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AUG 27 19634  
MEMORANDUM FOR THE HONORABLE MYER FELDMAN  
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DEPUTY SPECIAL COUNSEL TO THE PRESIDENT4  
1 Re: Documents involving the use of  
Federal forces in the District of Columbia

By a memorandum of August 23, 1963, I transmitted a proposed proclamation and Executive order, and a proposed alternative letter from the President to the Secretary of Defense relating to the possible use of Federal military forces in the event conditions require that action in connection with the demonstration in the District of Columbia on August 28, 1963.

At the instruction of the Attorney General these documents have been revised in this department, without any significant change in legal effect, and copies of the revised documents are herewith transmitted. Please substitute the revised documents for the corresponding documents transmitted on August 23, 1963. I should like to reiterate the point made in the August 23 memorandum that, as a legal matter, issuance of the proclamation and the Executive order would be preferable to use of the letter.

The proposed letters from the Chief of Police to the Board of Commissioners, and from the Commissioners to the President require no change. The proposed order of the Secretary of Defense will require a slight modification since the title of the cited Executive order has been changed.

We are sending a copy of this memorandum and the attachments thereto to the Department of the Army and that department will provide you and this department with revised copies of the Defense order.

4 Norbert A. Schlei  
Assistant Attorney General  
Office of Legal Counsel

Do Feldman  
8/27/63 at 11:00 am  
by messenger

7 LAW AND ORDER IN THE DISTRICT OF COLUMBIA

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4 BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

13 A PROCLAMATION

4 WHEREAS the Commissioners of the District of Columbia have informed me that, in connection with the demonstration now taking place in the District of Columbia, acts of violence have occurred and further acts of violence may occur, that the law enforcement forces now available and being utilized require military reinforcement in order to assure maintenance of law and order, and that, without such reinforcement, the laws of the United States, including those applicable only to the District of Columbia, will be unlawfully obstructed and it will be impracticable to enforce such laws by the ordinary course of judicial proceedings:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States, under and by virtue of the authority vested in me by the Constitution and statutes of the United States, including Chapter 15 of Title 10 of the United States Code, do command all persons who have engaged in such acts of violence or are about to engage in further acts of violence to disperse and retire peaceably forthwith.



4 IN WITNESS WHEREOF, I have hereunto set my hand  
and caused the Seal of the United States of America to  
be affixed.

4 DONE at the City of Washington this twenty-eighth  
day of August, in  
the year of our  
Lord nineteen hun-  
dred and sixty-  
three, and of the  
Independence of the  
United States of  
America the one  
hundred and eighty-  
eighth.

| By the President:

Secretary of State

13 EXECUTIVE ORDER

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4 PROVIDING FOR THE MAINTENANCE OF LAW AND ORDER  
10 IN THE DISTRICT OF COLUMBIA

4 WHEREAS on August 28, 1963, I issued a proclamation  
reading in part as follows:

4 "WHEREAS the Commissioners of the District of  
Columbia have informed me that, in connection with the  
demonstration now taking place in the District of Colum-  
bia, acts of violence have occurred and further acts of  
violence may occur, that the law enforcement forces now  
available and being utilized require military reinforce-  
ment in order to assure maintenance of law and order,  
and that, without such reinforcement, the laws of the  
United States, including those applicable only to the  
District of Columbia, will be unlawfully obstructed and  
it will be impracticable to enforce such laws by the  
ordinary course of judicial proceedings:

"NOW, THEREFORE, I, JOHN F. KENNEDY, President of  
the United States, under and by virtue of the authority  
vested in me by the Constitution and statutes of the  
United States, including Chapter 15 of Title 10 of the  
United States Code, do command all persons who have en-  
gaged in such acts of violence or are about to engage  
in further acts of violence to disperse and retire  
peaceably forthwith."; and



WHEREAS the command contained in that proclamation has not been obeyed:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and Commander in Chief of the Armed Forces of the United States by the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code and Section 48 of the Act of March 1, 1839, as amended (D.C. Code 39-603), it is hereby ordered as follows:

SECTION 1. The Secretary of Defense is authorized and directed to take all appropriate steps to disperse all persons engaged in the above-described acts of violence and to maintain law and order.

SECTION 2. In carrying out the provisions of Section 1, the Secretary of Defense is authorized to use such of the Armed Forces of the United States as he may deem necessary.

SECTION 3. I hereby authorize the Secretary of Defense to call into the active military service of the United States, as he may deem appropriate to carry out the purposes of this order, any or all of the units of the Army National Guard and of the Air National Guard to serve in the active military service of the United States for an indefinite period, and until relieved by

appropriate orders. In carrying out the provisions of Section 1, the Secretary of Defense is authorized to use the units, and members thereof, called into the active military service of the United States pursuant to this section.

SECTION 4. The Secretary of Defense is authorized to delegate to any, or all, of the military secretaries any of the authority conferred upon him by this order.

4 THE WHITE HOUSE,

4 August 28, 1963.

closing  
from  
first  
letter



40 THE WHITE HOUSE

12 Washington, D. C.

date first letter  
AUG 27 1963

Dear Mr. Secretary:

You are hereby authorized and directed to take all appropriate steps to disperse those persons engaging in acts of violence in connection with the demonstration in the District of Columbia and otherwise to maintain law and order.

In carrying out the above-described functions, you are authorized:

(1) To use such of the Armed Forces of the United States as you may deem necessary;

(2) To call into the active military service of the United States, as you may deem appropriate to carry out the purposes of this letter, any or all of the units of the Army National Guard and of the Air National Guard to serve in the active military service of the United

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States for an indefinite period, and until relieved by appropriate orders.

(3) To use the units, and members thereof, called into the active military service of the United States pursuant to paragraph numbered (2); and

(4) To delegate to any, or all, of the military secretaries any of the authority conferred upon you by this letter.

7 Sincerely,

4 The Honorable Robert S. McNamara  
| The Secretary of Defense  
| Washington, D.C.