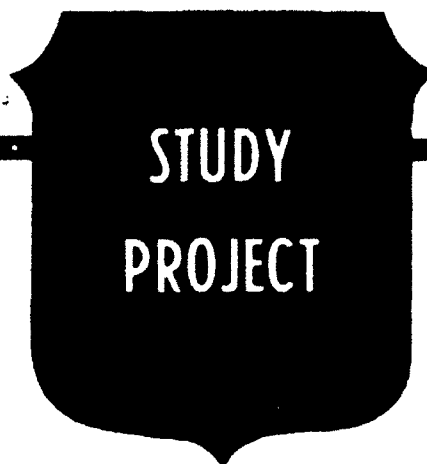
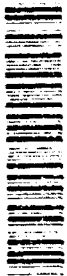


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THE CALIFORNIA  
ARMY NATIONAL GUARD AND THE  
LOS ANGELES RIOT,  
APRIL AND MAY 1992

BY

COLONEL EUGENE W. SCHMIDT  
United States Army

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93-11805  
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## REPORT DOCUMENTATION PAGE

Form Approved  
OMB No. 0704-0188

1a. REPORT SECURITY CLASSIFICATION <b>UNCLASSIFIED</b>			1b. RESTRICTIVE MARKINGS		
2a. SECURITY CLASSIFICATION AUTHORITY			3. DISTRIBUTION / AVAILABILITY OF REPORT Unlimited, Approved for Public Release		
2b. DECLASSIFICATION / DOWNGRADING SCHEDULE					
4. PERFORMING ORGANIZATION REPORT NUMBER(S)			5. MONITORING ORGANIZATION REPORT NUMBER(S)		
6a. NAME OF PERFORMING ORGANIZATION U.S. ARMY WAR COLLEGE		6b. OFFICE SYMBOL (If applicable)		7a. NAME OF MONITORING ORGANIZATION	
6c. ADDRESS (City, State, and ZIP Code) ROOT HALL, BUILDING CARLISLE, PA 17013-5050			7b. ADDRESS (City, State, and ZIP Code)		
8a. NAME OF FUNDING / SPONSORING ORGANIZATION		8b. OFFICE SYMBOL (If applicable)		9. PROCUREMENT INSTRUMENT IDENTIFICATION NUMBER	
8c. ADDRESS (City, State, and ZIP Code)			10. SOURCE OF FUNDING NUMBERS		
			PROGRAM ELEMENT NO.	PROJECT NO.	TASK NO.
			WORK UNIT ACCESSION NO.		
11. TITLE (Include Security Classification) The California Army National Guard and the Los Angeles Riot, April and May 1992					
12. PERSONAL AUTHOR(S) Col Eugene W. Schmidt					
13a. TYPE OF REPORT Study Project		13b. TIME COVERED FROM _____ TO _____		14. DATE OF REPORT (Year, Month, Day) 93/03/22	
15. PAGE COUNT 50					
16. SUPPLEMENTARY NOTATION					
17. COSATI CODES			18. SUBJECT TERMS (Continue on reverse if necessary and identify by block number)		
FIELD	GROUP	SUB-GROUP			
19. ABSTRACT (Continue on reverse if necessary and identify by block number)					
20. DISTRIBUTION / AVAILABILITY OF ABSTRACT <input checked="" type="checkbox"/> UNCLASSIFIED/UNLIMITED <input type="checkbox"/> SAME AS RPT. <input type="checkbox"/> DTIC USERS					
22a. NAME OF RESPONSIBLE INDIVIDUAL Col Philip A. Brehm			21. ABSTRACT SECURITY CLASSIFICATION UNCLASSIFIED		
			22b. TELEPHONE (Include Area Code) 717-245-4126		22c. OFFICE SYMBOL AWCI

## ABSTRACT

AUTHOR: Eugene W. Schmidt, COL, Field Artillery  
TITLE: The California Army National Guard and the Los Angeles Riot, April and May 1992  
FORMAT: Individual Study Project  
DATE: 22 March 1992<sup>3</sup> PAGES: 49 CLASSIFICATION: Unclassified

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Civil disturbance, absent from the domestic scene in California since 1967 - well over a generation - came to the fore with a bang on April 29, 1992 in Los Angeles, CA. Historically, the preferred approach to handle civil disturbance is to let civilian law enforcement handle the situation by using a measured force starting at the lowest level, i.e., local police, backed-up by the county sheriff, and, if necessary, the state police. If additional forces are required, the governor of the state may call-up the state National Guard, in a State Active Duty (SAD) status to assist law enforcement in restoring order. This was the case in the 1965 Watts riot in Los Angeles, CA. In 1992, the National Guard did assist law enforcement, but the procedures outlined above to bring about National Guard involvement were not followed. This had a large impact on the lead-time necessary for the National Guard to assume its on-the-street mission during the civil disturbance in Los Angeles.

Our Army is trained to fight foreign enemies and not the citizens of the United States. Federal, state, and local leaders should be aware of the situation that took place in Los Angeles in April and May 1992. All major cities have similar domestic problems - high unemployment, excessive drug use, homelessness, hopelessness, etc. Because of constrained resources to devote to solving these problems, given the right set of circumstances, people could erupt, unexpectedly, into rioting. It has been more than twenty years since such a dramatic measure as use of the military has been exercised to bring a riot under control.

USAWC MILITARY STUDIES PROGRAM PAPER

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**THE CALIFORNIA ARMY NATIONAL GUARD AND THE LOS ANGELES RIOT,  
APRIL AND MAY 1992**

**AN INDIVIDUAL STUDY PROJECT**

by

Colonel Eugene W. Schmidt  
United States Army

Colonel Philip A. Brehm  
Project Adviser

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## INTRODUCTION

On August 11, 1965, State Traffic Officer, Lee Minikus, a California Highway Patrolman, arrested Marquette Frye, a black man, for driving under the influence of alcohol in the City of Los Angeles. This event sparked the Watts riot that eventually encompassed 46.5 square miles of the City of Los Angeles. Even though only a small percentage of the people living in this section of Los Angeles - 10,000 of 400,000 - actually participated in the rioting,<sup>1</sup> it took over 13,000 California Army National Guardsman on State Active Duty (SAD) and a total of 1,500 law enforcement officers - a combination of the Los Angeles Police Department (LAPD), the Los Angeles Sheriffs Department (LASD), and the California Highway Patrol (CHP) - to restore law and order to the City of Los Angeles.<sup>2</sup> The rioting, which lasted for seven days, cost the lives of thirty-four people and injured 1,032. The property damage went into the millions of dollars as over 600 buildings were damaged by fire and looting. A total of 3,438 people were arrested.<sup>3</sup>

It is important to note that, even though 13,393 California Army and Air National Guardsmen were called to assist combating the 1965 Watts riot, they were never federalized.<sup>4,5</sup> "There were over 73,000 man-days of State active duty by Guardsmen; the cost to the State alone, over or near \$1 million."<sup>6</sup>

The years that followed the Watts riot necessitated the services of the California Army National Guard (CA ARNG), in a SAD role, to assist civilian authorities in dealing with civil disturbances that dealt, not with racial issues, but with

opposition to the war in Vietnam. The Quadrennial Report of the Adjutant General of the State of California, Military Department (1966-1970) reflects the fact that the Guard was mobilized on several occasions to assist civil authorities in putting down anti-war demonstrations in Oakland, the University of California at Berkeley, the People's Park in San Francisco, and the University of California at Santa Barbara. The trial of the Chicago Seven also sparked rioting in California, and the state National Guard was utilized to bring about order. The end of the Vietnam war brought about a dramatic reduction in civil disturbances. Nation-wide, with the exception of two major riots - Miami, Florida (January 1989) and Washington, DC (May 1991)<sup>7</sup> - rioting has not been in vogue.

However, just as the cyclical nature of war and peace are sure to repeat themselves, so too is apparent domestic tranquility and its nemesis, civil unrest. "Alas! Hegel was right when he said that we learn from history that men never learn anything from history."<sup>8</sup>

On March 3, 1991, a lone California Highway Patrol unit, occupied by State Traffic Officers Timothy and Melanie Singer - husband and wife - observed a speeding vehicle on the Foothill Freeway. The vehicle led the officers on a 7.8 mile chase that ended near the intersection of Osborne Street and Foothill Boulevard in the Lake View Terrace area of the City of Los Angeles.<sup>9</sup> The driver of the vehicle, Rodney King, was taken into custody by the Los Angeles Police Department (LAPD) who had

arrived at the scene to assist the CHP. The physical arrest of Mr. King was captured on video by an amateur photographer. That video, showing LAPD officers using what appeared to be an excessive amount of force to take Mr. King into custody, was televised again and again in the United States and abroad. As a result, four LAPD officers were charged with various criminal violations and brought to trial.

Just over a year after the incident, a Simi Valley Superior Court jury, on April 29, 1992, acquitted all four defendants. This was enough to spark violence and looting that began in the South-Central section of Los Angeles and quickly spread to other parts of the city. "By May 1, some 30,000 uniformed personnel, including police officers, sheriff's deputies, the California National Guard, U.S. Army soldiers, Marines and specially trained federal law-enforcement officers were available to authorities to restore order."<sup>10</sup> The civil unrest resulted in approximately 4,000 individuals injured and 58 people killed.<sup>11</sup> There were an estimated 17,000 arrests, 5,200 buildings damaged or destroyed by fire <sup>12</sup>, property losses estimated to exceed \$1 billion, and "by some estimates, 36 furious hours cost 40,000 jobs, perhaps a quarter of them lost permanently."<sup>13</sup> "In the end, it took about thirty-six to forty-eight hours to put down the riots."<sup>14</sup> The riot erupted quickly, unexpectedly, and covered a vast expanse of the city. "These riots encompassed a huge area that stretched over 32 miles from Hollywood Hills to Long Beach."<sup>15</sup> Put differently, the sheer size of the civil disturbance,



approximately 900 square miles, quickly caused the commitment of all local and state law enforcement agencies.<sup>16</sup> This caused the civilian leadership of the city of Los Angeles, Mayor Tom Bradley, to go directly to the Governor of the State of California, Pete Wilson, for assistance.

Twenty-seven years after the devastating 1965 Watts riot in Los Angeles, the California Army National Guard was, once again mobilized and called to state active duty to assist the civilian authorities in restoring law and order to the city of Los Angeles. A total of 10,348 California guardsmen/women were mobilized from the 40th Infantry Division (Mechanized) and the 49th Military Police Brigade.<sup>17</sup>

Most of the soldiers that were mobilized for the Los Angeles riot did not have a recollection of the Watts riot of 1965. Those that did, had their fading memories suddenly brought to the fore. History had indeed repeated itself and this was serious business.

On April 29, 1992, the California Army National Guard, had proven itself to be a progressive and professionally led organization. The 40th Infantry Division (Mechanized) had recently completed a highly successful Battle Command Training Program (BCTP), and, as a result, was much better trained in command and control skills than it was when called to duty on August 13, 1965. Despite this fact, the California Army National Guard of 1992 was federalized as opposed to its predecessor which was not federalized.

The concept of federalization of the National Guard is contrary to a long standing principle of the United States that does not care to match its soldiers against its citizens in the streets.

The Best American Intention, expressed from colonial times to the present, has been to control domestic disorder without using military force. If armed power became necessary, it should be applied at the local level by police, at the county level by sheriffs, and at the state level by the militia/National Guard. These instruments would be controlled by civil officers. Only as a last resort should the government of the United States be involved, first using marshals, (civil officers), next federalized militia, and finally, regular forces. At whatever level, the minimum force needed to suppress the disorder was the force used.<sup>18</sup>

Indeed, the author of this study, who was mobilized and participated in Operation Sudden Response, the Los Angeles riot, a citizen-soldier - a California Highway Patrolman and recent Commander of the 40th Infantry Division (M) Artillery, CA ARNG (June 1988 - June 1992) - felt the negative connotation of federalization.

Daryl Gates, Chief of Police for the city of Los Angeles during the riot, had some thoughts on the issue of federalization that are worth mentioning. They are an accurate description how the militia and law enforcement personnel, directly involved in attempting to restore law and order to the city of Los Angeles, felt at the time.

Unbeknownst to Sherm [Sheriff] and me, Bradley [Mayor] and Governor Pete Wilson were cutting a deal with the White House to bring in Regular Army and Marine personnel, to

federalize the National Guard, and to dispatch one thousand federal officers. We said, 'Why?' We were a little put out, since we had responsibility for stopping the riot. We now had the situation under control from an enforcement standpoint, and the National Guard was deployed to watch areas that had not been hit. Besides, I recoil at the idea of federally controlled Regular Army and Marine personnel, trained to fight a foreign enemy, being deployed on Los Angeles streets. Theirs was a political gesture that had no other effect, and I resented it.<sup>19</sup>

This military studies project will address the factors that brought about the federalization of the California Army National Guard and clear up the confusion of the Posse Comitatus Act as it related to the federalized forces - including the National Guard - during the Los Angeles riot of 1992. There are some very important lessons that came from the factors that prompted the CA ARNG to be federalized. The federalization issue is one of the more important facets to come out of the Los Angeles riot because of the framers of the Constitution and their reluctance to use Regular Army and, especially, Marines to put down civil disturbances. May 1-5, 1971 was the last time federal troops - the 82d Airborne - were used to restore order during anti-war demonstrations in the Nation's capital.<sup>20</sup>

Because so many years have passed - over a generation - since policy makers have had to deal with civil disturbance, it is extremely important that all military leaders be aware of how to advise their civilian leaders in policy making positions, as to the appropriate strategy to use when it comes to deciding whether or not to federalize the National Guard of a state.

## THE ROAD TO FEDERALIZATION OF THE CALIFORNIA ARMY NATIONAL GUARD FOR THE LOS ANGELES RIOT IN 1992

### MEDIA'S ROLE

"The fundamental principle that the preservation of law and order in the United States is the responsibility of the state and local governments"<sup>21</sup> was violated in varying degrees by the governor of California, the mayor of the city of Los Angeles, and law enforcement officials at the city, county, and state level.

Failure on the part of civilian leadership to recognize that a civil disorder was in the making, even larger and more devastating than the Watts riot some twenty-seven years before, was due, in large part, to the media. The media lulled the nation and its civilian leadership into a false sense of security "in what may be the most endlessly replayed video ever made."<sup>22</sup> To the rational person, it seemed impossible for a jury to render a verdict in favor of the four officers. However, based on the evidence presented, the jury deliberated and, relatively quickly, reached a decision that was not what the nation and the city of Los Angeles had expected. The jurors immediately came under intense criticism from all quarters. "Our government leaders, including the president, condemned their decisions..."<sup>23</sup> Judge Morton I. Greenberg of the U.S. Court of Appeals for the Third Circuit said in a letter published in The New York Times on May 15, 1992 the following:

It will be a sad day for this country when criminal cases are decided in accordance with public opinion shared by the media exposure rather than by a jury on the basis of the evidence before it.<sup>24</sup>

Immediately after the verdict was handed down, the media, again, played a large part in setting the stage for the pending civil disturbance by sensationally broadcasting community leaders' comments charging "that institutions designed to protect law-abiding citizens had failed them this time."<sup>25</sup> "Outside on the courthouse steps, Councilwoman Patricia Moore called the result 'a modern-day lynching.'"<sup>26</sup> "Los Angeles Mayor Tom Bradley deplored the King verdict at a Wednesday-night church rally when he angrily declared, 'We have come tonight to say we have had enough!'"<sup>27</sup>

President George Bush addressed the nation in a televised speech which aired May 1, 1992:

What you saw and what I saw on the TV video was revolting. I felt anger. I felt pain. I thought: How can I explain this to my grandchildren? Viewed from outside the trial, it was hard to understand how the verdict could possibly square with the video. Those civil rights leaders with whom I met were stunned. And so was I and so was Barbara and so were my kids.<sup>28</sup>

However, the news media was saving the best for last, when, in the opinion of many, the media played a large part in causing the initial riot to spread to other parts of the city. "While most of the national coverage was restrained, local coverage was not."<sup>29</sup> There was twenty-four hour constant coverage - seven Los Angeles television stations - of looting, arson, and lawlessness. The constant bombardment of the sporadic looting and arson gave the bandits the attention they were after; it gave them a twisted legitimacy. This somehow made it seem okay to get

out and participate, and the media told them exactly where to go.

Television's mindless, endless (generally fruitless) search for the dramatic image - particularly on the worst night, Wednesday - created the impression that an entire city was about to fall into anarchy and go up in flames. What was needed instead was geography lessons showing that rioting was confined to a relatively small portion of a vast metropolis and that violent incidents outside that area were random, not the beginning of a concentrated march to the sea via Rodeo Drive.<sup>30</sup>

The lack of restraint by the media in their saturation broadcasting tactics did much to add to the confusion to those in civilian leadership positions. The hopelessness of the situation that was being portrayed on television, led not to a rational, graduated response by civilian leaders and law enforcement as plans call for - utilization of local police (LAPD), then the Los Angeles County Sheriffs Department (LASD), and the California Highway Patrol (CHP) - but to a quantum leap to the governor of California and a request to employ the California Army National Guard. The media could have toned down their coverage which would have added some sanity to what was happening in Los Angeles on April 29, 1992.

But no, Los Angeles television just kept pouring raw footage from remote units onto the screen. It was roughly the equivalent of dumping raw sewage into Santa Monica Bay. In effect, intelligent life-forms - those organisms struggling to make sense of tragic chaos - found the oxygen supply to their brains cut off.<sup>31</sup>

#### **LOCAL LAW ENFORCEMENT AGENCIES UNPREPARED**

Besides the media, there were a number of factors that

impacted all at once upon the civilian leadership and ended up with the President of the United States federalizing the National Guard and utilizing federal troops in the Los Angeles riots.

"Civil disorders are almost generically identical and they need not get out of hand."<sup>32</sup> This implies that agencies responsible for keeping law and order have a plan with which to deal with social disorder prior to the civil disturbance occurring. At the lowest level, it has been shown that where local police and civilian leadership have taken a proactive position and let it be known that lawlessness would not be tolerated, "practically no disorders occurred."<sup>33</sup> However, as was the case in Los Angeles on April 29, 1992, "serious riots are evidence of police failure."<sup>34</sup> Police Chief Daryl Gates came under intense criticism because Los Angeles Police were slow to react. "In large measure, the riots got out of hand because the 7,800-strong police department was slow to respond to many of the initial disturbances."<sup>35</sup>

Los Angeles County Sheriff Sherman Block said, "It's my belief that a show of force at [the intersection where the riot started] might not have stopped everything but certainly would have had a significant impact."<sup>36</sup>

#### **LOCAL AND STATE CIVILIAN LEADERSHIP AND THEIR LACK OF FAITH IN ONE ANOTHER**

An often overlooked aspect of the civilian leadership of Los Angeles that played a big part in the riot, was the relationship between the Mayor and the Police Chief. "Because of animosity between Gates and the Mayor, the two men wouldn't even speak to

each other, communicating only through intermediaries."<sup>37</sup> This type of relationship among those who are responsible for law and order is a recipe for disaster. The fact remains that the stage was set for those who chose to riot, loot, and burn to get a step ahead of law enforcement because of the resentment between key leaders. That resentment paralyzed the effectiveness of the organizations that law abiding citizens were counting on to prevent a catastrophic riot that ensued.

The Los Angeles riot differed distinctly from the Watts riot of 1965, because of the speed of escalation. The Watts riot took two to three days to generate into a full scale disturbance. However, the Los Angeles riot took just a matter of hours to deteriorate into total lawlessness.

With the Watts riots in 1965 it built and built and on the third day the city went mad, says Police Commander Robert Gil. This was completely different - the city went wild in just an hour and a half.<sup>38</sup>

"It is at the point of police failure that states and their cities redeem their national constitutional guarantees and the Regular Army may be asked to intervene."<sup>39</sup>

When it becomes apparent that local, county, and state law enforcement is unable to control a civil disturbance situation, then the only recourse available to bring the condition under control is to request the National Guard be mobilized. The rapidly occurring events the late afternoon of April 29, 1992 caused civilian leadership responsible for law enforcement to throw in the towel. "The situation," Chief Gates said lamely,



"is not under control."<sup>40</sup>

Mayor Bradley, at 9:00 pm, April 29, 1992, requested from Governor Pete Wilson that 2,000 National Guardsmen be deployed to the streets of Los Angeles. "Once again soldiers with guns patrolled the streets of an American city."<sup>41</sup>

#### **THE CALIFORNIA ARMY NATIONAL GUARD - NOT TRAINED AND READY FOR ITS CIVIL DISTURBANCE ROLE**

The National Guard is unique in that it has dual missions - one state and one federal. The state mission is "to provide trained and disciplined forces for domestic emergencies or as otherwise required by state law."<sup>42</sup> The federal mission is "to maintain properly trained and equipped units available for prompt mobilization for war, national emergency or as otherwise directed."<sup>43</sup>

Not with standing the fact that twenty-two years passed since the last call-up of California National Guard soldiers for civil disturbance duty, 20-23 February 1969,<sup>44</sup> it is important to review the legal authority that allows the Governor of California to exercise this option.

The governor of each state is the commander-in-chief of the Army and Air National Guard in that state. The governor, as commander-in-chief of each state National Guard, has the authority to use the Guard to assist civil authorities in accordance with applicable state laws that have their basis in the United States Constitution, Article I, Section 8, Clause 16 - the Militia Clause:

To provide for organizing, arming, and

disciplining the militia, and for governing such part of them as may be employed in the service respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

Once there has been a request for National Guard soldiers, the authority for the Governor to deploy them is found in the California Military and Veterans Code.

**Section 146** (With or without proclamation)

(1) In case of insurrection, rebellion, invasion, tumult, riot, breach of the peace, public calamity catastrophe, or other emergency, or imminent danger thereof, or resistance to the laws of this State of the United States.

(2) Upon the call of the Chief Executive Officer of any city or county, any justice of the supreme court, any judge of the superior court, or any sheriff, setting forth that there is: an unlawful or riotous assembly, with the intent to commit a felony, offer violence to person or property, or resist the laws of the State or United States; or that there has occurred a public calamity or catastrophe for which aid to civil authority is required.

(3) Upon the call of the sheriff setting forth that civil power of the county is not sufficient to enable him to execute his responsibilities.

**Section 143** (By proclamation of a state of insurrection)

Whenever the Governor is satisfied that rebellion, insurrection, tumult, or riot exists in any part of the State or that the execution of civil or criminal process has been forcibly resisted by bodies of men, or that any conspiracy or combination exists to resist by force the execution of such process, or that the officers of any county or city are unable, or have failed for any reason to enforce the law, and declares, by Proclamation, any part of the state, county, or city or any portion thereof to be in a

state of insurrection.

**Section 143** (without proclamation)  
To perform military duty of every description.  
When support requirements cannot be met by  
state resources, the state may request federal  
assistance from agencies having statutory  
authority to assist without Presidential  
Declaration of Emergency through FEMA.

When the order came from the Governor's office to deploy the National Guard, the initial 2,000 guardsmen came from the Los Angeles area. Fortunately for the city, the 40th Infantry Division (Mechanized) has a large portion of its troop density and the Division headquarters located in the Los Angeles basin, Long Beach, and San Diego area. The remainder of the Division is located north in Fresno, San Jose, and the San Francisco Bay area. Once the Division's soldiers became deployed, they greatly assisted local law enforcement in quickly wrestling the initiative from the law breakers and restoring law and order in the city. The 40th Infantry Division (M) has been commended on how rapidly it mobilized 11,000 men and women along with their equipment, in the short space of roughly twenty-two hours. "Within 24 hours of first being alerted - 2100 hours on 29 April 1992 - the California Army National Guard had more than 3,500 soldiers on duty. Within another twenty-four hours, there were 7,800 soldiers mobilized."<sup>45</sup>

The National Guard responded to a no-notice call in record time. A few units were assembled at unit armories within six hours and performing on-the-street missions within 18 hours. However, assembling quickly is just a part of the equation.

Units had to receive refresher training in the civil disturbance mission and be properly equipped before being sent onto the streets of Los Angeles.

Ironically, the soldiers from the 40th Infantry Division (M) that had to be immediately utilized - the first 2,000 - had their civil disturbance mission taken away from them just two years prior to the L.A. riot.<sup>46</sup> The civil disturbance mission had been taken away, by state direction, from the majority of the units in the 40th Infantry Division (M), located in the Los Angeles area, and tasked to the 49th Military Police Brigade, located in the Oakland-San Francisco Bay area, some 350 miles from the riot area (Appendix D). Fortunately, the 40th Infantry Division had trained well on its federal mission and had available trained, disciplined soldiers with readily transferable combat skills that, coupled with civil disturbance refresher training and the seriousness of situation, allowed soldiers, at all levels, to carry out the mission effectively and professionally.

However, the media, once again, became a critical factor in influencing the civilian leadership to call the President for assistance. The perception that the National Guard was slow to respond was broadcast by the news media when it was made known there was no ammunition immediately available to issue to soldiers that had to perform the on-the-street mission.

Influential private citizens such as Warren Christopher, currently the Secretary of State for President Clinton, shared

their concerns with Mayor Bradley of the perception that the National Guard was slow to respond. Christopher had been "intimately involved in the McCone study of the Watts riots in 1965, and he expressed a concern that past mistakes not be repeated."<sup>47</sup> Mr. Christopher was quoted as saying, "I felt things were out of control Thursday night. The National Guard was very slow to move in and that's fairly typical too. The National Guard is not very effective in these situations."<sup>48</sup>

Approximately 24 hours after the rioting began, Mr. Christopher was discussing with the mayor's staff the process of "requesting and deploying federal troops."<sup>49</sup>

The Governor of California, Pete Wilson had little or no exposure to his National Guard prior to the Los Angeles riot even though he had been elected governor some 16 months prior. He did not know the capabilities of his Adjutant General, Major General Robert Thrasher, nor of the California Army National Guard. Even though the National Guard was responding with record speed to the call of its commander-in-chief, the pressures of the media and the mayor of the city of Los Angeles, caused the governor to question his own forces' capability to handle the situation. The governor "was apparently frustrated in his efforts to get the California Army National Guard on the street in a timely manner and in sufficient force."<sup>50</sup>

On Friday, May 1, 1992, at 0115 hours the "governor requested federal troops from the President's chief of staff."<sup>51</sup> At 1730 hours, the President, Governor, and Mayor discussed the

use of federal forces. The "mayor insists that federal government deploy federal troops in Los Angeles."<sup>52</sup> The President of the United States addressed the nation on May 1, 1992 saying that he will send federal troops to Los Angeles and federalize the California Army National Guard.

#### **THE USE OF FEDERAL TROOPS - LEGAL HISTORICAL PERSPECTIVE**

Since it has been a rarity in our modern-day civilized society for recent presidents to exercise their constitutional authority to call upon federal soldiers to restore law and order to instances of civil disturbance, it is appropriate to review the legal authority granting such action.

"As stipulated in the Preamble, one purpose of the Constitution is to insure domestic tranquillity."<sup>53</sup>

Article I, Section 8 of the United States Constitution states that "the Congress shall have the power...to provide for calling forth the militia to execute the laws of the Union, suppress Insurrections, and repel invasions..."

Two years prior to the Whiskey Rebellion of 1794 in western Pennsylvania, Congress passed the Act of 1792 "making a limited delegation of its powers to the President."<sup>54</sup>

Section 1 gave the President power to call forth the militia in case of invasion or 'insurrection' against the government of any state, setting up the familiar requirement for a request from the legislature of that state or the executive if the legislature could not be convened. Section 2 provided that whenever federal laws should be opposed or their execution obstructed by combinations too powerful to be suppressed by ordinary civil authorities, the President was authorized on notification of this fact by federal judge, to

call out the militia, having first issued a proclamation calling on the insurgents to disperse and retire peaceably.<sup>55</sup>

The Whiskey Rebellion is the only recorded case in United States history that the government used the militia in a civil disturbance role which met the intent of those who wrote the Constitution and the Act of 1792.<sup>56</sup>

The sentiment that standing armies in time of peace were a danger to the liberties of the people was too strong and the memory of the depredations of British redcoats too recent for them to entrust specifically to either Congress or the President any power to use regular troops against fellow-Americans.<sup>57</sup>

However, this was soon to change because a dependable, immediately responsive resource was needed to put down the unpredictable civil disturbances. The militia's recorded performance during the Whiskey Rebellion was a disaster. They were slow to respond to President Washington's call. Once in the field, they became a problem to society as "depredations on private property were rampant."<sup>58</sup> Additionally, a three-month rule on length of service was not much assurance that the militia would be available when required. Therefore, after the Whiskey Rebellion, the regular army, which was immediately available, began to be pressed into service to stop rebellion.<sup>59</sup>

Congress replaced the Act of 1792 on February 28, 1795. This act - the Calling Forth Act - was worded almost identical to the one it replaced.

In case of an insurrection in any state against the government thereof, it shall be lawful for the President of the United States, on application of the legislature of such

state, or the executive (when the legislature cannot be convened) to call forth such number of militia of any other state as may be applied for, as he may judge sufficient to suppress such insurrection.<sup>60</sup>

It is important to note that the Act of 1792 and the Calling Forth Act of 1795 have been "perpetuated in modern statutes as part of Section 331, Title 10, Chapter XV, United States Code, revised in 1982."<sup>61</sup>

**Section 331. Federal aid for State governments.**

Whenever there is an insurrection in any State against its government, the President may, upon the request of its legislature or of its governor if the legislature cannot be convened, call into Federal service such of the militia of the other States, in the number requested by that State, and use such of the armed forces, as he considers necessary to suppress the insurrection.

On March 3, 1807 Congress passed an act authorizing the employment of land and naval forces of the United States in cases of insurrection.

That in all cases of insurrection or obstruction of the laws, either of the United States or of any individual state or territory, where it is lawful for the President of the United States to call forth the militia for the purposes of suppressing such insurrection, or of causing the laws to be only executed, it shall be lawful to employ for the same purposes, such part of the land or naval forces of the United States as shall be judged necessary, first having observed the prerequisites of the law in that respect.<sup>62</sup>

This act "permanently implicated the regular military service in the domestic use of force."<sup>63</sup> A combination of the 1807 law and the second paragraph of the Calling Forth Act form the basis of, once again, law that is currently in effect. The



second paragraph of the Calling Forth Act is as stated below.

Whenever the laws of the United States shall be opposed or the execution thereof obstructed, in any state by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such state or of any other state or states, as may be necessary to suppress such combinations.<sup>64</sup>

This, in conjunction with the Act of 1807, allowed the President to suppress insurrection in a state, using federalized militia and regular army troops, without the request of the state. It is still current law that is reflected in Section 332, Chapter 15, Title 10, United States Code.

**Section 332. Use of the militia and armed forces to enforce Federal authority.**

Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State or Territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion.

The Calling Forth Act of 1795 had a final paragraph:

The President shall forthwith by proclamation command such insurgents to disperse and retire peaceably to their respective abodes, within a limited time.<sup>65</sup>

With some minor word changes, the Calling Forth Act of 1795 is still being used today, but is known as Section 334, Chapter 15, Title 10, United States Code.

**Section 334. Proclamation to disperse.**

Whenever the President considers it necessary to use the militia or the armed forces under this chapter, he shall by proclamation immediately order the insurgents to disperse and retire to their abodes within a limited time.

Modern-day presidents have, just as those who proceeded them, the authority to employ federal soldiers in civil disturbance situations. This authority found its beginnings in the Constitution and federal statutes. Some of the federal statutes that have application in providing the legal basis for the President to act, as recently as 1992, have only had minor changes to them in nearly two-hundred years.

Recapping, there are three reasons that would prompt any President to employ the resources - federalized National Guard and federal troops - he has available to him to put down civil disturbances. "To aid state authorities at the request of a state, to enforce laws of the federal government, and to protect and guarantee the constitutional rights of citizens within any state."<sup>66</sup>

It is important to point out that the federal government does not have carte blanche authority to utilize military forces in civil disturbance situations. The President must wait for a request for assistance from the state affected unless it is clear that there is a lack of enforcement of federal laws or the constitutional rights of citizens are being denied.<sup>67</sup>

There is another restriction Congress placed on the use of federal troops that is over one-hundred years old. The Posse Comitatus Act of June 18, 1878 is still with us today. The

current version is found in section 1385, Title 18, Chapter LXVII of the United States Code.

Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or Air Force as a Posse Comitatus, or otherwise to execute the laws, shall be fined not more than \$10,000, or imprisoned not more than two years, or both.<sup>68</sup>

Posse Comitatus literally means "the power or body of the country."<sup>69</sup> The Posse Comitatus Act grew out of the Civil War reconstruction era and the involvement of federal troops in the civil affairs of the southern states. Essentially, after the passage of the Posse Comitatus Act, "federal troops would not be available to supplement civilian law enforcement officials."<sup>70</sup>

Martial law is a term, often misused, that is associated with rioting and civil disorder. Martial law is defined as "that state or condition in which normal processes of law have broken down completely and in which the executive finds it necessary to assume dictatorial powers, usually exercised through his military arm."<sup>71</sup> Essentially, there would be no government at all, and the military becomes the police without regard for civil authority.

The Watts Riot of 1965 is an example of a situation that could have had martial law declared except for the fact that California law gave the National Guard commander the authority to perform his mission without usurping civilian authority. The National Guard cooperated with police in restoring law and order.<sup>72</sup>

In accordance with legal precedence, President Bush issued Proclamation 6427 - Law and Order in the City and County of Los Angeles, and other districts of California on May 1, 1992 (Appendix A) as required by section 334, Chapter 15, Title 10, United States Code.<sup>73</sup>

After issuing Proclamation 6427, President Bush issued Executive Order 12804 - providing for the restoration of law and order in the city and county of Los Angeles, and other districts of California on May 1, 1992. (Appendix B)

This executive order expressly answered the applicable jurisdictional questions and provided all federal agencies with authority to act in a law enforcement capacity during the civil unrest.<sup>74</sup>

It is significant to note that no specific section is specified under Chapter 15, Title 10, United States Code in the President's executive order to federalize the National Guard and bring federal troops and Marines to Los Angeles. Chapter 15 - the Insurrection Act - is cited as the sole authority for such action. There are some that could and would argue that the a President had no constitutional authority to use Chapter 15, Title 10, United States Code because there was no insurrection by definition - an attempt to overthrow the government. No specific section is cited because the lawmakers that drafted the executive order tacitly admit no authority exists to cite a specific section but chose to use the broad scope of Chapter 15, Title 10, United States Code.

**POSSE COMITATUS DID NOT APPLY TO THE FEDERALIZED FORCES IN LOS ANGELES TO INCLUDE THE NATIONAL GUARD**

It is of utmost importance to observe that all recent accounts of the Los Angeles riot, to include after-action reports at all levels, erroneously point out, that once federalized, the National Guard, came under the provisions of the Posse Comitatus Act and could no longer perform law enforcement duties. Most reports cite the example of the National Guard being able to perform 100 percent of the mission requests by law enforcement agencies when on state active duty. However, once federalized, the National Guard, because of Posse Comitatus, could only perform "less than ten percent of the missions (16 of 167)." <sup>75</sup> This is not true.

It was the limitation posed on the federal troops and the National Guard by General Covault's orders that ultimately restricted their activities, however, not the Posse Comitatus Act. By issuing the Proclamation ordering insurgents to disperse and retire peaceably, the President met the requirements under federal statute for the exercise of the Presidential power to use federal troops to quell domestic violence. The activities of the federal troops, including the federalized National Guard, were expressly exempted from the restrictions of the Posse Comitatus Act, and thus, the federalized troops could assume law enforcement functions. <sup>76</sup>

"Posse Comitatus was waived by virtue of the issuance of the President's executive order." <sup>77</sup>

The Presidents's authority to use federal troops to quell domestic violence under federal statute, however, is exempt from the Posse Comitatus Act's restrictions. The only qualification placed on this power is the requirement that the President issue a proclamation ordering the insurgents to disperse and retire peaceably to their abodes. <sup>78</sup>

By definition, invoking the Insurrection Act, Chapter 15 of Title 10, United States Code, allows the National Guard and federal troops to perform all law enforcement functions necessary to bring about the restoration of law and order.

The Harrison report that assessed, for the Governor of California, the performance of the California National Guard during the Los Angeles riot, said that once the National Guard was federalized "their response to requests from local law enforcement was reduced to about 20 percent. This reduction was attributed primarily to the restrictions placed on federal troops under the provisions of the Posse Comitatus Act."<sup>79</sup> This is, again, an erroneous statement that continues the myth of posse comitatus.

The Senior Civilian Representative for the U.S. Attorney General (SCRAG), Buck Revelle of the Federal Bureau of Investigation (FBI), was responsible for directing the combined federal law enforcement effort during the riot. This included the military and civilian law enforcement agencies. The Joint Task Force Commander, MG Marvin A. Covault, reported directly to the SCRAG who was the first civilian in the chain of command. In a telephone interview with Mr. Revelle, he stated that he and MG Covault were well aware of the fact that Posse Comitatus was waived by the President's Proclamation and did not apply to federal troops, to include the National Guard, in the Los Angeles riot. However, it was abundantly clear to MG Covault that the riot was over by the time federal troops had been employed onto

the streets of Los Angeles on May 3, 1992. The National Guard and local law enforcement had, by this time, regained control of the situation. MG Covault and the SCRAG made a conscious decision to prohibit the National Guard and federal troops from performing law enforcement tasks; especially the National Guard that had been assisting law enforcement personnel prior to being federalized. "On a number of occasions, National Guard troops were asked to assist in making arrests or transporting prisoners after arrests were made. Additionally, National Guard troops accompanied LAPD officers in squad cars."<sup>80</sup>

MG Covault and Mr. Revelle, realizing that law and order had been restored, wanted to remove the military from the maintenance aspect of law and order as quickly as possible. Arresting citizens was a role and mission that the National Guard and federal troops were not trained to do. Mr. Revelle and MG Covault felt that the 1,900 federal agents sent to Los Angeles by the President should be utilized to assist local law enforcement in maintaining law and order, because they were thoroughly trained in the minimum use of force, laws of arrest, and accountability in court. Additionally, police intelligence predicted that there would be increased instances of gang presence, and the federal agents were clearly the force to be used in combating this threat as they are trained to do this; the military is not.

They also felt that it was necessary to maintain a balance between military and police presence. Both LAPD and LASD were

resistant to the much reduced role of the National Guard and the more prominent role of federal agents. Prior to being federalized, civilian law enforcement had been controlling the employment of the National Guard in minimum numbers - ones and twos. The Joint Task Force Commander was determined to correct the piece-meal employment of the National Guard and return the command and control back to the military in those cases where the National Guard was being used incorrectly, since law and order had been restored.

Some of the confusion that occurred after federalization of the National Guard was that the SCRAG, in conjunction with the Joint Task Force Commander, was in charge of all forces to include the police. Instead of the National Guard responding to civilian law enforcement and local civilian leadership, it became responsive to absolute military authority. As a result, those missions that had a law enforcement role versus a military role - civil disorder actions - yielded to the latter. Hence, the number of missions performed by the National Guard declined. Therefore, the National Guard returned to full unit integrity and employment became minimal, only being employed when it was consistent with what the unit was trained to do.

Mr. Revelle pointed out that Chief Gates and Sheriff Block resisted this approach. But the mayor and the governor accepted it. The speed at which the riot escalated made it necessary for the National Guard to have broad areas of visibility and provide support, as required, to assist the overwhelmed local police.



This meant taking risks and employing the National Guard in less than optimum numbers and in roles for which they may not have been completely trained so as to provide a military presence. This initial approach worked because, the Webster Report felt, when the question was asked in a telephone survey, "What worked best to stop the rioting?" the overwhelming response was: the presence of the National Guard. "The call up of the National Guard was important psychologically to the restoration of order."<sup>81</sup>

In the final analysis, the SCRAG and MG Covault were able to phase the National Guard out of the role of law enforcement. This was a function of the situation - the riot was over. "Before the active component military forces arrived, (the California National Guard had) order restored, crime rates had fallen as much as 70 percent."<sup>82</sup> However, the lack of missions to execute had a negative impact on the National Guard. Units remained in their armories with little to do. As a result, morale took a slight dip and discipline problems took a slight rise. On May 10, 1992, the National Guard was defederalized and units were sequenced back to home stations for release from state active duty. The last unit was released on May 28, 1992. (Appendix C). Within a few weeks, units from the 40 Infantry Division (Mechanized) conducted their normal annual training period to stay current in their federal mission.

#### CONCLUSION

There are a number of important lessons to be learned from

the Los Angeles riot. First, just as in war, modern military operations, to include civil disturbance operations, are going to be conducted in a "fish bowl." The importance that media plays in influencing the modern-day decision makers cannot be overstated. The Los Angeles riot lent itself to mass disinformation whether intentional or not. The National Guard, after overcoming the media's perception of being slow to respond, was welcomed with open arms by the residents of Los Angeles. Leaders must realize that, because of the media, society expects instantaneous results from the military. The media reinforced this "drive-through" mentality by the constant coverage of the military during the Gulf War. If properly employed, the media can be a tool that is readily available to show, in a positive manner, the capabilities of the National Guard. Second, those responsible for appropriate reaction to civil disturbance - civilian authorities, law enforcement, and the National Guard - did a poor job of anticipating what the worst reaction to a "not guilty" verdict would be. Third, the key leadership involved at the local and state level were not in concert with one another. Therefore, when the local police became overwhelmed, the procedures to use the assets of the sheriff and the highway patrol were ignored. Instead, the National Guard was requested immediately. The CA ARNG had not properly educated the governor as to the capabilities of the National Guard. Lastly, not withstanding the political aspect of the situation, there would not have been a need for federal troops and the federalization of

the National Guard to correct the civil disturbance situation in Los Angeles.

The National Guard Bureau (NGB) held a conference, June 9-10, 1992, for all the states' Plans, Operations, and Military Support Officers (POMSOs).<sup>83</sup> A consensus was reached by the members in attendance at the conference "that the California National Guard never should have been federalized."<sup>84</sup>

Additionally, the political aspect of the riot, just as in war, never goes away. The political environment figured greatly into the decision to federalize the National Guard. It was a presidential election year. The Los Angeles riot had not only the attention of the nation, but the world as well. President Bush, highly criticized for being out of touch with domestic issues, had to posture himself to the American people as being concerned. When Governor Wilson and Mayor Bradley requested assistance, he had no choice but to exercise the two-hundred year old authority he had and use federal troops to send a message that rioting would not be tolerated and must stop.

Even though many years have passed without any perceived need for military involvement in civil disturbance activities, except for minor support roles, since law enforcement had, up until April 29, 1992, handled civil disturbance circumstances. The California National Guard now realizes that it had assumed way too much in the area of the civil disturbance mission. Corrective measures have been taken to insure that both law enforcement and the CA ARNG will be able to respond to any

civil disturbance situation according to plans that have been available all along. To preclude the federalization of the National Guard and the use of federal troops in California in the future, a unity of effort will be required on the part of civilian leaders, law enforcement, and the National Guard to successfully execute the civil disturbance mission. Undoubtedly, these agencies will be called upon to handle another civil disturbance in Los Angeles after the results of the Rodney King violation of civil rights trial in Federal court has concluded in April 1993.

What took place in Los Angeles on April 29, 1992 has a measure of relevancy to all leaders of large metropolitan cities through out this country. The mere fact that the second largest city in the United States - the most powerful nation on earth - could fall victim to an unexpected civil disturbance of unprecedented proportion, should send a signal that what happened in Los Angeles could occur again in anyone of the major cities across the nation. The military leaders in all 50 states and the territories must work to ensure that there will not be another Task Force Sudden Response.

#### **RECOMMENDATIONS**

The National Guard must understand and use the media to its advantage. The media must not be excluded from civil disturbance operations. Instead, they must be educated as to the capabilities of the National Guard, and the National Guard must be educated about the media - media awareness classes - on how to

respond effectively to media questions, interviews, etc. Public Affairs Officers must seize the initiative and professionally confront the media with the important issues instead of trying to ignore them. Media misinformation can be defeated by aggressively attacking it head-on thus preventing it from dividing and disrupting the unity of effort that is so desperately needed during all military operations. The media must never be allowed to erode or undermine the public's support for the military through misinformation.

The National Guard must do a better job of anticipating and planning for civil disturbances. Any military operation that does not have adequate intelligence is bound to perform poorly, if not fail entirely. Realizing the military is precluded from gathering intelligence on its citizens, the National Guard did have access to the media who were out in the communities of Los Angeles and were predicting trouble if certain members of the population were not satisfied with the verdict. There are viable plans for dealing with civil disturbance available to law enforcement and the National Guard. However, just as with any combat operation, plans must be rehearsed prior to execution so that all elements involved understand how the operation is to be conducted. By updating and exercising existing civil disturbance plans, the National Guard can succeed in performing its state mission to the same degree it has demonstrated it can successfully perform its federal mission.

It goes without saying that the civilian leaders, the mayor

and the governor, should be familiar with their law enforcement and military leaders, the chief of police and the adjutant general, so as to be on speaking terms with them and know the capabilities of the organizations they lead. If this is not the case, as it was in Los Angeles and the State of California, then the military leadership of the National Guard must make an aggressive effort to educate the governor as to the capabilities of the National Guard through briefings and visits to units in field locations where training can be observed.

Lastly, the civilian and military leadership must be aware that an awful lot is lost when the decision is made to federalize the National Guard. It is quite proper for the National Guard leadership to make appropriate recommendations to civilian decision makers on how best to employ the National Guard during the fog of a civil disturbance situation. It is simple to say, after the fact, that it was not the correct decision to federalize the National Guard. The Adjutant General must be able to advise and educate the governor on what would be gained or lost from having the National Guard federalized. The most obvious element lost is the governor's control of his/her National Guard to a federal force commander. The change will require additional layers in the command structure.

Another matter to consider as a loss upon federalization is that "California pays guardsmen a minimum of sergeant pay when called up for emergencies."<sup>85</sup> Additionally, "contracting and logistic systems changed from state to federal systems," as did

"rules of engagement and arming orders."<sup>86</sup>

An important consideration that is often overlooked is the morale of the National Guardsmen being federalized. The message here is that the National Guard has somehow failed and must be shored-up by the regular army. This was the case in Los Angeles. "After law and order had been restored, Guardsmen heard that they had been federalized and active component soldiers and Marines were on their way to restore law and order. Feeling that their efforts were not recognized or appreciated, morale plummeted."<sup>87</sup>

Additionally, the administrative burden, once federalized, becomes much larger, because upon defederalization, soldiers are to be given separation physicals and are entitled to certain benefits.

Ultimately, there is another negative message sent when federal troops are employed. The civilian leadership is essentially saying that the situation is lost; the last card is to be played.

In the final analysis, it would appear that federalization is not the immediate answer. The time honored tradition of the nation, that the responsibility for maintaining law and order rests with local and state municipalities, must be adhered to.

The authority the President uses to federalize the National Guard must be understood by all involved. The Insurrection Act allows the military to carry out the civilian police function of law enforcement, and the Posse Comitatus Act does not apply under insurrection. However, once law and order is restored, the Joint

Task Force Commander will ensure that the military is not involved in the maintenance of law and order. This function must be quickly returned to civilian law enforcement officials.

While this study was being completed, the Police Foundation hosted a conference, on April 5-7, 1993, in Washington D.C., for law enforcement personnel, community leaders, and military leaders. The focus of the conference was civil disorder. Those interested in obtaining further information on this conference, such as videos of guest speakers from law enforcement, the Air and Army National Guard, and William Webster, should contact the Police Foundation, 1001 22nd Street, Northwest, Washington, D.C. 20037. They would be able to provide information on how to obtain copies of the Webster Report, The City in Crisis, which is a very detailed account of the Los Angeles riot that would be most useful to civilian, law enforcement, and military leaders.



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**PROCLAMATION 6427**  
**LAW AND ORDER IN THE CITY AND COUNTY OF LOS ANGELES,**  
**AND OTHER DISTRICTS OF CALIFORNIA**

May 1, 1992

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

**A PROCLAMATION**

**Whereas**, I have been informed by the Governor of California that conditions of domestic violence and disorder exist in and about the City and County of Los Angeles, and other districts of California, endangering life and property and obstructing execution of the laws, and that the available law enforcement resources, including the National Guard, are unable to suppress such acts of violence and to restore law and order;

**Whereas**, such domestic violence and disorder are also obstructing the execution of the laws of the United States, in the affected area; and

**Whereas**, the Governor of California has requested Federal assistance in suppressing the violence and restoring law and order in the affected area.

**Now, Therefore, I George Bush**, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, including Chapter 15 of Title 10 of the United States Code, do command all persons engaged in such acts of violence and disorder to cease and desist therefrom and to disperse and retire peaceable forthwith.

**In Witness Whereof**, I have hereunto set my hand this first day of May, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

Appendix A

**EXECUTIVE ORDER 12804**  
**PROVIDING FOR THE RESTORATION OF LAW AND ORDER IN THE CITY AND**  
**COUNTY OF LOS ANGELES, AND OTHER DISTRICTS OF CALIFORNIA**

**Whereas**, I have today issued Proclamation No. 6427;

**Whereas**, the conditions of domestic violence and disorder described therein continue, and the persons engaging in such acts of violence have not dispersed;

**Now, Therefore**, by virtue of the authority vested in me as President of the United States and Commander in Chief of the Armed Forces by the Constitution and the laws of the United States, including Chapter 15 of Title 10 of the United States Code, it is hereby ordered as follows:

**Section 1.** Units and members of the Armed Forces of the United States and Federal law enforcement officers will be used to suppress the violence described in the proclamation and to restore law and order in and about the City and County of Los Angeles, and other districts of California.

**Section 2.** The Secretary of Defense is authorized to use such of the Armed Forces as may be necessary to carry out the provisions of section 1. To that end, he is authorized to call into active military service of the United States units or members of the National Guard, as authorized by law, to serve in an active duty status for an indefinite period and until relieved by appropriate orders. Units or members may be relieved subject to recall at the discretion of the Secretary of Defense.

In carrying out the provisions of this order, the Secretary of Defense shall observe such law enforcement policies as the Attorney General may determine.

**Section 3.** Until such time as the Armed Forces shall have been withdrawn pursuant to section 4 of this order, the Attorney General is further authorized (1) to coordinate the activities of all Federal agencies assisting in the suppression of violence and in the administration of justice in and about the City and County of Los Angeles, and other districts of California, and (2) to coordinate the activities of all such agencies similarly engaged.

**Section 4.** The Secretary of Defense is authorized to determine when Federal military forces shall be withdrawn from the disturbance area and when National Guard units and members called into the active military service of the United States in accordance with section 2 of this order shall be released from such active service. Such determination shall be made in light of the Attorney General's recommendations as to the ability of the State and local authorities to resume full responsibility for the maintenance of law and order in the affected area.

**Section 5.** The Secretary of Defense and the Attorney General are authorized to delegate to subordinate officials of their respective Departments any of the authority conferred upon them by this order.

**Section 6.** Nothing contained in this order shall confer any substantive or procedural right or privilege on any person or organization, enforceable against the United States, its agencies or instrumentalities, its officers, or its employees.

**George Bush**

The White House,  
May 1, 1992

Appendix B

Article released by NGB-ARG memorandum dated 11 June 1992,  
Subject: Article on Operation Sudden Response

**CALIFORNIA NATIONAL GUARD RESPONSE IN LOS ANGELES -  
A SUCCESS STORY**

The National Guard story in Los Angeles is a triumph of the unit leaders; the Officers, the Sergeants and the soldiers. These are the individuals who took grave risks, assumed great responsibility, and performed superbly. Despite harassment, purposeful intimidation, and tremendous provocation these citizen soldiers, operating in isolated areas, often independent of higher supervision, displayed excellent judgement, restraint, and extraordinary self control in accomplishing their mission. An example of this is the discipline demonstrated by National Guard forces, who fired only 20 rounds throughout their entire deployment. This is simple recognition of the professionalism displayed by the Citizen soldiers and airmen of the California Army and Air National Guard who effectively deployed over a vast area and for the longest period on the streets of Los Angeles to quell the violence following the verdict in the Rodney King beating case.

In the early morning hours of 30 April, National Guard personnel under state authority moved soldiers, trucks and equipment to Los Angeles over highways from distances of up to 500 miles, while Air Guardsmen using C-130 aircraft moved heavy equipment, personnel and supplies into the Los Angeles staging area. These men and women having come straight from work, from their homes and businesses, changed into uniform and moved without hesitation to accomplish their mission in support of neighbors and community.

Factual reports agree that the duty performance of National Guard soldiers in support of law enforcement agencies was beyond criticism. There is no question that the forces deployed were fully capable of performing the missions requested and assigned with exceptionally positive comments being reported in the areas of discipline, equipment, and training. In fact, law enforcement agencies were fully satisfied with the National Guard's performance which permitted the Los Angeles Police Department, Los Angeles Sheriff's Department, and other local law enforcement agencies to seize the initiative and proactively move to curtail the widespread violence, looting and arson that characterized the period before their arrival.

We have heard of the delays attributed to the National Guard in California. But a few facts should be understood before judgement is passed on this issue. Twelve days before the verdict was rendered in the Rodney King case, the California Office of Emergency Services (OES), following coordination with Los Angeles law enforcement officials, stated that the National Guard should be prepared to airlift mutual aid police officers and loan civil disturbance equipment when required. Initially, no on the street mission for the Guard was contemplated or

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planned for by law enforcement agencies. Law enforcement officials believed that there were sufficient assets within their mutual aid agreements so as not to require Guardsmen to perform law and order missions. This is the same position taken by the Los Angeles Sheriff's Department, Los Angeles Police Department, and the State OES in planning meetings with the Guard since 1990. Therefore the key to understanding the mobilization process of the California National Guard is that no prior warning existed, it was a totally "COLD START" mobilization which commenced at 9:00 PM on the 29th of April. Shortly after mobilization of the National Guard, senior law enforcement officials stated they would not require National Guard forces within the next 18 hours.

The reaction time and operational accomplishments of the California Guard are actually astonishing when examined in light of all the facts. Within six hours of Mayor Bradley's request to Governor Wilson for National Guard intervention, 2,114 Guardsmen had reported to home station armories. As the situation escalated, two more call-ups went out for additional forces. Within 18 hours of the initial call one fully equipped Military Police Company was on the street performing missions. Within 24 hours, 4,100 Guardsmen were staged in Los Angeles and over 1,000 Guardsmen were on the streets. This is superb reaction time for units that were spread out as far as 500 miles from the area in which they would operate. In fact its quite amazing when you understand that this included the time required to form the units, provide the soldiers current rules of engagement, issue equipment, develop unit orders, accomplish transportation planning and coordination, await mission taskings from law enforcement and then perform initial reconnaissance and deployment. By comparison, the Department of Defense national reaction plan for civil disturbance operations, called "Garden Plot", establishes a 36 hour standard for reaction time before tactical deployment. In fact it was this 36 hour standard that active component Army and Marine forces, which were sent to support the Los Angeles civil disturbance, met for deployment.

When Major General Marvin A. Covault, the active component Joint Task Force Commander, arrived in Los Angeles, he was so impressed with the National Guard's performance he named Major General Daniel J. Hernandez, the California Guard 40th Infantry Division Commander, Commander of all Army Forces. General Covault described the California National Guard deployment and actions from the time the mobilization order was given by the Governor to his arrival as "Miraculous". In later discussions of the California National Guard's transition from civilian to soldier or airman within 18 hours and of their performance on the street he stated, "No one could have done it better". The ease of transition of National Guard forces to federal duty and the teamwork established under the Joint Task Force Commander was reflective of a professional National Guard and speaks highly of the leadership involved.

No real comparisons can be drawn between the Los Angeles civil disturbance and other similar situations, such as the Watts

#### Appendix C-2

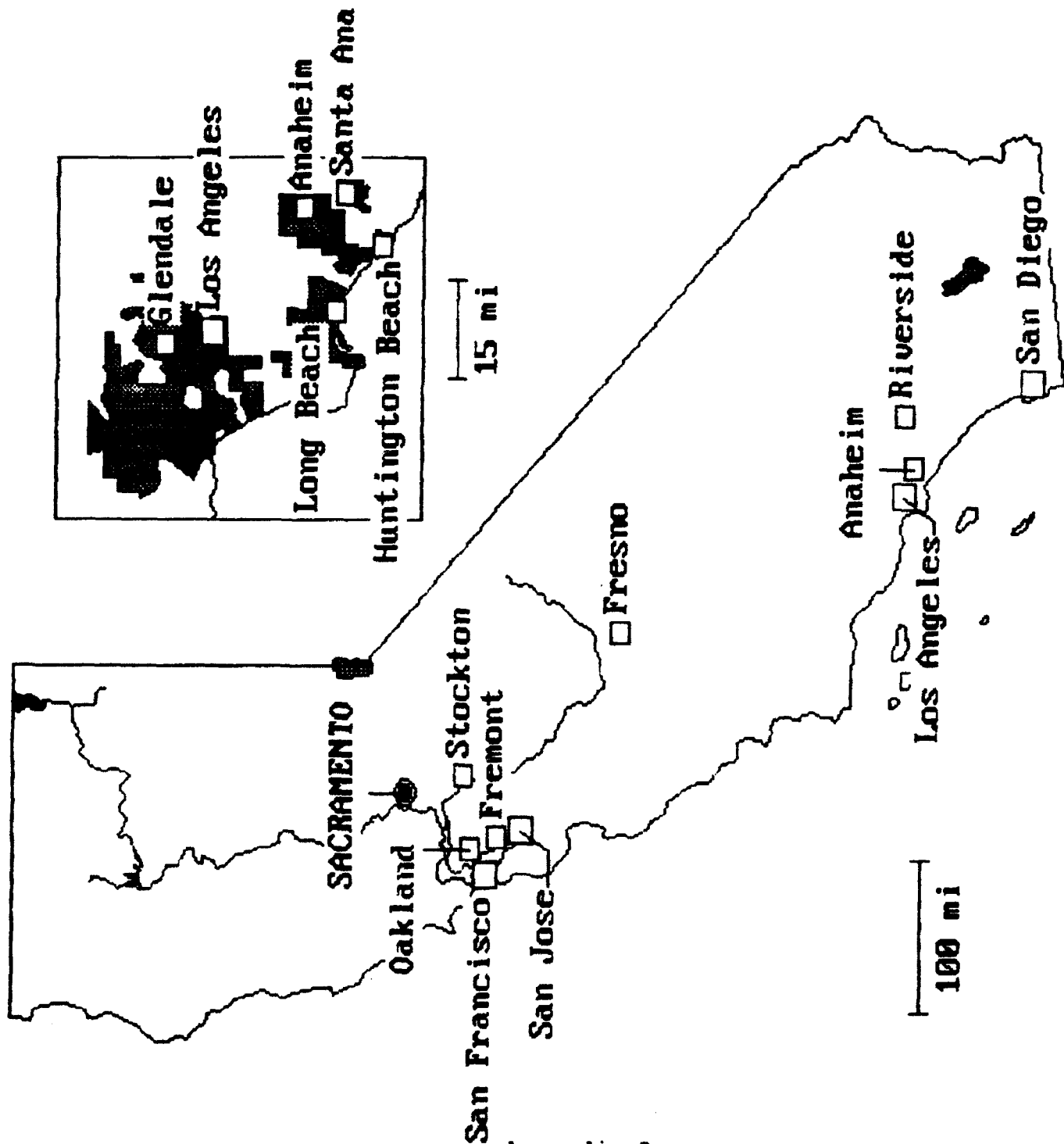
riots of 1965 where the disturbance was localized. During Watts, the National Guard Units were alerted three days before movement and were enroute to annual training or performing weekend training at their home armories. Even so, it still required 10 hours for Guardsmen to arrive in Watts. Beyond that, the dramatic story is the evident improvement in training, in leadership, and in discipline of the Guard that we have witnessed in Los Angeles in 1992 versus what we saw in Watts in 1965.

When the National Guard arrived in Los Angeles the streets were in a state of anarchy and violence spread over a large area. Before active component military forces arrived, order was restored, crime rates had fallen as much as 70%, and the people of the city were making it known that they approved of the National Guards presence and actions. Food, letters, handshakes, and cheers greeted Guard members throughout the area.

We need not dwell on difficulties, that were quickly overcome, to describe the National Guard story in California. We can look at the facts that describe the true picture of dedicated professional citizen soldiers who were quick to react and trained to perform with exacting discipline under the most adverse conditions. Their courage and dedication exemplify the 356 years of honorable history which marks the National Guard's heritage. This is a validation of the need for the National Guard in its state mission role to support the Governors, the Mayors, and their fellow citizens.

This traumatic and destructive event has served to demonstrate in a very clear, positive, and dramatic way that the National Guard's value in its domestic role, cannot and should not be overlooked or diminished. As we debate the fate of the National Guard as a vital element of the Total Force, let us not forget that the Guard is the key player in domestic actions and provide a first line of military response in a wide array of domestic emergencies.

<b>CALIFORNIA</b>	
<u>Population</u>	29.3 Million
<u>Area (sq mi)</u>	158,706
<u>City Population</u>	
<input type="checkbox"/>	Over 500,000
<input type="checkbox"/>	Over 100,000
<input type="checkbox"/>	Over 50,000
<input type="checkbox"/>	Under 50,000
<input checked="" type="radio"/>	Capital



Appendix D