Chart for the Defense of Detroit).

[101]Statement by Major Charles Trickett, loc. cit.

[102]U. S. Army, Sixth U. S. Army Corps Basic Plan, loc. cit.

Command is located in Dearborn, its members live in a 35 mile radius area, some even in Ann Arbor. While many of the unit's personnel reside in the city of Detroit, some do not live within the target complex area.[103] It can, therefore, be expected that part of the unit could continue to function even in case of a direct atomic strike against Detroit. As part of the POW Command, two Military Police Guard companies with 120 men each are presently in existence.[104] The unit's mission is to train for prisoner of war security work, a mission which could hardly have priority during the first phases of an enemy missile attack.[105] Certainly this unit could offer valuable assistance if assigned a law-and-order mission during a civil defense emergency.

A re-examination of the CONARC concept of civil defense training and mission assignment for active reserve units appears in order. More civil defense training should be authorized. Civil defense missions should be assigned to reserve units as closely allied with their routine job performance as possible. It has been estimated that an intensive and realistic six months reserve training program would be required, as a minimum, concentrating solely on the

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[103]Statement by Lt. Col. David Hagens, loc. cit.

[104]See Appendix MM (Military Police, Prisoner of War Command).

[105]Statement by Lt. Col. David Hagens, loc. cit.

civil defense mission assignment, to prepare appropriate units for the job and to give personnel confidence that they can accomplish it.[106] Such a training program should be instituted. It might be advisable to consider relocating certain reserve units or to allocate quotas for the assignment of personnel, specifying percentage-wise how many reservists are to be assigned to a specific unit from inside and how many from outside of the potential target area. Primary and alternate assembly points for reserve units should be designated so that all units can come into play in case of attack and all units will have at least a partial survival strength to assume certain limited missions. It does not appear appropriate to simply write off technically trained reserve units because they are located inside of a potential target area. An alternate solution must be found.

It would also seem reasonable for inactive reservists to be earmarked as fillers for assignment to specific units with civil defense missions in case of an emergency and to undergo a civil defense training program to qualify them to perform a civil defense mission effectively. It is recognized that Congressional approval and additional fund allocations will have to be secured before the Department of Defense can implement such a program. During the

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[106]Statement by Major Charles Trickett, loc. cit.

two-week reserve summer training program civil defense plans could be tested. The failure to provide for realistic military training exercises in civil defense makes the planning for this contingency unimaginative, unrealistic, and often illogical.[107] The lack of stress on civil defense training relegates it to a low priority mission and in most instances, it then goes "by the board".[108]

To assist the military in civil defense training programs, the Provost Marshal General's School at Fort Gordon, Georgia, should be available to offer instructor courses in civil defense. But not only the military need to profit from such courses. The Provost Marshal General's School appears as the logical institution to fill the present void in presenting a disaster police supervisor course for both military and civilian police officials. The Military Police Board could concurrently study the requirements for special police equipment for civil defense operations. Again, civilian, as well as military police agencies could profit by this activity.

Another training capability which apparently has not yet been fully exploited are the universities. For example, the University of Michigan currently has many civil affairs

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[107] Ibid.

[108] Statement by Lt. Col. David Hagens, loc. cit.

officers on its staff.[109] Arrangements could be made to train reserve military police and civil affairs officers in law-and-order functions to cope with civil defense emergencies. Likewise, civil defense officials concerned with this problem could be trained. The role of our universities in assisting civil defense planning and developing leadership appears as an untapped potential holding much promise.

Planning Problems

There is no training time provided for local commanders to draft their supporting operational civil defense plans and required SOPs; this must be accomplished during off-duty time.[110] No sample operational plan has been made available. Only the plans and field manuals of higher headquarters and of the local civilian community are furnished for guidance. Theoretically, technical assistance may be obtained upon request from Corps Headquarters. Yet, this is rarely requested, since the commanders responsible for the supporting plans often have insufficient familiarity with the particular assigned mission to ask a good question.[111] Furthermore, implementing plans may be drawn up by personnel unqualified in the particular field. Specifically, the

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[109]Statement by Major Charles Trickett, loc. cit.

[110]Statement by Major Forrest Walker, loc. cit.

[111]Statement by Major Charles Trickett, loc. cit.

personnel drawing up the military operational plans for civil defense at Ann Arbor are a Judge Advocate, an Engineer, and a Transportation officer, all without active duty since 1945. They are assisted by lieutenants who have had six months army experience. Not one of these officers could be expected to have had training in police operations for planning emergency law-and-order operations. The regular army advisors are too busy with routine functions and are also not particularly qualified in the police field to assist actively. In many instances, the plan is admittedly sheer speculation on the part of the planners concerned.[112]

A more realistic program for planning should be devised. A headquarters, like the 70th Division in Detroit, with a G-3 (Operations) section staffed with persons of experience and talent to write plans could be utilized to formulate civil defense plans for the Detroit complex. Presently, the 70th Division is a training division staffed with approximately 1500 men, of which approximately two-thirds live in the Detroit are. The division does not presently have a civil defense mission assigned.[113]

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[112]Statement by military officer (name withheld).

[113]Statement by Colonel Lois H. Keys, Senior Advisor, General Officers Command Advisory Group, 70th Division (formerly Civil Defense Liaison Officer to the City of Detroit), July 25, 1961, Detroit, Michigan, personal interview.

The 300th MP Command (POW), mentioned above, has a headquarters with a G-1 (personnel), G-2 (intelligence), G-3 (operations), and G-4 (logistics) section which is ideally suited for technical service planning.[114] This unit could materially contribute to an operational law-and-order plan for the Detroit target complex.

As an alternative, new reserve units could be activated for the specific purpose of planning and controlling law enforcement operations under emergency conditions. Military police group or battalion headquarters teams would seem suitable for large target complexes.[115] Additionally, the technical services of the army should be involved in assisting with civil defense planning. For example, in the field of law and order the Military Police Board and the Provost Marshal General's School at Fort Gordon, Georgia, could offer valuable aid and guidance to the civil defense program, particularly in the field of preserving law and order. Experienced military law enforcement officers could review plans and perform field studies to assist in the formulation of law-and-order plans in target areas.

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[114]See Appendix MM (Military Police, Prisoner of War Command).

[115]See Appendix NN (Military Police Group and Battalion Headquarters Authorization).

Overall Estimate of Military Planning for Detroit

The following evaluation of the military plan for law enforcement, in case of a nuclear attack in the Detroit target complex area is submitted. Under present plans, military authorities will be unable to cope with the law-and-order problem in the civilian community arising from a nuclear attack in case extensive military assistance or martial rule is required.

Accomplishments

1. Detailed administrative and operational civil defense planning has been accomplished by the army.
2. Civil defense training has been initiated for all military personnel.
3. Army officers and NCOs have been familiarized with problem of martial law.
4. The organizing ability of military units is being exploited.
5. Decentralization of authority for operational responsibilities in emergencies has been accomplished.

Deficiencies

1. Overall army policy hedges on the extent of military participation in civil defense missions.

2. Units are not specifically pre-committed on civil defense mission assignments.
3. All available forces are not being utilized. The Michigan National Guard does not have a civil defense mission. The standby reserve is not committed nor assigned. The state has failed to form a state defense force.
4. Cadres of reserve units are not up to strength in accordance with requirements reflected in civil defense plans.
5. The planning for fillers for reserve units is unrealistic.
6. Reserve units are not assigned missions in accordance with their technical capabilities.
7. Operational planning is accomplished by unqualified personnel; qualified planning headquarters are not utilized.
8. Units within the target complex are written off as lost, without effort of salvage, reorganization, or relocation.
9. Civil defense equipment in military units is inadequate.
10. Civil defense training for military personnel is inadequate in terms of time available and specialization for mission assignment.

Some Unanswered Critical Questions

1. What is the ability of army reserve and national guard units to mobilize after surprise attack?
2. Should civilian fillers or standby reservists be earmarked for assignment to units with civil defense missions under conditions of martial rule?
3. What additional federal incentives can be provided to speed the creation of state defense forces?
4. To assure the continuity of reserve units, is a quota assignment of reservists residing inside, opposed to reservists residing outside of target areas feasible?
5. Can certain reserve units advantageously be relocated, outside of target areas?
6. Would civil defense be more effective as a fourth department within the Department of Defense?
7. Could an auxiliary military police program be utilized for civil defense missions?

Assessment. It is concluded that additional and extensive military preparations will be a prerequisite for maintaining law and order subsequent to a nuclear strike in and near the target area of Detroit.

CHAPTER VI

CIVIL AND MILITARY COORDINATION FOR LAW AND ORDER IN CIVIL DEFENSE EMERGENCIES

It appears that the independent efforts of either the civilian or the military establishment may be insufficient to insure the maintenance of law and order within a target complex subsequent to a nuclear attack. Only by properly merging efforts in a coordinated implementation of a unified plan can there be hope of law and order so vital for the recovery of our nation. This has been recognized by many civilian and military civil defense officials as can be discerned by the emphasis placed on liaison at all levels of control.[1] However, there remains the question whether the required liaison has resulted in concrete operational arrangements for unified action.

I. OPERATIONAL COORDINATION

At the highest national level, the National Security Council attempts to insure the fullest coordination between civil and military efforts toward national security. Civil defense matters, as well as the coordination of the entire defense of the nation is here considered with the Director

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[1]See Appendix OO (Civilian and Military Organization for Civil Defense).

of OCDM, Director of CIA, Secretary of State, and Secretary of Defense all offering their respective advice and opinion to the President for his consideration in formulating policy decisions. Basic policies of civil defense are revised and passed upon by the council as well as by the cabinet. Prior to the reorganization of August 1961, a Civil Defense Mobilization Board tied together the capabilities of about twenty federal agencies and coordinated their activities in the field of civil defense.

Coordination at the National Level

The Department of Defense has assigned to the Department of the Army the mission of establishing operational liaison with civil defense agencies.[2] During the existence of OCDM, at the operating level, liaison was maintained between OCDM's Operational Headquarters at Battle Creek, Michigan, and Headquarters CONARC at Fort Monroe, Virginia. OCDM appointed a liaison officer with full-time duty and responsibility to maintain effective coordination between OCDM and CONARC.[3] Liaison pertaining specifically to police functions of interest to both OCDM and the Department of

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[2]Department of the Army, Emergency Employment of Army Resources--Civil Defense, Army Regulations (AR) 500-70 (Washington: September 9, 1960).

[3]Major General Holmes E. Dager (Ret.), Special Assistant for Military Liaison, OCDM.

Defense was achieved through one formal and one informal meeting per year, plus direct line telephone communications between officials of the Police Division, OCDM, the Provost Marshal General, and other military officials. It would appear that the infrequency of meetings, the physical distances between headquarters concerned, and the difficulties involved in the discussion and coordination of classified matter over unclassified telephone lines presented a delaying and disturbing obstacle to the effective and timely coordination needed by these responsible agencies.[4] The reorganization initiated at the direction of the president in August, 1961, and the resulting move of most of the OCDM Battle Creek personnel to Washington, may enhance a closer contact between chief military and civilian police planners since all will be working within the Department of Defense.

In compliance with CONARC directives, Fifth Army Headquarters and Sixth Corps Headquarters conducted monthly liaison visits with civil defense organizations in the OCDM Region 4 Area. (Fifth Army also coordinated with OCDM Region 6). In accordance with Department of Defense directives and before the 1961 reorganization, Fifth Army furnished the

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[4]This last observation was not subscribed to by OCDM personnel such as Thomas Stack, Director, Police Division, OCDM, Battle Creek, Michigan, in a personal interview on November 21, 1960.

Department of Defense representative to the regional Civil Defense Mobilization Board of Region 4 which paralleled the structure of the national board.[5] In case of emergency, it was this board's function to establish priority and allocation of assistance by federal agencies. It was an advisory rather than a planning body and did not publish any informational material.

Operational liaison between military and civil defense officials is a requirement within the Fifth Army area and involves every major city within its area of responsibility. Individual military officers have been designated as civil defense liaison officers and are required to perform at least one visit per month with applicable local civil defense headquarters. A written report, reflecting results of each visit, is required to be submitted.

Coordination at the State Level

The liaison agent to the MOCD at Lansing, Michigan, is the Flint Sub-Sector Commander of the army reserve unit stationed at Lansing. He performs monthly civil defense liaison visits in addition to his other duties, a visit which is to satisfy the coordination of all civil defense functions between the Fifth United States Army and the state civil defense agency (maintenance of law and order included).

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[5]Department of Defense Directive 3025.9, August 25, 1959.

Since the liaison functions are only an additional duty and since the experience of one officer normally is limited to one particular specialty, the discussions during such visits necessarily must be general in nature. Plans have been exchanged, but there is no military participation in state planning conferences, and no mutual consultations in developing state or military plans.[6] There is, however, military participation in the yearly civil defense exercises, and military spaces are reserved in the state civil defense emergency headquarters.

Fifth Army headquarters has designated the Sixth U. S. Army Corps to be the coordinating agent with the state Adjutant General for national guard commitment. It would be the responsibility of the state Adjutant General to coordinate formulated plans with the civilian state plans.[7] However, since the Michigan National Guard has a mobilization mission which is apart from civil defense, the Michigan State Survival Plan does not provide for its commitment.[8] Nor is a change in this arrangement contemplated unless the

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[6]Statement by Major Forrest A. Walker, Flint Sub-Sector Commander, Lansing, Michigan, January 20, 1961, personal interview.

[7]Statement by Major P. B. Duckworth, Operations Division, G-3 Section, Headquarters, Fifth U. S. Army, Chicago, Illinois, December 14, 1960, personal interview.

[8]Michigan Office of Civil Defense, State Operational Survival Plan, October, 1958; also see Chapter V above.

national guard's mission assignment is changed by the Department of the Army.[9] The national guard, according to state civil defense officials, cannot be counted upon for consideration in state civil defense planning.[10] Yet, state civil defense officials feel that they must have the guard, at least in the initial stages after a nuclear attack. Even relocating the guard for better utilization in such a mission has been proposed.[11] The lack of a Michigan state defense force has made the need for the national guard more critical.

Within the city of Detroit, coordination appears as superficial. Detroit is one of the few places which has a protected underground civil defense operations center. Space is provided for military liaison personnel but no military assistance is incorporated in the civil defense plan of the civilian civil defense organization.

Monthly liaison visits are specifically directed by

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[9]Statement by Major General Ronald D. McDonald, The Adjutant General, State of Michigan, Lansing, Michigan, January 27, 1961, personal interview.

[10]Statement by William Powell, Chief, Field Services Division, Michigan Office of Civil Defense, Lansing, Michigan, January 17, 1961, personal interview.

[11]United States Congress, House of Representatives, Committee on Government Operations, Civil Defense for National Survival, Hearings before Subcommittee, 84th Congress, 2d Session (Washington: Government Printing Office, 1956), Part 5, p. 1641.

the Sixth Corps plan.[12] The commander of the Dearborn Sub-Sector U. S. Army Reserve located at Dearborn, Michigan, is the liaison agent to the city's civil defense organization. The required liaison visits are accomplished and military representation in civil defense exercises is assured, but the military play in these exercises (Operation Alert) is sketchy and insufficient. There is insufficient interaction to permit the development or testing of workable operational coordinated plans.[13] It should also be noted that arrangements resulting from liaison can only be accepted by either or both parties on a voluntary basis. No law requires the coordination of civil and military plans.

The emphasis of coordination within Detroit appears to be misdirected. Units outside of the target area (for example, units located in Ann Arbor), which under present plans can be committed in a Detroit recovery operation, are not presently coordinating with Detroit officials.[14] Only army personnel within Detroit accomplish this liaison and

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[12]U. S. Army, CONARC Basic Plan, Vol. IV, Chapter 4 with Change 13 (Fort Monroe, Virginia, April 23, 1957).

[13]Statement by Col. Lois H. Keys, Senior Advisor, General Officers Command Advisory Group, 70th Division (former Civil Defense Liaison Officer to the city of Detroit), Detroit, Michigan, July 25, 1961, personal interview.

[14]Statement by Major Charles Trickett, Army Reserve Center Coordinator and Advisor for Ann Arbor, Ann Arbor, Michigan, April 26, 1961, personal interview.

they are currently prohibited from operational participation. Units outside of Detroit perform liaison with only local city and county officials. The civilian and military counterparts, envisioned in the Sixth Corps plan, have never been designated.

II. POLITICAL CONSIDERATIONS: CIVILIAN VERSUS MILITARY CONTROL

Considering the lack of effective operational liaison in the field, it soon becomes apparent that some fundamental weakness must be the cause of the deficiency. While many local officials appear to be trying to formulate workable arrangements, the obstacles which present themselves do not appear to be of local origin. The fundamental political decision concerning distribution of missions in the field of civil defense appears to require closer scrutiny.

Political differences, in defining the authority and control of civil defense, exist. The differences of points of view are not easily discernible since political considerations of the administration in power demand the appearance of a united front toward the public. However, periodic testimony before Congressional committees and retirements of military personnel focus on the intense disagreements at the top policy levels within the armed forces and between

military and civilian personnel.[15]

The Controversy

The extent of military involvement in civil defense operations is at issue. As discussed above,[16] the current official policy dictates that civil defense is basically a civil function and that the military may be expected to support civil authorities in civil defense operation.[17] However, the primary role of the armed forces may not be modified by civil defense demands. No military commitment was obtained as to the extent of military assistance which could be counted upon in case of disaster.[18]

While there appears to be general agreement that coordination between civilian and military authorities will be essential for any successful civil defense operation, there is disagreement among civil and military officials concerning whether continued and uninterrupted civilian

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[15]For example, the retirements of General Taylor, General Medaris, and General Gavin; also, see United States Congress, House of Representatives, Committee on Government Operations, Hearings before Subcommittee 1956, 1957, 1958, and 1960 (Holifield Committee Hearings)(Washington: Government Printing Office).

[16]See Chapters IV and V.

[17]Office of Civil and Defense Mobilization, The National Plan for Civil Defense and Defense Mobilization (Washington).

[18]U. S. Army, CONARC Basic Plan, loc. cit.

control over civil defense operations can be maintained, under the presumed attack conditions outlined in Chapter II above. The objective of retaining civil control over recovery operations is by no means certain of achievement. Discussions pertaining to the likelihood of martial law after a nuclear attack offer a key to the grave doubts concerning the effectiveness of our civil defense mechanism.[19]

The Civilian Viewpoint. On the civilian side, the question whether martial law will have to be imposed in case of a nuclear disaster is a controversial one. Politicians tend to shy away from discussing it.[20] Although the creation of OCDM and its successor agencies as civilian-controlled agencies indicates that the national government intends to impose and maintain civilian direction over the recovery operation after an attack, certain dubious questions have arisen:

1. Why did the president declare a state of limited martial law in the 1955 Operation Alert civil defense exercise?[21] Was it sheer impulse or was it because he basically doubted the ability of OCDM to handle the mission?

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[19]U. S. Congress, Civil Defense for National Survival, op. cit., Part 2.

[20]Statement by Maj. Gen. Ronald D. McDonald, loc. cit.

[21]U. S. Congress, Civil Defense for National Survival, op. cit., Part 2, pp. 282-318.

2. Why does the National Plan state, "Martial law cannot be imposed without specific executive authorization"?[22] Does this not by inference acknowledge the possibility of martial law?

3. Why does the National Plan state, "Martial law will not be imposed <u>except</u> when the agencies of the civil law have been paralyzed, overthrown, or overpowered and are unable to operate and function adequately"?[23] Is it because OCDM recognized the distinct possibility that this may happen?

4. Why did the Holifield committee in 1956 request the immediate study of martial law by the attorney general and the Department of the Army?[24] Was it because the inter-relationship of civil and military efforts were not clear and that some form of martial law was envisioned because of the civilian lag in civil defense preparedness?

It is true that in civil defense exercises subsequent

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[22]OCDM, <u>The National Plan</u>, <u>op. cit.</u>, Annex 7, p. 5; copy attached as Appendix I.

[23]<u>Ibid.</u>, (underlining added).

[24]U. S. Congress, <u>Civil Defense for National Survival</u>, <u>op. cit.</u>, Part 1, p. 5.

to 1955 the imposition of martial law was disregarded and OCDM has stressed that it does not plan for this contingency.[25] However, it was the private, candid opinion of most of the civilians and military officials contacted during this study, including some officials of OCDM, that martial law will occur because of necessity. Even dissenting OCDM officials acknowledged that martial law might have to exist in certain localized areas.[26]

Officials who attempt to grasp realistically the problems of control are deeply concerned. While it is admitted that the civilian organization may not be able to cope with the post-attack environment, neither is there confidence that the military could do the job. "Martial law may have to be declared, but the army alone does not have the capability to implement it. Local civilian personnel must be trained to give martial law substance by taking care of the civil end of government."[27]

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[25]United States Congress, House of Representatives, Committee on Government Operations, Civil Defense, Hearings before Subcommittee, 86th Congress, 2d Session (Washington: Government Printing Office, 1960), pp. 119-120.

[26]Statement by D. D. Pohlenz, Assistant Director for Plans and Operations, OCDM, Washington, December 22, 1960, personal interview.

[27]Statement by William Powell, loc. cit.

The Military Viewpoint. On the military side, the army has made an effort to understand the civil defense needs of the nation and to assess the practicable effectiveness of the various civil defense measures since it is obvious that the "effectiveness of the national civil defense program will have a direct bearing on the ability of the military services to perform their primary mission."[28] The CONARC plan and its subordinate plans mention the contingency of martial rule and contain the assumption that there is no effective CONUS-wide civil defense mechanism on D-Day.[29] This was acknowledged as a valid assumption by the Holifield Committee in 1956.[30] Has anything changed since, to warrant a re-evaluation of this assertion?

The extent of army participation in the civil defense mission is controversial within the military establishment. Rivalries within the Department of Defense can be noted. While the air force's General Twining claimed that the army could be used for clean-up after a civil defense disaster since no other initial mission appears likely, the army's

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[28]United States Congress, House of Representatives, Committee on Government Operations, "Status of Civil Defense Legislation," Eighth Report of the Committee on Government Operations, 85th Congress, 1st Session (Washington: Government Printing Office, 1957), p. 23.

[29]U. S. Army, CONARC Basic Plan, loc. cit.

[30]U. S. Congress, Civil Defense for National Survival, op. cit., Part 2, p. 563.

General Taylor vehemently opposed this position claiming that the army will have vast forces overseas and will be deployed for counter-attack.[31] Particularly at issue is the commitment of the army reserve and national guard.[32] The position that recovery from nuclear attack must not interfere with the combat mission of the army is supported by active reserve organizations to preclude a relegation of the army to a status of a home defense force.[33]

These considerations have had an effect upon present military civil defense planning. Present army civil defense plans can only be considered to be complementary to, rather than a substitute for or a super-imposition over, civilian efforts and are directed toward the strengthening of the capabilities of civil agencies.[34] The current theoretical plans developed to implement martial law are neither effective nor realistic plans.[35]

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[31]U. S. Congress, Civil Defense for National Survival, op. cit., Part 2, statement of General Twining, pp. 373-402; statement of General Taylor, pp. 428-458.

[32]Editorial, "Civil Defense and the Military," Army, Navy, Air Force Register, June 3, 1961, p. 7; also Steve Tillman, "Pentagon Against Guard Cut--Army's CD Role," Army, Navy, Air Force Register, June 3, 1961, p. 21.

[33]Association of the United States Army, "Resolutions Adopted at 1960 Annual Meeting," (Washington: August 10, 1960), p. 12.

[34]Department of the Army, Army Regulation 500-70, loc. cit.

[35]See Chapters IV and V above.

The army leaders have clearly admitted that the army is neither equipped nor prepared to execute martial law, in its broadest connotation.[36] The army does not have the primary mission of civil defense and any increase in missions would require an increase in personnel and in funds.[37] The army can handle martial law situations in isolated areas if narrowly defined as meaning "no more than policing the streets" but it cannot exert control over every civil activity as envisioned in the concept of martial rule.[38] If the army were to do such a job unassisted, it would require a huge increment of civil affairs officers at each military headquarters.[39] This, of course, is not envisioned. Instead, the army reserve would be mobilized, the national guard federalized, and the existing civil defense organization utilized to carry out required control duties.[40] Every civilian and every civilian agency able to continue functioning would be required to carry on; thus, only minimum numbers of military men would be employed to carry out martial rule functions.[41]

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[36] U. S. Congress, Civil Defense for National Survival, op. cit., Part 2, p. 563.

[37] Ibid., pp. 433, 454. [38] Ibid., pp. 447-448.

[39] Ibid., pp. 292-293.

[40] Ibid., pp. 355-359, statement of Admiral Radford.

[41] Ibid., p. 448, statement of General Taylor.

However, to achieve such an integrated effort, detailed integrated planning is essential. There is no indication that such planning has been accomplished in the target city of Detroit.

The Result. The controversies have resulted in a lack of integrated planning. It is true that target area plans have been formulated in Detroit. There is a civilian plan and there is a military plan, but there is no integrated plan. The basic fault for existing deficiencies must be attributed to the present national policy. It hedges. We plan to coordinate efforts towards maintaining civil rule throughout the emergency, and to insure this, civil plans are to be so constructed as to stand on their own merit--without military assistance.[42] But we also anticipate that limited military aid in support of civil plans may not be effective and martial law might have to be invoked.[43] Certainly, this somewhat contradictory doctrine does not appear to lend itself to smooth coordination, since both civilian and military planners will tend to lean toward plans which "go it alone"--it is easier that way. And this has occurred in Detroit.

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[42]OCDM, The National Plan, op. cit.

[43]U. S. Army, CONARC Basic Plan, op. cit.

Clarification of Missions

A clarification of the issue of civil or military control and extent of military participation in civil defense operations appears to be essential before realistic operational plans can be developed in the field and can be properly coordinated between civil and military forces.

Actually, the arguments for or against martial law are of little consequence; "when the question is mainly one of survival, few will argue the niceties of civil versus military control".[44] Realistic questions must be asked: (1) Can governmental and judicial institutions continue to function effectively after a nuclear attack? (2) Does the army have a more vital mission, in the initial phases after a nuclear attack, than to support the civilian recovery operation?

If we can depend upon the continued effectiveness of civil institutions to preserve law and order, then we can disregard military rule. But if we suspect that they might be wiped out, at least in those areas of the country which are most heavily hit by an attack, then we should plan for the institution of military controls to speed the return and

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[44]U. S. Congress, House of Representatives, Committee on Government Operations, "Civil Defense Shelter Policy and Post-attack Recovery Planning," Twenty-first Report of the Committee on Government Operations, 86th Congress, 2d Session (Washington: Government Printing Office, 1960), p. 33.

reconstitution of civil authority. The recovery of a civil community may be essential in order to enable the military to assume a combat mission. Military leaders have stated that many military units will not be utilized on military missions during the first days and possibly weeks or months following a surprise air attack.[45] If civil disintegration has paralyzed the national potential to defend ourselves, corrective action for this failure must be achieved before the enemy can be repulsed. For the army, a civil defense mission would then be as important as the current primary missions: to recover after attack, to mobilize and expand, and to ward off an enemy invasion from our shore.

It is the necessity of the situation which brings on punitive martial law.[46] If adequate preparations are made for a more limited arrangement, then the dreaded last resort may never be required. Thus, we must realistically face the problems involved. We must decide on the extent of military controls necessary, define them, legislate for them, organize for them, and train for them, to insure that the lines of authority and command will be clearly understood and everyone will know what to expect. Likewise, the speedy transition

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[45] U. S. Congress, Civil Defense for National Survival, op. cit., Part 2, pp. 373-402, testimony of General Twining.

[46] See Chapter III above for discussion on "punitive" martial law.

to civil control must be planned in advance, to safeguard civil rights and relieve the military of an unwanted burden and responsibility. Once procedures are adequately defined, can we then not trust the military with the safety of our country under conditions of an extreme emergency?

Prior planning and legislation will result in the automatic assumption of appropriate responsibilities in an orderly fashion as envisioned and desired by the lawful government of the United States. The current British plan might serve as an excellent example of one realistic approach to this problem.[47]

It seems that the concept "martial law" is extremely offensive to the American public. As a compromise, indications presently point to wider usage of military area control in case of emergency. This is the private view of certain army and OCDM officials. It tends toward near martial rule power, but allows for local variance and greater civil participation. It is flexible and can be modified to fit any emergency situation. It places a trust in the federal judiciary to safeguard the rights of citizens during a crisis.[48] It has been asserted that the army must trust the federal judiciary to uphold military actions taken

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[47]See Chapter III (Current Foreign Civil Defense Measures) above.

[48]For a discussion on martial law and military area control, see Chapter III above.

on firm ground for the protection of the security of the United States in times of crisis.[49] And these courts will likewise guard against any excesses of military rule. Of course, adequate provisions are necessary for the continuance of the existence of the federal courts. This is currently programmed in the civil defense continuity of government program.[50] Military area control provides a viable compromise to solve the complicated problem of civil-military relationship which must be tailored to suit the precise situation. The constitutional concept of checks and balances can be provided wherein the military exerts executive and legislative functions, but is curbed by judicial review. Yet, effective control can be exerted, centralized in local areas, curbing political expediency and maintaining law and order through the use of one uniform channel of command in all critical functions.

The limited number of precedents pertaining to military area control[51] and the additional new problems of nuclear warfare require clarification. Federal and state laws will

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[49]Charles Fairman, "Atomic Attack Situations," An address presented to Industrial College of the Armed Forces, Washington, May 6, 1954 (ICAF 53-54, L54-158), pp. 1-31.

[50]National Association of County Officials, "Civil Defense: Continuity of Government," Information and Education Service Report Number 16 (Washington: Local Government Education and Research, Inc.) undated.

[51]See Chapter III above.

need provisions delineating authority of civil and military law enforcement agencies within military areas. Integration of military and civil functions and procedures must be clarified. Resulting legislation must provide for flexibility to allow for a wide range of contingencies, as well as offer limits to curb unwarranted dictatorial authority. The plan might provide that all areas subjected to nuclear strikes will automatically become military areas, the precise area boundaries to be fixed at the discretion of the army commander. A legal plan, formulated under the auspices of the United States Attorney General in consultation with military and civil defense leaders, adopted by Congress, and accepted by the President is required. The precise delineations of authority must be an acceptable compromise to all interests involved. Its precise content is beyond the scope of this study.

Once the precise mission of each participant, civil and military, in a recovery operation has been defined, then realistic operational planning becomes feasible. A workable, integrated civil and military plan for the preservation of law and order can then be developed. Contingency plans can then estimate the extent of military participation necessary in event of disaster, enabling a pre-commitment of military forces. This, of course, is contrary to present military

policy.[52] This policy must be changed to insure success in civil defense. The army must be provided with sufficient funds and personnel to assume required civil defense missions, including the mission to assist in the preservation of law and order.

III. THOUGHTS FOR CONSIDERATION

It was charged by the Holifield Committee in 1956 that a void in military and civil planning for civil defense exists because of the following circumstances:[53]

> 1. The military authorities made civil defense plans for their own installations independently of plans made by civilian authorities in the same areas.
>
> 2. They subordinate civil defense requirements to military ones without weighing the relative strategic values.
>
> 3. They render only auxiliary support to civil authorities which do not have effective civil defense plans or organizations of their own.

It would appear that little has changed since 1956. The extensive liaison and pre-attack planning and coordination

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[52]Present policy provides that military forces may be made available for civil defense only to the extent that they are not deemed essential for military operations; OCDM, The National Plan, op. cit.; also Department of the Army, Army Regulation 500-70, op. cit.

[53]United States Congress, House of Representatives, Committee on Government Operations, "Civil Defense for National Survival," Twenty-fourth Intermediate Report of the Committee on Government Operations, 84th Congress, 2d Session (Washington: Government Printing Office, 1956), p. 65.

envisioned by Congress apparently has not occurred in one of our most important target cities (Detroit).

Local Liaison Problems

In accordance with policy in the field, we find that in the State of Michigan the military is making liaison visits while the civilian authorities await their appearance as recipients. While monthly liaison visits are considered a vast improvement over the complete lack of coordination which existed a few years ago, they are still much too perfunctory to be of specific value.[54] Their value is even doubted by personnel involved in this type of work.[55] That the liaison between Fifth Army headquarters and Region 4 is only perfunctory is readily admitted by civil defense and military officials concerned.[56]

Up to one year ago, no effective coordinated programs had been developed due to alleged personality conflicts between the Commanding General Fifth Army and the Director of Region 4. Since then, personnel changes reportedly have improved relations; however, monthly liaison visits still do not seem to accomplish concrete arrangements.[57] Fifth

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[54]Statement by Major Forrest Walker, loc. cit.

[55]Statement by Major P. B. Duckworth, loc. cit.

[56]Statements by civil defense and military officials (names withheld).

[57]Ibid.

Army also feels handicapped since Region 4's implementing plan of the National Plan has never been published.[58] During 1961, the plan was still in draft stage.[59] Thus, too little guidance is provided to the liaison agent by higher headquarters and civilian agencies are not clear as to what gains can be expected from liaison visits. Only limited concrete arrangements can be accomplished, apart from an exchange of generalities, since areas under consideration are too vast and too technical to be understood by any one person. There is insufficient planning, lack of emphasis, and too little funding.[60]

At the state level, one concrete and useful result of coordination is exemplified by an unwritten agreement between the Provost Marshal, Fifth Army, and the Michigan State Police headquarters. The State Police has consented to transmit any messages over the State Police radio system in case of a national emergency.[61] The system has a range from 90 to 130 miles; transmissions between Lansing and

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[58]Statement by Richard L. Jarvis, Deputy Director for Plans and Operations, Region 4, OCDM, Battle Creek, Michigan, August 16, 1961, personal interview.

[59]Ibid.

[60]Statement by Major Forrest Walker, loc. cit.

[61]Statement by Colonel Anthony E. Papa, Provost Marshal, Fifth Army, Chicago, Illinois, December 14, 1960, personal interview.

Detroit are good.[62] It is this type of working arrangement which is desirable in all phases of police work. However, this arrangement was obtained by representatives of the Fifth Army Provost Marshal section, when faced with an operational problem of reporting possible nuclear weapon accidents during transport. It was not developed through military civil defense liaison officers. It was an arrangement derived by personnel who were personally involved in a problem and needed a solution. It should also be noted that no other concrete operational law enforcement arrangements for civil defense emergencies could be discerned.

The above example and the lack of other accomplishments point towards one of the major weaknesses of the liaison operation--the lack of interest of civil defense liaison personnel. The exclusive coordination by personnel who are potential non-participants in actual civil defense operations poses a deterrent against concrete accomplishments. What good are liaison visits if they are not performed by people who have planned together and who know that they will be personally involved in case disaster strikes? There must

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[62]Statement by Lt. C. V. Spawr, Operations and Communications officer, Michigan State Police (also Major, Military Police, Michigan National Guard), Lansing, Michigan, January 2, 1961, personal interview; The Michigan Conservation Department communication system is the state civil defense emergency communication system in Michigan, leaving the State Police communication system open for emergency police traffic--CONELRAD limitations are not deemed applicable.

be the incentive that prior planning will pay off in personal involvement during time of stress. The commander who knows that he and his troops will be committed will need no directives urging him to make liaison visits. Necessity will force the issue, and his personal concern is bound to affect his civilian counterparts. Only then can we hope to secure a coordinated workable plan. Then the needs for improvements will be channeled to higher echelons, forcing a realistic reappraisal of troop disposition, mission assignments, and equipment allocations to give a measure of hope for a successful accomplishment of a civil defense mission for the maintenance of law and order in case of a civil defense disaster.

As another major deficiency, the army has been criticized for lack of continuity in coordination.[63] This charge may also have substance. Smooth coordination is hampered by the rapid turnover of army personnel. Experience among civil officials has shown that a new military commander means new policies, thus, civilian officials are reluctant to base their plans on local command decisions. It has been recommended by civilian planners that the army should concentrate on developing a more centralized system of coordination

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[63]Statement by George D. Eastman, former Chairman, Civil Defense Committee, International Association of Chiefs of Police, East Lansing, Michigan, November 25, 1960, personal interview.

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to determine the direction, continuity, and uniformity of liaison relationships in the field.[64] A pool of technical liaison officers, specialists (such as military police officers for the law-and-order program) at the Zone of Interior Army level, supplementing local liaison officers involved in operations, might be an answer to the liaison problem on the military side.

On the civilian side, corrective action also appears necessary. No civilian official has been designated at the state level as responsible for military liaison. It has been explained that no need for this seems to exist.[65] There is no continued coordination between any military units and the Michigan State Police nor is there civil defense coordination between the national guard and state police, since the national guard mission in case of a civil defense emergency is not precisely defined.[66] Military police, state police, and national guard coordination would seem to be essential for integrated law enforcement operations under military area control.

In effect, the success of local liaison has depended upon the initiative and drive of the local officials involved.

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[64] Ibid.

[65] Statement by state official (name withheld).

[66] Ibid.

With "go-getters", accomplishments have been noticeable; without them, there has been apathy.[67] Civil defense officials should face up to the fact that military contributions to the recovery of the civilian community may be essential and sizable. Effective liaison agents must be appointed in preparation for this contingency at every operating level where joint military and civil action can be expected.

It might be interesting to note that the State of Michigan has considered a plan which might facilitate a closer relationship between MOCD and the national guard. It has been recommended by some state officials in order to unify civil defense efforts within the state under one commander, that the State Adjutant General (Commanding General, Michigan National Guard) become the State Civil Defense Director as an additional function. This arrangement has been implemented in some neighboring states.[68] Such a plan would appear to have merit if the national guard assumes a primary civil defense mission. But Michigan is not expected to effect a similar reorganization unless Department of Defense policy is changed toward that end.[69]

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[67]Statement by Maj. D. J. Weber, Physical Security and Industrial Defense Action Officer, Plans and Operations Division, OPMG, Washington, December 20, 1960, personal interview.

[68]Ohio and Indiana.

[69]Statement by Maj. Gen. Ronald D. McDonald, loc. cit.

If the State Adjutant General became the State Civil Defense Director in every state, greater uniformity and vitalization of the national civil defense efforts might be the result and liaison should become effective, at least at the state level. This problem is worth further study.

Integrated Planning Problems

In 1956 Congress recommended that the Federal Civil Defense Agency (FCDA) and the Department of Defense should formulate a master plan for each target area.[70] Examination of the state-wide coordinating machinery in Michigan in 1961 has made it clear that, at the state level, some machinery for coordination exists, but its results are negligible and contribute little to the establishment of integrated plans.

While local civilian authorities furnish copies of their plans to military authorities, these plans do not incorporate any military effort. Military planners are then expected to base their supporting plans on the civilian concept. But local civilian plans do not provide for the contingency of martial rule,[71] a course of action which the military must incorporate in their planning. Subsequently, military plans do not incorporate the integration of

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[70]U. S. Congress, Twenty-fourth Intermediate Report of the Committee on Government Operations, op. cit., p. 4.

[71]See Michigan State Survival Plan.

functioning civil institutions under conditions of military control.[72] A fundamental agreement as a prerequisite for integrated planning appears to be lacking. A decision at the executive level, defining civil and military relationships during post-attack operations, is required in order to solve this problem.

On the army side, army plans recognize that while civil control may be lost, many individuals from civil governmental agencies within the target complex and many more from within the support area may survive. These personnel must be utilized to augment military forces under military control concepts.[73] Though this has been recognized, it has not been implemented. To accomplish this, plans should be developed at all levels which recognize this concept and machinery should be set up to exploit this vital source of manpower.

To insure adequate forces for national recovery after nuclear attack, national guard and army reserve units should be mobilized automatically and assume a civil defense mission rather than wait for post-attack mobilization plans.[74] This

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[72]See Headquarters Sixth United States Army Corps Plan.

[73]U. S. Army, CONARC Basic Plan, op. cit., Tab A.

[74]Statement by Peter C. McGillivray, Civil Defense Operations Coordinator, City of Detroit, Detroit, Michigan, February 1, 1961, personal interview.

should occur regardless of whether civil authority is maintained or military rule established. There should be no waiting to see if the civilian authority can maintain control. An immediate integration for civil and military control should occur.[75]

On the civilian side, coordination with the military is not regarded as vital. Since OCDM doctrine plays down the possibility of the imposition of martial law, OCDM has not seen the need to plan for such a contingency or for the contingency of operations in military areas. This unrealistic presumption must be modified before coordination can become effective.

Civilian officials have criticized the army for its cooperation being but a one-way street. It is said that while the military is supplied with civil plans, the reverse is not necessarily true since army plans might be classified.[76] Some plans allegedly bear the notation "This document will not be shown to civil defense authorities on the ground that if they are unaware of the military plans for their assistance,

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[75] Ibid.

[76] Brigadier General Don E. Carleton (Ret.), "Civil Defense at Local Government Level," Address to Industrial College of the Armed Forces, Washington, 1959-1960 (L60-154), p. 127; also Otto L. Nelson, Chairman, 1955 Review Committee, Review of the Report of Project East River (Associated Universities, Inc., October 17, 1955).

they will do nothing to help themselves".[77] This allegation was, however, not confirmed during the course of this study. Civil defense plans of the army were either unclassified or classified "For Official Use Only" and such plans had been inter-changed between Michigan civil defense officials and military representatives of Fifth Army. On the other hand, criticism which implies that the exchange of plans is not enough and that planning must be done together,[78] is pertinent and points to a gross deficiency in existing coordinating concepts.

It was readily acknowledged by OCDM officials that the attainment of effective coordination on the local level is one of the biggest problems to be faced. There must be mutual understanding, leading to smoothly functioning SOPs (Standing Operating Procedures) essential to a successful recovery operation.[79] While the military must be familiar with civilian facilities, the civilians should understand what they can expect of the military and how they can satisfy their requirements. Military personnel may have more experience, more know-how of what to do in emergencies. They know

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[77]Carleton, op. cit., p. 28.

[78]Ibid., p. 32; also Nelson, loc. cit.

[79]Statement by Major General Holmes E. Dager (Ret.), Special Assistant for Military Liaison, OCDM, Battle Creek, Michigan, October 21, 1960, personal interview.

that for any emergency, there must be an SOP or a checklist spelling out who does what, where, and how.[80] But the civilians are more likely to have the technical know-how in municipal services.[81] Both military and civilian personnel will be needed to reorganize an attacked city. Particularly, the specialists in military units, such as military police, and their counterpart personnel in the adjacent civil communities must come to an harmonious and workable agreement.[82] The objective is to get the agreed working instructions down to the very lowest echelons, to the private soldier or the untrained civilian laborer.[83]

Mobile Support Problems

The Project East River Report in 1955 expounded that civil defense should be strengthened through the utilization of military personnel in mobile support civil defense units.[84] Although mobile support is universally recognized as the

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[80]Statement by Major General Holmes E. Dager (Ret.), Special Assistant for Military Liaison, OCDM, in an address to Quartermaster Training Command, Fort Lee, Virginia, May, 1960.

[81]U. S. Congress, Civil Defense for National Survival, op. cit., Part 5, p. 1680.

[82]Statement by Major General Holmes E. Dager, loc. cit., Fort Lee, Virginia.

[83]Statement by Major General Holmes E. Dager in an address to Civil Affairs officers, Fort George Meade, Md., August 12, 1960.

[84]Nelson, loc. cit.

most effective method of relief and assistance, in the Detroit target area an integrated civil and military mobile support plan does not exist. The separate military and civilian plans toward this objective seem ineffective. The military has made certain provisions for mobile support. Civilian planning to support this plan is lacking. The military plan encompasses different boundaries of recovery zones than the sector control envisioned by civilian police planners of Detroit.[85] It appears clear that only an integrated plan could work.

A joint military-civilian planning group is necessary at the State Area level, a "target complex planning group", to formulate a mutual integrated plan of action. Such a group could be created for one critical target area on a trial basis and its experience applied to the creation of similar groups for every critical target. If successful, a similar procedure can later be devised for planning at less critical targets. Once a workable area plan has been formulated, technical liaison officers, joined in an officers pool at the Zone of Interior Army level, could assist local commanders in devising supporting plans and SOPs for implementation of the State Area plan. They could insure

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[85]Compare Appendixes Z and FF; there are 12 police sectors in the Detroit Police plan (Appendix Z) while there are 10 zones in the Military Recovery plan (Appendix FF).

modifications to meet changing situations in conjunction with civilian planners. Detailed planning would be required to devise a workable format under the proposed concept.

Operationally, a joint civil-military staff should be created which is capable of consolidating and applying mobile support to the target area. Personnel assigned to this staff, civilian and military, must know that they will retain this assignment during an emergency, that they will be held responsible to apply required assistance to the local situation, and that they will have pre-determined forces at their disposal to accomplish this mission. The staff should be responsible to integrate the efforts of the army reserve, the national guard, the state defense force, and all available civilian agencies into the overall plan for mobile support.

After appropriate plans have been formulated, a realistic test of the mutual effort must be undertaken. It is true that in the yearly civil defense exercises, the military is represented at the state and city level. But local military reserve units participate only on paper. While problems of mutual concern are considered, they are not tried out and not necessarily solved. There has been no follow-up within reserve units to implement procedures or changes which might be developed incident to the

exercises.[86] The exercises are considered extremely valuable by military liaison officers and more are deemed appropriate; but to be of benefit, the obvious deficiencies of personnel, equipment, training, and operations must be followed up by alternate suggestions and actual tests to arrive at reasonable solutions for a workable plan.[87]

Overall Estimate of Military-Civilian Coordination

Within the city of Detroit, the following attitudes appear to be prevalent:

The civilian planners appear to have made their plans relying considerably on evacuation and are demonstrating a degree of complacency, failing to improve or to review existing arrangements.

The military planners appear to rely on their exemption from inclusion in the civilian defense plans and act only within paper requirements imposed by higher headquarters.

The public appears to feel a certain degree of doomed helplessness--"if the bomb strikes, there is nothing that can be done about it!"

Outside of the city, there is extremely little

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[86]Statement by Major Forrest Walker, loc. cit.

[87]See Chapter V.

enthusiasm for civil defense planning to help Detroit.[88]

The result is an ineffective, unrealistic, and inconsequential plan for action. The military and civilian civil defense plans for Detroit are not complementary nor integrated, but separate and distinct plans. Military leaders in the city doubt that the civilian civil defense organization can retain control following a nuclear attack and advocate the imposition of martial law, because of necessity.[89] Civil defense officials of the city do not believe martial law will be involved since the military do not possess the capacity to implement it, due to the lack of personnel.[90] The present situation appears indeed grim, for the following reasons:[91]

Tactical evacuation appears impossible under progressively pessimistic assumptions as to warning time in the inter-continental ballistic missile era.

Economics appear to preclude the building of sufficient and adequate public shelters.

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[88]Statement by Major Charles Trickett, loc. cit.

[89]Ibid., also statement by Col. Lois H. Keys, loc. cit., and statement by Lt. Col. David Hagens, Dearborn Sub-sector Commander and Civil Defense Liaison officer to the City of Detroit, Detroit, Michigan, April 26, 1961, personal interview.

[90]Statement by Peter C. McGillivray, loc. cit.

[91]Statement by Lt. Col. David Hagens, loc. cit.

Local civilian police agencies within the city may be ineffectual after an attack since they will be affected psychologically and physically in the same manner as the civilian population.

Military control may be the only alternative. If military control is the only alternative, then the military must prepare itself for this contingency. Presently, this has not been done realistically. The Canadian concept of military orientation to the civil defense problem, with an army commander in charge of a five to six county area, would seem a feasible approach to solve the problem of post-attack recovery and control in Detroit.[92]

Yet, under present procedures, it is the evaluation of the author that military and civilian coordination is inadequate to insure successful joint civil-military action for the preservation of law and order in the Detroit complex area after a nuclear attack.

Accomplishments

1. Civilian and military civil defense plans are exchanged.
2. Military slots exist in civil defense emergency operations centers.

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[92]See Chapter III (Current Foreign Civil Defense Measures).

3. The army has recognized the need for extensive coordination.
4. A recognition exists among most civil defense officials that military help must be provided in case of extensive devastation.
5. The army has initiated monthly liaison visits to all levels of civil defense organizations.
6. State and city civil defense officials have provided for army participation in civil defense exercises.
7. A military police-Michigan State Police communication agreement for emergency operations exists.

Deficiencies

1. The army is not prepared to exercise military control over extended areas, if required.
2. No civil planning exists for operations under military control.
3. Insufficient top level coordination exists.
4. CONARC and the national operational civil defense headquarters are not in physical proximity.
5. A lack of continuity in army liaison efforts exists.
6. Local military units have failed to establish operational liaison within the potential target area of operation.

7. Military units which have the responsibility to conduct liaison visits with Detroit civil defense officials are not included in civil defense operations within the Detroit area.
8. Liaison visits are perfunctory and lack accomplishments toward operational agreements.
9. Military-civil counterparts have not been matched up at the operating level.
10. Local civil and military plans are not mutually supporting or coordinated.
11. Lessons learned in civil defense exercises are not exploited by the military; military participation is too limited.
12. Preparations for integrated mobile support do not exist.

Unanswered Critical Questions

1. What are the acceptable limits of military authority under conditions of military area control?
2. What is a suitable composition of a joint civil and military target complex planning group?
3. Who should be represented in a technical liaison officer pool at the Zone of Interior Army level?
4. What is the composition of a joint military-civilian mobile support force?

5. How can civil police forces, auxiliaries, and remnants of police forces in the target area be integrated into a military-controlled force in case of military area control?
6. Can national guard and civil defense functions advantageously be merged at the state level by combining the jobs of the State Adjutant General and the State Civil Defense Director in one person?

Assessment. The present liaison and cooperative planning efforts of civil and military authorities require scrutinous re-examination and revision in order to create an effective, integrated plan for post-attack law-and-order operations in Detroit.

CHAPTER VII

FINDINGS AND RECOMMENDATIONS

Detroit, a major target city in the United States, is not adequately prepared to insure that law and order is maintained subsequent to an enemy nuclear attack. The lack of adequate preparedness cannot be traced to one source; deficiencies exist at all levels of government--federal, state, and local. However, Detroit does not present a total picture of unpreparedness. Opposed to the numerous deficiencies noted in the preceding chapters, many concrete accomplishments must also be recognized.[1] While a decided lack of fruitful coordination between civil and military authorities was evident, there was by no means official neglect of civil defense by responsible officials involved. This was equally true in the law-and-order field. Both military and civil officials generally recognized the seriousness of the problems at hand and each side has made a determined effort to formulate their respective plans, within dictated policy limits, to cope with potential disaster conditions as best they can.

While the federal civil defense organization can be proud of many accomplishments, it must also be recognized

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[1]Note final pages of Chapters IV, V, and VI.

that its program has so far been insufficient to produce an adequate civil defense preparedness at the local level such as in the city of Detroit. The national government has failed to persuade the state government to take civil defense seriously. The state government, in turn, has failed to convince and guide local communities to work together for a common security. The strictly voluntary nature of civil defense preparations requires earnest reappraisal. Minimum mandatory standards of civil defense preparedness may have to be defined by the Federal Government to insure that a degree of protection is afforded to our communities and a degree of order is maintained if we are to avoid the dangers of national disintegration after nuclear attack.

The preceding comments have general applicability to the overall civil defense program and are not confined to the problems of law and order. However, it must be noted that most civil defense problems are inter-related. It is not possible to isolate plans for law and order; we cannot have a successful law-and-order plan without achievements in other civil defense fields. Conversely, we cannot have sufficient civil defense preparations without adequate planning for law and order.

The following specific findings and recommendations have been formulated mainly from a study of planning by responsible agencies at various levels of government and

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further supplemented by personal field observations in the Detroit target complex. In some instances they are suggestive of recommendations which may to some extent have broader application to civil defense and law-and-order problems throughout the nation. They are presented in a spirit of constructive criticism. They are presented in a spirit of optimism that civil defense problems are capable of being minimized to some extent. They are presented in a spirit of hope, that adequate preparations for civil defense will contribute to that state of preparedness which will be a deterrent to aggression.

I. CONCLUSIONS PERTAINING TO OVERALL CIVIL DEFENSE PREPAREDNESS

Findings

1. Civil authorities have not planned adequately for the contingency of military control, in case civil control in target areas is lost.[2]

2. Military authorities admittedly are not prepared to exert military control over extensive areas in case civil control in target area is lost.[3]

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[2]See Chapter IV (Overall Estimate of Civilian Planning for Detroit).

[3]See Chapter V (Overall Estimate of Military Planning for Detroit).

3. The lessons of World War II, of civil defense efforts in other countries, and of domestic disaster situations have not been fully exploited in U. S. civil defense planning.[4]

Recommendations

1. National policy should be made as definite as possible.

a. It should be recognized that civil authorities, in some instances, may not be able to retain control during the initial recovery operations in target, reception, and support areas; the possibility of at least limited breakdown of civil government must be recognized as a planning assumption for both civil and military planning. Plans must be formulated to provide for military area control whenever necessary in target, reception, and support areas.[5] (See conclusion II below).

b. There should be increased participation by agencies of the Federal Government in civil defense operational planning at local levels; civilian and military authorities should engage in joint operational planning, particularly

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[4]See Chapter II (World War II Experience of Foreign Nations and Domestic Disasters); Chapter III (Current Foreign Civil Defense Measures).

[5]See Chapter VI (Overall Estimate of Military-Civilian Coordination).

at the State Area level.[6] (See conclusion VI below).

c. The extent of army participation in civil defense operations must be clearly defined.[7] (See conclusion IV below).

2. Annex 7 and Annex 16 of the National Plan should be amended to delineate explicit and vital law enforcement missions of the military and to define the civil-military relationship in law enforcement operations.[8] (See Table I, Chapter II above).

3. In accordance with precedents, civilian and military planners at all governmental levels should consider the following precepts in civil defense planning:

a. A distinction must be made as to which civil defense programs require centralization and which require de-centralization. Centralization can lead to uniform acceptable standards in civil defense preparedness within the various communities throughout the nation; but de-centralized operational control after attack must be preserved to insure effective local action in spite of possible

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[6] Ibid.

[7] See Chapter V (Thoughts for Consideration) and Chapter VI (Integrated Planning Problems).

[8] See Chapter II (Differing Law Enforcement Plans); Chapter VI (Political Considerations: Civilian Versus Military Control); and National Plan Annexes 7 and 16 attached as Appendix C and Appendix I.

communication failure along the chain of command.[9]

b. Extensive military participation in civil defense must be programmed.[10]

c. The problems of jurisdiction, command, authority, and control must be clearly delineated during advance planning.[11]

d. Mobile support on a State Area basis should be considered as the most effective application of aid in a recovery operation.[12] Mobile support concepts current in British and Canadian plans should be scrutinized for possible adaptation to domestic operations.[13]

e. Preparations should be made for an extensive expansion of police forces for post-attack recovery operations.[14]

f. Coordination to effect police support in fire fighting, evacuation, restoration of utilities, and road clearance operations must be accomplished in advance and

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[9]See Chapter II (Great Britain; Germany; Japan).

[10]See Chapter II (Current Foreign Civil Defense Measures).

[11]See Chapter II (Great Britain; Germany; Japan; Domestic Disasters).

[12]See Chapter II (Great Britain; Germany; Japan).

[13]See Chapter III (Great Britain; Canada).

[14]See Chapter II (Great Britain; Germany; Japan).

must be accorded considerable emphasis.[15]

II. CONCLUSIONS PERTAINING TO MILITARY AREA CONTROL

Finding

The extent of military authority under conditions of martial law or military area control is unclear and ill-defined; precedents are few in military area control experience.[16]

Recommendations

1. Legislation providing for a system of military area control, in case of nuclear attack, should be enacted which provides for a more precise delineation of military authority.[17]

a. Military area control should be exerted in all attacked target complex areas, whenever specified criteria of break-down of civilian control have been met.

b. The decision to invoke military area control and the extent of the area of jurisdiction should be made by the appropriate Zone of Interior Army Commander or his designated representatives acting under criteria provided

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[15]See Chapter II (Great Britain; Germany, Japan).

[16]See Chapter III (Military Area Control; Martial Law).

[17]See Chapter III (Thoughts for Consideration) and Chapter VI (Political Considerations: Civilian versus Military Control).

by regulations; military area control should extend over the target area as well as the surrounding reception and support areas.

c. In case of military area control, the military must be prepared to exert control over critical and interrupted functions of government; civil control over other functions should remain in effect.

d. A gradual phase-in and turnover of functions to civil authorities should be programmed in accordance with civil capabilities.

2. The federal courts should monitor military measures to insure that proper balance is maintained between desirable security measures and the protection of individual rights.[18]

III. CONCLUSIONS PERTAINING TO CIVILIAN PLANNING FOR CIVIL DEFENSE

Finding

Inadequate preparations in communities in the fields of civil defense warning, sustenance, shelter, and evacuation may increase the probability of panic by the population, threatening increased problems of law and order.[19]

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[18] See Chapter III (Hawaii; Current Military Doctrine; Thoughts for Consideration); Chapter VI (Clarification of Missions).

[19] See Chapter II (A Picture of Nuclear Attack).

Recommendations

1. Operational survival plans should be reviewed yearly and realistically reappraised by the Federal Government in the light of the civil defense preparedness in the particular area covered by the plan.[20]

a. Increased funding should be allotted to achieve minimum civil defense preparedness standards in each community as determined by the Federal Government.[21]

b. The building of protected state emergency control headquarters should be made a prerequisite before any federal matching fund contributions for civil defense may be allocated to a state.[22]

c. Civil defense programs which exist only "on paper" must either be implemented or the county should be designated and publicized as an unprotected area by the Federal Government.[23]

d. Remedial, tactical, and strategic evacuation planning should be conducted.[24]

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[20]See Chapter IV (Planning Problems).

[21]Ibid.

[22]See Chapter IV (The State Survival Plan).

[23]See Chapter IV (Livingston County; Pontiac, Michigan).

[24]See Chapter II (Law Enforcement Requirements).

e. Procedures to exploit the time between blast and serious fallout should be developed.[25]

2. A study should be conducted to determine the optimum relationships, geographic and administrative, which should exist between the headquarters of OEP, OCD, CONARC, and other government emergency headquarters, with a view toward relocating such headquarters as required.[26]

3. Police planning must recognize possible inadequacies and gaps in local civil defense preparations and must be alert to deal with the hazards of residual radiation. The formulation of separate law-and-order plans should be considered for the following contingencies:

a. Pre-attack operations.

b. Immediate post-attack operations.

c. Protracted recovery operations.

IV. CONCLUSIONS PERTAINING TO MILITARY PLANNING FOR CIVIL DEFENSE

Finding

Department of Defense policy pertaining to military involvement in civil defense operations is not specific; the

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[25]See Chapter III (Canada).

[26]See Chapter VI (Coordination at the National Level).

[27]See Chapter II (A Picture of Nuclear Attack; Law Enforcement Requirements).

failure to commit in advance certain reserve units for civil defense missions has adversely affected planning, training, and equipping of army units potentially involved in civil defense operations.[28]

Recommendations

1. Military authorities should study the feasibility of revising their civil defense contingency plans and committing in advance certain reserve and national guard units for civil defense missions.[29]

a. Funds for developing and implementing civil defense contingency plans must be allocated to the U. S. Army.

b. The special staff supervision of military civil defense law-and-order programs should be assigned to the Provost Marshal General.

c. Mission assignments should be made consistently in accordance with a military unit's primary mission and capability. (Example: military police and civil affairs units should be used for law-and-order missions).[30]

d. Additional military police and civil affairs

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[28]See Chapter V (Thoughts for Consideration); Chapter VI (The Military Viewpoint).

[29]See Chapter V (Problems of the Army Reserve; Problems of the National Guard).

[30]See Chapter V (Training Problems).

units may have to be activated for civil defense law-and-order functions.[31]

e. Reserve units presently in potential target areas may have to be relocated.[32]

f. Sufficient special equipment, such as radiation measuring equipment, should be issued to military units in accordance with assigned civil defense missions.[33]

2. A pool of technically qualified liaison officers, at the Zone of Interior Army level, should be provided who are experts in critical fields such as law and order, public utilities, et cetera.[34] Technical liaison officers should:

a. Keep operational planning current.

b. Assist local unit liaison with civil counterparts.

c. Provide technical advice in their respective field.

d. Assist in organizing mobile support.

e. Assist State Area planning groups.

3. Every stand-by reservist should receive a mobilization assignment and reporting instructions to insure

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[31]See Chapter V (Training Problems; Planning Problems).

[32]See Chapter V (Training Problems).

[33]*Ibid*.

[34]See Chapter VI (Local Liaison Problems).

full-strength military reserve units for civil defense missions; the feasibility of requiring civil defense training for all stand-by reservists should be considered.[35]

4. The national guard and/or state defense force should be integrated into civil defense plans.[36]

a. States should be advised by the Department of Defense whether or not they can depend on their respective national guard unit in case of surprise attack.

b. Further federal incentives toward forming a state defense force should be provided. Priority should be accorded to those states which cannot depend on their national guard for local commitment.

(1) All states should be encouraged to maintain an active state defense force, at cadre strength, with workable manpower plans for immediate expansion.

(2) A federal requirement should be imposed that all states must formulate stand-by plans for the formation of state defense forces.

(3) The use of the retired reserve should be authorized for state defense force cadre membership.

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[35]See Chapter V (Manpower Problems).

[36]See Chapter V (Problems of the National Guard; A State Defense Force); Chapter VI (Coordination at the State Level).

V. CONCLUSIONS PERTAINING TO INTRA-STATE CIVIL DEFENSE ORGANIZATION - THE TARGET COMPLEX OF DETROIT, MICHIGAN AS AN EXAMPLE

Findings

1. State Area-level planning and mobile support are the decisive and key operational civil defense measures; in Michigan, for the target complex of Detroit, this concept has not been implemented.[37]

a. No overall, integrated (civil-military) operational mobile support plan exists.[38]

b. The State Area Coordinator staff has not been fully designated.[39]

2. The civil defense effort for Detroit is largely concentrated within Detroit--a potential impact area--and thus is susceptible to complete destruction. Surrounding counties have either inadequate programs or are totally involved in self-survival, ignoring plans for assisting within the potential target area.[40]

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[37]See Chapter IV (The Detroit Target Complex Plans; Organizational Problems).

[38]See Chapter IV (The Mobile Support Concept); Chapter VI (Mobile Support Problems).

[39]See Chapter IV (The State Survival Plan).

[40]See Chapter IV (Reception Area Planning).

3. Military plans for the Detroit target complex are independent of civil plans and are unrealistic in terms of manpower, mission assignment, and equipment for civil defense operations.[41]

Recommendations

1. Area planning must be emphasized and should be designed to allow for military plans to fit the civilian plans; military and civilian plans should be mutually supporting.[42]

a. Police organization should be modeled after the military police group concept for police control.[43]

b. Area police plans should provide for operations under military area control, during transitional periods and under reconstituted civil control.[44]

2. Civil-military target complex planning groups should be created for critical target areas:[45]

a. Military and civilian officials who are charged with the implementation of devised civil defense

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[41]See Chapter VI (Integrated Planning Problems).

[42]*Ibid*.

[43]See Appendix HH (Military Police Group).

[44]See Chapter VI (Clarification of Missions).

[45]See Chapter VI (Local Liaison Problems; Mobile Support Problems).

plans should be members of such groups.

b. Experts at the national level should develop a prototype integrated civil defense operational plan (civilian and military). For example, members of the Police Advisory Committee might develop the law-and-order portion of such a plan.

c. The Target Complex Planning Group should be responsible for developing the civil defense operational plan for its respective target area, based on the prototype plan mentioned in paragraph b above.

d. The Target Complex Planning Group should designate the joint civil-military State Area staff which is to function during a civil defense emergency. Staffs should have civilian and military counterparts (for example, the civilian police chief and the military provost marshal), and should be in sufficient depth to insure manning in spite of expected casualties.

e. The Target Complex Planning Group should structure the composition of integrated (civil-military) mobile support which is capable of moving into an attacked area and taking over necessary functions to reconstitute vital services and insure law and order.

VI. CONCLUSIONS PERTAINING TO THE FEDERAL CIVIL DEFENSE POLICE PROGRAM

Findings

1. Staffing for police functions at the national and regional levels is insufficient; police advisory bodies have had only moderate success in the federal police program.[46]

2. The federal police training program is too limited in scope; the technical and administrative branches of the military services (such as the Military Police Corps) are not fully utilized in assisting operational civil defense planning.[47]

Recommendations

1. A study should be made to determine the appropriate staff requirements for the Police Division of the Federal Government's civil defense agency to assist in operational planning.[48]

2. The advisability of creating Police Advisory Committees on the regional level should be studied; such committees should be concerned with police operational

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[46]See Chapter IV (The Office of Civil and Defense Mobilization).

[47]See Chapter IV (The Auxiliary Police Program); Chapter V (Training Problems).

[48]See Chapter IV (Control Problems).

problems in intra-state and inter-state operations.[49]

3. Civilian universities should be widely utilized in developing leadership and operational concepts for police emergency (civil defense) planning.[50] Research and development should be emphasized in fields such as the following:[51]

a. Emergency police expansion.

b. Military-civilian coordinated police operations.

c. Police operations in radioactive areas.

d. Police civil defense equipment for operations in fallout areas.

e. Panic and mob control.

f. Strategic, tactical, and remedial evacuation procedures.

g. General disaster operations.

4. A disaster police supervisor course should be established within the Provost Marshal General's School at Fort Gordon, Georgia, or at a recognized university with a well developed police administration curriculum.[52]

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[49]See Chapter IV (Regional Organization).

[50]See Chapter IV (Planning Problems); Chapter V (Training Problems).

[51]See Chapter II (Law Enforcement Requirements); Chapter IV (National Organization; Planning Problems).

[52]See Chapter IV (National Organization); Chapter V (Training Problems).

a. The Military Police Board and the Police Advisory Committee should assist in developing a curriculum for the course.

b. The emphasis in training should be placed on developing planning skills to cope with potential problem areas in maintaining law and order after a nuclear attack.

c. The course should be designed for civil as well as military police administrators, to further joint police planning and joint police operations on a State Area level.

VII. CONCLUSIONS PERTAINING TO POLICE ORGANIZATION FOR CIVIL DEFENSE IN MICHIGAN

Findings

1. Present police planning fails to provide a realistic operational guide for state-wide police operations in event of a civil defense emergency.[53]

a. A state-wide emergency integration plan for all police forces in the state is lacking.

b. The present organizational structure for police emergency action in Michigan is not clear-cut to preclude conflict and confusion during an emergency.

c. The designated Area Police Coordinator is of

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[53]See Chapter IV (Thoughts for Consideration).

insufficient rank and political stature to be influential and decisive in State Area police operations.

d. The composition of a staff to assist the Area Police Coordinator has not been determined.

2. Since extensive expansion of police forces will be necessary to cope with the law-and-order problem, Michigan police forces presently available are inadequate to handle the possible disorders inherent in nuclear attack.[54]

a. The 4:1 ratio of auxiliary police expansion, while realistic, has not as yet been approached.

b. The Michigan auxiliary police program is lagging; also, most members are located within the potential target area.

3. The Michigan State Police, although a highly efficient organization, is too small a unit to provide an adequate state-wide police reserve. It presently has no plans for extensive expansion.[55]

Recommendations

1. State Area Police "Commanders" rather than "Coordinators" should be appointed to command State Area police organizations during emergency operations. Such

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[54]See Chapter IV (The Auxiliary Police Program).

[55]See Chapter IV (The State Police; The Detroit Target Complex Plan).

appointees must be prestigious and capable professional police officials.[56]

a. The command and succession structure and the extent of authority of the police commanders must be clearly delineated in advance, to preclude confusion and dissension during stress situations.[57]

b. State Area joint police staffs (civilian and military) must be created to assist police commanders in directing emergency police operations, to include operational control over mobile support within a target complex.[58]

2. The feasibility of creating a federally organized Military Police Auxiliary should be studied; training and peace-time control of such a force might be exerted through State Police agencies.[59]

a. The plans and training program for a Military Police Auxiliary could be developed under the auspices of the Provost Marshal General's School and the Military Police Board at Fort Gordon, Georgia.

b. Federal funds and instructors should be made available for utilization by state agencies in the training

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[56]See Chapter IV (Control Problems).

[57]See Chapter IV (Organizational Problems).

[58]See Chapter IV (Control Problems); Chapter VI (Mobile Support Problems).

[59]See Chapter V (Differing Proposals).

program.

c. Centralized federal control should be assumed over the organization in case of a national emergency; plans should provide for decentralized operations for law and order at the State Area level, in case communication failures cut the chain of command.

3. A state-wide police emergency plan must be developed to provide for police centralization and state-directed police operations during a civil defense emergency.[60]

a. A system of county-wide police consolidation should be devised. Counties might be divided into zones, each zone being assessed a quota for mobile police support; the quota presumably would be based on population strength.[61]

b. Police reserves at the state level should be increased enabling the shifting of forces to State Areas requiring additional assistance. The feasibility of a State Police Auxiliary drawn exclusively from rural areas should be studied, precluding competition with city police forces and insuring membership from outside of potential impact areas.[62]

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[60] See Chapter IV (Organizational Problems).

[61] See Chapter IV (Washtenaw County; Organizational Problems); Appendix BB (Washtenaw County Civil Defense Organization).

[62] See Chapter IV (The Auxiliary Police Program; The State Police; The Detroit Target Complex Plans).

c. Army reserve, national guard and/or state defense force capabilities should be integrated into a police reserve plan for the state to insure a maximum capability for the preservation of law and order.[63]

d. Area-wide tests for implementing the formulated plans must be carried out to insure adequacy and workability of the command structure, communications, assembly, massing of mobile support, reserves, and the movement and employment of composite (civil-military) forces, to include operations under military area control.[64]

4. The operational mission of the Michigan State Police should be limited to reconnaissance, communication, intelligence, and police reserve in keeping with the unit's strength, mobility, and equipment.[65]

VIII. CONCLUDING COMMENTS

The implied criticisms inherent in the findings and recommendations delineated above are in no way intended to cause embarrassment or disrespect to civil defense officials working for the federal, state, or local government, or to military officials involved in civil defense planning. On

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[63]See Chapter VI (Mobile Support Problems).

[64]*Ibid.*

[65]See Chapter IV (The State Police).

the contrary, throughout the course of the study, certain observations and impressions favorable to such officials were inescapable.

Deficiencies in our civil defense program should not be attributed to the dedicated, hard-working civil servants. If there was a failure of FCDA and OCDM, it was mainly in the field of public relations, in that the public and legislative representatives were not impressed with the importance, urgency, and need for civil defense.

Military civil defense planners appeared clearly as sincere and concerned officials laboring within the limits imposed by the dictates of national and army policy and within limitations imposed by inadequate appropriations. If there was a failure in military planning, it was mainly the failure to recognize that civil defense ought to be a primary military mission whenever it becomes essential for national self-preservation after attack.

To achieve an adequate level of protection in civil defense preparedness, public and legislative support of the civil defense program is essential. First, this must be attained. Furthermore, a complete and well-rounded civil defense program must include preparations which insure that law and order, so necessary for national survival, will be maintained. This can only be achieved through extensive teamwork between civil and military officials. Teamwork

must be established during the planning phase. Teamwork must continue when all available forces are mobilized as enemy attack is threatening. Teamwork must be the key to law-and-order action after the alert is sounded, after the bombs have fallen, and as the nation recovers and rebuilds.

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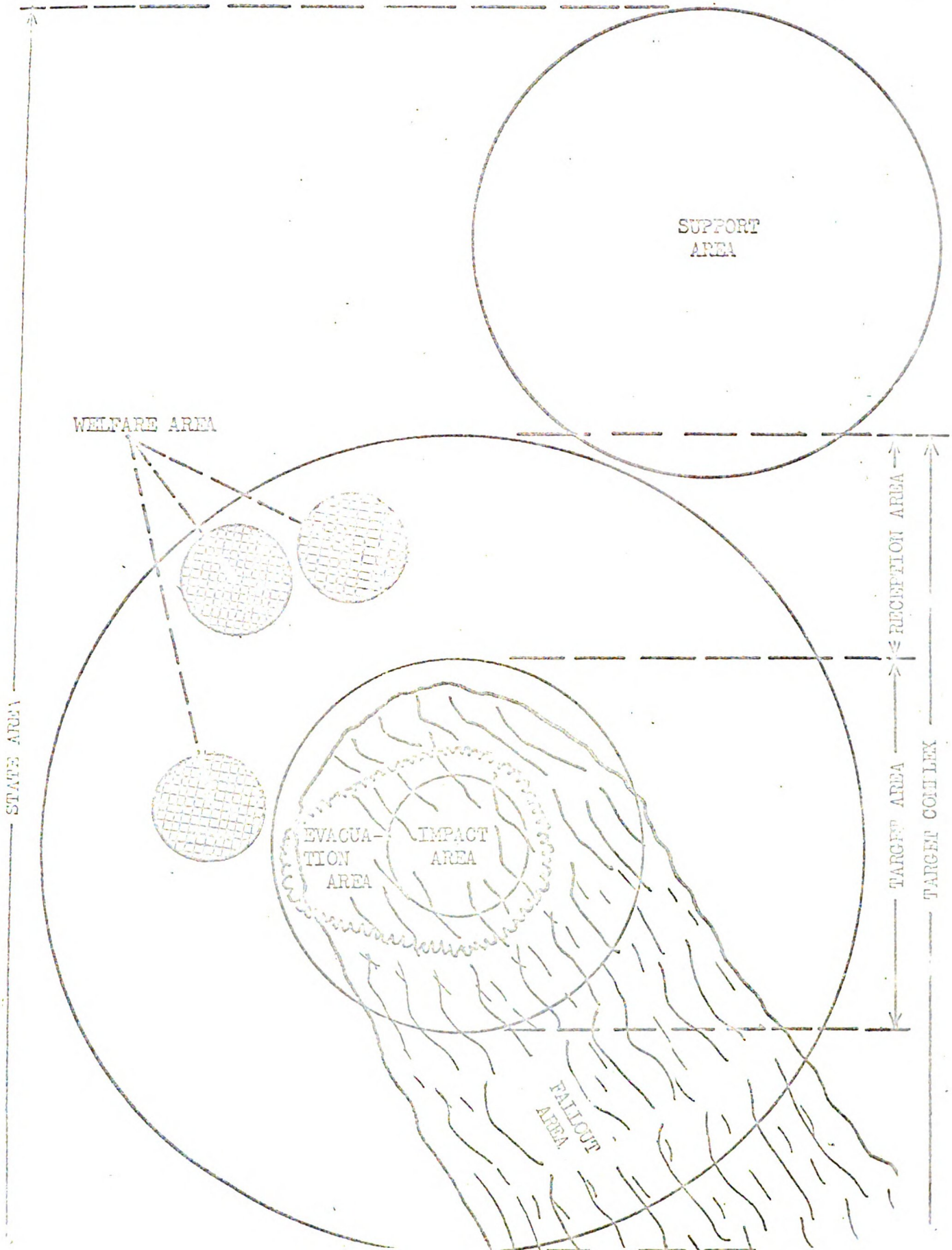
APPENDIX

GRAPHIC PORTRAYAL OF DEFINITIONS

(Assumption: Impact on Target)



APPENDIX B

CIVIL DEFENSE EMPLOYMENT IN BRITAIN

	ARP*		FIRE		CASUALTY		POLICE		AUX. POLICE		GRAND TOTAL (Including Part Time)
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	
1940	108.7 +	14.9	72.2 +	4.7	14.9 +	33.0	64.4 +	.3	31.9 +	.2	1,712.8**
1941	110.1 +	16.8	96.8 +	5.4	14.5 +	36.0	64.4 +	.4	38.2 +	.3	1,786.1
1942	88.7 +	17.6	107.7 +	28.5	9.3 +	30.7	60.4 +	.4	36.8 +	3.6	1,683.4
1943	66.5 +	11.7	93.8 +	30.7	7.1 +	21.8	51.6 +	.4	34.1 +	5.0	1,836.0
1944	59.9 +	10.0	86.6 +	24.1	7.1 +	17.8	48.9 +	.4	25.3 +	4.6	1,852.2
1945			46.2 +	10.6			46.8 +	.4	18.6 +	4.0	359.6
Peak	112.3 +	19.4	108.6 +	32.2	15.2 +	37.9	64.5 +	.4	39.5 +	5.0	1,869.1

*Air Raid Protection (Wardens)
**In Thousands

ANNEX 16

MAINTENANCE OF LAW AND ORDER

I. Definition

For the purpose of this annex, "maintenance of law and order" means preservation of the essential functions of government and the protection of life and property through the enforcement of laws, rules, and regulations.[1]

II. Assumptions

A. A nuclear attack upon the United States would lead to conditions of public disorder, confusion, and distress that would far exceed the ordinary capabilities of law enforcement bodies to maintain law and order; it would create many new and unforeseeable problems relative to the control and care of the population.

B. Under national emergency conditions, governors of States and chief executives of local governments *would* assume direct operational control of all the government and civilian forces and resources subject by law to their authority, including Federal employees and resources made available to State and local governments.

[1] See Annexes 8, Preparations for Continuity of Government; 12, Directed Movement; and 22, Explosive Ordnance Reconnaissance.

C. Law enforcement functions, including judicial proceedings, in a national emergency would be carried out according to the requirements of law and, to the extent feasible, in accordance with established and accepted practices and procedures, including those applicable in relations between State and local government enforcement bodies, and enforcement and investigative bodies of the Federal Government and military services.

III. General Responsibilities

A. Public[2]

It is the responsibility of every individual:

1. To know laws, rules, and regulations which are effective in emergency situations and comply with the lawful directions of duly constituted authorities.

2. To assist law enforcement authorities in the performance of specific emergency tasks when requested by such authorities.

B. State and Local

1. Local government is the basic entity responsible for the maintenance of law and order.

2. State government is responsible for supporting local police services in emergency as the situation allows and for assisting and coordinating emergency law enforcement planning of its political subdivisions.

3. State and local governments are responsible for aiding in the enforcement of Federal operations and emergency measures.

[2] See Annex 2, Individual Action.

C. Federal

1. OCDM

The Office of Civil and Defense Mobilization is responsible for:

a. Developing basic principles and procedures for police services in national emergency, including:

(1) Measures for mobilization, organization, and operations.

(2) Standards for operations between the different geographical and political jurisdictions.

b. Coordinating Federal agency participation in State and local planning and organizing, and developing Federal capability for assistance and support to State and local government operations.

2. Other Federal Agencies[1]

a. *The Federal Bureau of Investigation* has the general responsibility for the investigation of espionage, sabotage, and subversive activities within the United States under the security program, as defined by law and by Executive orders. The President of the United States, by Executive directives in 1939, 1943, and 1950, established the FBI's basic responsibility in the internal security field and also requested all loyal citizens, patriotic organizations, and

[1] See Annex 5, Federal Delegations and Assignments. These Federal agency responsibilities pertain mainly to general enforcement activities and do not include specialized enforcement agencies which have regulatory programs, such as the Department of Agriculture or the Interstate Commerce Commisson.

all law enforcement officers to assist the FBI in carrying out these duties by promptly reporting directly to the FBI all information which might relate to espionage, sabotage, and subversive activities. In addition, the FBI is responsible for investigating all alleged or suspected criminal violations of the Atomic Energy Act, including the illegal import or export of fissionable material, the illegal possession or transportation of fissionable material, and the illegal transfer or possession of any equipment or device utilizing fissionable material or atomic energy as a military weapon.

b. *Treasury Department* responsibilities pertinent to maintenance of law and order are as follows:

(1) *The Bureau of Customs* has the responsibility for detecting the entry of contraband into the United States, as well as the export of controlled materials from this country. This includes arms, ammunition, and implements of war which require licenses issued by the Department of State for their importation or exportation; articles covered by the Atomic Energy Commission; other critical materials covered by the Export Control Act which are licensed by the Bureau of Foreign Commerce of the Department of Commerce; gold shipments which require an import or export license issued by the Bureau of

the Mint under the Gold Reserve Act; and narcotic drugs which require import or export licenses issued by the Federal Narcotic Control Board under the provisions of the Narcotic Drug Import and Export Act.

(2) *The Internal Revenue Service Alcohol and Tobacco Tax Division* enforces the internal revenue laws relating to alcoholic liquors for both industrial and beverage purposes, tobacco and tobacco products, certain firearms tax laws, the Federal Alcohol Administration Act, the Liquor Enforcement Act of 1936, and related laws.

(3) *The Bureau of Narcotics* is charged with the investigation, detection, and prevention of violations of the Federal narcotic and marihuana laws and of the Opium Poppy Control Act of 1942, and related statutes.

(4) *The U. S. Secret Service* is responsible for the protection of the President, the members of his immediate family, and the Vice President; and the suppression of counterfeiting of currency, Government checks, and other Government securities.

(5) *The United States Coast Guard* has the primary responsibility for the security and safety of the Nation's harbors and port facilities, including the shipping

therein, and for the safety of life and property in waters subject to the jurisdiction of the United States, both in peacetime and in war. In war, or when the President so directs, the Coast Guard operates as a service of the Navy and carries out this responsibility in close coordination directed by the Navy.

c. *The Department of Commerce* acts as a clearing house for businessmen, scientists, public officials, and private citizens who want the views of appropriate government agencies regarding the advisability of releasing or withholding specific technical information in their possession.

d. *The Federal Communications Commission* has the responsibility for detecting the operation of unauthorized and clandestine radio transmitting sets within the confines of the United States and its Territories and Possessions.

e. *The Atomic Energy Commission* has the responsibility for the physical security of our atomic installations and for the security of personnel and of classified documents and records within the confines of these installations.

f. *The Department of Defense*, through its operating agencies, is responsible for:

(1) The security of military installations and facilities and for the security of military areas when established.

(2) Assisting in the physical security of the Nation's industrial plants engaged in the manufacture of materials vital to the defense effort, in accordance with policies formulated by the National Security Council and as prescribed in Executive Order 10421, as amended.[4]

g. *General Services Administration* has the responsibility and authority for maintenance of law and order and the physical protection for all federally owned facilities under its control.[4]

IV. Functions

A. The major functions in maintenance of law and order in a national emergency are:

1. General police administration and operations.
2. Emergency highway traffic control and supervision (covered by Annex 12, Directed Movement).
3. Security and protection of vital facilities and resources (Annex 11).
4. Enforcement of economic stabilization measures, as required and as feasible, in support of Federal regulations.
5. Explosive ordnance reconnaissance (Annex 22).
6. Continued functioning of local, State, and Federal courts.

B. Courses of action in carrying out these functions include the following:

[4] See Annex 11, Protection of Essential Facilities.

1. Strengthening of capabilities of existing regular forces of State and local government law enforcement departments by reorganization where needed and by additional and advanced training for all police, particularly in command, civil defense organization, administration, and operations.

2. Expansion of law enforcement capabilities by recruiting, training, and equipping auxiliary police and integrating them with the existing regular forces.

3. Participation by law enforcement chief executives, the judiciary, and key members of their staffs in all pertinent aspects of civil defense operational planning, to assure readiness and maximum capability for each of their departments to function in emergency as an integral element of the government of which it is a part.

4. Establishment of operational relationships among municipalities, counties, and States to implement local, area, and statewide emergency law enforcement operations, including interstate mutual-aid compacts.

5. Preparation of enabling legislation for use, where necessary to statewide police authority, to assure effective police mobile support emergency operations.

6. Development of plans with Federal agencies for intrastate and interstate operations which may require Federal support or other assistance.

[illegible]

A. State and local [illegible]

1. Each State will assign to the coordinator of police and police services the following responsibilities:

a. In coordination with, and with the assistance of, State and local government law enforcement officials, to survey the State and, in the light of the assumptions stated above, determine the needs for law enforcement purposes of the State and its political subdivisions relative to organization, personnel strengths (regular and auxiliary), training, equipment, facilities (including communications), and other resources.

b. In coordination with, and with the assistance of, State and local government law enforcement officials, to review police plans and operations procedures, and, as shown to be desirable by the results of this review, to revise and integrate these plans and operations procedures with those of the other elements of the State and local government emergency organizations of which they are a part.

c. To develop and maintain a continuing inventory of all police resources within the State and to establish standing procedures to expeditiously make such resources readily available for use as needed.

[illegible] Generally this is the chief law enforcement officer of the State or his duly appointed representative. His title varies.

d. To provide [illegible] the mobile support unit to display such support in specific emergencies.

e. To develop [illegible] a consolidate training program required [illegible] civil defense purposes for regular and auxiliary police.

f. To maintain [illegible] liaison on a technical staff level with OCDM Regional Offices to assure receipt of all information and instructional material [illegible] law enforcement operations, [illegible] coordinator and contact between [illegible] OCDM and State and local governments [illegible] the general police training program for civil defense.

g. To transmit the [illegible] channels information, [illegible] and materials from Federal and State civil defense offices to all police services of the State.

2. States will assist [illegible] area and local coordinators of police to conduct police planning and programming for their respective jurisdictions or assigned areas, and to function with the State coordinator in developing maximum police capabilities for operations in national emergency.

3. Should State and local forces prove inadequate for maintenance of law and order in emergencies, Federal assistance may be requested by the State civil defense director through the OCDM Regional Office, where possible, in accordance with the provisions of Annex 7, Role of the Military.

[illegible] Federal Government

1. OCDM shall:

a. Determine what personnel, facilities, equipment, supplies and other material resources for civil defense purposes are required, recommend such changes and additions as needed to meet operational requirements.

b. Provide technical advice and assistance to States and local governments to aid them in carrying out their civil defense plans for police services, including training, education and dissemination of training materials, texts, visual aids, manuals, and policies.

c. Share with State and local governments the costs of administering certain civil defense activities and providing or otherwise acquiring certain facilities, equipment, supplies, materials, and other material services needed by police for civil defense purposes.[1]

d. Issue information that applies the people about the programs and their objectives, creates understanding and encourages support for them.[2]

e. Under emergency conditions, obtain Federal aid, urge for State and local authorities as is required and available.

2. OCDM Regions shall develop and maintain a continuing inventory of critical police resources within each Region and establish standing procedures to expeditiously use these resources on an interstate basis as required.

[1] See Annex B5, Federal Assistance.
[2] See Annex 9, Public information.

APPENDIX D

MICHIGAN ASSOCIATION OF CHIEFS OF POLICE

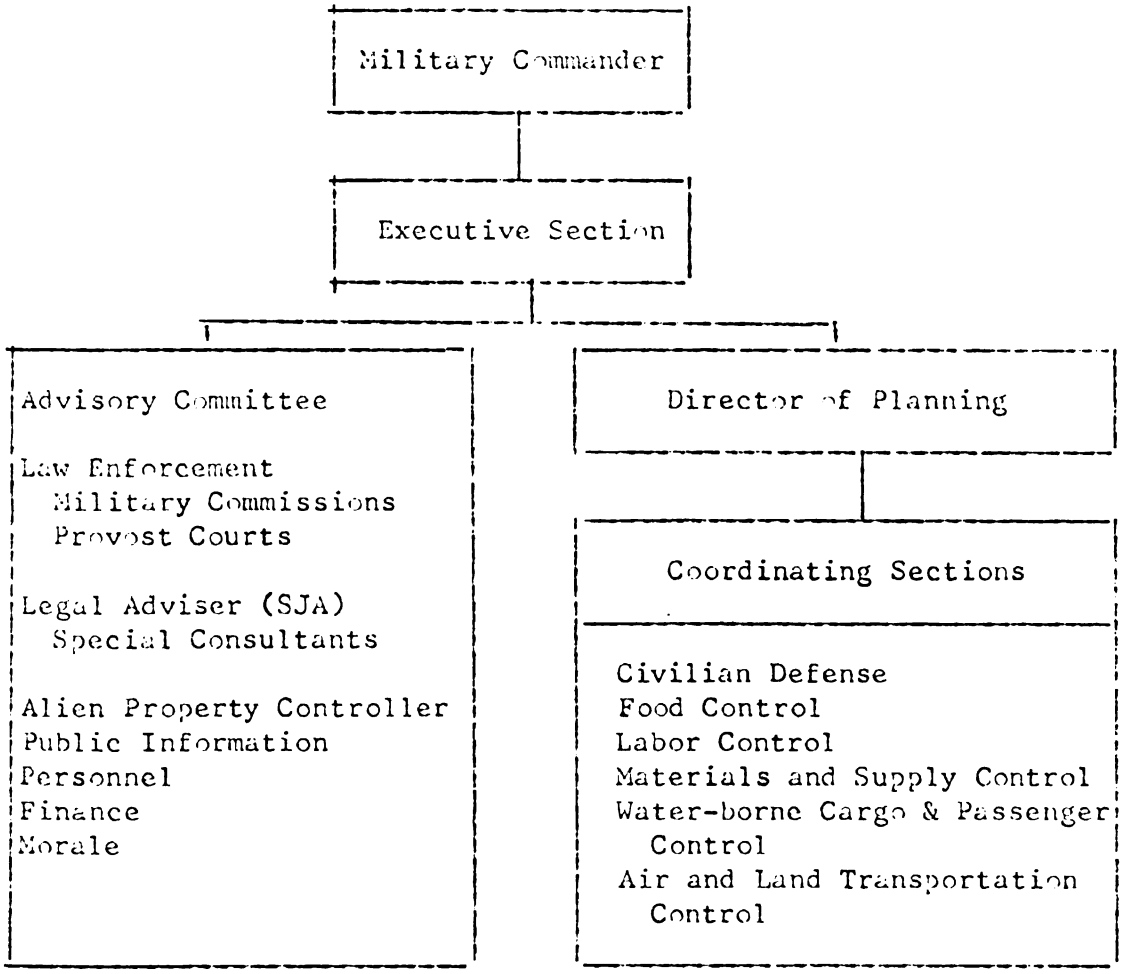
LANSING, MICHIGAN, REGION 4, OCDM

CIVIL DEFENSE PROGRAM

1. Strengthening of existing police by reorganization where needed and additional and advance training for all police.
2. Expansion of law enforcement capabilities by recruiting, training, and equipping auxiliary police, and integrating them with existing regular forces.
3. Participation by key law enforcement officials in civil defense planning.
4. Establishment of operational relationship among municipalities, counties, and states to implement local area and statewide emergency law enforcement operations.
5. Preparation of enabling legislation for use where necessary to state wide police authority to assure effective police mobile support emergency operations.
6. Development of plans with federal agencies for interstate operations which may require federal support or other assistance.

APPENDIX E

MARTIAL LAW ORGANIZATION IN HAWAII*

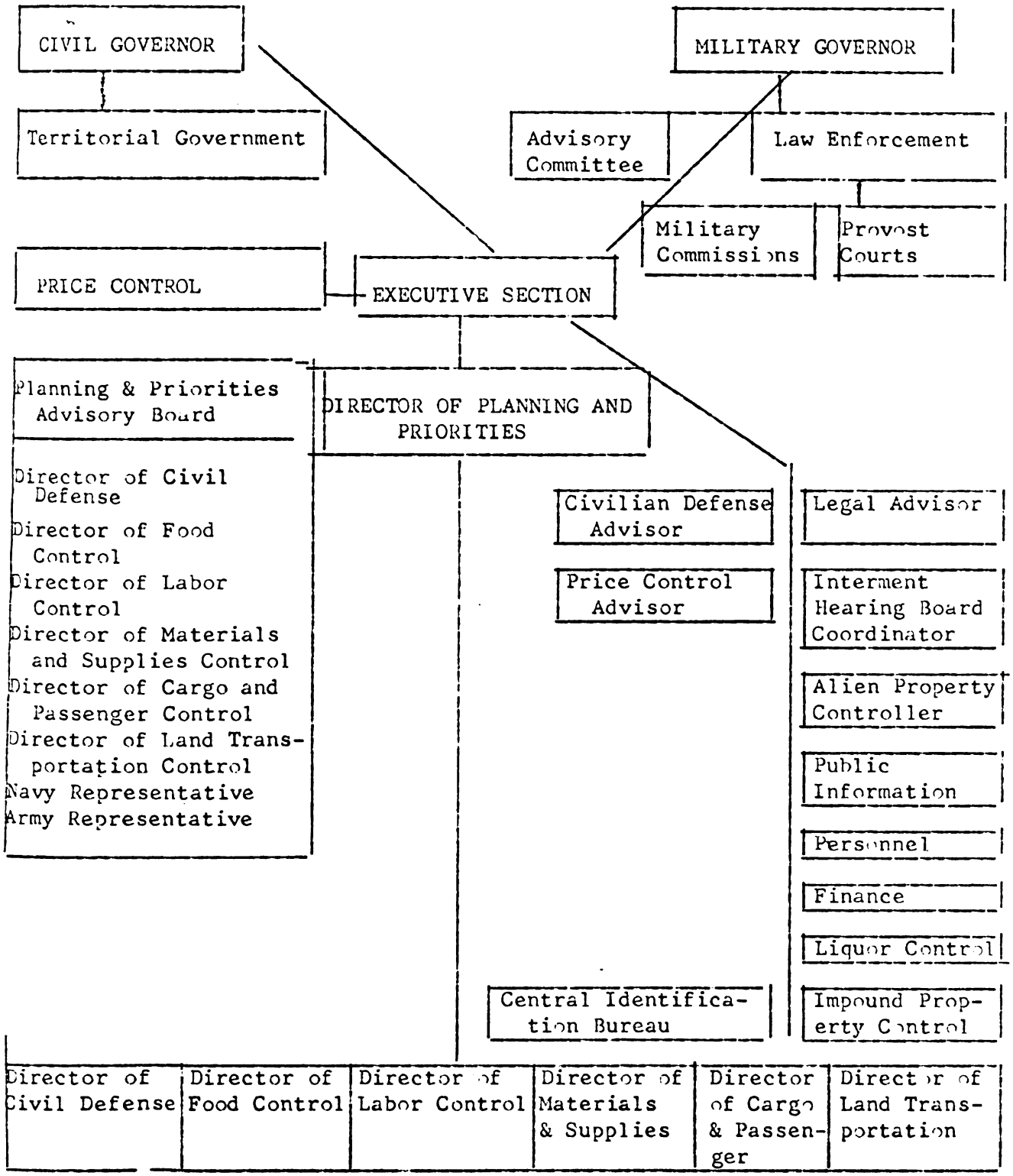


Source: U. S. Army, "The Army's Role in Civil Disturbances," Instructor Folder, The Army Intelligence School (Fort Holabird, Maryland, January, 1958), p. 24.

*Note the large number of functions in which the Army could not be expected to have any extensive amount of experience.

APPENDIX F

FUNCTIONAL CHART OF HAWAII UNDER ARMY RULE



Source: J. Garner Anthony, Hawaii Under Army Rule (California: Stanford University Press, 1955), pp. 36-37.

APPENDIX G

STEPS IN CIVIL DEFENSE ACTION ENVISIONED IN HOPLEY REPORT

FIRST LINE OF CIVIL DEFENSE ACTION - Self Help

↓

SECOND LINE OF CIVIL DEFENSE ACTION - Mutual Aid

↓

THIRD LINE OF CIVIL DEFENSE ACTION - State Mobile Reserves

Mobile Support (Class B Mobile Reserves): Locally organized and by prior arrangements, authoritatively directed.

Civil Defense Mobile Reserve Units (Class A Mobile Reserves): TO&E organized and federally recognized and approved organizations activated, trained, and controlled by the State with training supervised by the National Director, Civil Defense (100 battallions; 50,000 men).

↓

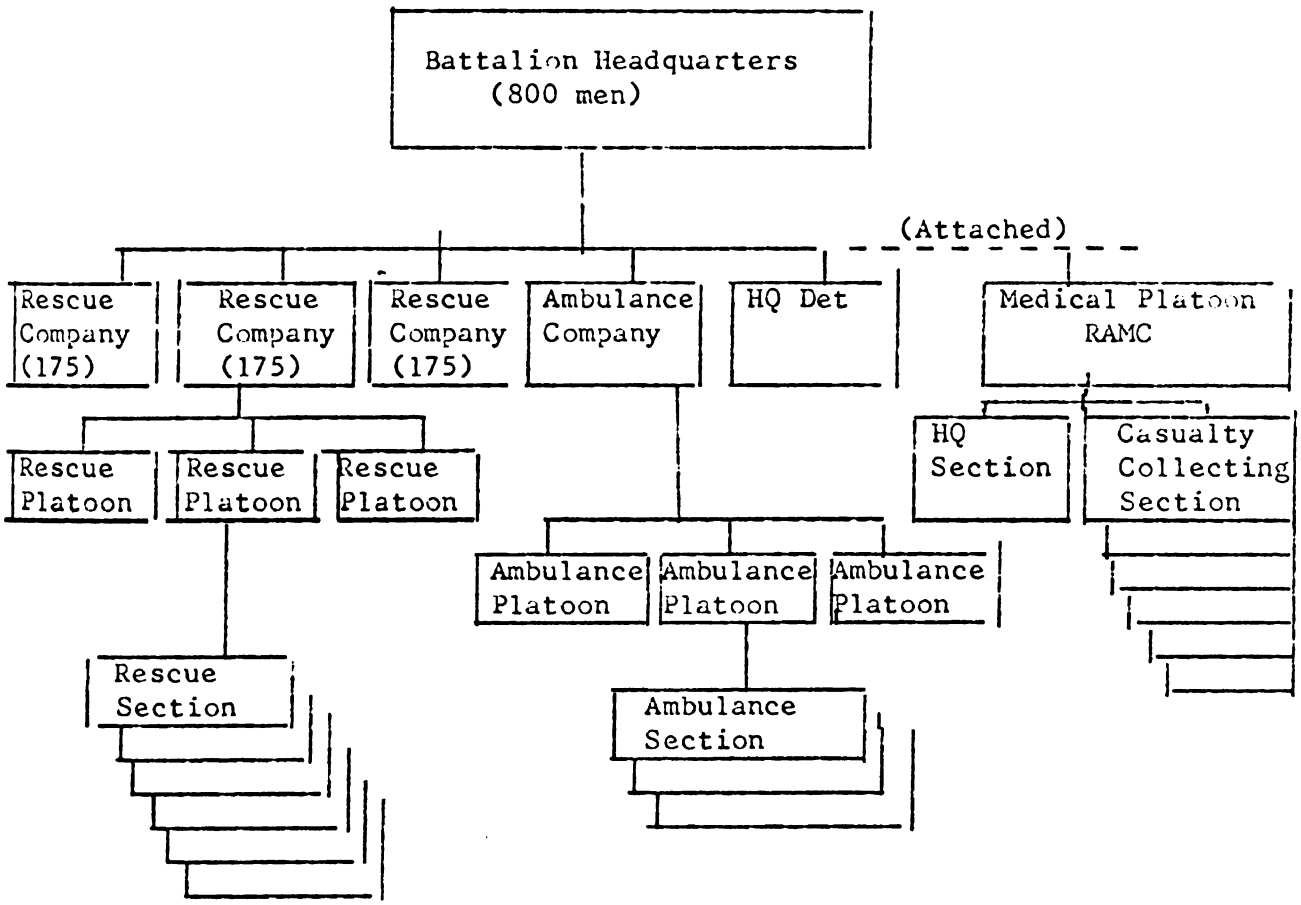
FOURTH LINE OF CIVIL DEFENSE ACTION - Military Aid to Civil Governor

A secondary mission of the Armed Forces - "Such support may take the form ranging from assistance to local communities in a damaged area to an extent short of military control or martial rule as the situation may demand".

Source: Russell J. Hopley, Director, Office of Civil Defense Planning, "Civil Defense for National Security," A Report Prepared by the Office of Civil Defense Planning for the Secretary of Defense (Washington: Government Printing Office, June, 1949), Chart 13.

APPENDIX H

MOBILE DEFENCE CORPS BATTALION



Total Rescue Sections: 54

Total Ambulance Sections: 54

Capability: Operation on a front of not more than two miles

Source: Military Support in Civil Defense, Civil Defense Pocket Book No. 2 (London: Her Majesty's Stationery Office, 1958), p. 30.

ANNEX 7

ROLE OF THE MILITARY

I. Introduction

A. Military assistance to local or State authorities in peacetime, as well as in wartime emergency, is a long-standing tradition of the Armed Forces of our country. Modern warfare has created a condition wherein the entire resources of the Nation must be fitted into the war plan. The plans for the nonmilitary defense of the Nation are contained in the National Plan for Civil Defense and Defense Mobilization, of which this military annex is a part.

B. The Department of Defense recognizes the essential interdependence of the civil and military defense efforts of our Nation in achieving our total posture of national security. Military support to civil authorities in civil defense operations is an emergency task within the mission of all Federal active duty and reserve units of the military services, to be performed when essential military requirements will permit.

C. Military resources are acquired by the Department of Defense to meet operational and support requirements which are levied by the military mission of the Armed Forces. These resources represent only a

small proportion of the total gross national resources, and civil authorities must be aware of the limitations on their use and availability. MILITARY ASSISTANCE SHOULD COMPLEMENT BUT NOT BE A SUBSTITUTE FOR CIVIL PARTICIPATION IN CIVIL DEFENSE and may be limited or denied completely if the military situation so dictates.

II. Mission

A. The Department of Defense has issued positive guidance to the military departments concerning the responsibilities of the Armed Forces in rendering assistance to the national civil defense effort. Inherent in the acceptance of this responsibility by the Department of Defense are these two basic principles:

1. In the event of an attack on the United States, the active defense of the Nation, and its offensive combat operations and immediate deployments and essential preparations therefor, will be the paramount and most immediate tasks of certain United States Armed Forces. Also, certain other military manpower and materiel resources will be required for the support of these defensive and counteroffensive actions.

2. Military resources other than those in "1," above, can be made temporarily available to assist the civil authorities in civil defense operations, provided that:

a. Such support does not interfere with the essential military mission.

b. Resources thus committed will be responsive to military command and remain under military control (with the exception of consumable items, such as food, fuel, and clothing) and will be subject to recall to meet the operations requirements of the military mission.

B. The Department of Defense provides planning and training assistance to civil authorities at all levels to assist them in the attainment of an adequate national capability for civil defense operations.

III. Planning and Basic Procedures

A. PLANNING AND OPERATIONAL LIAISON has been established between the Zone of the Interior Army Commanders[1] and the Office of Civil and Defense Mobilization Regional Directors. Planning and operational liaison between appropriate local military commanders and State and local civil defense directors has been directed. This liaison provides the necessary coordination between military and civil authorities for preattack planning as well as cooperation during an actual civil defense emergency.

[1] There are six U.S. Armies within the Zone of Interior:
First U.S. Army, Governors Island, New York City.
Second U.S. Army, Fort Meade, Md.
Third U.S. Army, McPherson, Ga.
Fourth U.S. Army, San Antonio, Tex.
Fifth U.S. Army, Chicago, Ill.
Sixth U.S. Army, Presidio, Calif.

Zone of Interior Army Commanders, acting in the role of the Department of Defense coordinators of military assistance to civil defense, have established the essential coordination and control channels with their opposite numbers in the Navy and Air Force.

Representatives have been selected to serve on the Regional Boards of the Office of Civil and Defense Mobilization to represent the Army Commander and to expedite the military assistance to civil defense activities. In this regard the appropriate representatives of the Departments of the Navy and the Air Force are responsible for coordination with the appropriate representatives of the Department of the Army in the planning for and the rendering of military assistance to civil authorities, as jointly deemed necessary.

Resources furnished to meet requests for assistance received from the Office of Civil and Defense Mobilization Regional Director are coordinated by the Zone of Interior Army Commander, consistent with any priorities on available assistance established at that level in accordance with the Department of Defense policies.

B. NATIONAL GUARD FORCES which are not in the active Federal military service are available to the State governors for support of civil defense operations, and remain under State control, until ordered or called into active Federal military service.

Emergency military assistance for maintenance of law and order, short of martial law, is provided as a supplement to, rather than a substitute for, State and local law enforcement agencies and is rendered through those agencies.

C. *Preparations for the continuity of government*[2] *at Federal, State, and local levels will be strengthened in order to avoid the necessity for imposition of martial law.* Martial law will not be imposed except when the agencies of the civil law have been paralyzed, overthrown, or overpowered and are unable to operate and function adequately. Martial law cannot be imposed without specific executive authorization. Priority will be given to support civil authorities in maintaining law and order.

D. MILITARY AREAS are specific geographical areas in which an overriding military mission exists and which have specifically been declared as such by the Secretary of Defense. Within such areas, civil government will accord precedence to military requirements and will conduct civil affairs in such manner as not to interfere with the discharge of the military mission. The Armed Forces in such areas will not exercise jurisdiction over civil government, populations, or resources except as absolutely required for the successful accomplishment of the military mission.

E. MILITARY COMMANDERS receive orders relating to civil relief and control through the established chain of military command. In areas where martial law has been declared by the President, the military authorities may perform all acts reasonably necessary for the restoration and maintenance of public order, until such time as it is determined by the President that the appropriate civil authorities are able to operate and function adequately.

[2]See Annex 8, Preparations for Continuity of Government.

IV. Responsibilities

The Department of Defense has directed that training programs be established, for both active and reserve military forces, which will emphasize military skills useful to the civil defense mission.

Appropriate military personnel are responsible for current knowledge of civil defense plans and resources at national, regional, State, and local levels.

A. Contingency Plans

1. The military departments are responsible for developing domestic emergency plans. These plans are made necessary to cope with any forseeable contingency. They include provisions for emergency assistance, consistent with the execution of the primary military mission, to local and State government authorities in civil defense emergencies wherein civil authorities are incapable of operating without this support.

2. Military domestic emergency plans at appropriate levels of command will be coordinated as necessary with Federal, State, and local civil defense plans to a degree consistent with military security. Particular cognizance will be taken of those aspects of the plan which are of common interest to both military and civil defense operations. Mutual support during emergency conditions should be the guiding principle for both the military plans and the civil defense plans.

B. Attack Warning and Reports of Nuclear Detonations

The Commander in Chief, North American Air Defense Command, provides attack warning information and reports of nuclear detonations to responsible officials of the Office of Civil and Defense Mobilization.

C. Radiological Fallout Reports

The Department of the Air Force monitors and reports, through military weather teletype circuits, observed radiation intensities at all Air Force locations served by the Air Weather Service.

D. Aerial Reconnaissance

The Department of the Air Force, to the extent feasible, performs certain postattack aerial photo reconnaissance for bomb damage assessment purposes. Headquarters, United States Air Force, will make the information available to OCDM and other appropriate Government Agencies as required.

E. CONELRAD

The Commander in Chief, North American Air Defense Command, initiates CONELRAD as the military situation requires and informs appropriate Office of Civil and Defense Mobilization officials concerning the status of the CONELRAD Alert.

F. Explosive Ordnance Disposal

The Department of the Army conducts explosive ordnance disposal operations in civil emergencies requiring such assistance, except as indicated in the following paragraphs:

1. Department of the Navy: Responsible for explosive ordnance disposal under water, for coastal areas to and including the high water mark, for enclosed bodies of water, for rivers or canals, and at all Navy and Marine Corps installations, and for disposal of explosive ordnance or nuclear materials aboard naval aircraft.

2. Department of the Air Force: Responsible for explosive ordnance disposal on Air Force installations and for disposal of explosive ordnance or nuclear materials in the physical possession of the Air Force at the time of any incidents and/or accident.

3. Armed Forces Special Weapons Project: Has been delegated the authority for conduct of all explosive ordnance disposal operations at all Armed Forces Special Weapons Project installations.

NOTE: The Atomic Energy Commission is responsible for taking custody of enemy atomic weapon components after the components have been rendered safe by the Service having disposal responsibility in accordance with the above. Local civil authorities are responsible for disposal of nonmilitary, nonnuclear commercial-type explosives and explosive devices in areas under civil jurisdiction. Army Explosive Ordnance Disposal personnel are responsible for disarming nuclear devices in such areas.

V. Local Assistance in Catastrophes

A. While the accomplishment of the military mission is paramount and must not be jeopardized, nothing said in the foregoing paragraphs shall be construed so as to interfere:

1. With immediate action by a command where necessary to prevent damage to or destruction of government property or other vital national defense materials, premises, and utilities.

2. With immediate assistance by a local command to the civil community in case of a catastrophe, in accordance with law, established custom, and regulations of proper authority.

B. MILITARY ASSISTANCE TO CIVIL AUTHORITIES IS A TEMPORARY MEASURE. IT WILL BE TERMINATED AS SOON AS POSSIBLE IN ORDER TO CONSERVE MILITARY RESOURCES AND TO AVOID INFRINGEMENT ON THE RESPONSIBILITY AND AUTHORITY OF CIVIL GOVERNMENT AGENCIES.

VI. Implementation

A. The decision regarding the degree of support to be given at the time of emergency will be announced by the Zone of Interior Army Commander and will be based upon the military mission and situation at that time.

B. Requests for emergency military assistance are submitted through civil defense channels to the Office of Civil and Defense Mobilization Regional Director, thence to the Zone of Interior Army Commander. The responsibility for initially providing assistance to civil authorities in domestic emergencies is that of the military service having resources nearest the afflicted area. In instances where immediate assistance from the military is required to prevent starvation, extreme suffering, and property loss, or where local resources available to State and municipal authorities are clearly inadequate to cope with the situation, requests from local communities for emergency assistance should first be made directly to the commander of the nearest military installation.

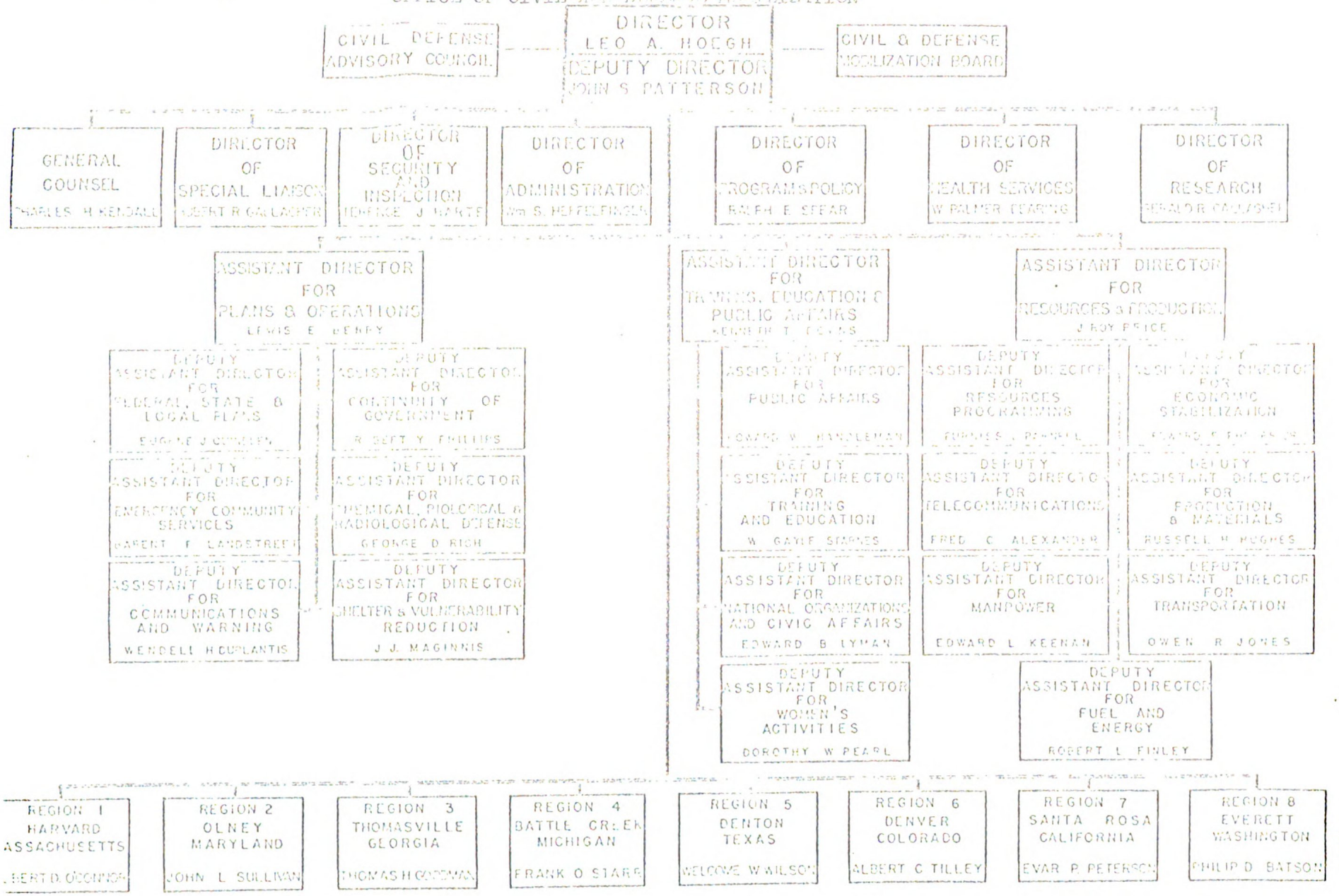
C. The military departments have issued implementing instructions unilaterally which provide that local military commanders will coordinate their domestic emergency plans with like plans of local civil authorities, as appropriate. Local coordination does not require the military commander to precommit his resources for civil defense operations, but it does provide the military commander with a quick response capability when an emergency arises, if the needed resources can be made available.

D. Military plans are not considered as taking the place of adequate and timely civilian plans.

☆ U. S. GOVERNMENT PRINTING OFFICE : 1959 O - 518317

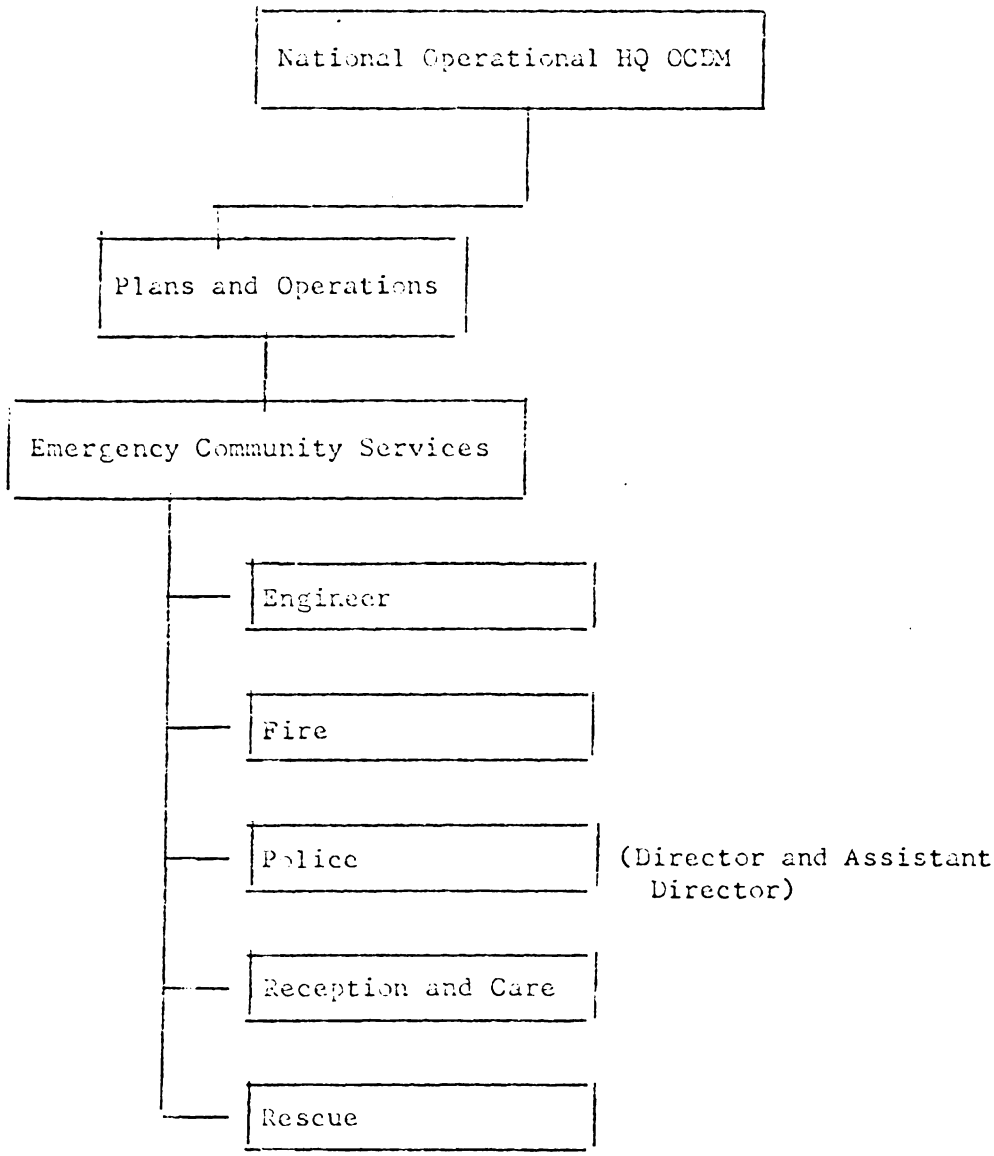
ANNEX J

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF CIVIL AND DEFENSE MOBILIZATION



APPENDIX K

OCDM ORGANIZATION FOR POLICE SERVICES



APPENDIX L

LIST OF OCDM TRAINING COURSES

Radiological Monitoring Instructor Course

Radiological Defense Officer Course

Radiological Administrative Aspects Course

Elements of Civil Defense and Defense Mobilization

Civil Defense Operations

Emergency Operations for Instructors

Rescue Operations for Instructors

Communications for Instructors

Principles of Organization and Staff Responsibilities for Instructors

Basic Civil Defense Course for Instructors

Communicating Civil Defense and Defense Mobilization Ideas

Civil Defense in Local Disasters

Industry Defense and Mobilization

Religious Affairs Course

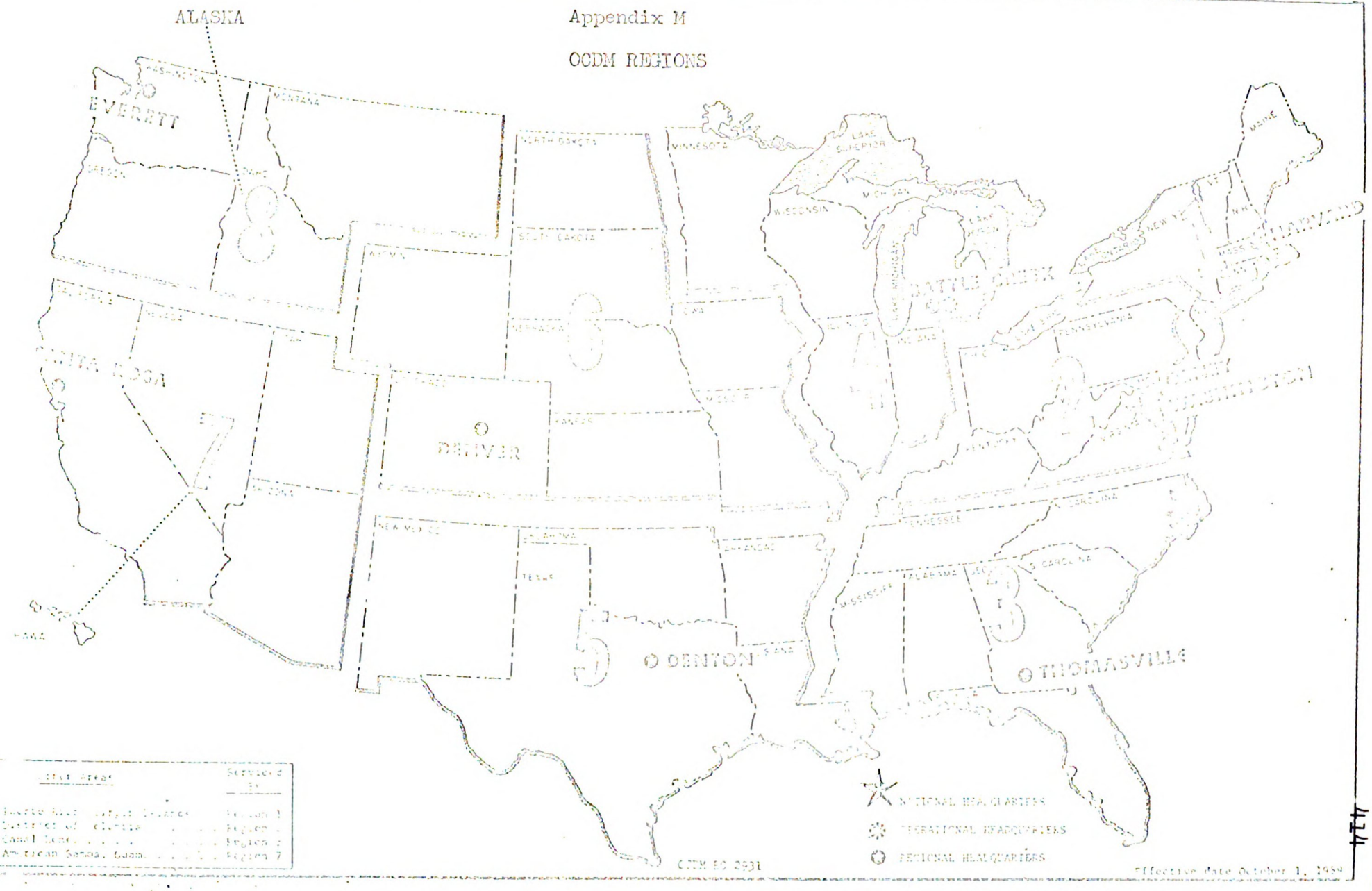
Civil Defense for Nurses

Federal Emergency Planning and Operations Course

Source: Published by Michigan Association of Chiefs of Police, January 27, 1960, Lansing, Michigan

Appendix M

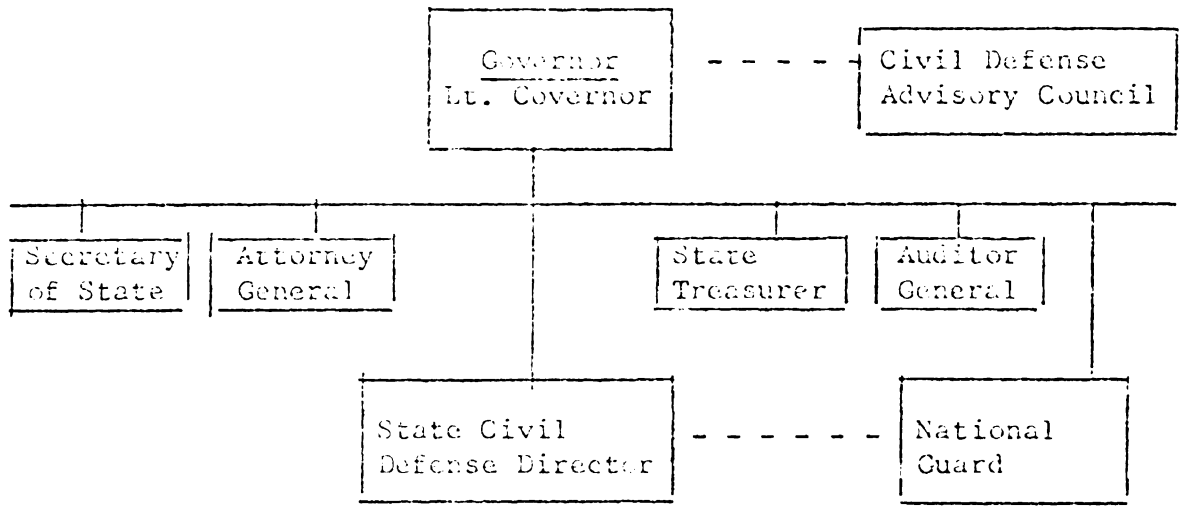
OCDM REGIONS



State Area	Serviced by
[illegible]	Region 1
District of Columbia	Region 2
Canal Zone	Region 3
American Samoa, Guam	Region 7

APPENDIX N

MICHIGAN STATE CIVIL DEFENSE ORGANIZATION CHART

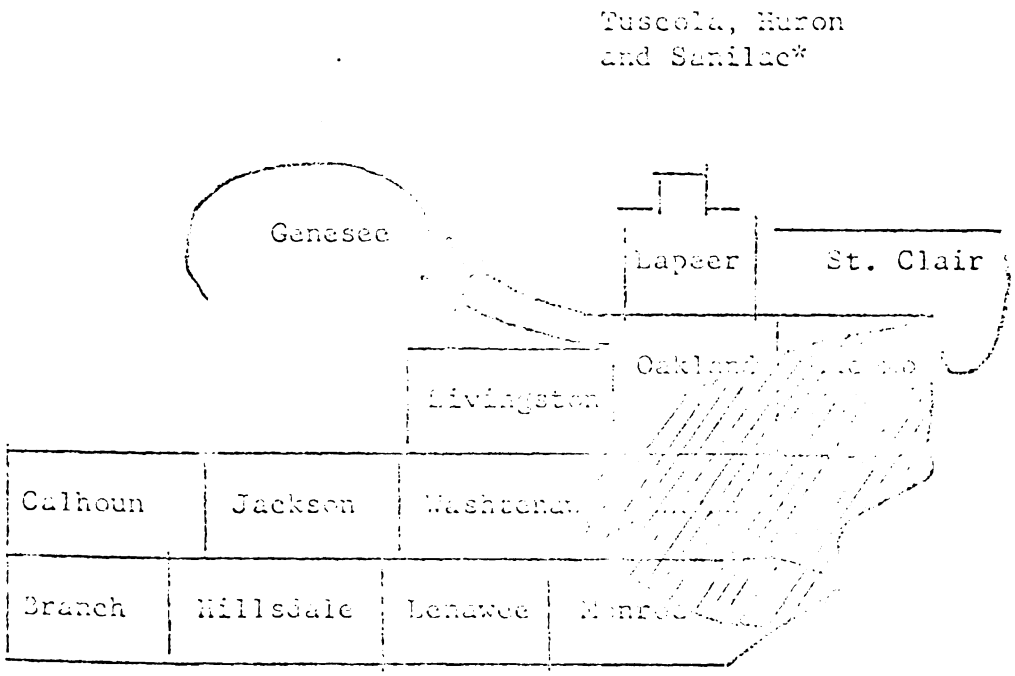


Michigan Department of Conservation	- Communication
Attorney General	- Legal
Michigan Dept. of Social Welfare	- Welfare
Michigan Public Service Commission	- Transportation
Michigan Banking Department	- Financial
Michigan Employment Service Commission	- Manpower
Michigan State Police	- Attack Warning, Fire, Intelligence, Police
Michigan Dept. of Administration	- Administration, Economic Requirements and Control, Supply
Michigan Highway Department	- Engineering, Rescue
Michigan Dept. of Public Instruction	- Training
Michigan Department of Health	- Health, Medical, Mortuary, Radiological
Michigan Office of Civil Defense	- Training, Emergency Information
Michigan Department of Corrections	- Training and Support

Source: Michigan State Plan, Annex 1.

APPENDIX C

AREA 5 AND DETROIT TARGET COMPLEX



*Use of northern counties of Area 4, Huron, Tuscola, and Sanilac as reception areas. State Police District 2 and parts of Districts 3 and 4 are in Area 5.

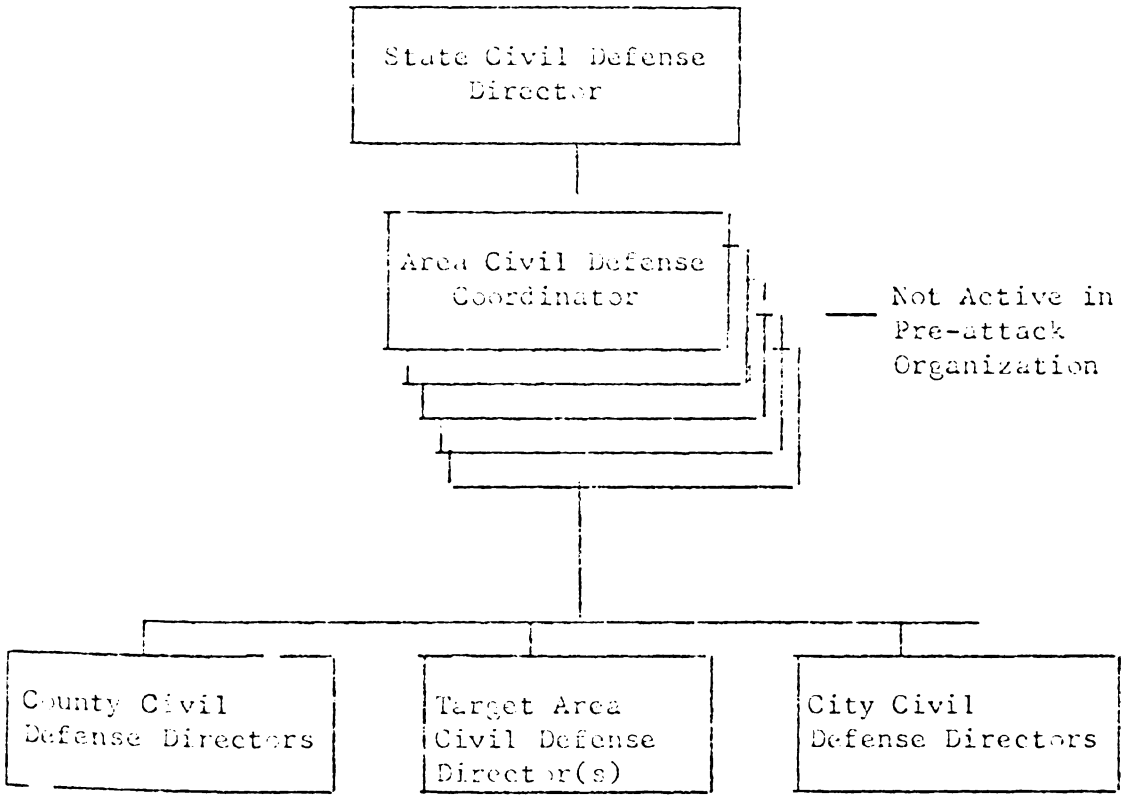
The shaded area represents the target area.

Arrows point to a welfare area.

APPENDIX P

COMMAND AND CONTROL ORGANIZATION CHART

STATE OF MICHIGAN

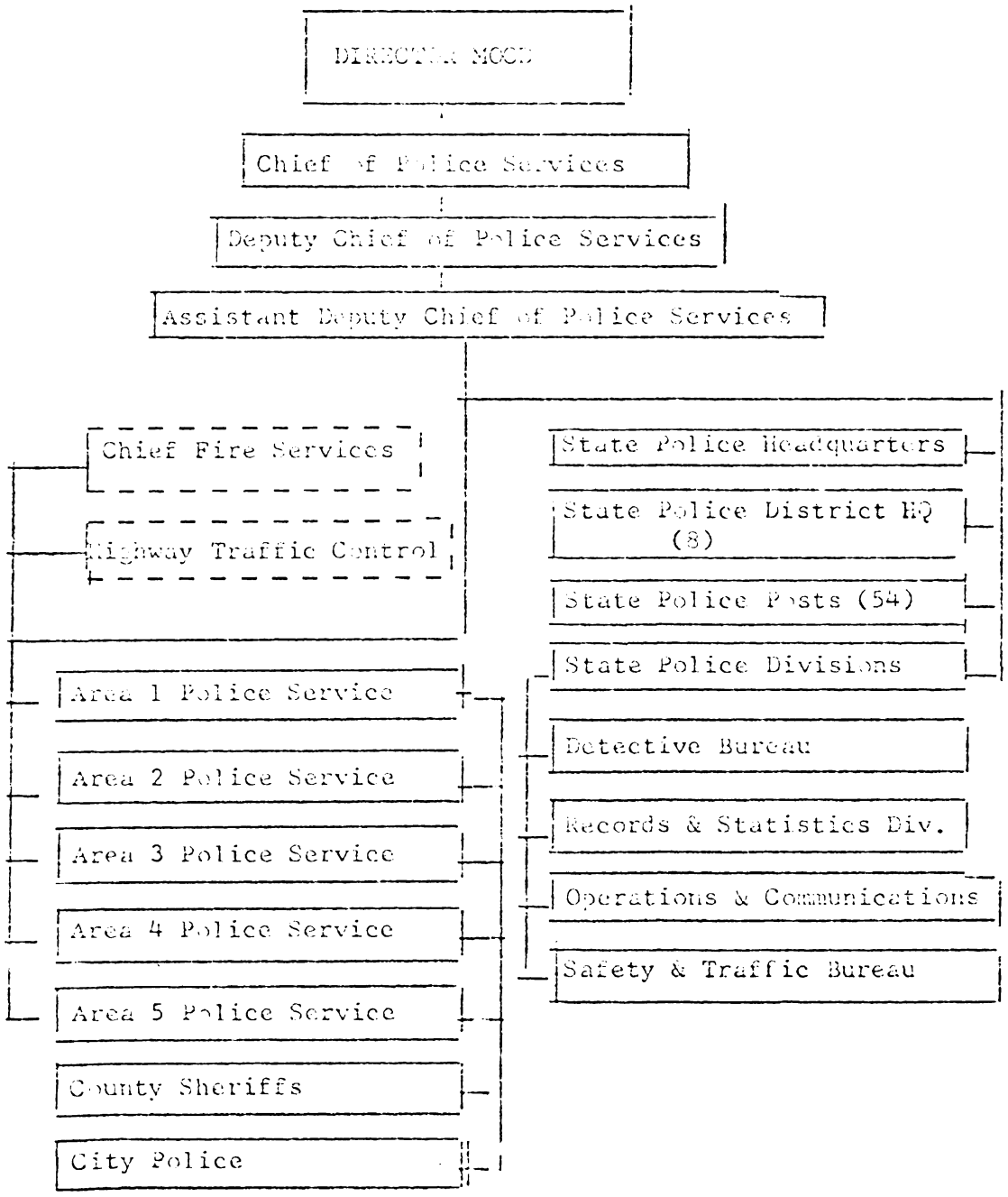


Source: Michigan State Survival Plan, Annex 1.

APPENDIX Q

MICHIGAN STATE POLICE ORGANIZATION

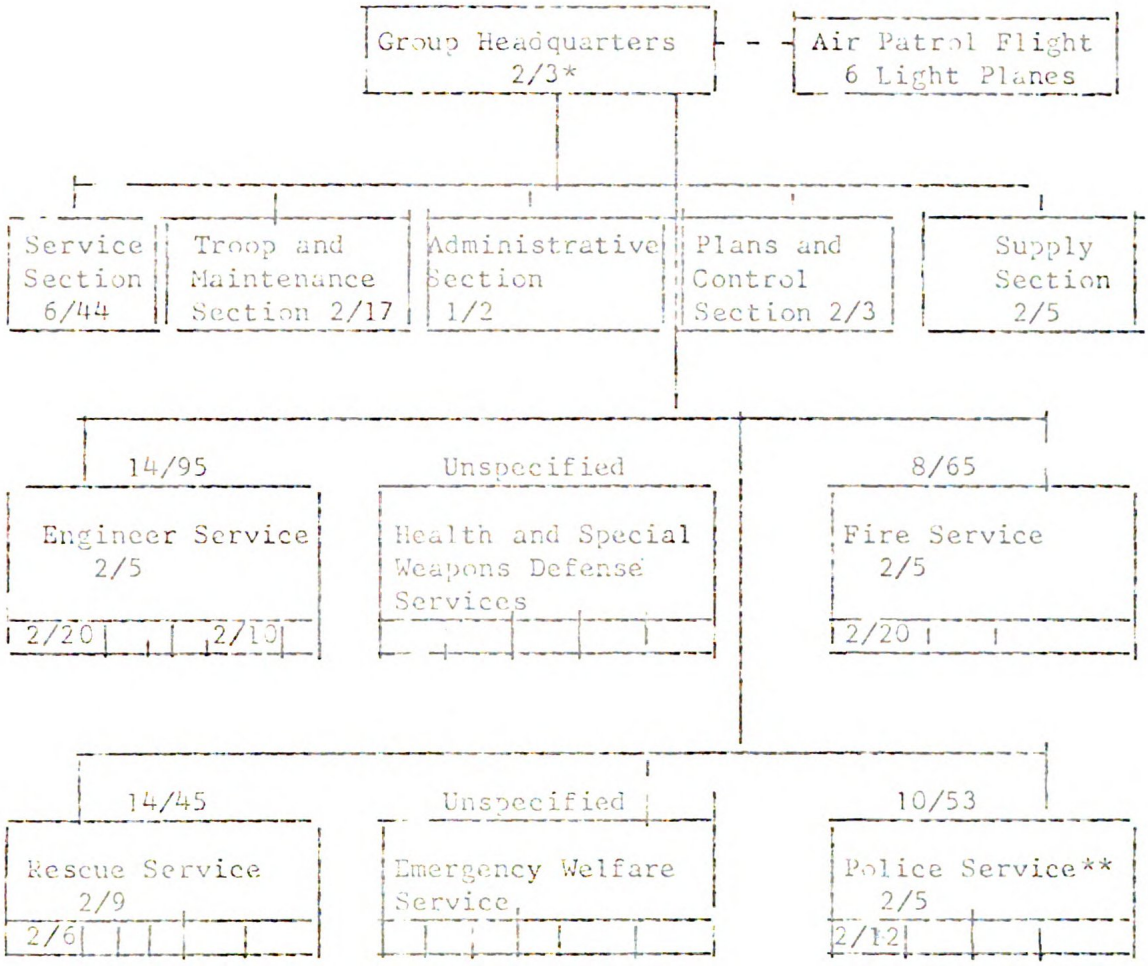
DURING CIVIL DEFENSE EMERGENCY



Source: Michigan State Survival Plan, Vol. II.

APPENDIX R

CIVIL DEFENSE MOBILE SUPPORT GROUP



*Legend: Leader/Staff

**Police Service Mission: (1) Maintaining order, (2) Protecting designated establishments from pillage, sabotage, and other damage, (3) Protecting civilian population from violence, (4) Supervising and controlling the evacuation or return of the civilian population, and (5) Assisting in expediting the movements of mobile support group.

Source: FCDA, Principles of Civil Defense Operations, Administrative Guide AG 8-1, July, 1951.

APPENDIX S

SURVEY OF LAW ENFORCEMENT AGENCIES

OF THE STATE OF MICHIGAN, 1957

DETROIT TARGET COMPLEX

County	Officials	Uniformed	Part time	Trained Auxiliary	Biggest Auxiliary	Agencies	Biggest Agency
Branch	32	31	1	52	Sheriff (46)	5	Sheriff (14)
Calhoun	163	147	0	70	Village of Tekanda(15)	14	Battle Creek(56)
Hillsdale	40	37	6	8	Village of Camden (7)	10	MSP (19)
Jackson	166	136	15	215	Jackson (198)	16	Jackson (78)
Lapeer	31	25	20	63	Sheriff (28)	10	Sheriff (8)
Lenawee	118	111	12	18	Hudson(15)	12	MSP (34)
Livingston	47	45	10	56	Howell(24)	6	MSP (23)
Macomb	377	335	200	321	Sheriff (150)	17	Sheriff (80)
Monroe	90	83	20	95	Sheriff (53)	6	Monroe (34)
Oakland	640	559	32	615	Royal Oak (186)	39	Pontiac (118)
St. Clair	125	106	16	67	St. Clair (25)	9	Port Huron (47)
Washtenaw	165	163	126	121	Sheriff (47)	9	Ann Arbor (72)
Wayne	5,819	5,093	0	4,806	Detroit (4,806)	35	Detroit (4,416)

GRAND TOTAL (in Michigan) Full Time Police Officials	11,307*
Number of these which are Uniformed	9,845
Grand Total Part time policemen	2,189
Grand Total Trained Auxiliary	10,002

*Includes Sheriff's Departments, City Police, Village and Township Constables.

Source: Compiled by Michigan State Police, Joseph A. Childs, Commissioner. No later report published as later surveys revealed no appreciable differences.

APPENDIX T

PROPOSED TRAINING PROGRAM FOR AUXILIARY POLICE

Police Services in Michigan Civil Defense	1 hr.
How To Make Notes	1 hr.
Organization and Rules and Regulations of Police Departments	2 hrs.
Traffic Control	2 hrs.
Laws and Manner of Arrest	4 hrs.
Local Ordinances and State Laws	6 hrs.
Police Public Relations	3 hrs.
Panic Control	no time specified
Interviews and Descriptions	5 hrs.
Preservation and Identification of Physical Evidence	2 hrs.
Laws of Search and Seizure	2 hrs.
Internal Security	2 hrs.
Preparation of Reports	4 hrs.
First Aid	20 hrs..
	56 hrs.

Source: State of Michigan, A Training Manual for Auxiliary Police, Prepared by MCCD and Michigan State Police, Printed January, 1957, Revised March, 1959.

APPENDIX U

BASIC AUXILIARY POLICE COURSE

Note Taking	1 hr.
Duties of Auxiliary Police	1 hr.
Police Organization--Rules and Regulations	2 hrs.
Police Public Relations	2 hrs.
Civil Government	2 hrs.
Geography of the Area	2 hrs.
Police Communications	3 hrs.
Basic Principles of Traffic Control	3 hrs.
The Traffic Code	2 hrs.
Description of Persons and Automobiles	2 hrs.

Source: DCDA, Basic Auxiliary Police (Interim), Instructor Guide, April, 1961.

APPENDIX V (Page 1)

DETAILED CIVIL DEFENSE MISSION ASSIGNMENTS OF MICHIGAN STATE POLICE

Pre-Attack

Civil Defense Training
Provide instructors for Auxiliary Police training on local level
Radiological Training
Prepare Alert Rosters
Keep current inventory of police personnel and equipment
Maintain post disaster books
Test warning system
Provide for continuity of records

Attack

Disseminate warning
Mobiline State Police personnel
Commissioner proceed to State Control Center (Mt. Pleasant)
Superintendent proceed to State Police HQ, Houghton Lake (alternate HQ)
Deputy Superintendent remain at East Lansing Headquarters
Assignment of State Police to assist local police in evacuation movement
Provide guards for critical facilities
Take cover or evacuate during attack

Post Attack

Conduct radiological monitoring
Assess damage, submit report
Prevent entry into dangerous and contaminated areas
Conduct explosive ordnance reconnaissance
Assist local police in excluding unauthorized traffic from Civil Defense highway network--priority to military and Civil Defense traffic
Assist local police in the police regulation of Reception Center
Continue to guard critical facilities and resource concentrations to prevent seizure through panic or destruction through sabotage

Civil Defense Training

Orientation in Survival Plan and Special Weapons Defense for 1,133 men 2 hrs.

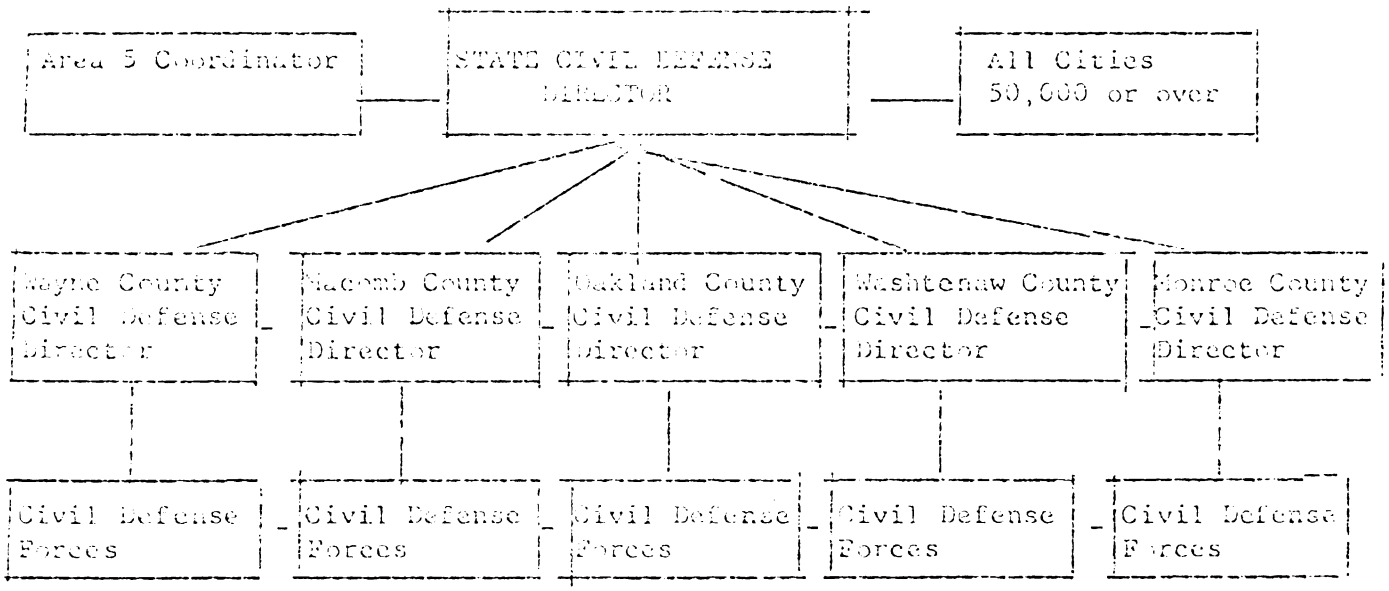
APPENDIX V (Page 2)

Emergency Operations for 35 Control Center personnel	2 hrs.
Radiological Instrument Operations for 110 men	10 hrs.
Radiological Monitoring for 110 men	30 hrs.
Instructor Ability Training at CONUS for 2 men	2 hrs.
Explosive Ordnance Reconnaissance for 162 men by U. S. Army.	8 hrs.

Source: Michigan State Survival Plan, Vol. II.

APPENDIX W

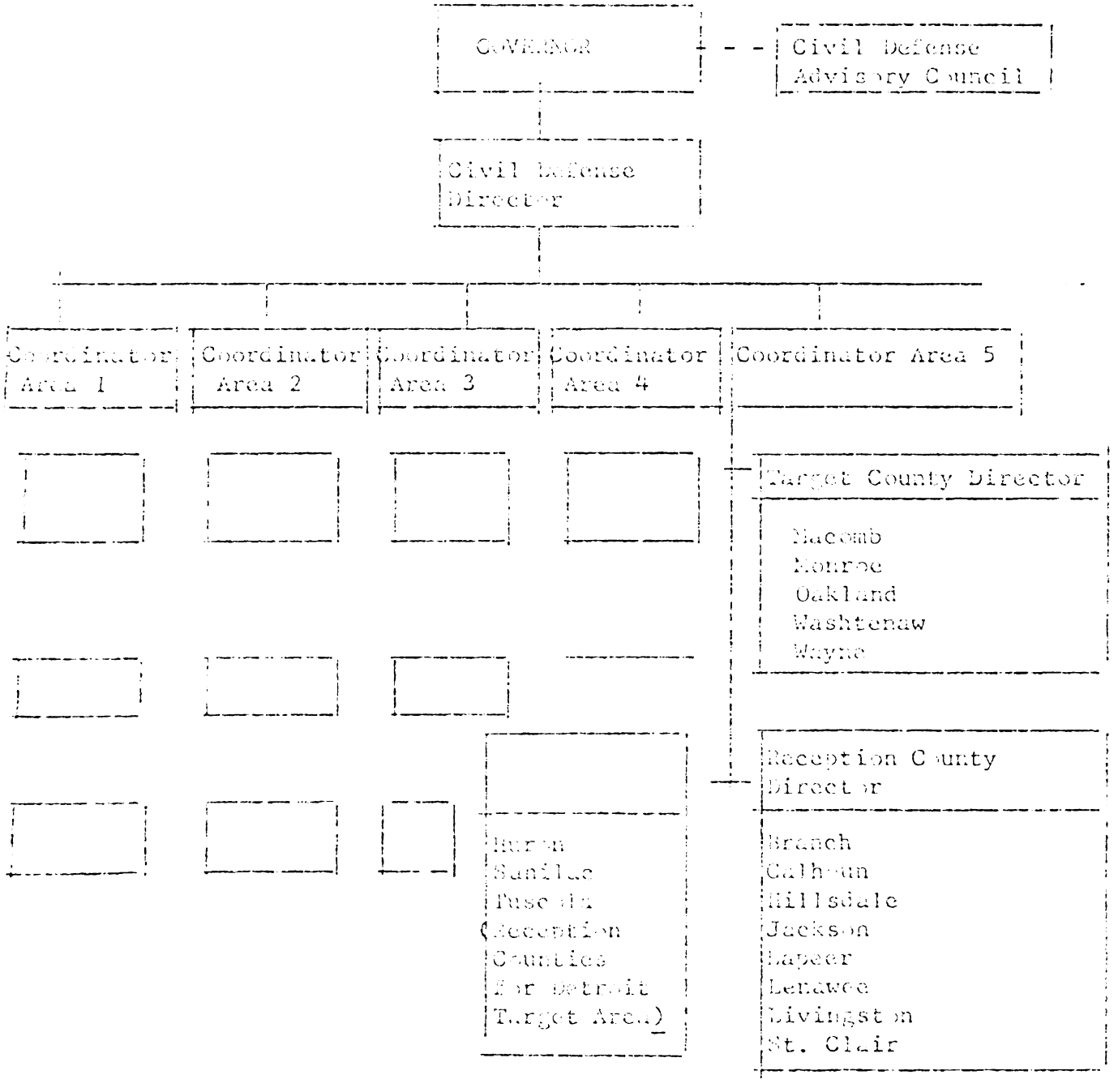
DETROIT TARGET AREA ORGANIZATION CHART



Source: Michigan State Survival Plan, Vol III, Detroit Target Area, p. 15.

APPENDIX X

CIVIL DEFENSE OPERATIONAL CHANNELS FOR THE DETROIT TARGET COMPLEX



Source: Michigan State Survival Plan, Annex 1.

APPENDIX Y

POLICE REQUIREMENTS FOR DETROIT EVACUATION PLAN

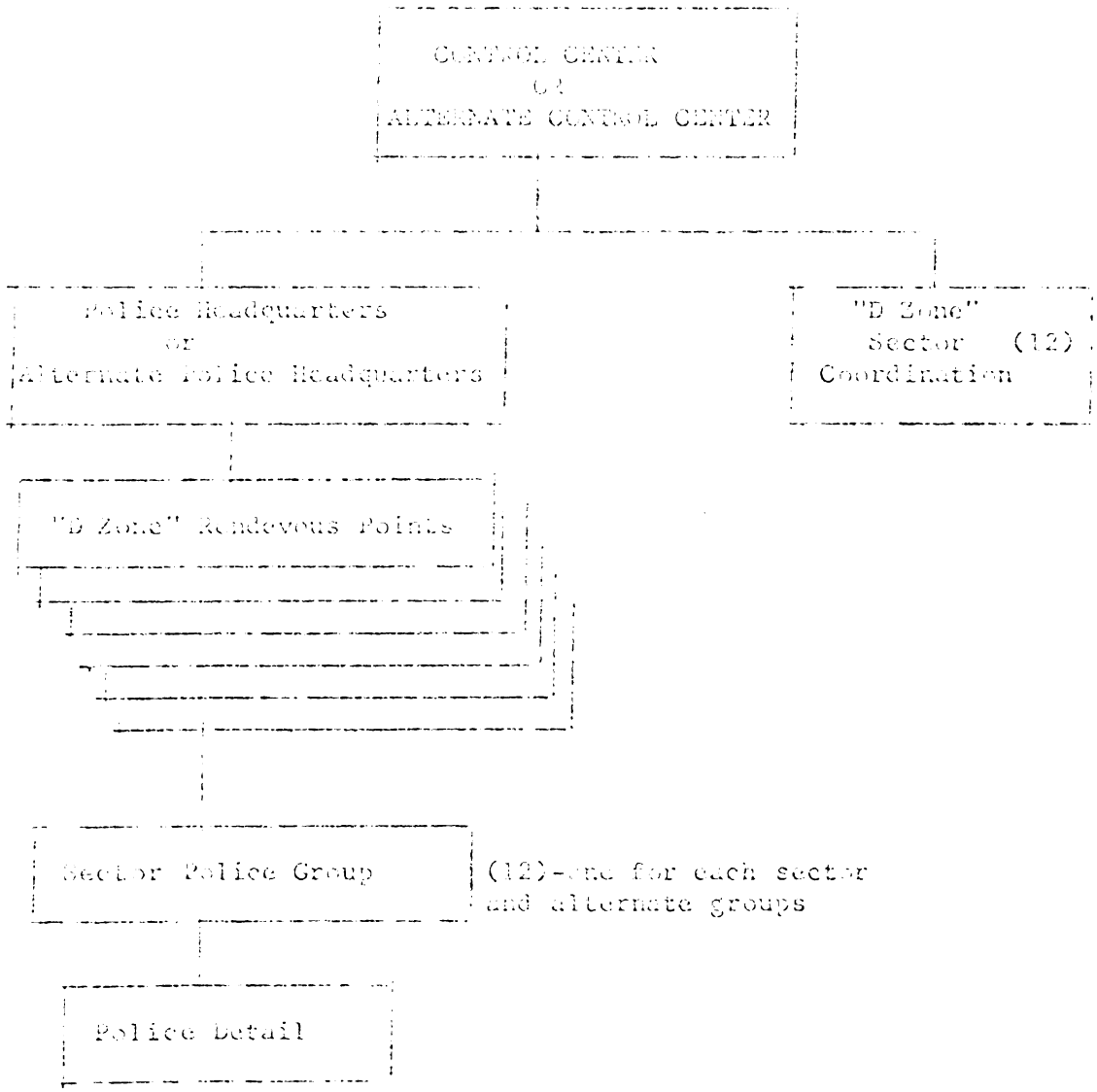
County	Needed	Available	Number of Police Agencies
Branch	34	85	5
Calhoun	34	203	13
Hillsdale	46	35	9
Jackson	147	323	15
Lapeer	76	100	10
Lenawee	71	95	11
Livingston	122	90	5
Macomb	906	579	16
Monroe	120	190	6
Oakland	557	1,258	38
St. Clair	81	203	8
Washtenaw	317	399	8
Wayne (does not include Detroit)	395	1,511	25
TOTAL	2,526	5,371	169*

*Includes Sheriff's Departments, City Police, Villages and Townships.

Source: Michigan State Survival Plan, Vol. V, and State Police.

APPENDIX Z

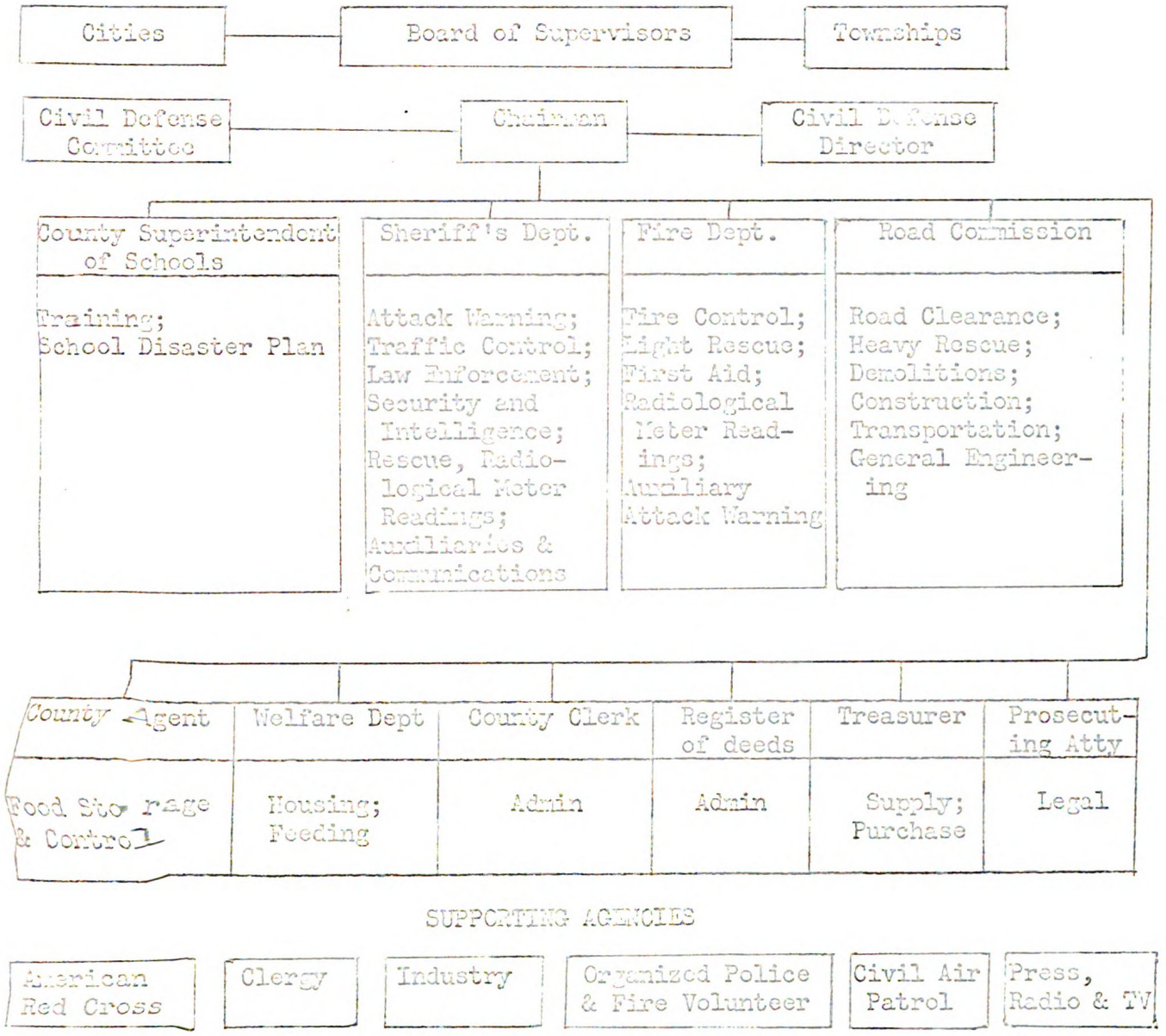
EMERGENCY POLICE ORGANIZATION FOR THE CITY OF DETROIT



Source: Michigan State Survival Plan, Vol. III, Detroit Target Area, Annex V, Police Service, October 1, 1958.

APPENDIX AA

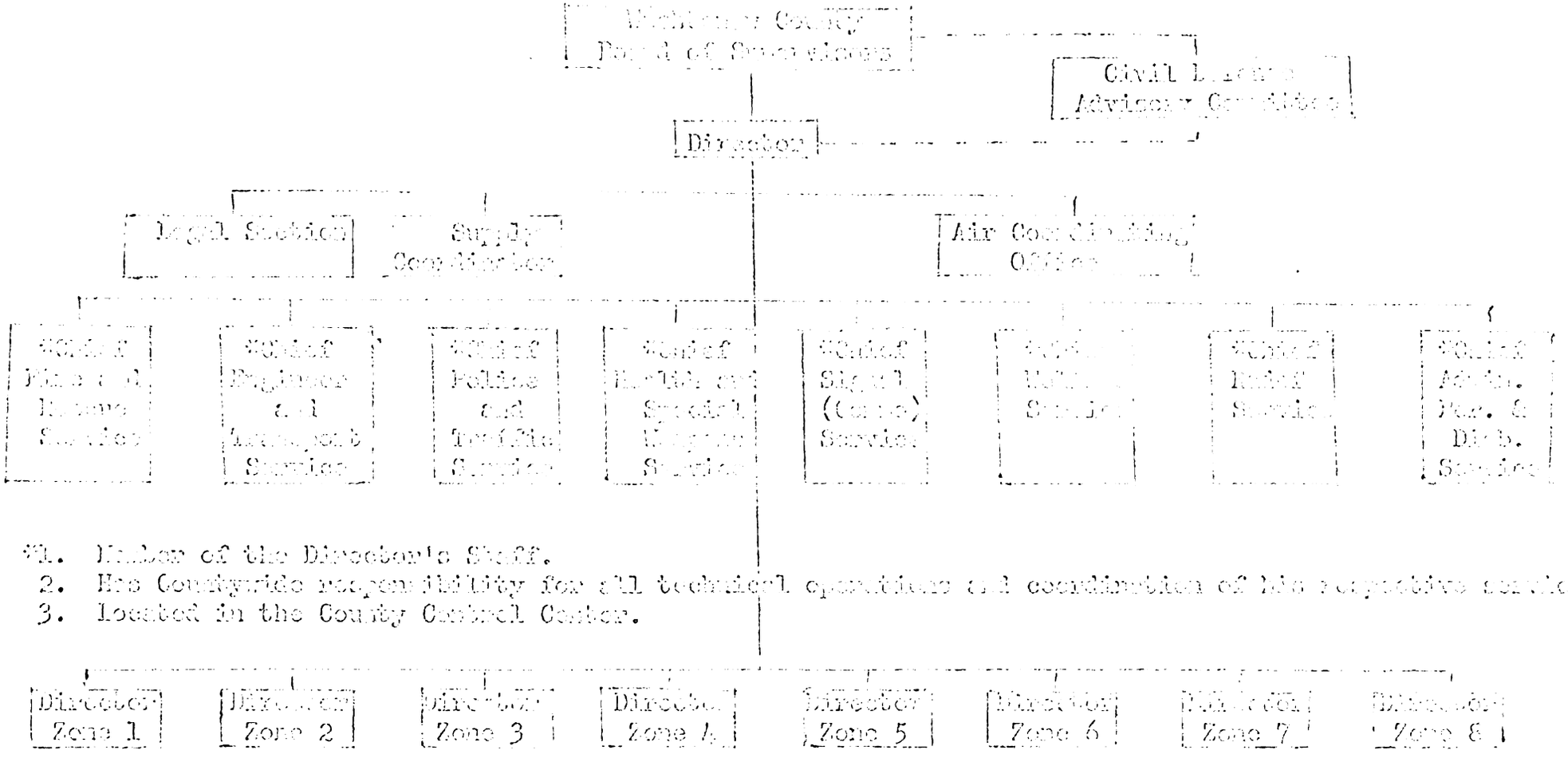
LIVINGSTON COUNTY SURVIVAL PLAN ORGANIZATION



SUPPORTING AGENCIES

Source: Milton Conine, Civil Defense Director, Livingston County Survival Plan, (undated).

WASHOE COUNTY DEFENSE ORGANIZATION
APPENDIX D3, p.1

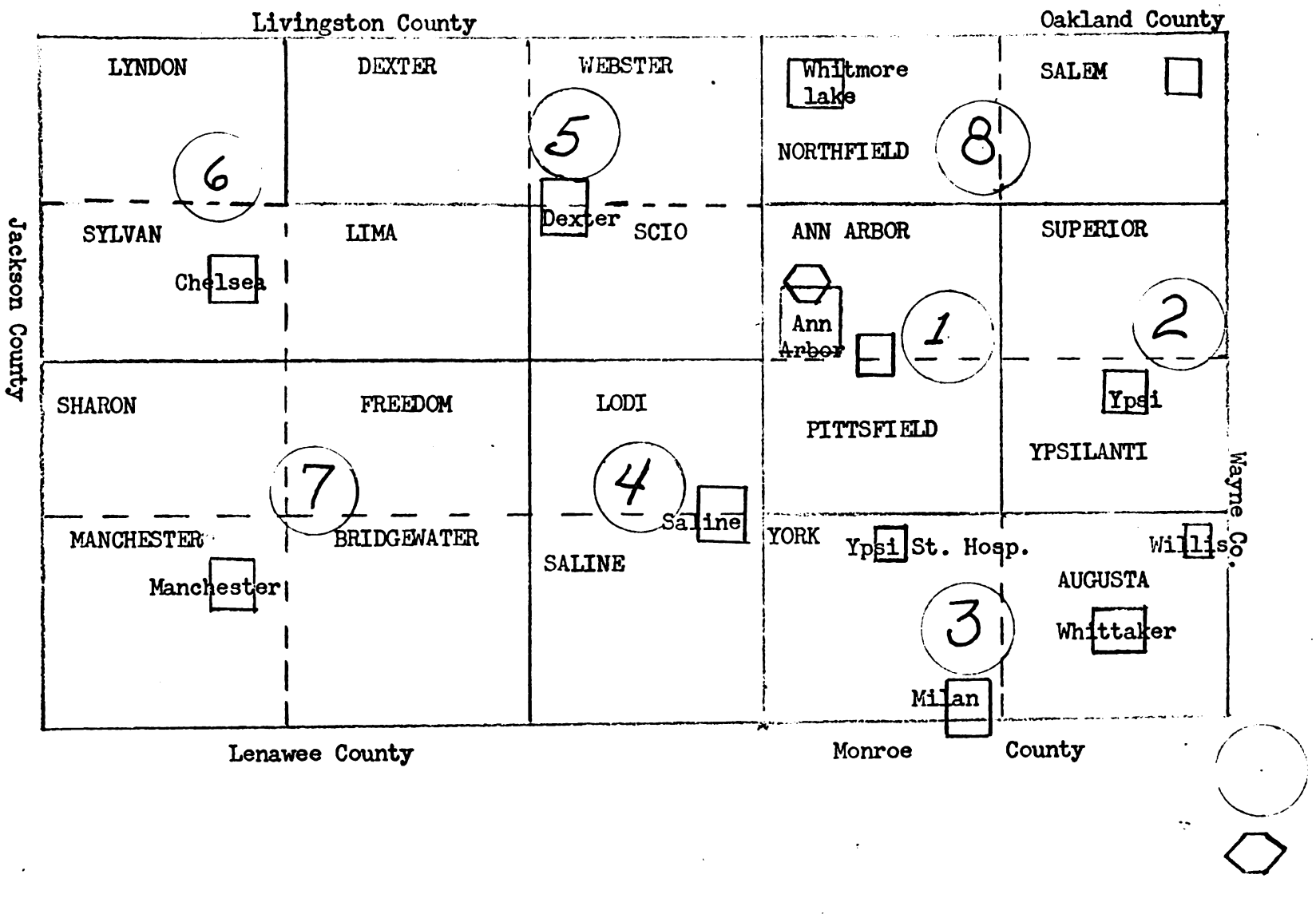


*1. Member of the Director's Staff.
2. Has Countywide responsibility for all technical operations and coordination of his respective service.
3. Located in the County Control Center.

1. Zone Directors are responsible for all operations in Zones.
2. Each Zone shall be staffed similar to the County with a Chief for each Service.
3. Zone Chiefs of Service are responsible to the Zone Directors for operations; and to the County Chief of Service for Technical Supervision and Coordination.
4. In order to develop a maximum capability throughout the County all industry, business, the clergy and all nongovernmental organizations must be included and contribute to survival.

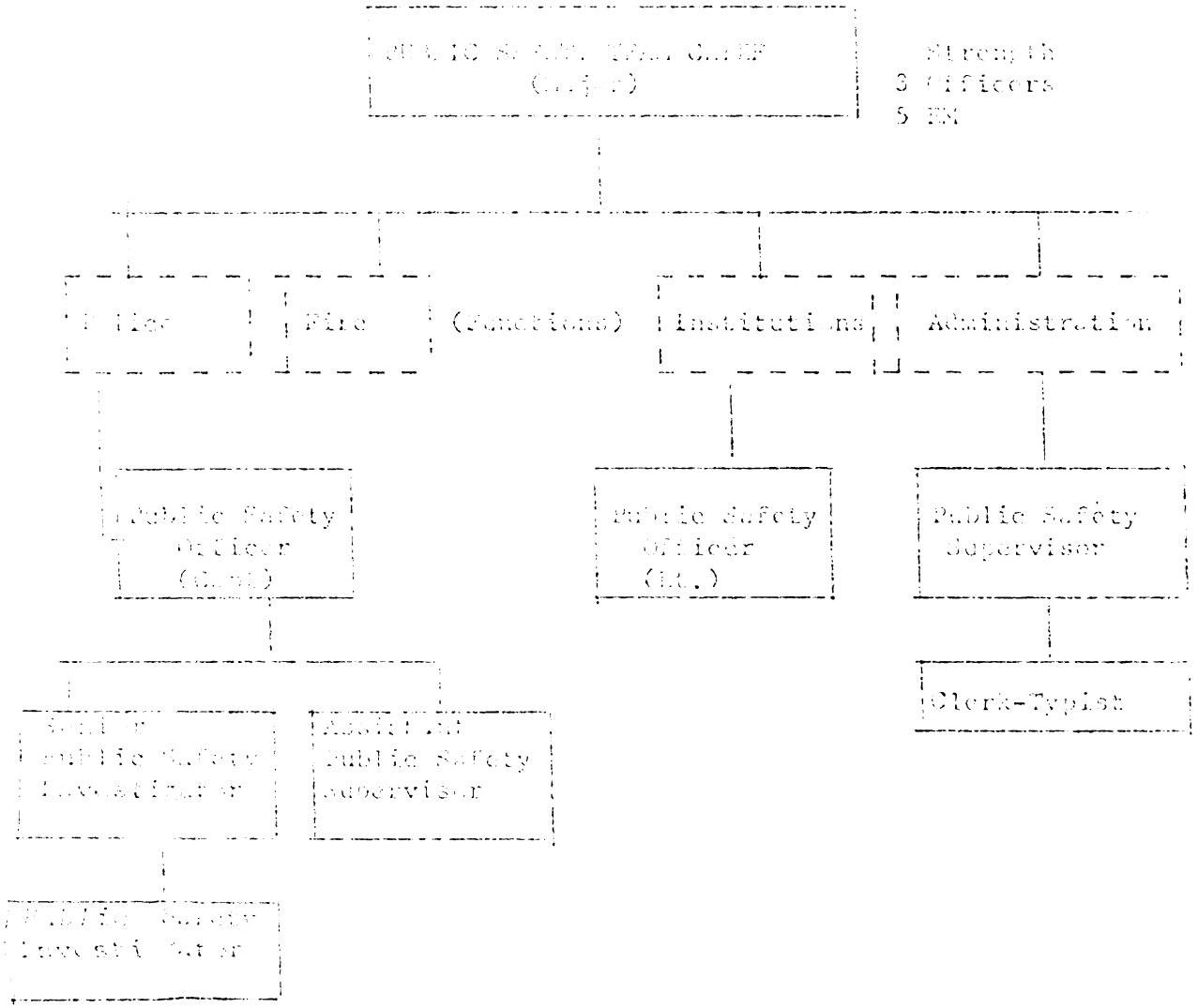
APPENDIX BB, P. 2

WASHTENAW COUNTY, MICHIGAN - CIVIL DEFENSE CODE 81



APPENDIX 03

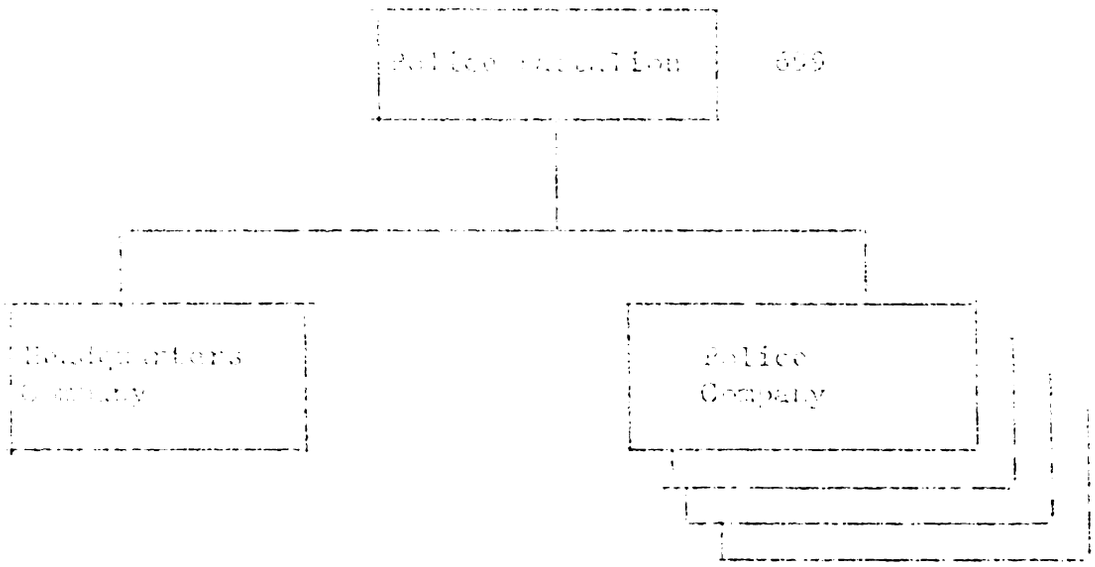
ORGANIZATION OF A PUBLIC SAFETY TEAM



Source: U. S. Army, Civil Affairs School, "Public Safety" Special Text, ST 41-152 (Fort Gordon, Georgia), p. 49.

APPENDIX D9

MILITARY POLICE FORMATION

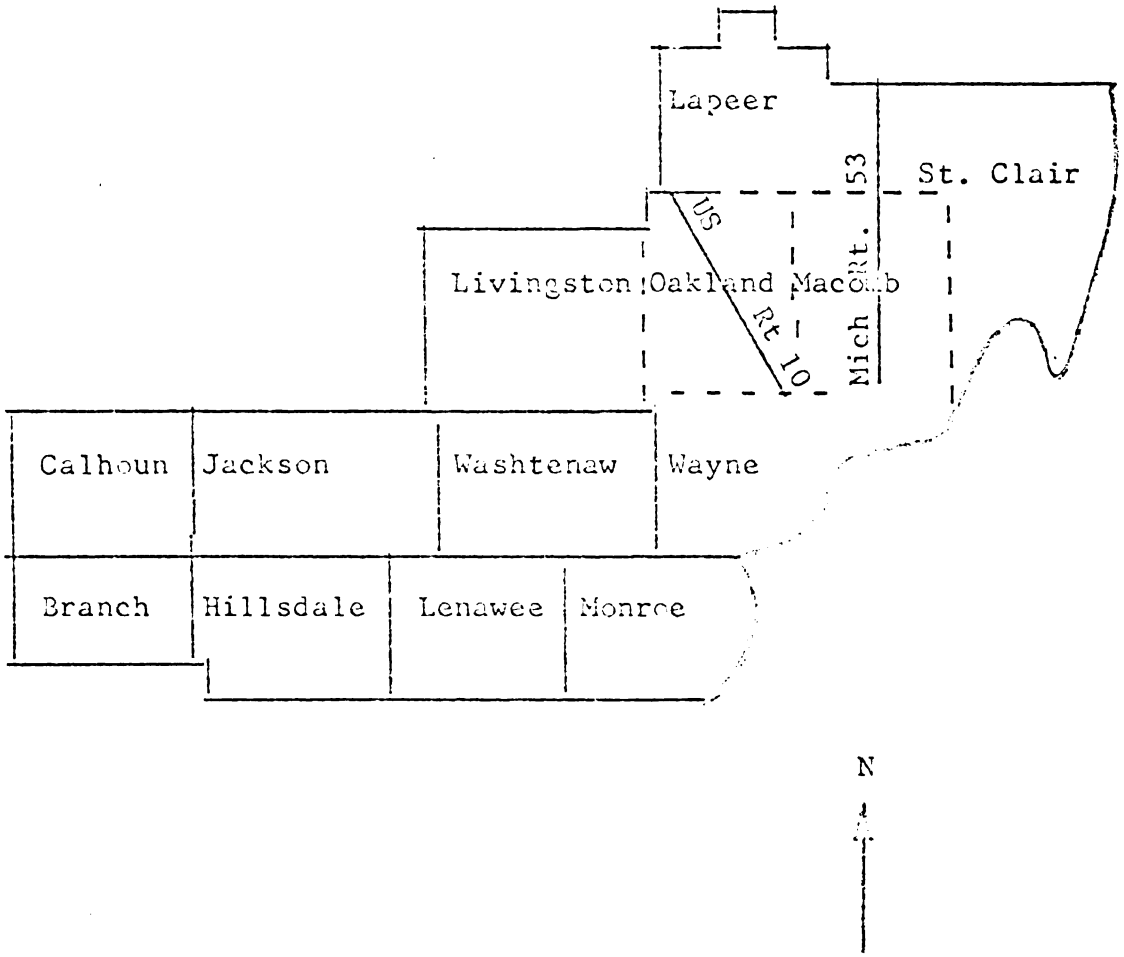


Police Battalion under District Commander

Source: U. S. Army, Table of Organization and Equipment 19-55.

APPENDIX EE

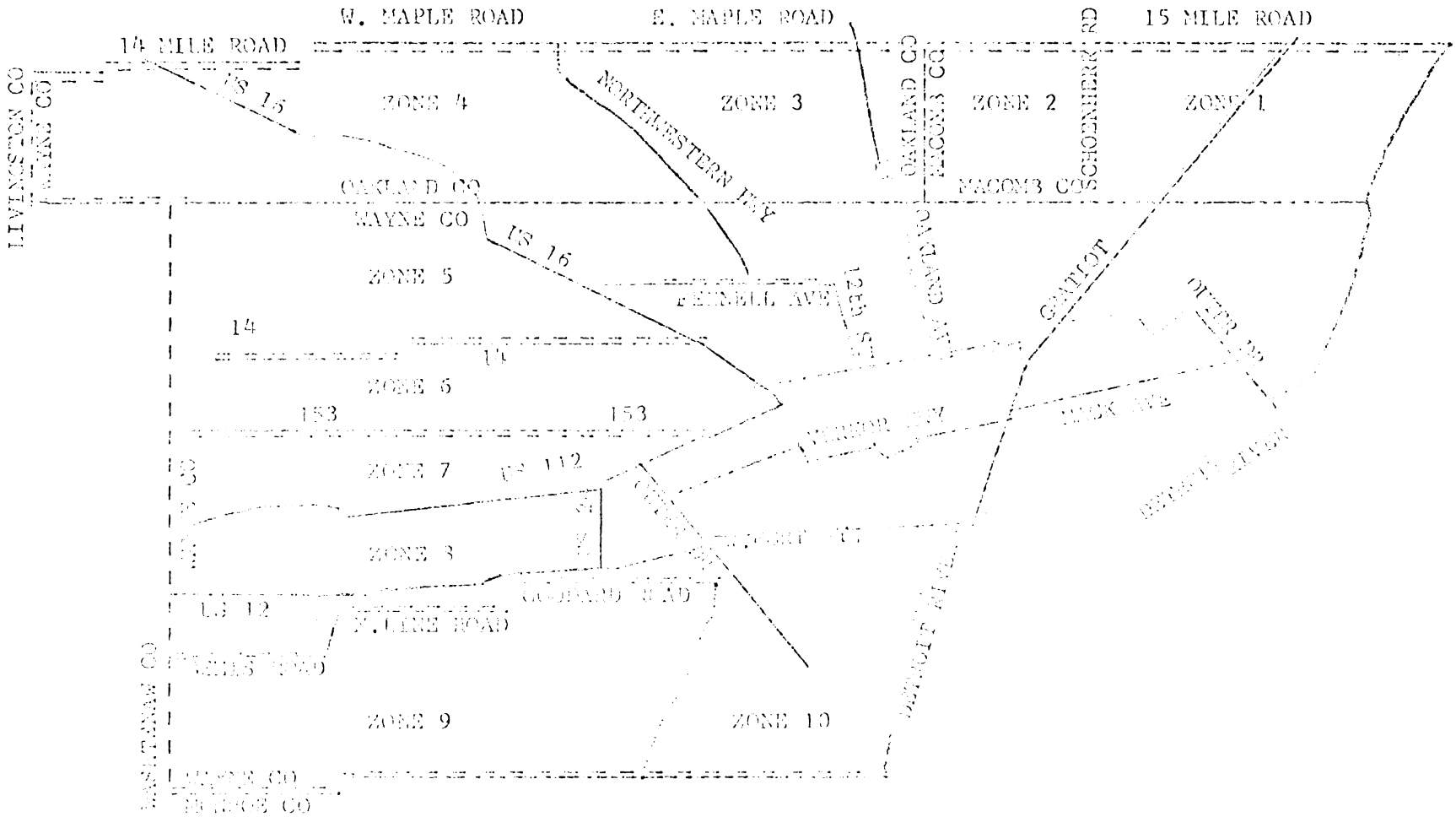
SKETCH OF SUPPORT AREA ZONES



Source: Sixth U. S. Army Corps Basic Plan, dated 1958
(obsolete Plan)

APPENDIX FF

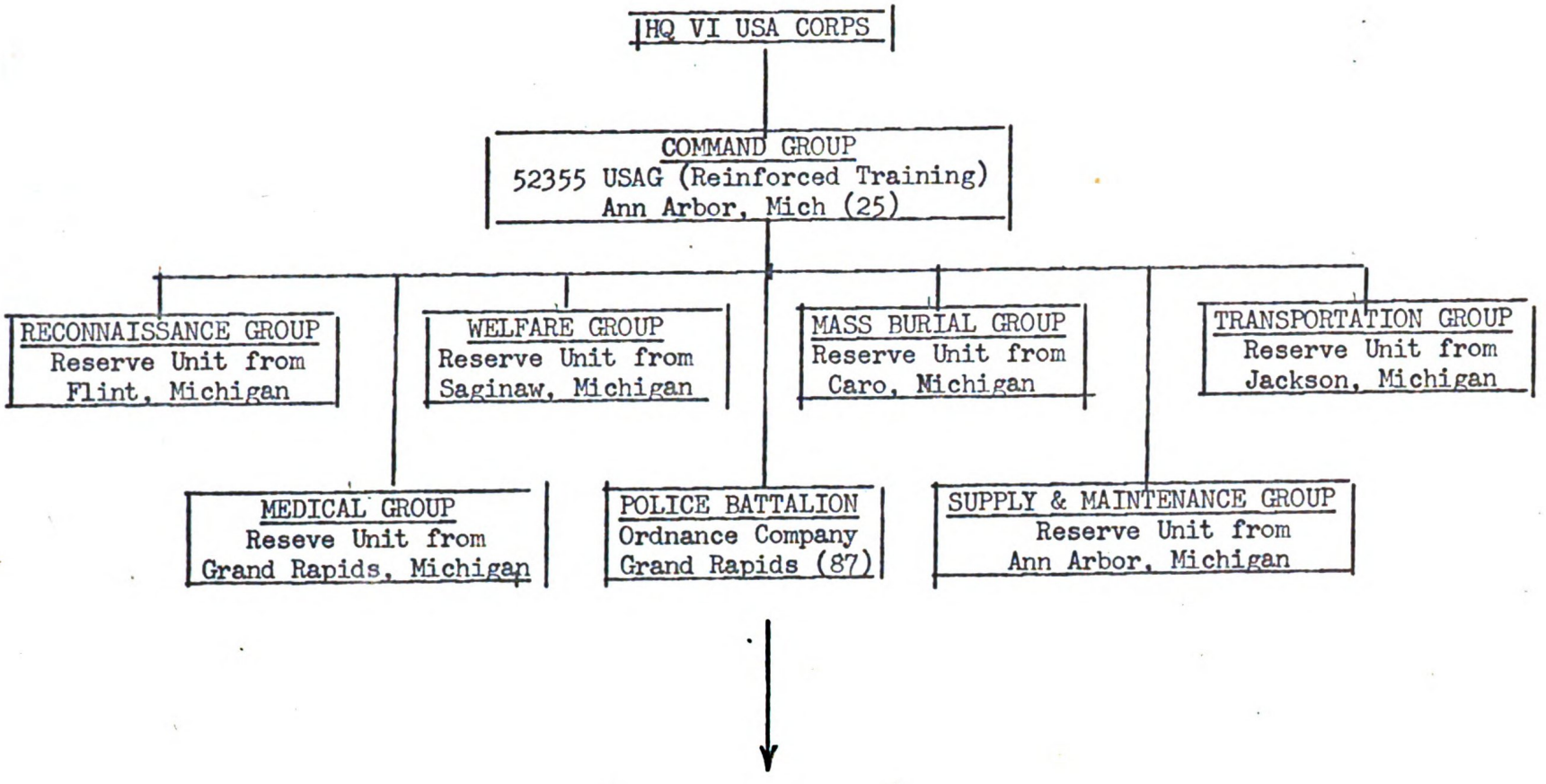
SKETCH OF ZONAL BOUNDARIES



SOURCE: SIXTH US. Army Corps Basic Plan, 1961, Tab [illegible] (Sketch Map) to Inclosure 1 to Chapter 4 to Annex J (Supplement)

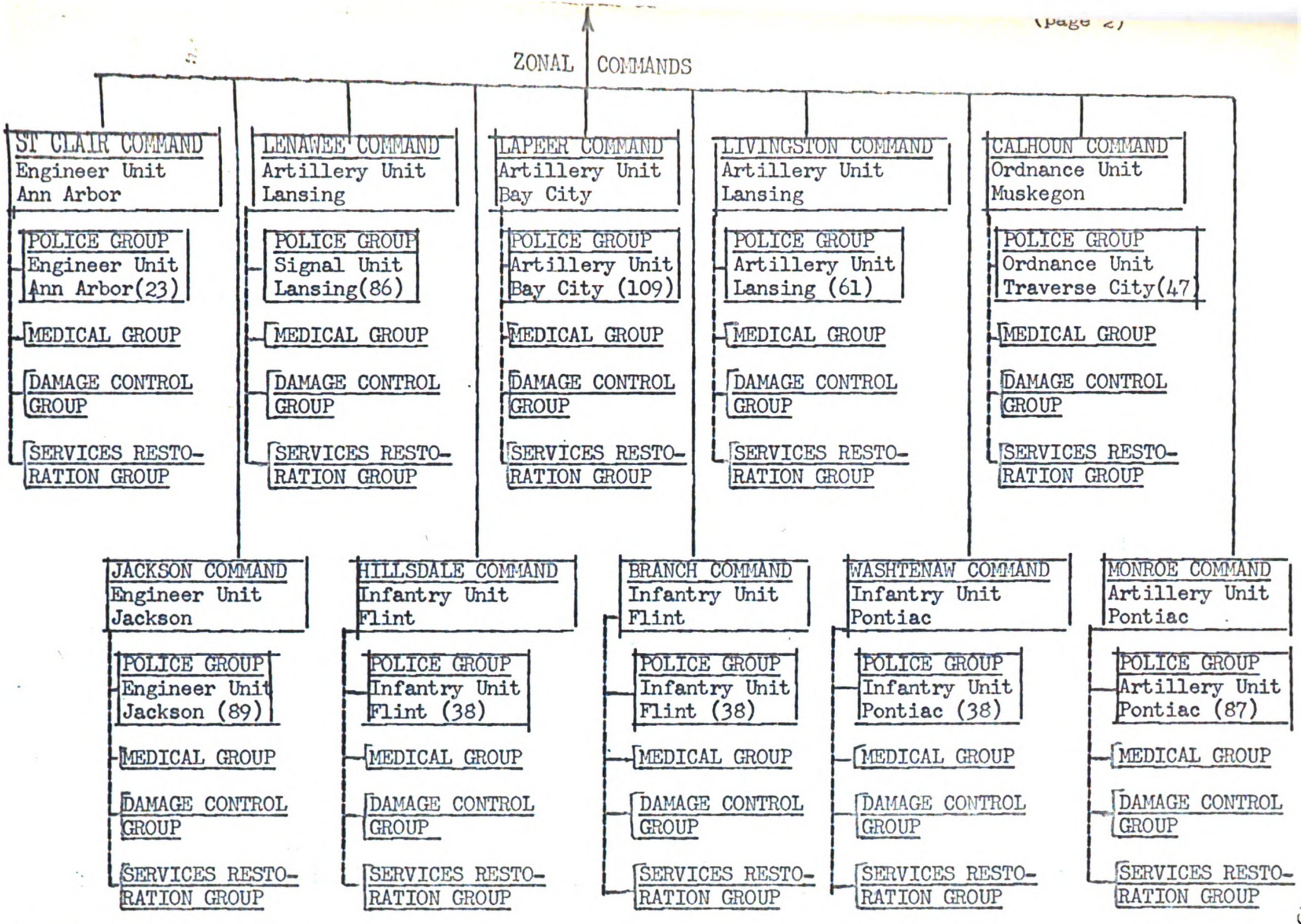
APPENDIX GG

MILITARY ORGANIZATION CHART FOR THE DEFENSE OF DETROIT



(Continued next page)

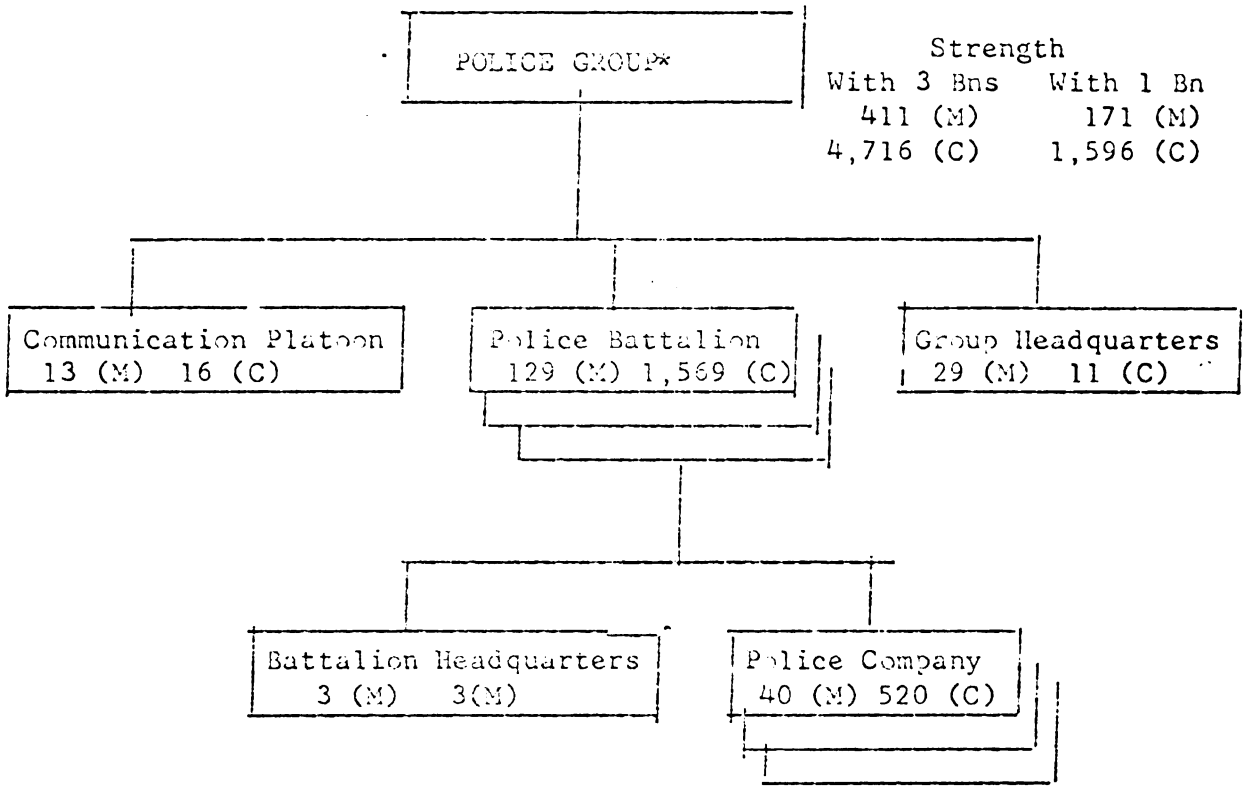
ZONAL COMMANDS



Legend: Numbers in () designate cadre strength provided by unit.
Source: VI USA Corps Basic Plan, 1961, framed after model proposed in Field Manual 20-10

APPENDIX HH

MILITARY POLICE GROUP



*Police Group under Zone Commander.
Legend: M=Military Spaces; C=Civilian Spaces

Source: Department of the Army, Field Manual 20-10, p. 121.

APPENDIX II

PERSONNEL REQUIREMENTS FOR THE DETROIT OPERATION

DISTRICT COMMAND

Unit	Military	Civilian	Total
District Headquarters	91	108	199
Reconnaissance Group	38	154	192
Medical Group	879	37,263	38,142
Welfare Group	1,057	11,010	12,067
Supply & Maintenance Group	81	688	769
Mass Burial Group	326	5,746	6,072
Police Battalion	717	24	741
Transportation Group	420	3,798	4,218
Total	3,609	58,791	62,400

ZONE COMMAND

Unit	Military	Civilian	Total
Zone Headquarters	39	50	89
Police Group(Strength based on a Group with but one Battalion)	171	1,596	1,767
Medical Group	265	4,918	5,183
Damage Control Group	305	5,729	6,034
Services Restoration Group	122	1,563	1,685
Total	902	13,856	14,758
Total for 10 Zones	9,020	138,560	147,580

Source: Sixth U. S. Army Corps Basic Plan, 1961, Inclosure 2 (Personnel Requirements) to Tab A, Appendix 4.

APPENDIX JJ

PROVOST MARSHAL TEAMS

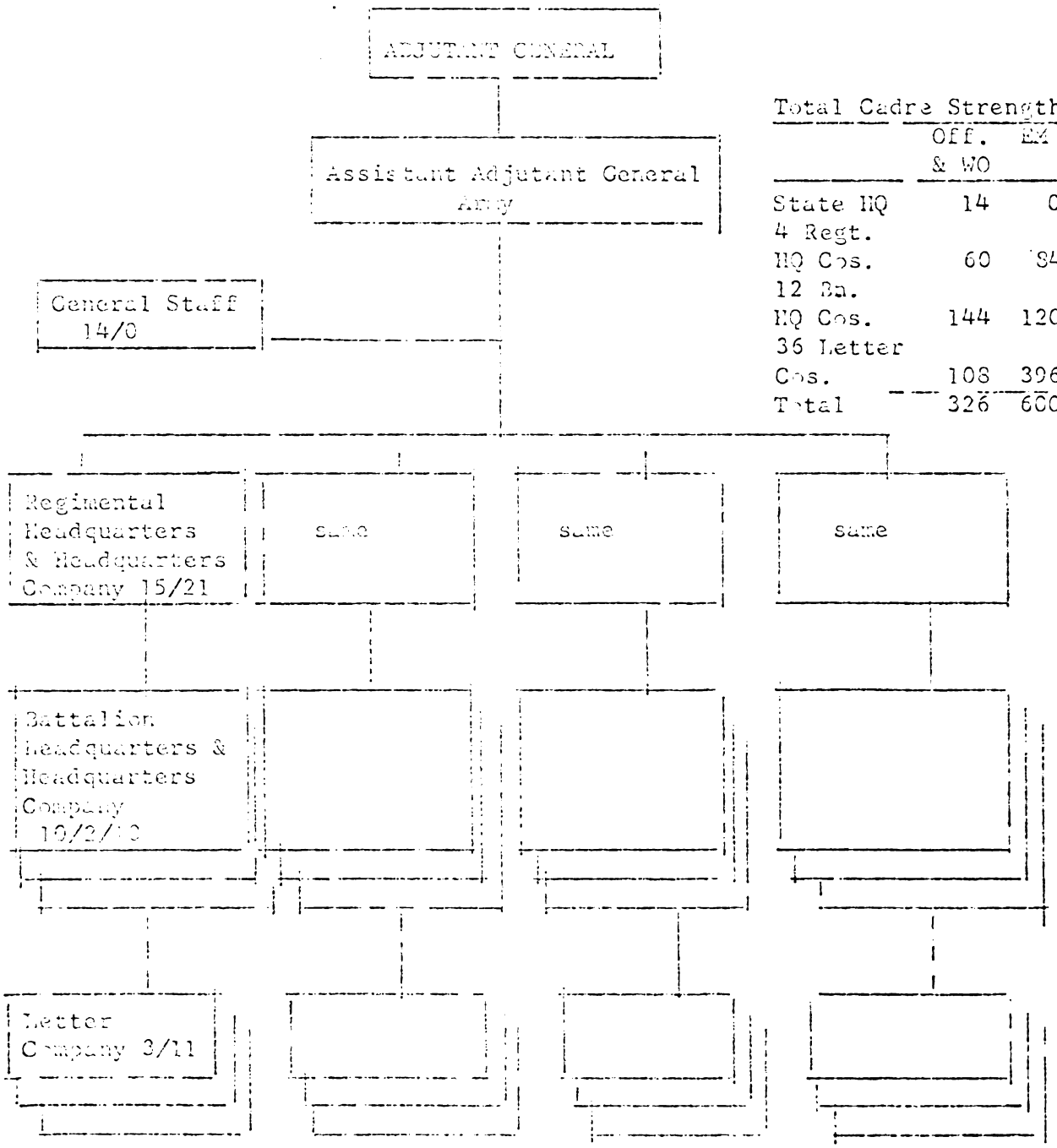
Provost Marshal	Officer/EM	
Traffic Control	1/53	Man 20 one-man traffic posts on 24 hour basis
Riot Control	3/147	*Disperse rioters and prevent reformation Front-in-force of 300 feet
Security Patrol	1/70	*Prevent looting through establishment of 3 motor and 20 one-man walking patrols on 24 hour basis
Law and Order	1/70	*Maintain law and order on 24 hour basis through 4 motor and 10 two-man patrols

*Requires mess and administrative support.

Source: Sixth U. S. Army Corps Plan, Inclosure 1 (U. S. Army Teams for Use in Domestic Emergencies), to Tab B, Appendix 1 to Annex J.

APPENDIX IX

ORGANIZATION OF OHIO DEFENSE CORPS



Total Cadre Strength

	Off. & WO	EM
State HQ	14	0
4 Regt. HQ Cos.	60	84
12 Bn. HQ Cos.	144	120
36 Letter Cos.	108	396
Total	326	600

Legend: Cadre Strength, Officers/ Warrant Officers/ Enlisted Men.
SOURCE: Ohio Defense Corps Manual (State of Ohio, Adjutant General Department, June 15, 1959, Columbus, Ohio), Annex I.

APPENDIX LL (Page 1)

MILITARY POLICE AND CIVIL AFFAIRS UNITS IN FIFTH ARMY AREA

VI U. S. ARMY CORPS
Fort Benjamin Harrison
Indianapolis 16, Indiana

Indiana

406th CA Company
201 S. Rogers Street
Bloomington, Indiana

601st MP Bn, HHD
2625 Kessler Blvd (North Drive)
Indianapolis, Indiana

604th MP Bn (Rehab Tng Cen), HHC
401 Davis Avenue
Terre Haute, Indiana

USAR Theater PWIC (5066)
RR#4
Jasper, Indiana

Michigan

300th MP POW Command, HHC
4800 Oakman Blvd.
Dearborn 2, Michigan

309th CA Group
285 Piquette Avenue
Detroit 17, Michigan

415th CA Company
303 N. Rose Street
Kalamazoo, Michigan

602d MP Guard Company
4800 Oakman Blvd.
Dearborn 2, Michigan

603d MP Guard Company
4800 Oakman Blvd.
Dearborn 2, Michigan

VI U. S. ARMY CORPS (Con't)

Michigan

USAR MP UTC (5360)
7047 E. Eight Mile Road
Warren, Michigan

XI U. S. ARMY CORPS
12th and Spruce Streets
St. Louis 2, Missouri

Missouri

307th CA Group
12th and Spruce Streets
St. Louis 2, Missouri

418th CA Company
601 Hardesty Avenue
Kansas City, Missouri

420th CA Company
907 W. Dunklin Street
Jefferson City, Missouri

493d MP Detachment (CI)
601 Hardesty Avenue
Kansas City, Missouri

Illinois

308th CA Group
1810 Ridge Road
Evanston, Illinois

327th MP Battalion
5310 W. Division Street
Chicago 44, Illinois

358th MP Company (POW Processing)
160 N. Franklin Street
Decatur, Illinois

APPENDIX III (Page 2)

XI U. S. ARMY CORPS (Cont)

Illinois

USAR CA Area Hq B (363)
Museum of Science and Industry
E. 57th St. & S. Shore Drive
Jackson Park
Chicago 37, Illinois

417th CA Company
Museum of Science and Industry
E. 57th St. & S. Shore Drive
Jackson Park
Chicago 37, Illinois

XIV U. S. ARMY CORPS
1006 West Lake Street
Minneapolis 8, Minnesota

Minnesota

354th MP Company
102 - 6th Street, S. W.
Rochester, Minnesota

407th CA Company
Building #54
Ft. Snelling, Minnesota

419th CA Company
302 E. Sarnia Street
Winona, Minnesota

Wisconsin

432d CA Company
474 Fond du Lac Avenue
Fond du Lac, Wisconsin

XVI U. S. ARMY CORPS
21st Street & Woolworth Avenue
Omaha 5, Nebraska

Nebraska

301st MP Company (EG)
Booker Armory, 30th & Fort Sts.
Omaha, Nebraska

402d MP POW Camp, HHC
Booker Armory, 30th & Fort Sts.
Omaha, Nebraska

Kansas

346th MP Company (EG)
202 E. 3rd Street
Pittsburg, Kansas

MISCELLANEOUS

Colorado

Co M (MP), 356th Regiment
89th Infantry Division
110 S. Third Street
Canon City, Colorado

Illinois

Co M (MP), 423d Regiment
85th Infantry Division
1721 N. McAree Road
Waukegan, Illinois

Indiana

Co M (MP), 423d Regiment
70th Infantry Division
3000 S. Walnut Street
Muncie, Indiana

APPENDIX II (Page 3)

MISCELLANEOUS

Iowa

103d MP Det (103d Inf Div)
317-319 Main Street
Pocahontas, Iowa

5207 USAR CA Company (Reinf Tng)
Northwood, Iowa

Kansas

Mob Des Det #2 (CA)
113 S. 2d Street
Manhattan, Kansas

Michigan

PM Section, USAG, 5064 ARSU
633 S. Telegraph Road
Monroe, Michigan

Mob Des Det #11 (CA)
524 S. Main Street
Ann Arbor, Michigan

Missouri

102d MP Det (102d Inf Div)
4350 S. Kingshighway
St. Louis 9, Missouri

Wisconsin

Co M (MP), 351st Regiment
84th Infantry Division
2372 S. Logan Avenue
Milwaukee, Wisconsin

PM Section, USAG, 5063 ARSU
6081 N. Hopkins St, Bldg #106
Milwaukee, Wisconsin

NATIONAL GUARD

Illinois

33d MP Det (33d Inf Div)
1551 N. Kedzie
Chicago, Illinois

Indiana

38th MP Det (38th Inf Div)
2000 Madison Avenue
Indianapolis, Indiana

Iowa

34th MP Det (34th Inf Div)
1915 Prospect Road
Des Moines, Iowa

Kansas

35th MP Det (35th Inf Div)
2722 Topeka Blvd.
Topeka, Kansas

174th MP Battalion
3002 W. 8th Street
Coffeyville, Kansas

Michigan

46th MP Det (46th Inf Div)
501 Cedar Annex
Lansing, Michigan

Minnesota

47th MP Det (47th Inf Div)
6th and Exchange Streets
St. Paul, Minnesota

Missouri

175th MP Battalion
P. O. Box 540
Fulton, Missouri

APPENDIX LL (Page 4)

NATIONAL GUARD

Nebraska

134th MP Det (134th Inf Div)
21st Street & Woolworth Avenue
Omaha 8, Nebraska

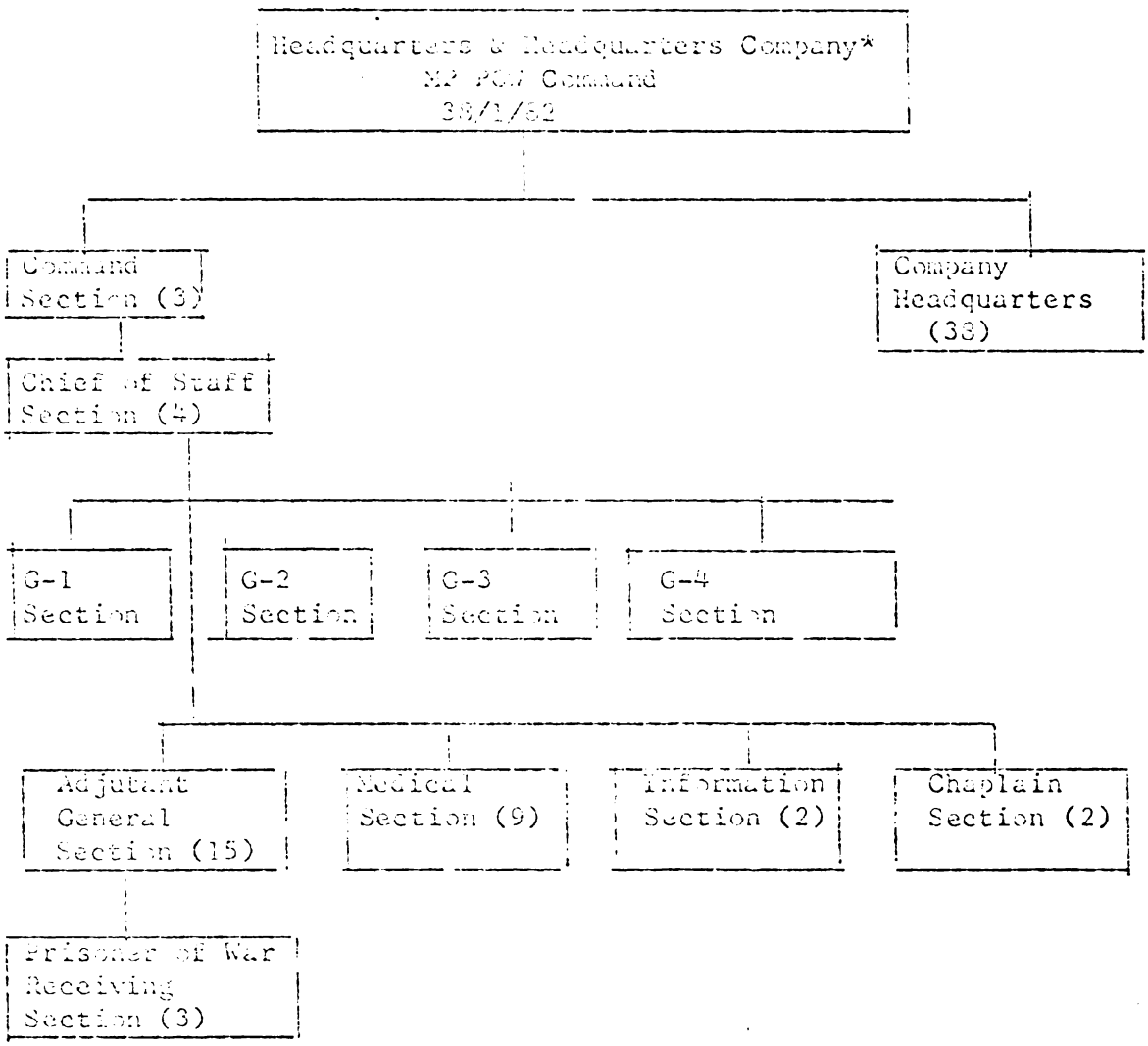
Wisconsin

32d MP Det (32d Inf Div)
4108 N. Richards Street
Milwaukee, Wisconsin

Source: Fifth U. S. Army, Provost Marshal Office, Mimeographed, (undated).

APPENDIX IX

MILITARY POLICE, PRISONER OF WAR COMMAND



*Commanded by Brigadier General.
Legend: Officers/Warrant Officers/Enlisted Men

SOURCE: Table of Organization and Equipment 19-252D, U. S. Army.

APPENDIX III

MILITARY POLICE GROUP AND BATTALION HEADQUARTERS AUTHORIZATION

TEAM AE 23 men
Group Headquarters and
Headquarters Detachment

Group Commanding Officer - Colonel	
Executive Officer	Lt. Colonel
Adjutant	Major
Operations Officer	Major
Supply Officer	Major
Asst. Operations Off.	Captain
Personnel Officer	WO
Sergeant Major	
Operations Sergeant	
Personnel Sergeant	
Supply Sergeant	
Personnel Administrative Supervisor	
Information Specialist	
Clerk Typists (4)	
General Draftsman	
IS Radio Operators (2)	
Personnel Administrative Clerk	
General Clerk	
Supply Clerk	

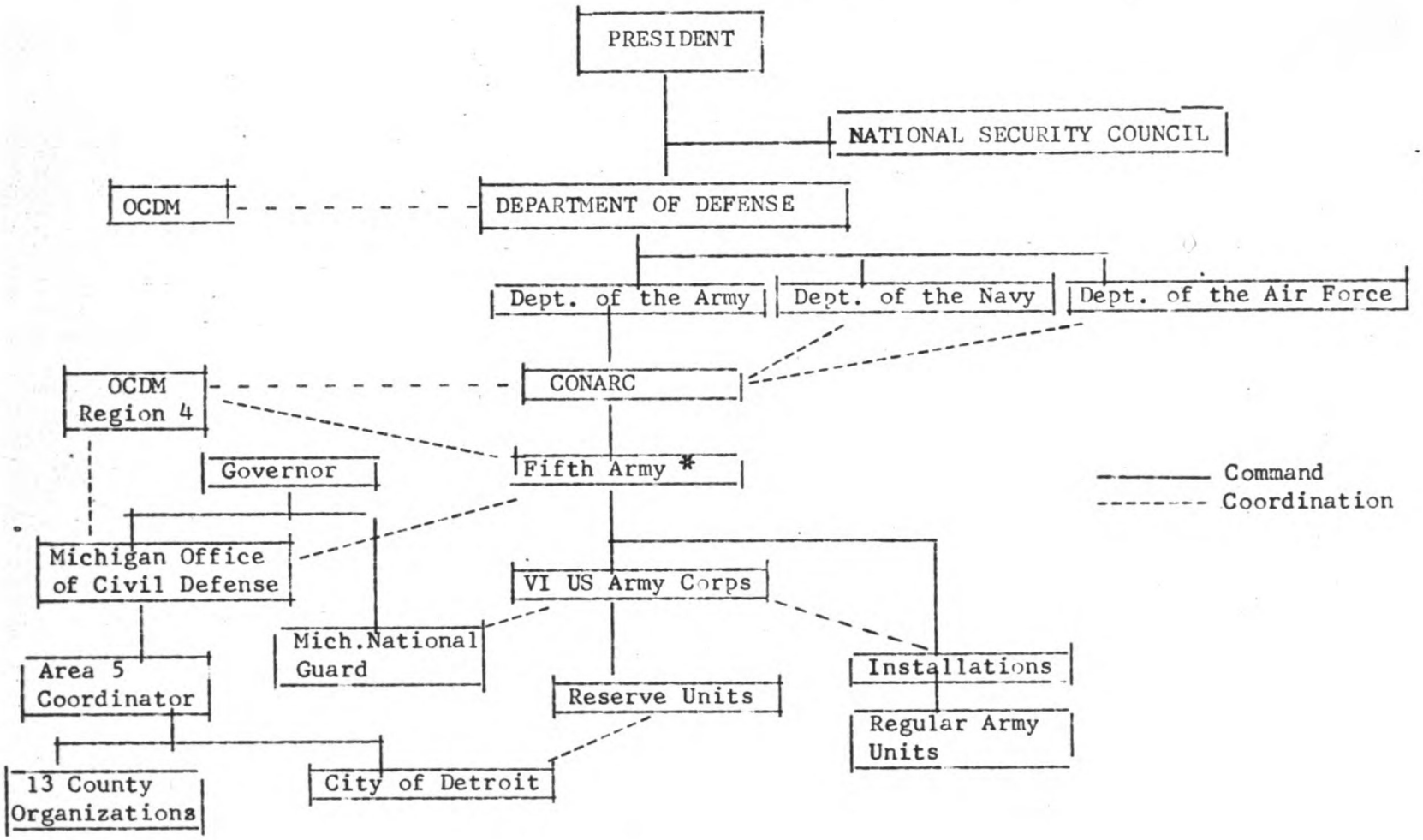
TEAM AD 20 men
Battalion Headquarters and
Headquarters Detachment

Battalion Commanding Officer -	Lt. Colonel
Executive Officer -	Major
Adjutant	Captain
S-4	Captain
Asst. S-3	Lieutenant
Motor Officer	WO
Personnel Officer	WO
Sergeant Major	
Operations Sergeant	
Supply Sergeant	
Personnel Sergeant	
Personnel Administrative Supervisor	
Clerk Typist	
General Draftsman	
IS Radio Operator	
Mail Delivery Clerk	
Message Clerk	
Personnel Management Specialist	
General Clerk	
Supply Clerk	

Source: U. S. Army, Table of Organization and Equipment 19-500D.

APPENDIX OO

CIVILIAN AND MILITARY ORGANIZATION FOR CIVIL DEFENSE (1960)



***Zone of Interior Army level.**