

Advance Copy
awa. by Mr. Sobler's Approval

2/1/63

Memorandum concerning the designation of
members of the National Guard of the
District of Columbia as Special Police

A decision has been made to use members of the National Guard of the District of Columbia to supplement the civilian police force in handling the crowd that is expected to participate in the civil rights demonstration on August 28, 1963. Members so used would not be "federalized" for this purpose, but, instead, would serve in their capacity as members of the District of Columbia militia.

A question has arisen as to whether members of the Guard may be designated as "Special Police", and vested with the powers thereof, under the provisions of Sections 378 and 379 of the Revised Statutes of the District of Columbia (D.C. Code, 4-13). The purpose of such designation would be to avoid litigation, civil and criminal, involving the legality of actions, including arrests, by Guardsmen.

Sections 378 and 379 (as codified) read as follows:

"The Board of Commissioners may, upon any emergency of riot, pestilence, invasion, insurrection, or during any day of public election, ceremony, or celebration, appoint as many special privates without pay, from among the citizens, as it may deem advisable, and for a specified time. During the term of service of such special privates, they shall possess all the powers and privileges and perform all the duties of the privates of the

standing police force of the District and such special privates shall wear an emblem to be presented by the commissioners." [Emphasis added.]

The legislative history of those sections (formerly Sections 20, 23 of the Act of August 6, 1861 (12 Stat. 324, 325)) sheds no light upon the precise purpose or scope of those provisions.

Some of the terms used in those provisions create doubt as to whether those provisions were intended to authorize the designation of National Guardsmen as Special Police in situations of this type.

Those provisions describe a number of situations in which Special Police may be designated, but only two of those situations--ceremonies or celebrations--can reasonably be considered as describing a demonstration or rally of the type scheduled. The normal dictionary meaning of those terms appears to encompass a rally or demonstration of this type; however, it could be urged that those provisions are applicable only with respect to "official" ceremonies or celebrations such as inaugural ceremonies, or Fourth of July celebrations. We understand that the Government of the District of Columbia has officially recognized this event by approving rally and parade plans, and that the Civil Service Commission has recognized the event by urging Federal agencies to adopt a liberal policy toward granting annual leave and leave without pay on August 28, 1963, which might be enough to constitute this as an officially recognized ceremony or celebration.

On balance, it is doubtful that a designation of Guardsmen as Special Police could be successfully challenged on the grounds that this is not a ceremony or celebration within the meaning of Sections 378 and 379.

Next, the statutory language provides that Special Police shall be designated "from among the citizens" and that language might be construed as excluding National

Guardsmen since they are members of the Armed Forces.

However, this provision can be construed as excluding aliens rather than members of the Armed Forces. In addition, even if that language was intended to bar the designation of military personnel, it could be argued that National Guardsmen (when not federalized) are primarily citizens rather than soldiers and are therefore eligible for designation.

It could also be argued that National Guardsmen are both citizens and soldiers, and that Sections 378 and 379 merely require that a designee be a citizen and in no way bars a citizen simply because he is a part-time soldier.

Once again, on balance, it seems doubtful that the designation of a non-federalized National Guardsman as a Special Policeman under the circumstances here contemplated would be declared invalid.

Since the only reason for designating National Guardsmen as Special Police is to afford them additional protection in any litigation that might arise out of their activities in support of the civilian police force and since there is no readily discernible way in which a Guardsman could be adversely affected if his designation as a Special Policeman were subsequently declared unauthorized, it seems reasonable to resolve all doubts concerning the scope of Sections 378 and 379 in favor of a construction that these sections authorize the designation of National Guardsmen as Special Police. If a court subsequently rules to the contrary, Guardsman involved will be in no worse legal position than he would have been had he not been designated as a Special Policeman. Therefore, there appears to be a possible advantage to be gained, and nothing to be lost, if Guardsmen are so designated.

The Posse Comitatus Act (18 U.S.C. 1385) prohibits the use of the Army or Air Force as a posse comitatus or to otherwise execute the laws except in cases or under

circumstances especially authorized by the Congress or an Act of Congress. That Act is not applicable in this case because the Guard is being used in its District of Columbia status rather than in its Federal status (comparable to the National Guard of Maryland being used in Cambridge), and because this use is expressly authorized by Section 44 of the Act of March 1, 1889 (D.C. Code 39-602).

Aside from the foregoing, it should be noted that the final clause of Section 58 of the Act of March 1, 1889 (D.C. Code 39-705), expressly provides that no officer or enlisted man shall be liable to civil or criminal prosecution for any act done while in discharge of his military duty. This would appear to include duty performed pursuant to Section 44 of that Act (D.C. Code 39-602).

Advance copy
awaiting approval by
Mr. Sullivan

5/4/63

Memorandum concerning the amenability of members of the National Guard of the District of Columbia to courts-martial or other disciplinary action for failure to participate in formations ordered pursuant to Section 44 of the Act of March 1, 1889.

A decision has been made to use members of the National Guard of the District of Columbia to supplement the civilian police force in handling the crowd that is expected to participate in the civil rights demonstration on August 28, 1963. Members so used would not be "federalized" for this purpose, but, instead, would serve in their capacity as members of the District of Columbia militia.

A question has arisen as to whether members of the Guard ordered to active duty pursuant to Section 44 of the Act of March 1, 1889 (D.C. Code 39-602), are subject to courts-martial or other disciplinary action under Section 49 of that Act (D.C. Code 39-604) if they fail to comply with those orders.

Section 49 (as codified) reads as follows:

"No officer or soldier of the National Guard, when ordered on duty to aid the civil authorities, or when ordered into the service of the United States in obedience to the call or order of the President, shall be excused from such duty except upon the certificate of the surgeon of his command of physical disability, such certificate to be presented to the commanding general in case of an officer, or to his company commander in case of a soldier. If such officer or soldier fail [sic]

to furnish such excuse he shall be tried and punished by a court-martial. For absence from any other military duty required or ordered under the provisions of this chapter [Act] the penalty shall be such as may be prescribed by the commanding general, or the by-laws of the organization to which the officer or soldier belongs." [Emphasis added.]

The first and second sentences of that section provide punishment by courts-martial of members of the Guard who fail to comply with orders directing them to duty in aid of civil authorities or with orders placing them in the Federal service. The last sentence provides for the imposition of such penalty as may be prescribed by the commanding general or by the by-laws of the organization for absences from military duty required or ordered under the provisions of the Act.

Section 44 of the Act of March 1, 1889, authorizes the commanding general to order out a portion of the National Guard for such drills, inspections, parades, escorts, or other duties, as he may deem proper. In addition, Section 48 of that Act (D.C. Code 39-603) provides for the use of the National Guard to suppress tumults, riots, mob actions, and other violence, and in the enforcement of the laws.

It is clear that the first two sentences of Section 49 (authorizing courts-martial for members who disregard orders to active duty in aid of civil authorities) permit courts-martial for members who fail to comply with orders issued pursuant to Section 48, but the Guard is not being ordered out pursuant to that section in connection with the August 28, 1963, demonstration, but, instead, is being called out pursuant to Section 44 which authorizes the commanding general to order out members of the National Guard for drills, inspections, parades, escorts, and other duties as he may deem proper. Although the term "other duties" can be reasonably interpreted as including activities in aid of civil authorities, thereby bringing such

duty within the purview of the courts-martial provisions of Section 49, it is possible that such a construction would not be sustained by the courts in an action attacking the validity of such a court-martial, since it is possible that the term "other duties", as that term is used in Section 44, might be construed by the courts in pari materia with the other terms used in that section which relate primarily to drill- and training-type activities as distinguished from the aid-to-civil-authorities-type activities expressly covered by Section 43.

Any issue concerning the courts-martial of members ordered to active duty under Section 44 would, of course, be resolved in favor of the member under the doctrine that criminal statutes must be strictly construed.

By contrast, the last sentence of Section 49 authorizes the imposition of such penalties as may be prescribed by the commanding general, or by the by-laws of the organization, for absences from any other military duty required or ordered under the provisions of the Act. Clearly this provision would apply to persons who violate orders issued pursuant to Section 44.

However, we have no way of knowing whether there are by-laws of the National Guard of the District of Columbia prescribing penalties for such violations or whether the commanding general has prescribed such penalties. In addition, we have no way of knowing whether the regulations of the Guard might permit members to disregard a certain number of formations, including this one, without incurring some penalty.

Aside from the foregoing, it should be noted that Section 501 of Title 32 of the United States Code provides that the discipline, including training, of the Army National Guard shall conform to that of the Army and that the discipline, including training, of the Air National Guard shall conform to that of the Air Force. In addition, Sections 326 through 333 of Title 32 deal with the courts-martial

of members of the National Guard when the National Guard is not in Federal service.

It is not clear whether those provisions of Title 32 were intended to supersede the provisions of Section 49, relating to the courts-martial of National Guardsmen of the District of Columbia, or whether they supplement that section insofar as the District of Columbia is concerned. This further complicates relying upon Section 49 as authority for the courts-martial of Guardsmen called pursuant to Section 44. However, the above-cited provisions of Title 32 suggest that Guardsmen who violate orders issued pursuant to Section 44 of the Act of March 1, 1889, might be subject to courts-martial under Section 501 and Section 326, et seq. of Title 32. However, we have been unable to find any cases construing those provisions in the time allowed.

In view of the foregoing, it is suggested that the first two sentences of Section 49, relating to courts-martial, not be relied upon for the disciplining of Guardsmen who fail to comply with orders issued pursuant to Section 44, and that, instead, they be disciplined under the last sentence of Section 49. If that discipline appears inadequate, it is suggested that the possibility of disciplinary action under the provisions of Title 32 be explored.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT



Traffic Division

August 7, 1963

Mr. John W. Douglas
Assistant Attorney General
Justice Department
Washington, D.C.

Dear Mr. Douglas:

Pursuant to your request of August 5, 1963, I am forwarding herewith a copy of the basic map and the proposed traffic plan in connection with the Civil Rights Demonstration scheduled for August 28, 1963. It is planned to have the maps reflecting the alternate bus routes and the operation of the "radio net" in connection with the parking of the buses completed within the next week. Copies of these will be made available to your office upon completion.

Very truly yours,

Charles L. Wright
Charles L. Wright
Inspector of Traffic

CLW/gw

from

PREVIOUSLY SCHEDULED
EVENTS FOR AUGUST 28

Carter Barron
Peter, Paul & Mary
8:00 - 10:45

D. C. Stadium
Senators
8:05

Wilson Line Excursions
To Marshall Hall, Mount Vernon and return.
10:00 - 1:40
2:00 - 6:40

To Marshall Hall and return.
8:15 p.m. - 11:50 p.m.

Glen Echo

Watergate Concert
Nothing scheduled.

Shakespeare Festival (Monument grounds)
Nothing scheduled.

Uline Arena
No schedule for August yet. (???)

National
~~Nothing scheduled yet~~ "Here's Love" 8:30 p.m.

Arena Stage
Nothing until October.

National Guard Armory
Nothing scheduled yet.

Constitution Hall
Nothing scheduled.

held

Then SCHEDULE OF EVENTS

10 - 12:00 --Meetings with Congressional Delegations at
9 - " diverse points.

12 - --Assemble at Ellipse in back of White House.
11 - 12

7 - 3:00 --March - Pa. or Const. Ave.
12-2 P.M.

8 - *6:00* P.M.-Lincoln Memorial -
Speeches
Entertainment

6 - 8:00 --Departure

- 8:00 P.M.-Everyone out of the city.

Carquand *John*
1. Pol. Cross.
2. Sanitation Facilities

OUTLINE OF PROBLEMS

1. Police

✓ Security *a) Police*
Traffic *b) Pentagon*
Parade Direction

Metropolitan
National Capitol Parks
Capitol Police
Secret Service
Marshals

2. Sanitation Facilities

Comfort Stations

National Capitol Parks
Interior
Public Health

3. Reserve Security Forces

Available local units
Method of call-up
Request by Negroes

National Guard
Army Units
MPs

✓ 4. Transportation

Union Station
Buses -- Parking and Protection
emergency repair
Cars

5. Traffic.

Parade Routes - Directions & Signs
Government Employees - early release
Normal Tourist Services - Buses and
visitors

6. Berthing and Lodging

Cot rentals - Negro Churches
Army
GSA

7. Intelligence -

Trouble Groups FBI
Rockwell Secret Service

8. Communications

Bull mikes
Sound Trucks

9. Press Relations

- John*
1. Assembly problems upon arrival in Washington.
Where are the buses parked?
Where are the people held, etc?
 2. Organization of the demonstration
Are there places for representatives of each state previously marked?
Has timing been worked out to get them into the parade efficiently, etc.
 3. March from the White House to the Lincoln Memorial
Is a route established?
Where do they stand at the Lincoln Memorial, etc?
 4. Demonstration at the Lincoln Memorial
Public address system
How they depart from Lincoln Memorial, etc.
 5. Sanitation problems
 6. First aid stations
 7. Blocking of traffic
 8. Keeping the bridges from Virginia free
 9. Public Affairs problems - visiting reporters, live television, etc.
 10. Early arrivals - how many will there be? Where will they stay, etc.
 11. Do you have enough personnel - how many of the personnel available will be occupied with customary duties?

*John
Fisher*

CHECK LIST

1. Internal Organization:
 - a. Central Control
 - b. Transportation
 - c. Assembly
 - d. Dispersal
 - e. Route Control
 - f. Group leaders and adequate assistants to provide for organizational supervision and internal control.
 - g. Communications to include central control point.
2. Coordination with police agencies:
 - a. Movement to Washington, D. C.
 - b. Movement within Washington, D. C. to include parking - routes - permits to parade - restrictions - staging areas - dispersal areas - movement schedule.
 - c. Movement from Washington, D. C. for return trip.
3. Other logistical matters:
 - a. Housing
 - b. Subsistence
 - c. Rest station facilities
 - d. First aid stations with capable personnel (red cross and volunteer rescue squads from outlying areas).
4. Vehicle maintenance to include gas, oil, lubricants, wreckers, mechanics and reserve vehicles.
5. Reconnaissance of all routes and all key areas by all key personnel.

Check List, cont'd

6. Movement schedule.
7. Briefings for:
 - a. VIP's or VIP escorts.
 - b. Group leaders.
 - c. Press.
 - d. Police.
 - e. Aid personnel.
 - f. Communications.
 - g. Vehicle maintenance and other logistical personnel.
8. General: The movement to Washington, D. C., rendezvous by sub-groups in staging areas, movement to assembly areas, march through the city, and dispersal of large groups of this magnitude requires considerable pre-planning and organization, with particular emphasis on internal control, to assure that the objective is gained.

Government Services, Inc.
Washington, D. C.

September 10, 19 63

MEMORANDUM

Mr. Raywid:

These are statistics covering the March on Washington on Wednesday, August 28, 1963.

Sack lunches dispensed	7,562
Hot dogs sold	17,000
Cold drinks sold	65,000
Good Humor Bars	56,000
Number of outlets	14


R. R. AYERS

Revised

LOG OF ITEMS AND RESPONSIBILITIES FOR MEDICAL HEALTH AND SANITARY FACILITIES FOR CIVIL RIGHTS MARCH

ITEM	NUMBER REQUIRED	RESPONSIBILITY	PROGRESS
1. Locating First Aid Stations A. Fixed Facilities	11 clinics	Dan Leonard	
B. Tents and Flies	9 tents 3/26 to be put up	Dan Leonard	
2. Supervision for Setting up Tents		Dan Leonard	Dan Leonard and Col. Jung
3. Medical Supplies and Equipment			Co. B - Civil Defense - Blankets with Towels
4. Water Supply for First Aid Stations A. Handwashing Facilities		Col. Jung - Dave Fry	5-gal. cans to be supplied by M.G.
B. Cleansing Wounds			5-gal. cans to be supplied by W.G. - Col. Jung & Dave Fry
C. Drinking Water			" " " " " " " " " " " "
5. Communications			
6. Patient Records		Dan Leonard	Will see that appropriate authorities get reports
7. Ambulance Support	34	Colonel Jung (Army) Dan Leonard Dan Leonard, Fry, and Col. Guthrie Abersfelder - B.S. Co. - Leonard and Fry --	Will supply 14 ambulances Cans supply 20 ambulances for tents
8. Supplies for Ambulances			Inside buildings Outside buildings
9. Directional Signs			Will need 34 man days
10. Physicians			
11. Reg. Nurses			68 man days - 2 for each doctor

ITEM	NUMBER REQUIRED	RESPONSIBILITY	PROGRESS
12. Receptionist <i>and recorder at tents</i>		<i>Day Leonard Ambulance personnel and volunteers</i>	
13. Litter Bearers			
14. Drinking Water			
A. Location of fire plugs for bubblers			
B. Providing bubblers			
C. Flusher tanks with bubblers			
D. Providing bubbler attachment			
E. Water tanks from Army			
15. Toilet Facilities			
A. Locating in Fixed Buildings			
B. Locating toilet trailers - Nat. Parks			
C. Locating Chemical Toilets			
D. D. C. Gov't. semi-mobile toilet trailer			
E. Maintenance			
16. Preparing Contracts for rental of Chem. Toilets			
17. Headquarters			
A. Manning			
B. Communications			

Notes of Meeting in
Ponke Marshall's office
by Alan Rayford

July 24

Tobin
John Powell
Joe Calafano
Mac Lane
Rully

Douglas
Rayford
Douglas
Marshall

Marshall.

Pres. action and interest
Cooperation necessary

Powell & Murray met
Negro leaders to meet tomorrow
John Douglas

Issues -

1. Nat'l Guard call up?
2. Other military units available

Tobin

Nat'l Guard call up pres decision
Problem has been put to Pres's staff
White House thinks don't use N.G.
1) not easily mob 2) not trained

M - Dist Police ~~may~~ ~~need~~ help even tho

MDW

Tob - 4000 troops in area for use

W - Still free

Calafano - Vance thinks
call up guard - 1100 MPs in the
group & ~~well~~ trained

Pos - Contingency planning only; not supplements
only riot control.

Natl Guard -

Legal mechanics of call-up
To - McArthur used w/ regulars

Emergency - assisting police
Manning prop - can be used at any time

~~Chief Murray~~ -
Haven't anticipated

4000 troops deployed along street effectiveness
as riot control dissipated

Detroit panels - check with them on methods

100,000 goal

To - worst part of problem - after 6:00
when it breaks up

Mr

- 1 - meeting w/ Rogers — at Murray
- 2 - meeting w/ Murray before hand
- 3 - " " Reuther + Conway

AAA - School Patrol Boy groups

Red Cross & GSA - for etc
Arms - availability

✓ T. Sutton Jet - Interim
Parks - Sanitation

Park Police

✓ Bran Beatty - Ad Min -
Park Police

Relation of plan to capital
Subject of arms of both Home

✓ Cheatham - special asst to Senate
S/C

✓ Sen
Bible - Sen } Dist Comm
✓ Rep
McMillan - Home }

✓
Have troops

✓ - Wallrodt - Deputy Chief of Police

- meeting w/ Chief at 9:00 A.M.

Closing of liquor stores

✓ Paul Rilling - PR man for D.C.

~~To be closed~~

Closing liquor stores

Police -

Estimate of 2500 - available - 3 shift

Arrangement

1000 add'l force - on duty

Nat'l Guard -

✓ Major Neil Adenroff

✓ Neil Javin - ^{comm} MDW

✓ Lt. Col Miller MDW

Parade Plans

Major Marshals

Intelligence from 50 states
Newspaper plans
Chiefs of Police - information

known

Police not adequate
Nat'l Guard - make part of police force
MP training to augment police

Nat'l Guard by next week.

Assist the Guard in planning

Cheatham already asks for troops

200 Capitol police
500 marshals

medals

/ Covell - Deputy Chief

Manual insts - issued by Negroes

Hotel Guard - primarily negro

MDW - 4000 local
15,000 augmented

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Metropolitan Police Department

July 26, 1963.

SUBJECT: Proposed Civil Rights Demonstration on August 1, 1963.

Deputy
Chief
Liverman

1. A. No firm plans for location of buses. Verbal request made to National Capital Parks to park them in the area.
B. After they leave the churches, the Civil Rights leaders will assemble in the South Ellipse behind the White House.
2. A. No information concerning location of state capital.
B. No information as to the time element to begin the demonstration.
3. A. Yes -- latest information move out of the Lincoln Memorial, south on Constitution Avenue; west on Constitution Avenue to the Lincoln Memorial; left into Bacon Drive and enter the Lincoln Memorial area.
B. This question has not been resolved, one group of Civil Rights leaders are recommending that, due to the large number of persons attending that it be moved from the Lincoln Memorial to the Sylvan Theatre.
4. A. This matter was taken up with the National Capital Parks by the Civil Rights leaders.
B. Have not resolved this question as of this date.
5. Dr. Frederick C. Heath, of the Health Department, called a meeting at the D. C. Chapter of the American Red Cross at 2:00 P.M. on Monday, July 22, 1963, which was attended by the various District, Federal Agencies and Medical Service. They are proceeding on the line that the District of Columbia Government will coordinate the sanitation problem, including drinking water. The National Capital Parks offered their two mobile toilets.
6. Dr. Heath held a meeting as stated above and steps are being taken to establish First Aid Stations, also, ambulance services with the understanding that the Medical Service will be called upon to furnish additional doctors at the various hospitals in the District of Columbia. One suggestion was to utilize the National Guard Armory in case of an overflow of sick or injured persons.
7. Blocking of traffic: Deputy Chief William J. Liverman, In Charge of Traffic, is on leave and Inspector Charles L. Wright was directed to prepare a plan for the handling of traffic throughout the entire District of Columbia, especially in the area where the Civil Rights Demonstrators will operate.

8. The Traffic Division was advised that they must keep the bridges to Virginia open at all times. Also, the Commanding Officer of the Harbor Precinct was directed to have two patrol boats constantly patrolling the 14th Street bridges and one at the other bridges crossing the Potomac, also, to request the assistance of the Coast Guard or, if necessary, private owners of boats in the private clubs located within his jurisdiction.
9. The Orders of the Metropolitan Police Department concerning the handling of reporters and photographers, including television, radio, etc., will be in effect and any visiting bonafide newspaper gatherer who applies for a Police Press Pass will receive every consideration from the Commissioners' Committee on the Issuance and Use of Police Press Passes. This is handled by telephone and there would be little or no delay. At the proper time, the Chairman of the Committee will be requested to send out a flash on their new system advising all bonafide newspaper gatherers that if they are coming to Washington for that date, that they must apply before they arrive here to obtain passes.
10. The Civil Rights leaders advise that all demonstrators must be in Washington by 10:00 A.M., However they stated that some will come the night before and they will be arriving at all hours of the morning up to 10:00 A.M. No estimation of the number of early arrivals. The Civil Rights leaders were advised if they furnish the Traffic Division with the route and the time of the arrivals that the buses would be escorted either to the churches or to whatever location that was established by the Civil Rights leaders. There is no information to the effect that they will stay anywhere in the District of Columbia. The Civil Rights leaders have stated emphatically that they will arrive on August 28 and will leave the same day not later than 8:00 P.M.
11. We have sufficient personnel if there is no violence. We do not have sufficient personnel if there is disorder or violence. At present we have a total of 2872 men, of which approximately 100 or more will be on sick leave and not able to be returned to duty. All members of the Department will be put in a no day off or leave status with exceptions made for emergency and a sufficient force must be maintained in the precincts so as to maintain law and order and prevention of the commission of crime in those areas. All other will be made available for assignments to the White House, the United States Capitol and to assist the United States Park Police as it appears, at this time, practically all these activities will be in the area under their jurisdiction.

MPDC (216 for administration
Men (289 for mobile units
10 for river patrol
200 footment throughout the precincts.

DEPARTMENT OF THE ARMY
Office of the General Counsel
Washington 25, D. C.

August 14, 1963

Honorable Walter N. Tobriner
President, Board of Commissioners, D. C.
District Building
Washington 4, D. C.

Dear Commissioner Tobriner:

During our conference on August 12, 1963, a number of questions were raised as to the status of the District of Columbia National Guard when it is employed under the direction of the Metropolitan Police during the demonstration scheduled to take place on August 28, 1963 and as to the authority of the members of the National Guard to make arrests while so employed.

Authority for the proposed use of members of the D. C. National Guard to support the civilian police force on August 28, 1963 is contained in section 44 of the act of March 1, 1889, as amended (D. C. Code 39-602), which provides broad authority for ordering out the D. C. Guard for drills or other duties. In that connection, I am enclosing a copy of the Department of Justice Memorandum, subject, "Authority to use the National Guard of the District of Columbia to supplement civilian police force activities during a massive demonstration or parade in the District of Columbia", dated 30 July 1963.

Such employment of the National Guard may be designated by the Chief, National Guard Bureau, as an approved multiple drill under the authority contained in title 32, United States Code, section 502 and implementing Army and Air Force regulations. Participation therein would entitle a member of the National Guard to pay (37 U.S.C. 206) and other benefits such as hospitalization and compensation for disability resulting from injury (32 U.S.C. 318), payment of the death gratuity (32 U.S.C. 321), and leave of absence from employment (sec. 9g(4), UMT&S Act; 50 App. U.S.C. 459g(4)).

Members of the National Guard so engaged will have only a citizen's power to arrest unless action is taken to provide them with greater authority. If it is desired to give members of the National Guard authority to arrest equal to that of District of Columbia police, they may be appointed

)
special police without pay by the Board of Commissioners of the District of Columbia (R.S.D.C. sec. 378, 379 (D. C. Code 4-133)). Under the circumstances, their status as special police would in no way be incompatible with their status as members of the National Guard, and may make them more useful in assisting the Metropolitan Police.

I trust this information will be of assistance to you.

Sincerely,

Signed
Joseph A. Califano, Jr.
Joseph A. Califano, Jr.
General Counsel

Attachment
As Stated

Copy furnished:
General William Abendroth
CG, D. C. National Guard

✓
Mr. John Douglas
Assistant Attorney General

Colonel Bland West
Office, Judge Advocate General

Mr. William M. Blatt
National Guard Bureau

GOVERNMENT OF THE DISTRICT OF COLUMBIA

METROPOLITAN POLICE DEPARTMENT



Traffic Division

August 14, 1963

Mr. John W. Douglas
Assistant Attorney General
Civil Division
Department of Justice
Washington, D.C.

Dear Mr. Douglas:

Attached hereto is a copy of the report reflecting arrangements made with the D.C. Transit Company to provide charter and shuttle bus service to and from Union Station on August 28, 1963. The Chief of Police has made this information available to Mr. Ruskin in New York.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "William J. Liverman".

William J. Liverman
Deputy Chief of Police
In Charge of Traffic

WJL/gw

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Metropolitan Police Department

July 22, 1963.

RECEIVED
JUL 23 1 27 PM '63
CHIEF OF POLICE
MET. POLICE, D.C.

TO: The Chief of Police.

THRU: The Executive Officer.

Time of Meeting: 10:30 A.M., Thursday, July 18, 1963.

In Attendance: Lieutenant Owen W. Davis, Reverend Walter Fauntroy and Reverend Edward Hailes.

Place: Headquarters, NAACP, 1417 U Street, N. W.

Reverend Edward A. Hailes, Executive Secretary of NAACP, liaison man for the Coordinating Committee. Contacts with the Coordinating Committee will be through Reverend Hailes.

The theme of the demonstration will be "A memorial to Medgar Evers."

General Plans: Persons participating in the demonstration will arrive in this city by buses and trains, private autos are being discouraged. They will have instructions to report to specific locations about the city. They will then be transported, by bus to the ellipse where they will be assigned to specific locations on the ellipse. While the groups are gathering on the ellipse some sort of entertainment will be furnished. The Committee expects to have a number of Motion Picture stars and other celebrities for this purpose.

When all groups have arrived from the assembly points, the march will proceed to the Lincoln Memorial over the following route:

West on Constitution Avenue to the Lincoln Memorial.

Liaison: Reverend Fauntroy is satisfied with the Police Department's plans for liaison. He thought the needs of his Committee could be successfully met with current plans for liaison.

Transportation of Marchers to Ellipse: Logistics

Tentative plans call for the transportation of marchers from the various assembly points about the city to the Ellipse in buses. The Committee is working on plans for a large shuttle bus service for that purpose. The Committee is not sure at this time, if all marchers can be transported in this fashion. If a large number of buses are utilized adequate parking spaces should be provided.

Assembly points about the city:

The Committee is compiling lists of churches and other establishments who have offered their facilities to the demonstrators. A list of those locations will be provided the Department. Transportation may not be provided those persons assembled close to the Ellipse.

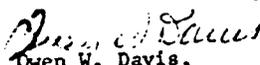
Route of march from the Ellipse to the Lincoln Memorial:

Reverend Fauntroy expressed the opinion that the open area around the Lincoln Memorial may not be large enough to accommodate the large number of persons expected to participate. He will offer to the group in New York the following alternate plan.

Leave the Ellipse and proceed west on Constitution Avenue to the Lincoln Memorial; around the Memorial and east on Reflecting Pool Drive to the grounds of the Washington Monument. Stands to be placed on the Constitution Avenue side of the Monument Grounds, facing the Monument. The marchers will assemble on the Monument Grounds between Constitution Avenue and the Washington Monument.

NOTE: All of the above plans are purely tentative. Reverend Fauntroy and his staff will go to New York on Tuesday, July 22, 1963, for a meeting with the New York group. He will return to the city on Wednesday. He expects that the broad outline of the arrangements will be finalized in the meeting in New York.

The maps furnished by the Department were delivered to the Committee on Monday, July 22, 1963. Reverend Fauntroy found them adequate and will take them to New York with him.


Owen W. Davis,
Lieutenant, Second Precinct,
Liaison,
Civil Rights Leaders.

OWD:C:bd

7/31/63

File

James J. P. McShane
Chief, Executive Office for U. S. Marshals

AUGUST 28 RALLY - Meeting 7/31/63, 9 A.M.

Meeting held in my office this date. Present were:
John Ralily, Dr. Fred Heath and Dr. Murray Grant, Sanitation
Dept., D. C., Col. Gordon C. Jung, U. S. Army, and myself.

Dr. Grant said he and Dr. Heath had already met with
a group of local people concerned with the Rally. He wanted to
know about our role in the forthcoming Rally. I explained that
we were merely in to advise and assist all concerned, that the
Metropolitan Police Department was responsible and Chief Murray
was in overall command.

Dr. Heath said he and Dr. Grant had attended previous
meetings with Fire, Police, Sanitation, Health and other agencies -
some 20 in all - and these matters had been discussed.

They wanted to know if the 50 churches had been picked
and where they were located. Mr. Ralily explained that insofar
as we were concerned that had been eliminated and the area from
14th to 23rd Streets and Independence Avenue to C Street would be
sealed off for the Rally.

Dr. Grant asked how many were coming and when. He was
informed that their estimate was still 100,000 and that most of
them would arrive on the morning of the 28th. They also wanted to
know if doctors and nurses are coming with them.

He also said he was informed the National Park Service
has only two portable "johns". At the last Inauguration, they
rented 50 "Johnny-on-the-Spot" facilities from a firm in Baltimore.
The 50 serviced about 25,000 people. They are anxious to know who
will pay for the portable toilet facilities. They also would like
to know how many we can produce by August 1.

They want the Armed Forces to provide toilet facilities -
if possible - first aid and water fountains (we are to find out what
is available and let them know).

They intend to ask Commissioners for an order enabling them
to use local hospitals. They plan to put those hospitals on an
emergency status so that they may have the maximum amount of doctors,
nurses and ambulances.

They plan having about a dozen tents (20x20) in the area to be used for first aid and staffed with personnel and supplies. They said one or possibly two would have to be set up at Union Station as well as toilet and drinking water facilities. Col. Jung suggested the National Guard has a first aid unit and that we utilize it. Dr. Grant wants all first aid facilities and everything associated with it under his command and we see no objection to that. He said this would eliminate duplication of effort if it were coordinated through him. He is going to inquire of the Red Cross to see how many ambulances they can provide. Dr. Heath suggested that someone be put in charge of seeing that all key personnel are provided with proper identification.

Reilly explained the communications system would be set up at Police Headquarters in or adjacent to Chief Murray's office.

They were also informed that there is a dispensary in the Navy Building which could be made available to them. This they were unaware of but indicated they would make use of it.

They also intend to provide drinking water by supplying water tank trucks with "Bubblers" on them as well as on fire plugs.

They have a meeting scheduled for Monday at 2:00 P.M. in the office of Mr. Dave Auld, Sanitary Engineer, located in the District Building.

We will attempt to have the time of this meeting pushed up to an earlier time so that I can attend this meeting and they can attend the 2:00 P.M. meeting in Mr. Douglas' office in the Justice Department Building.

Meeting ended 10:10 A.M.

270

G.F. 2-111a GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE
WASHINGTON, D.C.

August 14, 1963

MEMORANDUM TO HEADS OF DEPARTMENTS AND AGENCIES:

SUBJECT: District of Columbia Government Arrangements for the Civil Rights Gathering on August 28, 1963.

The announced Civil Rights gathering in Washington, D.C., on August 28, 1963, will result in placing extraordinary responsibilities on the Government of the District of Columbia. In order to assure the safety and care of the participants and to provide for the protection and convenience of the community at large, the Commissioners are assigning special responsibilities and authorities to District agencies in addition to their normal assignments.

For the guidance of all District agencies, including those already actively engaged in preparing for the gathering, the following are the latest planning assumptions. These assumptions may require modification at a later date should presently known conditions change.

a. The total participation may reach 150,000 or more, with perhaps two thirds or more reported to be coming from outside the area, mostly by chartered buses and trains, but with some considerable number coming by private automobile. In general, the participants are expected to provide for their own food supplies for their stay in the District of Columbia.

b. Those traveling by charter buses and trains will arrive in the city during the early morning and will leave during the late afternoon and early evening of August 28th.

c. The assembly area for the participants will be the Washington Monument grounds at approximately 10:00 a.m. From there, the groups will proceed on foot at noon to the Lincoln Memorial via Constitution Avenue and the South side of the Reflecting Pool. The proceedings at the Lincoln Memorial will start at 2:00 p.m. and terminate at 4:00 p.m.

It will be the responsibility of the Government of the District of Columbia, with all available assistance from appropriate public and private agencies, to maintain law and order, to plan and direct all necessary

traffic control measures, including plans for parking, provide special supplies of drinking water, provide special sanitation and refuse facilities and controls, provide first aid and emergency health services and temporary emergency facilities for those in need of such or who become separated from their groups.

Most District agencies will be affected to some degree by the requirements connected with this gathering. The policy with regard either to requiring attendance of employees or of permitting annual leave to be taken on August 28th was announced on August 9, 1963.

a. The Chief of the Metropolitan Police Department is responsible for planning and directing all measures necessary to maintain law and order and provide traffic control, including plans for parking of charter buses. In carrying out his responsibility, he is authorized for this purpose to utilize the services of the members of the Metropolitan Police Reserve Corps, and to request and receive all appropriate assistance from the members of the Fire Department and from all other agencies under the Commissioners and to request all appropriate assistance from the District of Columbia National Guard, the several Federal law enforcement agencies, and other public and private agencies.

b. The Director of Public Health is responsible for planning and directing all measures necessary to provide first aid and emergency health services, special supplies of drinking water, and special sanitation and refuse facilities and controls. In carrying out his responsibility he is authorized for this purpose to request and to receive all appropriate assistance from the Department of Sanitary Engineering, the D.C. Office of Civil Defense, and other agencies under the Commissioners, and to request all appropriate assistance from the D.C. Chapter of the American Red Cross, the voluntary hospitals, the medical facilities of the U.S. Public Health Service and the Department of Defense and other public and private agencies. Ambulances loaned by others and working under the Director of Public Health shall be a part of the D.C. Emergency Ambulance Service.

c. The Acting Director of Public Welfare is responsible for planning and directing all measures necessary to provide temporary emergency facilities for those in need of such or who become separated from their groups. In carrying out his responsibility he is authorized to request all appropriate assistance from the voluntary agencies such as the Salvation Army, Travelers Aid, and also from all others who may be able to offer such facilities.

d. All District agencies are assigned the responsibility to check carefully into the overall plans to assure that they adapt and adjust their operations during the period of this situation as may be necessary and appropriate. This shall include an examination of construction projects to determine if selected ones should be closed down temporarily to minimize traffic congestion.

e. All District agencies are authorized and directed to rearrange hours of work or to reschedule regular operations when practicable and necessary, and in all other ways prepare for the most effective discharge of their responsibilities in connection with this gathering.

f. The agency having the normal responsibility will actually provide the services or supplies and make payment therefor out of its regular budget unless funds therefor are clearly lacking. All such cases shall be reported at once to the Budget Officer, D.C.

The cost of providing special services in connection with this gathering shall be reported to the D.C. Budget Office by September 15, 1963, citing summary details and listing payroll cost of regular personnel in one category, and special "out-of-pocket" costs such as overtime pay or supplies consumed, in another. Anticipated expenditures which appear to be outside the financial capabilities of the agency must be checked immediately with the D.C. Budget Office. Voluntary agencies should be urged to assume responsibility for all measures similar to those they assume regularly under normal conditions.

g. The general scope of each agency's plans, in as much detail as appears reasonably necessary, shall be reported to the Board of Commissioners in writing by 2:00 p.m. on August 21, 1963, based on the planning assumptions as of close of business August 19, 1963. Copies shall be sent to all other agencies to which the plans in any way relate. These written plans will be used for final coordination of planning by and between the many agencies concerned.

h. Major policy issues or unresolved differences of opinion on proposed operations shall be presented to the Commissioners without delay.

The Commissioners will be available on August 28th for advice and decision on unexpected developments or emergencies. The agency

heads are expected, however, to act with dispatch in meeting such problems but should communicate as promptly as possible with the Commissioners to obtain any further advice or instructions they may deem appropriate.

Walter N. Tobrine

President
Board of Commissioners, D.C.



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DEPARTMENT OF THE ARMY
OFFICE OF THE GENERAL COUNSEL
WASHINGTON 25, D.C.

Folder

August 11, 1963

John Douglas, Esq.
Assistant Attorney General (Civil Division)
Department of Justice

Dear John:

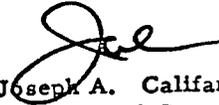
I know you will be interested in the following two paragraphs which are quoted from a message which we have received from California:

"Singer Harry Belafonte has organized eight Hollywood personalities to participate in 28 August Washington DC march. They are: Marlon Brando, Tony Francisco, Tony Curtis, Mel Ferrer, Burt Lancaster, Peter Brown, Virgil Frye, and Billy Wilder."

"Charlton Heston is organizing another group of Hollywood personalities scheduled to depart Los Angeles by plane on PM of 27 August for Washington DC. They are Debbie Reynolds, Dean Martin, Gene Kelley, Ertha Kitt, Gregory Peck, Robert Goulet, Nat "King" Cole, Lena Horne, and Sammy Davis, Jr."

You will make a delightful master of ceremonies.

Sincerely yours,


Joseph A. Califano, Jr.
General Counsel

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GEORGE LINCOLN ROCKWELL

August 10, 1963

Mr. T. Sutton Jett
Director, National Capital Parks
Department of the Interior
Washington, D. C.

Dear Mr. Jett:

On August 2, I wrote you requesting a permit for the use of the Sylvan theater on August 28, 1963. To date, I have received no reply whatsoever.

On Wednesday, ~~August 7~~, I met you briefly as I was emerging from a conference with Chief of Police Murray and asked you if I would be able to talk with you regarding arrangements for our counter-demonstration on August 28.

You replied, "I've got your letter; that ought to be enough".

I am very concerned with the indications that the planners of the black "march" on Washington for August 28 seem to be purposely arranging things to insure either that there will be physical intermingling of their demonstrators with our demonstrators or, even worse, that they are attempting to "run us off" of all suitable sites for our demonstration.

For the past few weeks, until Sunday, August 4, 1963, the press has been announcing that the assembly grounds for the black "march" would be the enormous area in front of the White House and the Ellipse, from where the Negro demonstration would march to the Lincoln Memorial.

For almost a month I, therefore, asked all of our partisans coming from all over the United States to meet at the Washington Monument at dawn on August 28 to insure that there would be no mingling of my group with the Negro partisans and no disorder.

COMMANDER AMERICAN NAZI PARTY 828 NORTH RANDOLPH STREET ARLINGTON VIRGINIA 22204

On Sunday, August 4, the race-mixing leaders suddenly announced in the press that **THEY**, too, would meet at the Washington Monument where they well knew we would be--and, to remove any chance that we could get there first and then move elsewhere if possible to help preserve order, they chose 5 a. m. at the Washington Monument to start their gathering--when, for weeks previously, they had been saying their earliest gatherings would be about 10 a. m.

It would be utterly impossible for me to reach all those I have already told that we will meet at the Washington Monument at dawn on August 28. At least hundreds, and very probably thousands, of White Christian Americans, with whom I am not in direct contact, will be there as a result of speeches and announcements in the press. Even if I were so cowardly as to agree to be run out of my own Nation's Capital by what I and millions of other Americans consider to be a gang of Communist race-mixers, I could not now stop these White Christian Americans from being at the Washington Monument at dawn on August 28--even with maximum cooperation of press, radio, TV, etc. And, far from getting any cooperation from the news media, we are being "blacked out" in the nation's press in a most unbelievable manner.

However, I am aware of the problems and worry caused your department and the police by this monstrous "march" of 100,000 or more highly emotional race-mixers, Communists and those who seek to terrorize our Congress into passing an almost openly Communist "Accommodations Bill". Months before I announced our counter-demonstration to this black outrage, we well-informed and responsible officials and public figures were warning of the deadly danger of race riots in Washington. The Negro newspaper, "The Washington Afro-American", has been literally threatening Washington with all-out race riots for over six months. Under these circumstances, for the race-mixers, Communists and other leaders of the black march to bring 10,000 Negroes--let alone a hundred thousand or more--into this racial tinderbox in the middle of this hot summer is, on the face of it, an act of terrorism. In my opinion, ALL such explosive "demonstrations" as the Communists and race-mixers have plotted for August 28 should be banned in this tense city until the situation cools down. But if, in spite of the deadly danger incurred by the reckless political opportunists and race-mixing leaders with their monstrous black march, officials from our President on down insist on permitting this utterly irresponsible and dangerous demonstration, then I have no choice but to do my best to demonstrate to our Congress and to the world, whose eyes will be on Washington on August 28, that the great White Christian majority in America does NOT favor any part of the Communist and race-mixing program being forced by the Negro march.

I believe with all my heart that it would be disastrous to our Christian American Republic and our White Race to permit this mob terrorism of our National Capital and open attempt to intimidate our Congress to win by DEFAULT. If the reckless Communists and race-mixing leaders insist on an inflammatory demonstration of nightmare proportions in the middle of a city which is already a racial tinderbox, then I must do what I can legally to stand up to this hideous terror and demonstrate legally on behalf of the great White Christian majority of Americans.

So far, no other right-wing leader dares make a stand against this black outrage and occupation of our Nation's Capital.

And so, I am left with no choice but to counter-demonstrate to the best of my ability in Washington on August 28, regardless of the rank discrimination I am fitting in Washington against the White Christian majority which built this country on behalf of a filthy gang of Communists, Communist agitators and Negroes being led by professional Jewish agitators from New York City.

However, I am willing to do everything within my power to prevent the disorder and even bloodshed which the reckless race-mixing leaders invited when they scheduled their ugly "march".

I have already conferred with Chief of Police Murray and his aides of the Metropolitan Police Department and assured him we will bend over backward to maintain order and discipline among our demonstrators, insofar as our legal rights will permit.

I have pledged him, and I hereby pledge you, that, in the interest of peace and order, there will be no uniforms, no sashes, no placards, and no signs containing the word "Nazi" which might leave us open to a charge of "provoking" people—although, as I am sure you will agree, I have the legal right to do and use all of these things.

I will be at the Washington Monument at dawn as a single, private citizen (admitted with other private citizens and, if we are given permission to do so, to conduct an orderly counter-demonstration against Communism and race-mixing at the Washington Monument to oppose the race-mixing demonstration at the Lincoln Memorial. If I am forbidden to speak, to organize our partisans and do what I can to keep them in order, I will have no choice but to obey such an outrageous prohibition, while men with records of such communitic association as Mr. Randolph, Mr. King, et al., and their ugly mob are permitted to swarm all over our beautiful Lincoln Memorial.

However, it is my duty to point out to your department and the Park Police, over which you exercise control, that, if I cannot speak to, organize and attempt to control the ~~hundreds~~ of White Christian partisans, who will be coming to Washington to counter-demonstrate, it will be impossible to prevent these good people from drifting all around Washington with enormously increased possibilities and probabilities of disorder and even violence.

Therefore, in spite of the fact that you have refused to answer my letter or confer with me in an effort to do everything possible to maintain order on August 23, I write this letter to beg you again for an opportunity to discuss the situation. Further, I ask you to be at least as courteous to us as you have been partisan to the race-mixers and Negroes and, if we are to be denied the Sylvan theater, to cordon off a sector of the Washington Monument grounds for our demonstration and grant me the right to hold speeches, signs, etc., at our demonstration, as you have granted the Negroes that right at the Lincoln Memorial. If our crowd is as large as I expect it will be, I also request the use of loud speakers aimed away from the Lincoln Memorial and sufficiently loud to reach all of our people.

If it is felt that the Washington Monument is too close to the Negro demonstration, then I suggest that, after I have met and identified all of our White partisans, between 5 a. m. and, let us say, 10 a. m., we could move our demonstration on down the Mall to an area considered more conducive to order. In this case, I request permission to set up some sort of stand on which our speakers can be seen by our crowd, since otherwise, it would be impossible for our people to see and hear the proceedings and again, many would tend to drift away into possible trouble.

On August 23, I will do everything within my power to obey the law and insure that those who demonstrate with me for our White Christian American Republic and against Communism and race-mixing also obey the law. As you know, I have no police power, cannot take the law into my own hands, and cannot prevent individuals from going where they please and doing as they please so long as they do not commit a felony in my presence. My only hope of maintaining order is to be given the same right as the race-mixing leaders and be permitted to present our demonstrators with an interesting and orderly program to keep them interested. I respectfully point out that if I am arrested on sight, as I have been warned I would be by persons who would appear to be in a position to know, or if I am prevented from speaking to and organizing our White people in an orderly manner, the only result is likely to be disorder, or worse.

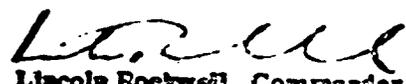
...will be ...
...to ...
...which ...
...if ...

I

- 3 -

May I again ask for a conference at which these matters
may be thrashed out and clear understandings reached?

Very truly yours,



Lincoln Rockwell, Commander
American Nazi Party

LR/bvg
cc: List 1