

## CHAPTER 3

# Federal Intervention

**Federal intervention in civil disturbances** begins with the issuance of a presidential proclamation to the citizens engaged in the disturbance. The proclamation directs all persons engaged in acts of domestic violence and disorder to cease and desist and to disperse and retire peaceably. If the proclamation is not obeyed, the President issues an executive order directing the use of federal forces to suppress the violence and authorizing the Secretary of Defense to use whatever forces are needed to accomplish the mission. Federal intervention in a civil disturbance ends when order is restored and the Secretary of Defense directs the withdrawal of federal forces.

## CIVIL DISTURBANCES IN CIVILIAN COMMUNITIES

A state requesting federal help to restore and maintain law and order addresses its request to the Attorney General of the United States, the chief civilian officer in charge of coordinating all federal activities relating to civil disturbances. The Attorney General has been designated by the President to receive and coordinate preliminary requests from states for federal military assistance. (Applicants presenting a request to a local commander are informed of the need to address the request to the Attorney General. The commander then immediately informs the Director of Military Support of the request and any facts pertaining to it.) When a request for federal assistance is received by the Attorney General, he sends a representative to assess the situation and make recommendations.

When the representative's assessment shows that a need for federal assistance exists, the Attorney General advises the President, who issues the proclamation directing that order be restored. If the

disorder continues, the President issues the executive order directing the Secretary of Defense to employ such National Guard and federal troops as are needed to restore law and order. The Secretary of the Army alerts and, if necessary, pre-positions control forces through the CSA, but such forces do not become involved in the disturbance until the executive order is issued.

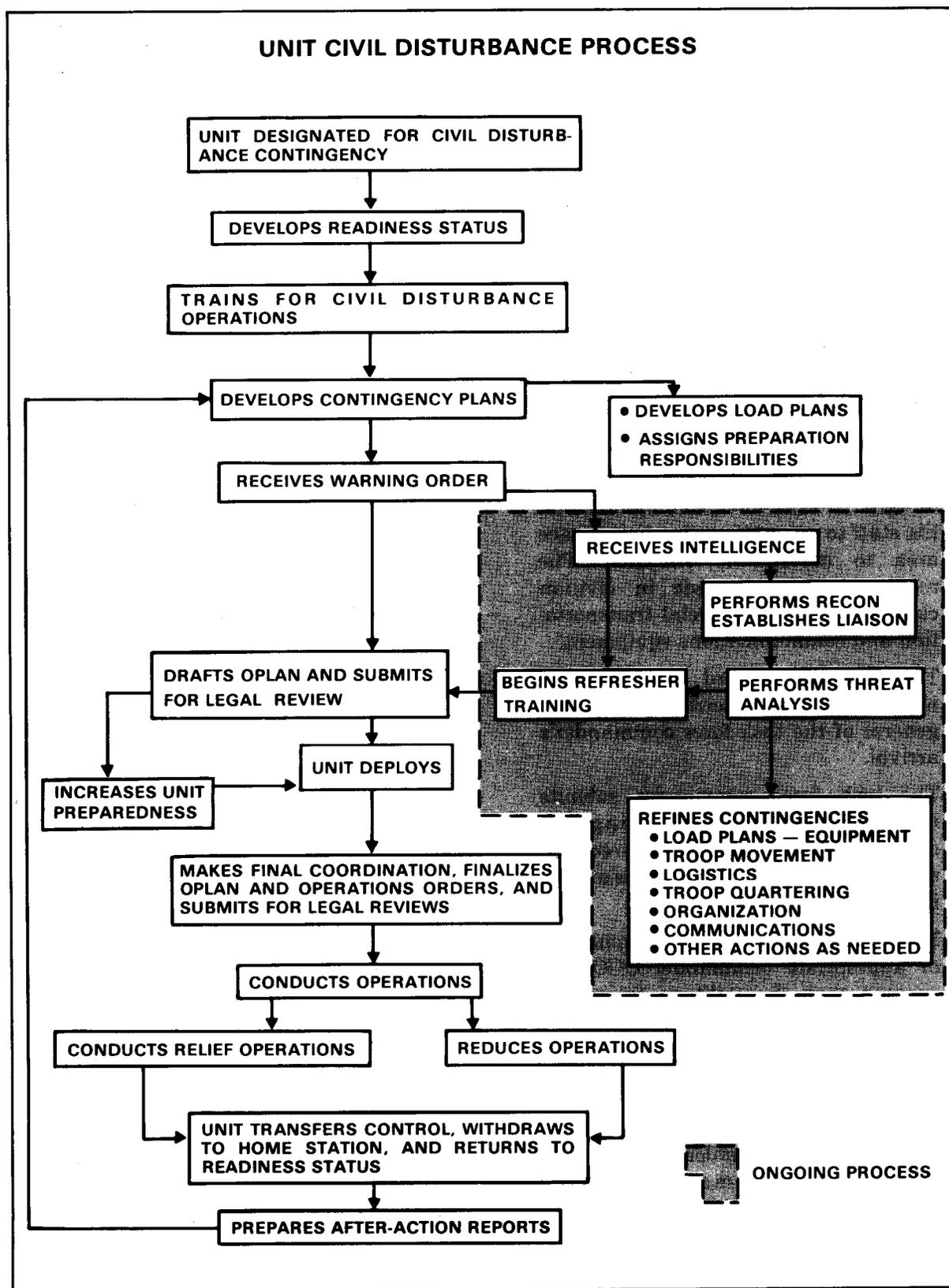
When directed by the Secretary of the Army the CSA directs the FORSCOM commander in CONUS or appropriate commanders in US territories outside CONUS to position ground forces near disturbance areas or to move such forces into disturbance areas. The CSA alerts the Air Force to provide required air transport. He tasks other military services and DOD components to provide military resources as planned and required. He also informs the JCS, and commanders of unified commands if the operations are outside CONUS, of the actual or potential use of military resources.

Civil disturbance deployment occurs as follows:

1. Following coordination with the JCS (and OCONUS commanders, if applicable), the CSA issues a warning order or CIDCON message. This is done as far in advance as possible to allow airlift and ground force preparedness measures to begin. (For more information on CIDCONs, see Appendix.)
2. The FORSCOM commander (in CONUS) or commanders of unified or designated commands (OCONUS) nominate the task force commander and units to make up the task force.
3. CSA (COMAAC in Alaska) directs the designated task force commander and his staff to reconnoiter the disturbance area to assess the situation. The reconnaissance is made in civilian clothing using commercial transportation and communications equipment.
4. The National Guard Bureau chief notifies the state or territorial adjutant general of the task force commander's arrival.
5. The task force commander submits recommendations concerning the commitment of federal forces directly to the CSA within two hours of his arrival in the disturbance area.
6. Meanwhile, the FORSCOM commander or appropriate commander OCONUS ensures that the military forces are prepared to move. In CONUS the FORSCOM commander submits airlift and surface transportation requirements for all designated ground forces to Director of Military Support. Outside CONUS the commanders of unified or designated commands provide transportation within their capabilities. When additional transport is needed, they submit their request to the Secretary of the Army. If additional units are needed from CONUS forces to augment the forces assigned to the command concerned, REDCOM nominates the required units, provides surface transportation, and submits airlift requirements to the Secretary of the Army.
7. At the appropriate time, the CSA (COMAAC in Alaska) issues a letter of instruction to the task force commander. The content of the letter of instruction—
  - Provides for planning and preparatory actions when received. It is effective for execution on order of the CSA.
  - Specifies the task force commander's mission and designates the task force units. It also instructs the commander to be prepared to assume operational control of additional federal troops and others when so ordered.
  - Designates a command post location and authorizes direct communication with other armed forces commanders in the vicinity.
  - States that the task force commander will consult with the Attorney General's senior civilian representative, who will coordinate the federal civilian effort and assist the task force commander's liaison activities with civil authorities.
  - Directs the task force commander to cooperate with, but not take orders from, civilian law enforcement officials.
  - Advises that an on-site DOD public affairs chief will be designated to furnish public affairs advice and guidance.
  - Designates a personal liaison officer to provide assistance and advice.

- Designates the Director of Military Support as responsible for setting up and maintaining communications between the task force and the Director of Military Support watch team.
- Provides specific instructions on the applications of force, the use and control of firearms, the detention of civilians, searches of individuals and private property, and cooperation with civil police in these matters.
- Directs the submission of situation reports to DA at stated times and of interim reports on major changes or significant events.
- Provides a code name for the task force for communications purposes.

8. When the task force commander receives an execution message directing him to proceed with his mission, military forces move into the disturbance area, and the task force commander assumes command of all military forces placed under his OPCON. At the discretion of the CSA, the liaison officer is withdrawn or remains in the area to assist the task force commander.



## CIVIL DISTURBANCES ON DOD INSTALLATIONS

When a civil disturbance occurs on a US DOD installation, commanders immediately take action to control the disturbance. Commanders have the authority and responsibility to control the personnel under their military jurisdiction. And commanders have the authority to apprehend and restrain or remove from the installation those persons who do not come under military jurisdiction. A commander may exercise this authority by taking such actions as are reasonably necessary and lawful based on applicable regulations.

In general, a commander's employment of the installation's military, law enforcement and security forces is sufficient to fragment, and carry out civil disturbance operations on the military reservation. (Before using nonmilitary installation security forces during civil disturbance operations, commanders obtain advice from the SJA. The SJA advises on DOD policy limiting or prohibiting the use of DOD civilian police and guards or contract security guards for civil disturbance.) But additional Federal aid may be requested if a civil disturbance presents a threat to persons, property, or functions on an installation or activity and the threat is beyond the combined capabilities of local resources.

The installation or activity commander requests support through appropriate channels to the Director of Military Support. He also advises the appropriate HQDA staff agency of the request. If an installation commander learns of a need to protect other federal property or functions,

he notifies the Director of Military Support through command channels. At the direction of HQDA, FORSCOM and MDW commanders employ augmentation forces to reinforce the internal security forces of installations and activities.

If the civil disturbance erupts so suddenly that notifying DA and awaiting instructions through normal channels presents a danger to life and property, an active Army troop commander may take such actions as the circumstances justify. Actions taken without prior authority must be for the protection of life, the preservation of law and order, and the protection of property. The overall situation may cause the commander at the site to limit his mission to the protection of life and federal property. The officer taking such action immediately reports his action and the circumstances requiring it to the Director of Military Support.

On DOD installations overseas and at US embassies and consulates, because of the possible international political ramifications of foreign civil disturbances, host-nation forces generally control disturbances targeted at US facilities. Status of forces agreement define the legal considerations that guide and constrain actions by US military commanders. Commanders must have an effective liaison with host-nation authorities. Through close coordination with host-nation authorities, US commanders can determine the level of visibility and the involvement, if any, of US forces.

## COMMAND AND CONTROL

Unlike conventional military operations under a unified command, civil disturbance operations may not have a single commander with the required authority to direct all control forces. When federal

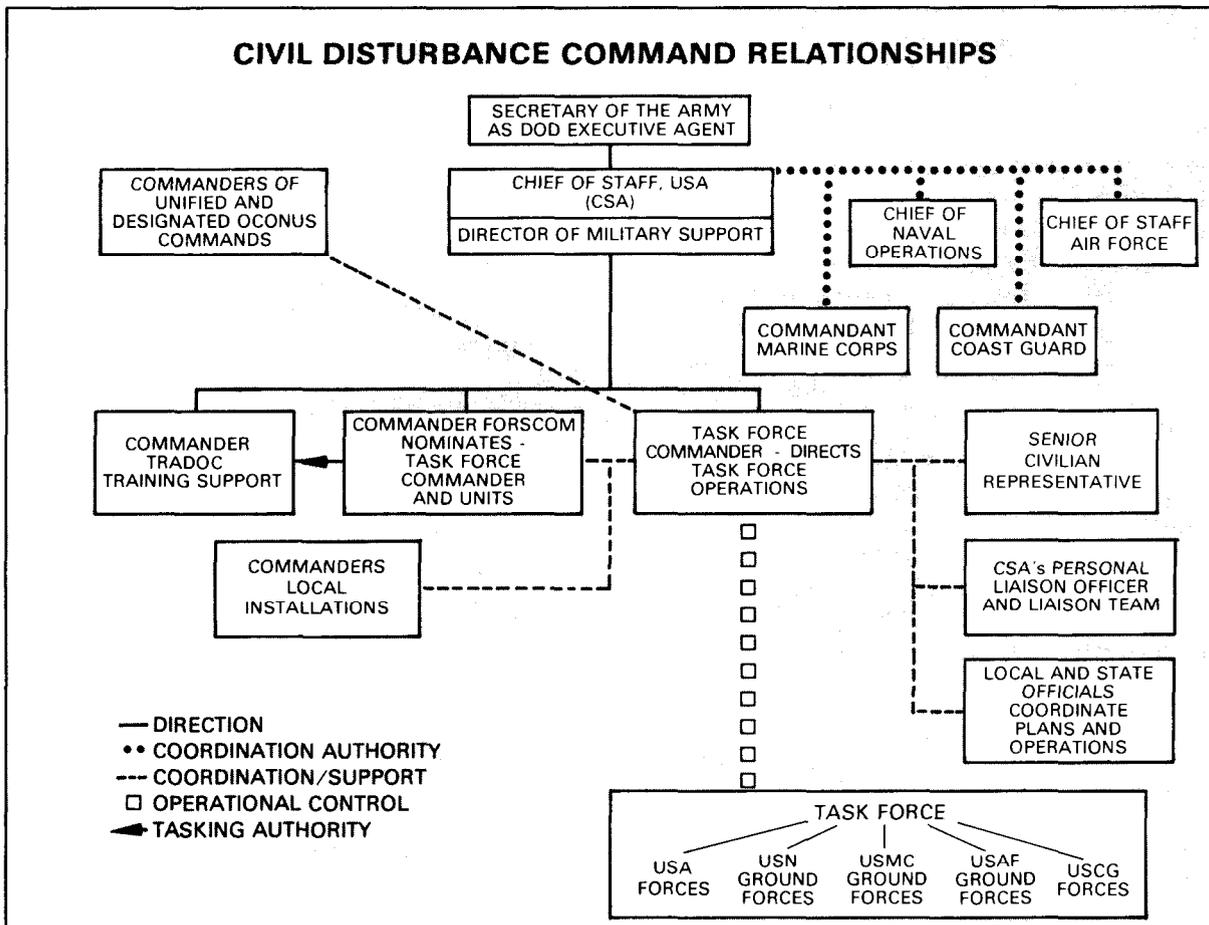
forces are deployed to enforce US laws because civil authorities have not or will not, the federal forces serve as a part of the military power of the United States and act under the orders of the President. The

Secretary of the Army, through the Army Chief of Staff, directs the federal forces committed for civil disturbances. At a disturbance site, the task force commander has operational control of military ground forces. The on-site commander accomplishes his mission under the authority of reasonable necessity. That authority, however, is subject to instructions he receives from his superiors.

The issue of command and control is more complex when federal forces are deployed to help civil authorities control a disturbance. The federal forces are under the command of their superiors in the military chain of command. They cannot be placed under the command of unfederalized National Guard nor local or state civil officials. If directed by the Army

Chief of Staff, commanders can be made responsible to authorized federal civil officials.

The task force commander has command and control of all federal forces including the federalized National Guard. National Guard units subject to a call or order to federal active duty must be thoroughly familiar with the provisions of AR 135-300 and be prepared to meet the requirements. Special attention must be paid to having troops oriented on their status as federal troops and on their mission. When a state's National Guard is federalized by the President, the letter of instruction to the task force commander usually states that he is in command of the National Guard units. The military chain of command and the rank structure then operate as usual.



But, just as the task force commander does not turn his command over to civilian authorities, civilian authorities are not required to turn their local and state police over to the task force commander. And civilian police cannot be federalized. Thus operational unity sometimes must be sought through such means as collocating operational centers, integrating communications systems, and establishing organizational responsibilities.

Even on federal installations, the control force may consist of more than military forces. US marshals, DOD police or guards, and contract security guards may have a role in protecting an installation and preserving order. Responsibilities of non-military security and law enforcement agencies must be consistent with legal restrictions and prohibitions on their use. Job descriptions, contracts, and local laws determine how these agencies can be used to protect the installation and what duties they can perform.

Military authorities cooperate with civilian law enforcement officials to the maximum extent possible consistent with—

- The tradition of limiting direct military involvement in civilian law enforcement activities.
- National security needs and military preparedness.
- The requirements of applicable law.

The task force commander cooperates to the fullest extent possible with the governor and other civil authorities and forces unless, or until, such cooperation interferes with the mission. The task force commander, when he reasonably can, honors requests for help from civil authorities. He may direct elements of his command to assist civil authorities, but he does not place military personnel under the command of civilians. This does not preclude such measures as having joint patrols and jointly-manned fixed posts.

## TASK FORCE ORGANIZATION

An effective civil disturbance task force depends on an organizational structure that allows for inclusion of a variety of military units and personnel, including National Guard and reserve units. It also must allow for the possible integration of military units and civilian agencies within an overall force structure. The organization must take into account the responsibilities of the civil authorities and agencies that will be a part of the control force. This includes not only law enforcement agencies but community support agencies as well. Units organized for a civil disturbance mission must be in accord with the organizational principles of:

- Essentiality.
- Balance.
- Coordination.
- Flexibility.
- Efficiency.

Each part of the organization must be needed to accomplish the mission. Each element of the organization must be designed to do its part of the mission effectively without duplicating the missions of the other organizational elements. The organization must provide effective channels of communications to ensure complete coordination of all plans and operations and to prevent gaps and overlaps. The organization must be designed to perform its mission without disruption as the operation changes in scope or as the environment changes. A unit's ability to task-organize to meet mission needs, and to do so quickly, is imperative for civil disturbance operations. The total organization must provide for the efficient use of men, money, material, and facilities.

The DA Civil Disturbance Plan, known as Garden Plot, provides guidance to

all DOD components in planning civil disturbance missions. It addresses the use of military resources for civil disturbances. It sets the requirements for DOD representation at a task force's headquarters. It is published under the authority of the Secretary of the Army, DOD's executive agent for military involvement in civil disturbances. The FORSCOM commander publishes guidance on model Garden Plot organizations for FORSCOM and TRADOC units. The Director of Military Support maintains the DA Civil Disturbance Plan.

### **TASK FORCE CONTROL ELEMENT**

Responsibility for controlling the civil disturbance resides with the task force. Its control element consists of the command group and the crisis management team. The command group of city, county, state, and military command personnel sets policy and issues directives. They coordinate the activities of civil and military support agencies, supervise the crisis management team, and coordinate with outside agencies. The CMT, made up of representatives of civilian and military staff sections, advises the command group and coordinates operations and support for the action element of the task force. The control elements locate in an EOC to facilitate information processing, resource management, and operational control. If community leaders have established an EOC, the task force commander may use the EOC for his command post. If an EOC has not been set up, the commander establishes one and makes provisions for including civil authorities to ensure a unity of effort.

Not all CMT members are located at the EOC. Some key people may use liaisons to represent them at the EOC. The key people can then research and discuss ideas freely, away from the confusion associated with crisis management. The liaison can transmit guidance and answers to the EOC. Some agencies may not be needed in the

EOC. Still, they may need to be notified to be prepared for inclusion. Inclusion in the EOC is based on the likelihood of an agency having to take an action or a support role and on the agency's importance to the mission.

### **TASK FORCE ACTION ELEMENT**

The threat management force is the action element of the task force. The TMF carries out the orders of the command group to accomplish the overall mission of restoring order. The command group employs the TMF consistent with the rules of force and the force options. The TMF consists of three subelements: the control force, the negotiation team, and the special reaction team. The control force performs most of the operational tasks. The negotiation team establishes and maintains communications with demonstration leaders, if possible, and reduces the threat to life in special circumstances like hostage situations or bomb threats. The special reaction team serves as the final force option for handling special threats like snipers or hostage takers. When federal forces are supporting civil authorities, the TMF, like the command group and CMT, is likely to be a mix of civilian and military components. Civilian and military control force assets often perform control force tasks jointly. However, civilian negotiations teams should be used rather than USACIDC negotiations teams whenever possible. And military SRT assets are used only when civilian SRT assets are not available in civilian communities.

#### **Control Force**

The diversity of missions in civil disturbance operations creates the need for simultaneous commitment of forces in a variety of operations. The control force must be task-organized to accomplish the mission. The control force must be composed of small units able to function separately, as well as part of the total force. The small units and teams must be able to be

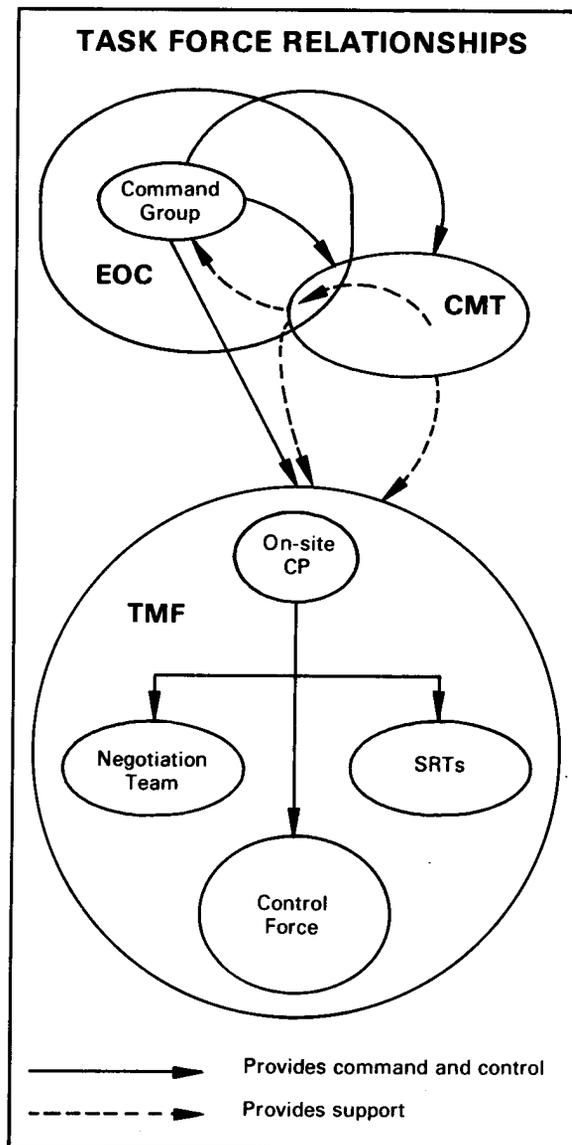
committed independently of each other. The small units must be responsive to changes in the situation. And they must be able to react immediately to their leaders' orders.

Small-unit leaders must receive clear, specific, and complete guidance so they know what actions to take to deal with rapidly changing situations. Clearly defined responsibilities must be assigned and exercised at the lowest practicable level. Small-unit leaders must have adequate authority to allow them to do their jobs effectively. At the same time, organizational development must be based on unit integrity. For example, in an infantry unit the squad may be considered the basic patrol unit. If smaller units are needed, fire teams can be used. Other types of units may have to organize in a similar fashion.

Military police units are particularly well suited for employment in civil disturbance operations. MP are trained and experienced in orderly confrontation management. With very little augmentation, an MP company possesses the basic capabilities needed for successful civil disturbance operations. MP capabilities include mobility, communications, and a structure that readily adapts to task organization. MP units also have special equipment, such as hand irons, recognizable symbols of authority, and vehicle emergency equipment. MP units are routinely task-organized to accomplish MP missions. This makes the transition from one configuration to another relatively easy for MP.

### Negotiation Team

The negotiation team's primary purpose is to assist in hostage situations that may accompany a disturbance. The team's mission is to peacefully resolve the event. It is preferable that civilian teams be employed for hostage negotiations. The task force commander coordinates with civil authorities to obtain this support. If civilian negotiators are unavailable, he



coordinates with USACIDC for a team of trained hostage negotiators.

A USACIDC negotiation team usually consists of a team leader, a coordinator, a record keeper, and trained negotiators. A linguist may be added if a language other than English is spoken by many residents in the disturbance area, especially OCONUS. The team leader coordinates the team's efforts. He commands the team and ensures that the negotiator is located away from the mainstream of CP operations, free

from distractions and interference. He also keeps the negotiator apprised of needed intelligence. The coordinator collects reported intelligence. His work is extensive when collecting intelligence on hostages, hostage takers, weapons and explosives, and the seige area. He gets intelligence from many sources, including the control force, witnesses, released hostages, and family members. The record keeper maintains a chronological record of all conversation between the negotiator and subjects, especially when dealing with hostages and hostage takers. He keeps a separate list of any and all demands and deadlines set by hostage takers. He also keeps a separate list of any and all promises and deceptions made by the negotiator.

Hostage negotiators establish a rapport with hostage takers to prolong contact and promote concessions while allowing demands to be delayed or refused. Prolonging the situation by constructively stalling for time produces advantages for the control force. These advantages are:

- The longer a situation is prolonged, the more intelligence can be gathered on the location, motivation, identity, and *modus operandi* of the hostage taker.
- The passage of time generally reduces anxiety, allowing the hostage taker to assess the situation rationally.
- Given enough time, one, some, or all of the hostages may find a way to escape on their own.
- In time, hostage takers may tire or fall asleep. This would allow peaceful resolution of the situation.
- The necessary resolve to kill or to hold out lessens with time.
- Time gives the hostage taker a chance to make the mistakes on which an alert control force can capitalize.
- Transference, also known as the Stockholm Syndrome, may take effect (see TC 19-16).

The negotiation team also can be very helpful when control force representatives meet with demonstrators to communicate concerns of the control force, to resolve issues allowing withdrawal from occupied buildings, or even to plan ways permitting peaceful demonstrators in a disturbed area. In these circumstances, the negotiator serves as a “neutral” who attempts to align the interests of the subjects with the responsibilities of the control force. The negotiator strives to—

- Be a mediator, not an arbitrator.
- Allow the subjects to set the pace, mood, and topic of conversation.
- Accept the subject’s views neutrally, expressing neither approval nor disapproval.
- Keep the subjects talking.

**SUGGESTED  
NEGOTIATION TEAM  
EQUIPMENT**

- STANDARD AUDIO CASSETTE TAPE RECORDERS AND 10 HOURS OF TAPES.
- MICROCASSETTE AUDIO TAPE RECORDERS AND 10 HOURS OF TAPES.
- VIDEO RECORDING EQUIPMENT.
- ELECTRONIC MONITORING EQUIPMENT.
- EAR MICROPHONES FOR TELEPHONES FOR RECORDING AND LISTENING.
- PORTABLE TYPEWRITERS AND OTHER WRITING SUPPLIES.
- FIELD TABLES AND CHAIRS.
- PUBLIC ADDRESS SYSTEMS OR BULLHORNS.
- RELIABLE COMMUNICATIONS FOR USE BETWEEN THEMSELVES AND THE SUBJECTS.
- HAND-HELD RADIOS.
- PROTECTIVE MASKS.
- INDIVIDUAL CONCEALABLE BODY ARMOR.

The negotiation process is physically and mentally exhausting. Hostage situations especially are often lengthy. It is recommended that each team have two negotiators. If more than one negotiator is used, a gradual shift from one negotiator to another helps to maintain the desired level of rapport. Successful negotiators are mature, mentally and emotionally stable, and neither overbearing nor antagonistic in their attitudes. They are experienced in communication techniques, including being good listeners. They also are sincere, flexible in their dealings, and physically fit.

### Special Reaction Team

If high-risk incidents posing a grave danger occur during civil disturbance operations, the control force must have access to specially-trained teams to neutralize the special threat effectively and safely. Special threat incidents include—

- Hostage rescues.
- Barricaded criminals.
- Barricaded criminals with hostages.
- Sniper incidents.
- Terrorist incidents.
- Apprehensions of dangerous suspects.
- VIP protection and escort.
- Threatened suicides.
- Search and evacuation operations.
- Barricaded, mentally disturbed people.

The control force commander can quickly and successfully resolve a special threat by requesting the support of an SRT. A highly-motivated, well-conditioned team specially equipped and trained to function as a tactical unit can be effectively and safely employed in such special threat

situations. The commander uses civilian SRTs, if possible. If civil authorities do not have SRT assets, then a military SRT may be employed. A low-level threat only requires a general SRT manpower and equipment response capability. A sophisticated threat, posed by groups having unique abilities and seeking specific targets, requires responding SRTs to possess specialized training and equipment.

SRT actions are based on a thorough knowledge of the situation, a tactical plan, and a minimum use of deadly force. The priority of actions by SRTs during an operation is—

1. Protecting lives, including hostages, law enforcement personnel, bystanders, suspects, and offenders.
2. Securing the safe release of hostages.
3. Apprehending the offenders.
4. Isolating and containing the incident.
5. Gathering information and intelligence. This is a continuous responsibility from the start of an incident until its resolution.
6. Protecting property and equipment.
7. Conducting an assault if all other available options have been exhausted or the situation has deteriorated to the point where loss of life is considered imminent. An SRT assault is a last resort.

These priorities apply to nearly all special threat situations. The one exception to these priorities is a special threat situation involving a nuclear weapon. The recovery of the weapon is the overriding consideration. See AR 50-5.

