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[Re: Report of the National Advisory \(Kerner Report 1967\)](#)

by [admin](#) » Fri May 06, 2016 8:04 am

Part 3 of 3

Intercity Planning --- Control of a major civil disorder will generally require resources beyond the capabilities of local government. One response to this problem is to seek state aid; the other is to obtain additional manpower, equipment and services from neighboring communities by means of preexisting plans or agreements, often referred to as mutual assistance pacts. We here explore the latter alternative.

A variety of mutual assistance pacts are already in existence. primarily in the fields of fire protection. water supply and sewage disposal. The agreements range from the simple exchange of information to elaborate procedures covering all municipal services.

Mutual assistance agreements for police services in emergency situations are less common, and are generally on an informal basis. A study of 26 major police departments revealed that ten had no written mutual aid agreements for control of civil disorders, 12 had informal agreements, and only four had formal

agreements. Some departments also said they had made arrangements to "borrow" various items of equipment from neighboring jurisdictions. If these figures are typical of the entire country, it is plain that many cities are either overlooking or rejecting a potentially useful source of additional manpower and resources for the control of disorders.

Mutual assistance pacts have these advantages over obtaining help from the state: help may arrive much more rapidly; repeated use of state police or National Guard forces may reduce or eliminate their "psychological" value; police officers from nearby communities may be more effective because they are familiar with local geographic and sociological patterns; agreements may lead to increased cooperation and coordination of activities in other fields; and the additional funds, personnel and equipment for riot control can be utilized by local police departments in both emergency and ordinary operations, rather than diverting these resources to state forces established solely or primarily for the control of disorders.

There are also certain disadvantages in mutual assistance agreements: riot control requires unit operations much like those used by the military, not the individual approach characteristic of normal police work; police-community relations may be so bad in an area that only outsiders, not neighbors, can cool the situation; units may have an important psychological effect on rioters and may be more effective because of their training; police departments in adjoining communities may differ widely in quality of personnel, and the lower quality departments tend to dilute the effectiveness of the better ones; in times of emergency, a police department in a neighboring city not experiencing a disorder may be reluctant to release its forces because of the possibility the trouble may spread.

Although the Commission lacks sufficient data to weigh these conflicting factors, we believe, for several reasons, that mutual assistance agreements frequently offer a useful alternative to state aid. First, leading police officials have recommended them, particularly for supplying "stop-gap" aid until needed state forces can be mobilized. Second, there is evidence that these agreements work. Even in the aftermath of a major disorder in a nearby city, a community with a police department of 65 was able, through a mutual assistance agreement, to augment its own department and produce a total force of some 300 men drawn from the county and from 31 neighboring communities. Third, we believe basically that a community which demonstrates that it can maintain public order by means of its own resources, plus resources from neighboring communities, can in the long run more effectively earn the necessary respect from all elements of the community.

Although local considerations are paramount in formulating mutual aid agreements, certain basic factors must be taken into account:

Proper planning -- Any effective response to a disorder demands full coordination and planning of all agencies that may be involved in control activities. In the preceding section of this report we outlined the necessary intrajurisdictional planning and coordination to deal with civil disorders; the same factors must be considered in drafting intercity agreements. Without proper planning and objective evaluation of the community resources available, mutual agreements are largely worthless.

Legal problems -- Although we believe there are no insurmountable legal problems for putting into effect mutual aid agreements (with the possible exception of "home rule" cities), state legislation may present unnecessary obstacles, for example, by restricting such agreements in adjoining communities.

The Commission recommends that each state not only undertake a review of existing legislation regarding

mutual aid agreements for emergency services but also provide any necessary legislation to permit these agreements to be fully implemented. Such legislation should assure that police officers serving in other jurisdictions have adequate authority to do their jobs and that police, firemen, and other government personnel are given protection against damage suits, loss of personal pension rights, and loss of disability benefits. In accord with the Supreme Court case of *Virginia v. Tennessee*, 148 U.S. 503 (1893), intercity mutual aid agreements across state lines require only statutory authorization of both states; they do not require congressional approval.

Financial arrangements -- Since the control of civil disorders may be extremely expensive, mutual assistance agreements must provide for payment of costs in a manner that will encourage rather than inhibit prompt and immediate response in time of emergency. Various methods of allocating costs include: apportionment of the cost of control activities among participating jurisdictions by a formula based upon either the location of the disorder or the relative size of the contracting cities; each jurisdiction bearing its own cost, with the mutual advantages of the agreement considered adequate compensation; or one jurisdiction offering its services to another jurisdiction on a free basis.

Basic operating procedures -- Any workable agreement must specifically delineate operational procedures, including: methods by which the agreement can be invoked or activated; command arrangements for integrating the services of the calling and responding forces; the conditions under which a jurisdiction may decline to respond to a request for assistance (e.g., if it has a major fire or disorder within its own borders); a method for terminating the agreement; supporting steps to be taken by participating jurisdictions as, e.g., imposition of curfews and ordinances in neighboring cities; a basis for allocating liability for compensation of injured personnel; arrangements for cooperative training in riot control techniques; and training in joint operations pursuant to the agreement.

Although responsibility for implementating intercity mutual aid pacts rests primarily with the cities involved, state government has a corresponding duty to aid the cities in formulating these agreements, and, furthermore, to integrate the agreements into state plans for controlling disorders. California., for example, has a master law enforcement mutual aid plan providing for extensive interjurisdictional support during a natural disaster or riot. A community's request for help in controlling a disorder is first referred to the county. If the county is unable to supply the necessary resources, application is then made to a regional coordinator who draws manpower from local governments within a particular geographical area under his control. If this aid is still inadequate, a request is made to the director of the state disaster office who can then transfer to the riot area resources from any jurisdiction in the state.

Other ways in which a state may promote intercity mutual aid agreements include: legislative reforms to remove legal impediments to mutual agreements; counseling local jurisdictions concerning such agreements; determining the appropriate role of state police or National Guard when mutual aid agreements are in force; and providing specialized resources and equipment to participating jurisdictions.

Whether or not adjoining jurisdictions implement formal mutual assistance agreements, they should, at the very minimum, coordinate operations in areas where there is adjoining or concurrent law enforcement jurisdiction. Failure to do so may have tragic consequences as, for example, when the county police broke up a meeting for lack of a park permit -- after a city police department had authorized a grievance meeting with rioters in a public park.

Interstate Mutual Assistance Agreements -- A major disturbance within a single city, or a series of

disturbances in a number of cities, may require control resources beyond city and state capabilities. For example, the Watts riot in August 1965 required a commitment of over 13,400 National Guard troops, 62 percent of total strength; Newark needed over 4,000 National Guard troops, over 30 percent of total strength; in Detroit, 8,262 National Guardsmen, 85 percent of total strength, plus 2,137 Air National Guard troops, together with more than 4,500 federal troops were deployed or in reserve nearby. If simultaneous major disturbances had broken out elsewhere in these states, resources far beyond state capabilities would have been necessary.

There are two major sources for additional aid:

1. Federal forces, as in Detroit in July 1967, or
2. State forces from adjoining or nearby states pursuant to interstate mutual assistance agreements.

Interstate agreements for the commitment of National Guard forces of more than one state, besides requiring congressional approval, present delicate and complex problems of federal-state relations. Furthermore, utilization of federally financed and trained National Guard troops pursuant to such agreements also raises problems relating to the primary purpose and mission of the Guard.

Policy arguments against the use of such agreements focus on the established principle that military forces should not be used against civilian population except in circumstances of extreme necessity, and then only in the degree and for such duration as may be necessary to restore order. The use of federal forces to assist a state in controlling a civil disorder is restricted by a system of checks and balances that divides both power and responsibility between an individual state and the federal government. This carefully balanced allocation of functions provides protection against premature or excessive use of military force to control civil disorder.

Under interstate agreements, a governor would be able to call upon one or more other states for military assistance, and would thus be able to concentrate military power without the restraints imposed by the federal-state relationship. Such power could potentially lead to excessive or indiscriminate use of military force against the civilian population.

On more practical grounds, we have already noted that the dual federal-state function and mission of the National Guard create difficulties in the use of the Guard for riot control purposes even within a single state. We also noted the difficulties and burdens imposed upon individual Guardsmen when one Guard unit is pressed into duty two or more times within a limited period of time. These difficulties would be greatly enlarged if Guard units were subjected to call-up in more than one state pursuant to interstate agreements.

Furthermore, because special Army units are immediately available for riot control duty, and because the Army and Air Force can rapidly transport large number of troops, federal troops could be dispatched to the scene of disorder in considerably less time than would be required for mobilizing and deploying Guard forces from adjoining or nearby states pursuant to interstate agreements.

Finally, the discipline, military experience, and intensive training received by active federal troops make them generally more effective than National Guard units in putting down violence with minimum force under the adverse conditions of working in a strange city and state.

Interstate mutual assistance agreements for nonmilitary aid -- firemen and firefighting equipment, food, emergency equipment, medical supplies and services -- would not be subjected to the difficulties summarized above, and could play a valuable role in augmenting state resources.

Vertical Planning

Coordinated State-Local Planning -- We have previously noted that for most states the National Guard is the primary control force available to supplement police forces in a single city. Coordinated planning for state assistance must, therefore, center about the National Guard. To the extent that state police are available in sufficient numbers and with adequate training for control operations, planning should also encompass their use.

Most of the police departments surveyed have some plan or arrangements for obtaining state help. The Department of the Army has also established liaison with the Adjutants General of all state National Guards in order to review or prepare riot control plans for major cities within each state, and to coordinate federal, state and local plans. The Commission commends these actions. It strongly recommends that the appropriate state civil officials, heads of the state police departments, and top local civil and police officials of these cities, be involved in the planning process. State officials must also assume the responsibility for establishing liaison with local officials in any city within the state that may experience a disorder, in order to review or prepare riot control plans.

The Commission cannot deal with all aspects of state-local planning, but if all participating agencies are involved in the planning process, and if plans are tested in training exercises, most problem areas will be identified and suitable solutions found. However, evidence available to the Commission has demonstrated that three major problems must be resolved in order to formulate an effective state-local plan. These problems, and some suggested guidelines for solution, are as follows:

(1) Authority to Request and Order Call-up of State Forces

In the early stages of one of last summer's major disorders, the initial call for state police assistance came from an inspector of the local police department and was directed to the head of the state police. However, under state law only the mayor could ask for and only the governor could provide this assistance. Time was lost because of the failure to use proper channels.

Since most states have special laws setting out who can call the National Guard or the state police, any plan must necessarily take into account the statutory procedures. Many states do not have laws specifying who has the authority to request state assistance, and some laws do not specify the conditions under which state assistance will be authorized, whether or not requested. These points should be covered in an effective plan, which should also provide for a proper delegation of authority if the primary official is unavailable.

As with all aspects of planning, it is imperative that the provisions for requesting and ordering state assistance be made known to all officials, including operating levels.

(2) Command and Communication Between State and Local Forces

Although most police departments surveyed understood how to request National Guard help, the question of command, if the Guard or state police was called in, was largely unanswered. In some states, command

responsibilities are spelled out in the state statutes; in others, it is left to agreements, formal or otherwise, or to executive directives. An effective state-local plan must specifically resolve this question.

The Commission heard conflicting testimony from National Guard officers and police officials on which agency should be in command. It is unnecessary for the Commission to make recommendations on this point since a specific answer is less important than making certain that the question is resolved, that it is resolved in advance of the emergency, and that to the fullest extent possible it is resolved in favor of a single commander. Adequate planning for coordinated acts, as well as physical proximity of command posts, should eliminate most command problems, regardless of who is in overall command. Such planning should also eliminate possibilities of different degrees of force by different law enforcement groups as, for example, when one group increases aggressive action while another is unloading weapons and attempting to reduce tensions.

Commitment of National Guard troops as individuals or in pairs destroys the basic value of the Guard as a disciplined force to be deployed as units and in strength appropriate to the emergency. Merely adding Guardsmen to police patrols, as was done in some cities that experienced disorders, is not effective, for the unit commander loses control and cannot readily assemble his unit to respond in force. Except for the desirability of having some police officers with a National Guard unit to serve in a liaison role or to make any necessary arrests and write charges, military and police units should not be deployed together. Thus, regardless of overall command, any plan must ensure that Guard units are utilized as such, and under control of a Guard officer.

Adequate command procedures require that the state and local forces be able to communicate with each other. Officials from two major cities pointed out the extreme difficulties encountered in communication between local police and National Guard. In one case, there was no direct communication between the National Guard troops on the street and the local police unless police officers were riding with the National Guard troops or utilizing the police walkie-talkie system. In the other instance, the state police radios were on a frequency different from that of the local police department and, according to one state official, the local police "did many things" that the state did not know about until much later.

Effective state-local planning must also take into account that state police and National Guard forces may be working with local agencies other than the police, particularly fire departments. Adequate command provisions, including communications, must take these additional agencies into account. Moreover, state-local planning should not neglect other state resources, such as state community relations departments.

(3) Training

Planning is not enough; there must be some provision for testing any plan to discover weaknesses before a disorder, preferably by a command post exercise.

Many police chiefs have also suggested that in order for state and local forces to coordinate their activities correctly, each must have full awareness of the organization, function, and capabilities of the other organizations. Both National Guard and police officials emphasize the desirability of joint training between National Guard troops and state and local law enforcement officers. The Commission recommends that each state thoroughly explore the possibility of undertaking such training, especially at the command level. These exercises not only enhance the capabilities of both the National Guard and the local police, but also provide the necessary testing of state, local, and state-local planning.

Federal-State Coordination -- Article IV, Section 4 of the Constitution provides that the federal government shall protect each of the states against invasion, "and on the application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence." To carry out this provision, as well as its authority with respect to the militia, the Congress in 1792 enacted the statutory provisions that now appear (with minor amendments) as Section 331 and 334 of Title 10 of the United States Code. These sections authorize the President, after a request of a state and after issuing an appropriate proclamation, to use such of the federal armed forces as he considers necessary to suppress insurrection or domestic violence in that state. [6]

However, in accordance with both Constitutional policy and the legislative history of these statutes, no President since these provisions were first invoked in 1838 has ordered federal troops into action until: (1) the actual request for federal troops had been received from the state, and (2) it had become clear that the disorder was beyond the control capacities of state and local authorities. As a result, since 1932, federal troops have been dispatched at state request to quell domestic violence only in 1943 and 1967, both times in Detroit. The most recent experience in Detroit demonstrated the kinds of problems which can develop in the use of federal troops to control civil disorders.

We firmly believe that primary responsibility for the control of civil disorders rests with the cities and that the states should provide the necessary reserve manpower and resources. We recognize, however, that in some instances no state will have adequate manpower or resources to deal with a major disorder, or to deal with disorders in a number of cities. Because of the problems that would be created by use of interstate agreements, the federal government will be the only source of the necessary additional assistance.

The adequacy of the existing statutory authority and administrative mechanism for call-up of federal troops has been questioned as a result of the Detroit experience. Of particular concern are the implications of the use of the word "insurrection" in Section 331, and the requirement that federal troops can be dispatched only if the violence cannot be brought under control by state and local resources.

The word "insurrection" creates fears because of the possibility of nullifying insurance policies which generally do not protect against damages caused by insurrection. However, the Constitution speaks only of "domestic violence" not "insurrection" and federal troops have been dispatched at state request in various situations other than political uprisings. As a result, existing instructions to states for obtaining federal troops require only a request based upon the existence of "serious domestic violence."

The second point -- requiring exhaustion of state resources -- presents a more serious question since it limits use of federal troops to the most extreme situations. Here the requirement is based not upon specific Constitutional or statutory language, but instead upon Constitutional policy, legislative history, and precedent established by a number of Presidents. Some claim this requirement should and could be eased by amendment of Section 331. Others point to the wisdom of severe restrictions on use of federal military forces against civilians, a concept that is inherent in the Constitutional separation of power and responsibility between the states and the federal government.

Although we express no opinion on the Constitutional aspects of the latter argument, we are in accord that it represents sound policy, and believe that the existing conditions for obtaining such help should be retained. We suggest, however, that in determining whether to commit federal forces, the state of preparedness, training and availability of the state's National Guard troops be taken into consideration.

Although we agree with the policy underlying the use of troops pursuant to Section 331, we suggest that the Section be amended to update it and ensure that the language reflects existing Presidential precedents. [7] The amendments should:

- (a) Change the word "insurrection" to "domestic violence" to eliminate any possible difficulties.
- (b) Make clear that the President will honor a request from a governor, not only when the State Legislature cannot be convened, but also when the Legislature cannot act in time to meet an emergency situation.
- (c) Make clear that the President will honor a request from a governor only when the state is unable to control the violence with its own resources, including its own National Guard.
- (d) Correct the apparently unintended restriction that only the National Guard of "other States," not the state requesting help, can be called into federal service.
- (e) Generally modernize the language -- e.g., change "militia" to "National Guard."

Certain difficulties in obtaining federal troops can be ameliorated if state and local officials are fully aware of the means by which federal assistance may be granted, and the conditions that must be met. To this end, Attorney General Ramsey Clark wrote the governor of each state, in August 1967, and outlined the legal requirements for using federal troops to quell domestic violence, and the means by which federal assistance can be obtained. (Copy annexed as Exhibit A to this Supplement). To avoid any possible misunderstanding on the use of federal troops, the Commission recommends that each state take the appropriate steps to have the information in this letter disseminated to all state and local officials, to the Adjutant General for dissemination to the National Guard, and to all heads of local law enforcement agencies.

Conclusion

The fully coordinated planning recommended in this portion of the report will require the time, effort, and active support of government officials and community leaders. It would be tragic indeed if this time and effort were expended solely in planning for a para-military response to civil disorders.

The Commission, therefore, recommends that the government and community leaders involved in the planning should use the planning process as an opportunity to deal with other vital problems to assure that the resulting plans can serve additional valuable purposes. The same planning and resources needed to control a serious civil disorder are also essentially applicable to any major local disaster or emergency which requires a total community effort as well as outside help. Such emergencies and disasters include, for example, floods, hurricanes, explosions and major fires. Even for individual agencies, portions of the civil disorder control plans can often prove useful in dealing with a variety of common and recurring problems. For example, local police departments, plus state police, are often required to work together and coordinate operations in order to control and regulate large groups of people who assemble for parades, visiting dignitaries, and sporting events. If these other purposes and uses are considered and acted upon during the planning process, the resulting plans will have utility far beyond riot control.

More important, the efforts spent in planning for control of disorders provide government and community leaders an important starting point for efforts toward the only ultimate and responsible solution to the

problem of civil disorder: a fully coordinated government and private attack on the conditions that give rise to the disorders.

VI. LEGAL NEEDS FOR RIOT CONTROL [8]

We emphasize that law, no less than the desire for order, must provide the framework for all control efforts.

Applicable laws relating to control efforts of federal, state and local governments fall into two general categories: (1) laws permanently in effect, primarily the penal laws of a state, supplemented or augmented by municipal ordinances; and (2) special emergency laws put into effect only during a disorder as, for example, curfews, special emergency closing ordinances, and martial law. The Commission will also consider certain legal aspects of the use of state forces to aid local police.

Laws Permanently in Effect

Many of the acts committed by rioters are crimes, in violation of long-established penal laws. In the disorders of last summer, arrests were made for crimes ranging from homicide to curfew violations, including, for example, robbery, burglary, assault, theft, arson and disturbing the peace.

A Commission survey of selected police departments revealed no basic lack of legal tools available to control disorders. But the survey and other evidence have indicated five other areas where further legislation may be necessary.

Laws governing the manufacture and possession of incendiary devices -- Watts, Detroit, Newark and other major disorders have shown a disturbing increase in the possession and use by rioters of a variety of incendiary devices, primarily Molotov cocktails. Although the use of such a device is undoubtedly arson or attempted arson, some Jurisdictions have no laws governing manufacture or possession; others seek control through use of inadequate "fireworks" ordinances.

Forceful interference with the work of firemen and emergency workers -- Firemen and emergency workers have been subjected to physical abuse, and harassed and interfered with in performing their duties. Obviously, violence against any of these persons is a crime, but the experience of some riot-affected communities indicates that additional laws prohibiting forceful interference with the work of firemen and emergency workers may be necessary.

Restrictions on the sale of firearms -- The Crime Commission studied the relationship between violent crime and the easy availability of firearms in the United States. In its Report, the Commission pointed out that "During 1965, 5,600 murders, 34,700 aggravated assaults and the vast majority of the 68,400 armed robberies were committed by means of firearms." The Crime Commission further stated that "All but ten of the 278 law enforcement officers murdered during the period 1960-65 were killed with firearms."

The Crime Commission surveyed existing federal, state and local gun control legislation and concluded: "Since laws, as they now stand, do not accomplish the purposes of firearms control, the Commission believes that all States and the Federal Government should act to strengthen them." The Commission recommended specific federal and state legislation reasonably regulating the purchase, transportation, sale and possession of firearms.

The fact that firearms can readily be acquired is an obviously dangerous factor in dealing with civil disorders. It makes it easier for a serious incident to spark a riot and may increase the level of violence during disorders. It increases the dangers faced by police and others seeking to control riots.

We believe that all state and local governments should enact gun control legislation of the type recommended by the Crime Commission.

We also believe that federal legislation is essential in order to make state and local laws fully effective, and to regulate areas beyond the reach of state government. We therefore support the President's call for gun control legislation and urge its prompt enactment.

Restricting possibilities of theft of firearms -- Certain recent disorders were accompanied by a drastic increase in the theft of firearms from stores and manufacturers. The most serious incident reported took place in Plainfield, New Jersey, where, during the disorder, 46 carbines were stolen from a local manufacturer.

The Commission recommends that state and local governments consider enactment of laws or ordinances controlling the storage of firearms and ammunition in order to diminish the possibilities of theft. Such laws could require, for example, that all firearms and ammunition be stored in heavily protected vaults or areas, or that essential parts of the firearms be so stored.

Unlawful assembly, riot, inciting to riot and related legislation; federal anti-riot legislation -- Forty-seven states and the District of Columbia have statutes that either explicitly prohibit participation in or incitement of riots or provide more general control through prohibitions against unlawful assembly. Two other states rely on court decisions based on common law.

The Commission's police survey and other evidence disclosed that many of the statutes need review and revision. Some that deal with incitement to riot are so broad that they may improperly inhibit the constitutional right of free speech. Some that provide no definition of "incitement" or comparable terms are dangerously vague. Those that define a riot in terms of groups containing as few as three persons may be applied in situations where nothing even approaching truly riotous activity is taking place. These statutes should be tightened. In addition, some older statutes require that police officers on the scene literally "read me riot act" before taking action against rioters. Such legislation should be amended to ensure adequate notice without unnecessarily inhibiting police action.

A supplementary question is whether this network of state legislation should be supplemented by federal anti-riot legislation.

We recognize that criminal law enforcement is principally a matter of local responsibility and that crimes committed during disorders can generally be controlled and should be controlled at a local level. Moreover, the investigations of the Commission and the Federal Bureau of Investigation have so far revealed no national planning or conspiracy behind the disorders of 1967 and few instances of interstate travel which would be subject to federal control. There is also a risk that too broad a bill would encroach on the right of free speech and peaceful assembly.

Although no criminal legislation, federal or state, comes to grips with the underlying causes of disorder, the Commission feels that a tightly-drawn federal control statute might play a limited, but important, role in

dealing with disorders. Even if there are only a few persons traveling with the intent of precipitating disorders, these few can do enormous harm.

Federal legislation, if enacted, should be precisely drafted, with a clear definition of all operative terms, so as to preserve scrupulously the constitutional rights of all Americans. Such legislation should be combined, as the President recommended, with the Federal Firearms Bill. Both are important means of restricting the interstate movement of forces of destruction.

Whether or not legislation is enacted to deter those who would incite disorders, Congress should affirm now that violence is not to be tolerated in any sphere of our society. The prompt enactment of the civil rights legislation now pending—which would make it a federal criminal offense to use force to prevent the exercise of civil rights -- is important for this purpose. This legislation is also central to the long-range goal of insuring that Americans in all parts of the country enjoy equal rights and opportunities.

Law, Applicable Only in Emergency Situations

Effective control of a civil disorder may require special laws in addition to the normal complement of penal statutes and ordinances. Such emergency laws range from street closings to restrictions on sales of certain items. Laws of this sort have been used in practically every control operation.

The Commission recognizes the utility and need for such laws, especially those which provide for a specific, limited response to a particular problem, rather than wide-ranging emergency powers. The Commission cannot consider all such laws, nor can it consider the Constitutional restraints that may be involved in the application of particular laws, such as search and seizure in connection with curfew violations. It will instead point to a few instances where the need for special legislation is apparent.

Restricting access to defined geographic areas -- In the early stages of some disorders, failure to seal off some streets had tragic consequences. Unsuspecting motorists drove headlong into barrages of bricks, stones and bottles, cars were set afire, and occupants were beaten.

Restrictions on access may also be necessary to keep vigilante groups outside the riot area.

The Commission recommends legislation or ordinances to permit disorder areas to be sealed off immediately. Since speed may be necessary, the laws should provide that the authority can be delegated to operational levels.

Restriction on sales of particular items -- Of the 26 police departments responding to the portion of the survey concerning effectiveness of specified control techniques, all replied that closing stores selling firearms and ammunition was effective; 25 replied that closing liquor stores and taverns was effective; and 22 favored restrictions on sale of gasoline. The Commission recommends that laws be enacted to permit closing of potentially dangerous businesses during riot situations. The authority to impose such restrictions would primarily rest with the mayor or city manager. Provisions should be made to ensure that, if necessary, similar restrictions can be imposed in adjoining jurisdictions. An ordinance restricting sale of ammunition in one city would have a little effect if the stores in an adjoining city, a block away, remain open. As with the imposition of other emergency measures, notice of these restrictions is of paramount importance, and notification procedures must be integrated into any control plan.

Curfews -- The Commission police survey shows that 23 responding departments favored imposing curfews. The Commission recommends that states that have not already done so should provide explicit legislative means to enable mayors and other local officials to impose curfews.

The size of the areas covered by curfew restrictions has varied greatly. Milwaukee imposed a citywide curfew restricting all persons to their homes, closing all streets to vehicular and pedestrian traffic, and permitting no one in or out of the city. Other curfew areas have been less restrictive in time and area. Unless care is used, the curfew itself may enable criminal elements to "close down a town" with minimum effort.

In drafting curfew legislation there are at least two potential problems: (a) the need for provisions which enable curfews to be imposed in adjoining cities in order to ensure coverage of the entire disorder area; (b) the need to ensure that notice of the curfew is given to all who may be affected by its terms.

Legal Problems Concerning Use of State Forces

The relationship among the National Guard, state police, and local police in joint activities has been considered in the portions of the Report concerning the National Guard and state-local planning. Although these questions relate primarily to planning, certain legal problems require attention by state and local governments.

Command and call-up procedures for state and National Guard forces -- Most states have laws identifying the state or local officials who have the authority to call-up the National Guard; usually only the governor has this authority, but in some states even a local sheriff may call in the Guard to aid local law enforcement. However, only 20 states have laws specifying the relationship between National Guard forces and the civil police. In other states, the crucial command problem is left to agreements or executive directives.

Although problems of call-up authority and command authority can in part be resolved by proper planning, the Commission recommends that each state review its laws concerning Guard call-up and command, and make any necessary changes to facilitate adequate planning.

Arrest powers of state police and National Guard forces -- In the absence of martial law, only seven states have laws granting National Guard troops the arrest powers of peace officers. This lack of authority is not important if police officers have been designated to accompany Guard troops when arrests are to be made. The problem should be reviewed in the planning process.

Responsibility for payment of the cost of using National Guard forces -- Use of National Guard forces to quell a civil disorder may be costly. Whether the state or the local community must bear these costs is a serious policy question.

On one hand, prevention and control of a civil disorder is part of the local responsibility to ensure civil peace. If the state is to bear the cost of Guard forces, a local community may limit its efforts to prevent disorders (or its efforts to provide adequate control in the early stages) and rely instead on calling the Guard whenever there is danger that an incident may develop into a disorder. This attitude may also contribute to the dangers of overreaction.

If costs of using the National Guard are to be assessed against a local community, the mayor or other local officials may unnecessarily delay calling in the Guard.

The Commission recommends that all states consider this problem in advance and pass necessary legislation providing either for the assessment of costs of National Guard forces, or otherwise ensuring that the problem is resolved by agreement between the states and local communities.

Liability Of Guard officers and men when aiding local law enforcement -- Questions have been raised regarding the legal liability of Guardsmen when assisting local law enforcement officers to control a disorder. The Commission recommends that each state review its laws on this subject, and make any necessary changes to ensure that individual Guardsmen are protected against legal liability when acting pursuant to the valid orders of their superiors.

Compilation and Distribution of Laws Relating to Disorders

The people have a right to know precisely what the law requires of them during a disorder, and an equal right to know the legal limits of control activities by law enforcement officers. Certain cities, counties, and states have already prepared booklets containing this information, have distributed these booklets to all police departments and other law enforcement agencies, and have made the booklets available to the public at large. We recommend adoption of such a policy.

OFFICE OF THE ATTORNEY GENERAL
Washington, D.C. 20530

EXHIBIT A: LETTER FROM THE ATTORNEY GENERAL TO THE GOVERNORS

Dear Governor:

At the President's request. I am writing you regarding the legal requirements for the use of Federal troops in case of severe domestic violence within your state. The requirements are simple. They arise from the Constitution. So the principles will be clearly in mind, I will briefly outline here the basic considerations of Federal law applicable to such a situation.

The underlying constitutional authority is the duty of the United States under Article IV. Sec. 4. to protect each of the states "on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence." This pledge is implemented by Chapter 15 of Title 10 U.S.C. and particularly 10 U.S.C. 331. which derives from an act of Congress passed in 1792. The history of the use of Federal forces at the request of governors in varied circumstances of local violence over more than a century is also instructive.

There are three basic prerequisites to the use of Federal troops in a state in the event of domestic violence:

- (1) That a situation of serious "domestic Violence" exists within the state. While this conclusion should be supported with a statement of factual details to the extent feasible under the circumstances, there is no prescribed wording.
- (2) That such violence cannot be brought under control by the law enforcement resources available to the governor, including local and State police forces and the National Guard. The judgment required here is that there is a definite need for the assistance of Federal troops. taking into account the remaining time needed to

move them into action at the scene of violence.

(3) That the legislature or the governor requests the President to employ the armed forces to bring the violence under control. The element of request by the governor of a State is essential if the legislature cannot be convened. It may be difficult in the context of urban rioting, such as we have seen this summer, to convene the legislature.

These three elements should be expressed in a written communication to the President, which of course may be a telegram. to support his issuance of a proclamation under 10 U. S. C. 334 and commitment of troops to action. In case of extreme emergency, receipt of a written request will not be a prerequisite to Presidential action. However, since it takes several hours to alert and move Federal troops, the few minutes needed to write and dispatch a telegram are not likely to cause any delay.

Upon receiving the request from a governor, the President, under the terms of the statute and the historic practice, must exercise his own judgment as to whether Federal troops will be sent, and as to such questions as timing, size of the force, and federalization of the National Guard.

Preliminary steps, such as alerting the troops, can be taken by the Federal government upon oral communications and prior to the governor's determination that the violence cannot be brought under control without the aid of Federal forces. Even such preliminary steps, however, represent a most serious departure from our traditions of local responsibility for law enforcement. They should not be requested until there is a substantial likelihood that the Federal forces will be needed.

While the formal request must be addressed to the President, all preliminary communications should be with me. When advised by you that serious domestic violence is occurring, I will inform the President and alert the proper military authorities. You can reach me at my office, my home, or through the White House switchboard at any hour.

Enclosed are copies of the relevant constitutional and statutory provisions and a brief summary of past occasions on which a governor has requested Federal military assistance. Your legal counsel, I am sure, keeps you fully advised of requirements of state law as well.

If you have any questions or comments, please let me know.

Sincerely,
Attorney General

Enclosures

THE CONSTITUTION

Article IV, Section 4

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

TITLE 10, UNITED STATES CODE

Chapter 15

§ 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.

§ 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 peaceably to their abodes within a limited time.

STATE REQUESTS FOR FEDERAL ASSISTANCE IN SUPPRESSING DOMESTIC VIOLENCE

A Chronological List

1838 -- Buckshot War. The Pennsylvania Governor asked for Federal assistance (based on Const. Art. IV, sec. 4) in restoring order when violence resulted from a bitter political contest. President Van Buren refused on the ground that Federal interference is justified only where domestic violence is such that State authorities have proved inadequate.

1842 -- Dorr Rebellion. Rhode Island Governor King asked for assistance to stop the attempt of Dorr to claim the Governorship. President Tyler replied that the time for Federal interference had not arrived since there was no actual insurrection. Further requests were denied on the ground that the legislature was in session and the Governor therefore was not authorized to apply for aid. The President said he would issue a proclamation if a lawful request was made, but Dorr disbursed his troops and this was not done.

1856 -- San Francisco Vigilance Committee. California Governor requested Federal aid in stopping the Committee from usurping the authority of the State. The Attorney General advised President Pierce that the circumstances did not afford sufficient legal justification for Federal assistance since there was no "actual shock of arms" between insurgents and the State, and the State had not exhausted its powers to deal with the situation. (8 Op. A. G. 8). The President took no action.

1873 -- New Orleans unrest -- Lawlessness due to racial problems and also political uncertainty as to proper occupants of political office resulted in violence. Louisiana Governor asked for Federal help. President Grant issued a proclamation ordering the insurgents to disperse. Failure to heed the proclamation and increased disturbance resulted in a further proclamation and dispatch of two regiments.

1876 -- South Carolina riots. Riots resulted from an altercation between the XU Klux Klan and Negro state militia. The President Issued a proclamation in response to a call for Federal intervention and troops were stationed at 70 places in the state to secure the peace during the election. (This action culminated in enactment of Posse Comitatus Act of 1878.)

1877 -- Railroad Strike riots. Upon request for Federal intervention, President Hayes issued proclamations with respect to West Virginia, Maryland, Pennsylvania and Illinois to restore order. The Ohio Governor asked for and received Federal arms but did not request troops. Indiana asked the President to authorize the commandant at the U.S. arsenal to aid the state. On the ground that the request was incorrectly made, the Governor was informed that Federal troops would be used only to protect U.S. property. Michigan, Wisconsin and California also made requests for help but the situation in those states did not become critical.

1892 -- Idaho's Coeur D'Alene mining disturbances. During a seven year period, Presidents Harrison, Cleveland and McKinley furnished Federal assistance which was requested by Idaho Governors.

1894 -- Coxeys Army of unemployed. President Cleveland instructed the army to assist Montana in handling violence of a Coxeyite contingent in Montana, at the Governor's request. However, the President did not issue a formal proclamation.

1903 -- Colorado mining strike disturbance. President Theodore Roosevelt denied assistance to the Colorado Governor who made two requests for "such aid as I may call for," but promised that the Federal Government would act when a request was made in a manner "contemplated by law," explaining that under HR. 5297 there must be shown an insurrection against the State and inability of the State to control it.

1907 -- Nevada mining disturbance. In response to an urgent request from the Governor, President Roosevelt ordered troops to assist. Later, a President's investigating committee found there was no warrant for the assertion that the civil authority of the state had collapsed. After the President threatened withdrawal of the troops, the Governor convened the legislature, which asked that Federal troops remain for a short period until the state Police could be organized and equipped to handle the situation.

1914 -- Colorado coal strike. At the request of the Governor, President Wilson sent troops to stop rioting, but only after considerable negotiation and exploring of avenues of peaceful resolution by Government representatives failed.

1919 -- Race riots in Washington, D.C. and Omaha; Gary steel strike. On the theory that the service by the National Guard in the war left the States without adequate protection against internal disorders, the Secretary of War instructed commanders of the departments to respond to state requests for assistance. The use of Federal troops in 1919 was without a proclamation or other formalities.

1921 -- West Virginia coal mine warfare. President Harding was requested by the Governor to intervene. The President stated that he was not justified in using Federal military forces until he was assured the State had exhausted all its resources. A subsequent outburst of violence resulted in a Proclamation and order to dispatch Federal troops. The troops met no resistance and disarmed the miners.

1932 -- The Bonus Army. Needy veterans who came to Washington to seek veterans' bonus legislation were housed in tents, shacks, and government buildings which were being demolished. The Treasury Department attempted to repossess a government building in order to continue demolition, resulting in a clash between the veterans and police. The District Commissioners asked the President for assistance and the army moved in, cleared the buildings and destroyed the shacks. No proclamation was issued.

1943 -- Detroit race riots. The Governor advised that the State was unable to suppress domestic violence, the President issued a proclamation and Federal troops were dispatched.

1967 -- Detroit riots. The most recent incident, of course, was the dispatch of Federal troops to Detroit on July 24, 1967 at the request of the Governor. President Johnson issued a proclamation and Executive order pursuant to Chapter 15 of Title 10, U.S. Code.

Notes:

1. This recommendation was previously made to the FCC In a letter from the Commission, a copy of which is Included In the Appendix. The FCC has taken steps to make additional frequencies available.
2. This recommendation was previously made in a letter to the Department of Justice, a copy of which is included In the Appendix.
3. "Social Control of Escalated Riots," by Morris Janowitz, Professor and Chairman of the Department of Sociology at the University of Chicago. (Paper prepared for the University of Chicago Center for Policy Studies' Conference on Short-Term and Emergency Measures to Avoid Urban Violence.)
4. For this portion of the report the Commission has relied heavily on a study prepared for the Commission by the Public Administration Service of Chicago, Illinois, and on data provided by a survey of police departments done for the Commission by the International Association of Chiefs of Police.
5. In preparing this section, the Commission has relied upon a study of youth groups prepared for the Commission by the Administration of Justice Unit of the University Research Corporation.
6. Sections 332 and 333 of Title 10, U.S. Code, provide for use of federal troops to deal with violence, or the threat of violence, which primarily obstructs enforcement of federal laws, or infringes on rights secured by the Constitution. Examples of such use include the Whiskey Rebellion in Washington's time, nullification and secession before the Civil War, opposition to Reconstruction acts after the Civil War and, in the past decade, defiance of federal court orders in civil rights matters. In instances of this sort, initiative for use of federal troops rests with the President rather than with a state governor.
7. The present text of Section 331 is set forth in Exhibit A.
8. In preparing this section we have relied upon a study prepared for the Commission by the National League of Cities.

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[Re: Report of the National Advisory \(Kerner Report 1967\)](#)

by [admin](#) » Fri May 06, 2016 8:12 am

APPENDIX A: EXECUTIVE ORDER 11365, ESTABLISHING THE COMMISSION, JULY 29, 1967

ESTABLISHING A NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. Establishment of the Commission. (a) There is hereby established a National Advisory Commission on Civil Disorders (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of

The Honorable Otto Kerner, Chairman
The Honorable John V. Lindsay, Vice Chairman
Senator Fred R. Harris
Senator Edward W. Brooke
Congressman James C. Corman
Congressman William M. McCulloch
I. W. Abel
Charles B. Thornton
Roy Wilkins
The Honorable Katherine Graham Peden
Herbert Jenkins
The President from time to time may appoint additional members to the Commission.

SECTION 2. Functions Of the Commission. (a) The Commission shall investigate and make recommendations with respect to:

- (1) The origins of the recent major civil disorders in our cities, including the basic causes and factors leading to such disorders and the influence, if any, of organizations or individuals dedicated to the incitement or encouragement of violence.
- (2) The development of methods and techniques for averting or controlling such disorders, including the improvement of communications between local authorities and community groups, the training of state and local law enforcement and National Guard personnel in dealing with potential or actual riot situations, and the coordination of efforts of the various law enforcement and governmental units which may become involved in such situations;
- (3) The appropriate role of the local, state and Federal authorities in dealing with civil disorders; and
- (4) Such other matters as the President may place before the Commission.

SECTION 3. Cooperation by Executive Departments and Agencies. The Commission is authorized to

request, at the direction of the Chairman, from any executive department or agency any information and assistance deemed necessary to carry out its functions under this order. Each department or agency is authorized, to the extent permitted by law and within the limits of available funds, to furnish information and assistance to the Commission. The Federal Bureau of Investigation, in particular, shall provide investigative information and assistance.

SECTION 4. Compensation, Personnel, and Finance. (a) Members of the Commission who are Members of Congress shall receive no additional compensation by virtue of membership on the Commission, but, as permitted by law, may be reimbursed for travel, subsistence and other necessary expenses incurred by them in the performance of the duties vested in the Commission. Other members of the Commission shall receive \$100 per day when engaged in the performance of duties pursuant to this order, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons intermittently employed.

(b) The Commission shall have an Executive Director who shall be designated by the President and shall receive such compensation as may hereafter be specified. The Commission is authorized to appoint and fix the compensation of such other personnel as may be necessary to enable it to carry out its functions, and is authorized to obtain services in accordance with the provisions of 5 U.S.C. 3109.

(c) All necessary expenses incurred in connection with the work of the Commission shall be paid from the "Emergency Fund for the President" or such other appropriated funds as may be available for the purposes of the Commission.

SECTION 6. Administrative Services. The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

SECTION 7. Reports and Termination. The Commission shall make an interim report as to its findings of fact not later than March 1, 1968, and shall present its final report and recommendations not later than one year from the date of this order. It shall terminate upon presenting its final report and recommendations.

/s/

Lyndon B. Johnson
THE WHITE HOUSE
July 29, 1967

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APPENDIX B: REMARKS OF THE PRESIDENT UPON ISSUING AN EXECUTIVE ORDER ESTABLISHING A NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS, JULY 29, 1967

This morning I have welcomed the members of the Commission on Civil Disorders to the White House for its first meeting. The Commission is chaired by Governor Kerner of Illinois. The Vice Chairman is Mayor Lindsay of New York. They are both here with me.

I have commended these 11 citizens for what they have agreed to do for this Nation. They are undertaking a responsibility as great as any in our society.

The civil peace has been shattered in a number of cities. The American people are deeply disturbed. They are baffled and dismayed by the wholesale looting and violence that has occurred both in small towns and great metropolitan centers.

No society can tolerate massive violence, any more than a body can tolerate massive disease. And we in America shall not tolerate it.

But just saying that does not solve the problem. We need to know the answers, I think, to three basic questions about these riots:

- What happened?
- Why did it happen?
- What can be done to prevent it from happening again and again?

Beyond these basic questions there are others -- the answers to which can help our Governors and our mayors, our chiefs of police and our citizens all over the country to cope with their immediate and their long-range problems of maintaining order:

- Why riots occur in some cities and do not occur in others?
- Why one man breaks the law, while another, living in the same circumstances, does not?
- To what extent, if any, there has been planning and organization in any of the riots?
- Why have some riots been contained before they got out of hand and others have not?
- How well equipped and trained are the local and State police, and the State guard units, to handle riots?
- How do police-community relationships affect the likelihood of a riot -- or the ability to keep one from spreading once it has started?
- Who took part in the riots? What about their age, their level of education, their job history, their origins, and their roots in the community?

- Who suffered most at the hands of the rioters?
- What can be done to help innocent people and vital institutions escape serious injury?
- How can groups of lawful citizens be encouraged, groups that can help to cool the situation?
- What Is the relative impact of the depressed conditions In the ghetto -- joblessness, family instability, poor education, lack of motivation, poor health care -- in stimulating people to riot?
- What Federal, State and local programs have been most helpful in relieving those depressed conditions?
- What is the proper public role in helping cities repair the damage that has been done?
- What effect do the mass media have on the riots?

What we are really asking for is a profile of the riots -- of the rioters, of their environment, of their victims, of their causes and effects.

We are asking for advice on

- short-term measures that can prevent riots,
- better measures to contain riots once they begin,
- and long-term measures that will make them only a sordid page in our history.

I know this is a tall order.

One thing should be absolutely clear: this matter is far, far too important for politics. It goes to the health and safety of all American citizens -- Republicans and Democrats. It goes to the proper responsibilities of officials in both of our Parties. It goes to the heart of our society In a time of swift change and of great stress. I think the composition of this Commission is proof against any narrowness or partisanship.

You will have all the support and cooperation you need from the Federal government, as the Chairman and the Vice Chairman lead this Commission in this study.

Sometimes various Administrations have set up commissions that were expected to put the stamp of approval on what the Administration believed.

This is not such a commission. We are looking to you, not to approve our own notions, but to guide us and to guide the country through a thicket of tension, conflicting evidence and extreme opinion.

So, Mr. Chairman and Mr. Vice Chairman, let your search be free. Let it be untrammelled by what has been called the "conventional wisdom." As best you can, find the truth, the whole truth, and express it in your report.

I hope you will be inspired by a sense of urgency but also conscious of the danger that lies always in hasty

conclusions. The work that you do ought to help guide us not just this summer, but for many summers to come and for many years to come.

Thank you.

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[Re: Report of the National Advisory \(Kerner Report 1967\)](#)

by [admin](#) » Fri May 06, 2016 8:19 am

APPENDIX C: EXCERPTS FROM PRESIDENT LYNDON B. JOHNSON'S ADDRESS TO THE NATION ON CIVIL DISORDERS, JULY 27, 1967

My fellow Americans:

We have endured a week such as no Nation should live through: a time of violence and tragedy.

For a few minutes tonight, I want to talk about that tragedy -- and I want to talk about the deeper questions it raises for us all.

I am tonight appointing a special Advisory Commission on Civil Disorders.

Governor Otto Kerner, of Illinois, has agreed to serve as Chairman, Mayor John Lindsay, of New York, will serve as Vice Chairman. Fred R. Harris, senator from Oklahoma; Edward W. Brooke, United States senator from Massachusetts; James C. Corman, U. S. Representative from California, 22nd District, Los Angeles; William M. McCulloch, the U. S. Representative from the State of Ohio, the 4th District; I. W. Abel, the President of the United Steel Workers; Charles B. Thornton, the President, Director and Chairman of the Board of Litton Industries, Inc.; Roy Wilkins, the Executive Director of the NAACP; Katherine Graham Peden, the Commissioner of Commerce of the State of Kentucky; Herbert Jenkins, the Chief of Police, Atlanta, Georgia.

The Commission will investigate the origins of the recent disorders in our cities. It will make recommendations -- to me, to the Congress, to the state Governors, and to the Mayors -- for measures to prevent or contain such disasters in the future.

In their work, the Commission members will have access to the facts that are gathered by Director Edgar Hoover and the Federal Bureau of Investigation. The FBI will continue to exercise its full authority to investigate these riots, in accordance with my standing instructions, and continue to search for evidence of conspiracy.

But even before the Commission begins its work; and even before all the evidence is in, there are some things that we can tell about the outbreaks of this summer.

First -- let there be no mistake about it -- the looting, arson, plunder and pillage which have occurred are not part of a civil rights protest. There is no American right to loot stores, or to burn buildings, or to fire rifles from the rooftops. That is crime -- and crime must be dealt with forcefully, and swiftly, and certainly -- under law.

Innocent people, Negro and white, have been killed. Damage to property -- owned by Negroes and whites -- is calamitous. Worst of all, fear and bitterness which have been loosed will take long months to erase.

The criminals who committed these acts of violence against the people deserve to be punished -- and they must be punished. Explanations may be offered, but nothing can excuse what they have done.

There will be attempts to interpret the events of the past few days. But when violence strikes, then those in public responsibility have an immediate and a very different job: not to analyze, but to end disorder.

That they must seek to do with every means at their command: through local police, state officials, and, -- in extraordinary circumstances where local authorities have stated that they cannot maintain order with their own resources--then through Federal power that we have limited authority to use.

I have directed the Secretary of Defense to issue new training standards for riot control procedures immediately to National Guard units across the country. Through the Continental Army Command, this expanded training will begin immediately. The National Guard must have the ability to respond effectively, quickly, and appropriately, in conditions of disorder and violence.

Those charged with the responsibility of law enforcement should, and must, be respected by all of our people. The violence must be stopped: quickly, finally, and permanently.

It would compound the tragedy, however, if we should settle for order that is imposed by the muzzle of a gun.

In America, we seek more than the uneasy calm of martial law. We seek peace based on one man's respect for another man -- and upon mutual respect for law. We seek a public order that is built on steady progress in meeting the needs of all of our people.

Not even the sternest police action, nor the most effective Federal Troops, can ever create lasting peace in our cities.

The only genuine, long-range solution for what has happened lies in an attack -- mounted at every level -- upon the conditions that breed despair and violence. All of us know what those conditions are: ignorance, discrimination, slums, poverty, disease, not enough jobs. We should attack these conditions--not because we are frightened by conflict, but because we are fired by conscience. We should attack them because there is simply no other way to achieve a decent and orderly society in America.

...

This is not a time for angry reaction. It is a time for action: starting with legislative action to improve the life in our cities. The strength and promise of the law are the surest remedies for tragedy in the street.

But laws are only one answer. Another answer lies in the way our people will respond to these disturbances.

There is a danger that the worst toll of this tragedy will be counted in the hearts of Americans; in hatred, in insecurity, in fear, in heated words which will not end the conflict, but prolong it.

So let us acknowledge the tragedy; but let us not exaggerate it.

Let us look about tonight. Let us look at ourselves. We will see these things:

Most Americans, Negro and white, are leading decent, responsible and productive lives.

Most Americans, Negro and white, seek safety in their neighborhoods and harmony with their neighbors.

Nothing can destroy good will more than a period of needless strife and suspicion between the races.

Let us condemn the violent few. But let us remember that it is law-abiding Negro families who have really suffered most at the hands of the rioters. It is responsible Negro citizens who hope most fervently -- and need most urgently -- to share in America's growth and prosperity.

This is not the time to turn away from that goal.

To reach it will require more than laws; more than dollars. It will take renewed dedication and understanding in the heart of every citizen.

I know there are millions of men and women tonight who are eager to heal the wounds that we have suffered; who want to get on with the job of teaching and working and building America....

. . . I call upon every American to search his own heart.

To those who are tempted by violence, I would say this: Think again. Who is really the loser when violence comes? Whose neighborhood is made a shambles? Whose life is threatened most?

If you choose to tear down what other hands have built,

-You will not succeed;

-You will suffer most from your own crimes;

-You will learn that there are no victors in the aftermath of violence.

The apostles of violence, with their ugly drumbeat of hatred, must know that they are now heading for disaster. And every man who really wants progress or justice or equality must stand against them and their miserable virus of hate.

For other Americans, especially those in positions of public trust, I have this message:

Yours is the duty to bring about a peaceful change in America. If your response to these tragic events is only "business as usual " -- you invite not only disaster, but dishonor.

My fellow citizens, let us go about our work. Let us clear the streets of rubble and quench the fires that hatred set. Let us feed and care for those who have suffered at the rioter's hands -- but let there be no bonus or reward or salutes for those who have inflicted that suffering.

Let us resolve that this violence is going to stop and there will be no bonus to flow from it. We can stop it. We must stop it. We will stop it.

And let us build something much more lasting: faith between man and man, faith between race and race. Faith in each other -- and faith in the promise of beautiful America.

Let us pray for the day when "mercy and truth are met together; righteousness and peace have kissed each other." Let us pray -- and let us work for better jobs and better housing and better education that so many millions of our own fellow Americans need so much tonight.

Let us then act in the Congress, in the city halls. and in every community, so that this great land of ours may truly be "one Nation under God -- with liberty and justice for all."

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[Re: Report of the National Advisory \(Kerner Report 1967\)](#)

by [admin](#) » Fri May 06, 2016 11:00 pm

APPENDIX D: BIOGRAPHICAL MATERIALS ON COMMISSIONERS

OTTO KERNER, CHAIRMAN -- **Governor of Illinois**, 1961- ; Springfield, Ill. Born August 15, 1908, Chicago, Ill. A.B., Brown University, 1930; Trinity College, Cambridge University, 1930- 31; JD., Northwestern University, 1934. Attorney, Chicago, 1934-47; **U.S. District Attorney**, Northern District of Illinois, 1947-54; **County Judge**, Cook County, 1954-61. **Illinois National Guard**, 1934-41; 1946-54, advancing from Private to Captain, 9th Infantry Division, European Theater of Operations; Field Artillery School, Fort Sill, Oklahoma; and 32nd Infantry Division, Pacific Theater of Operations, 1941-46, **retiring as Major General**; Soldier's Medal, Bronze Star, Army Commendation, Ribbon, Presidential Unit Citation (34th Field Artillery Battalion).

[JOHN V. LINDSAY, VICE CHAIRMAN](#) -- Mayor of New York City, 1966- . Born November 24, 1921, New York City. A.B. [Yale University, 1944; LL.B., Yale Law School](#), 1948. Attorney, New York City, 1945-1955; Executive Assistant to the Attorney General of the United States, 1955-1957; elected U.S.

Representative, 86th Congress, 1958; reelected to the 87th, 88th and 89th Congresses. U.S. Navy, 1943-46. **Member [Council on Foreign Relations](#)**; Citizens Committee for Children of New York City, Inc.; former board member, Freedom House; former member Executive Committee, Association of the Bar of the City of New York; elected to the Yale Corporation, 1964; Elected **Chairman of the Political Committee of the NATO Parliamentarians Conference**, 1964.

I. W. ABEL -- **President, United Steelworkers of America (AFL-CIO)**, 1965- ; Pittsburgh, Pa. Born August 11, 1908, Magnolia, Ohio. Canton, Ohio Business College. Employed by American Sheet and Tin Plate Company and Timken Roller Bearing Co., Canton, 1922-38; Staff of United Steelworkers, 1938-42; Director, Canton-Massillon Area, District 27 of the United Steelworkers, 1942-53; secretary-Treasurer, United Steelworkers, 1953-65.

EDWARD W. BROOKE -- **U. S. Senator from Massachusetts**, 1966- ; Newton Centre, Mass. Born October 26, 1919, Washington, D. C. B.S., Howard University, 1941; LL.M., Boston University Law School, 1950 (editor of Law Review, 1946-48); Honorary Degrees: Doctor of Public Administration, Northeastern University, Boston, 1964; Doctor of Laws, Emerson College, Boston, 1965; Doctor of Laws, George Washington University, Washington, D. C., 1967; Doctor of Science, Lowell Technological Institute, Lowell, Mass., 1967. Attorney, Boston, 1948-61; **Chairman of Finance Commission**, City of Boston, 1961- 62; **Attorney General of the Commonwealth of Massachusetts**, 1982-68; elected to the U.S. Senate November 8, 1968; **Republican. Five years active duty, U.S. Army, World War II; captain.** Infantry, European Theater of Operations; Bronze Star, Combat Infantryman's Badge; served with "Partisans" in Italy. Fellow, American Academy of Arts and Sciences; Fellow, American Bar Association for excellence in law, 1963; Trustee, Boston University; Chairman of the Board, The Opera Company of Boston, Inc.; Member, **American Veterans of World War II (AMVETS)**, **National Council of [Boy Scouts of America](#)**, **National Board of Boys' Clubs of America**, Board of Overseers of Harvard College, National Sponsors Committee of The Clarke School for the Deaf and Hampton Institute, and member of the American, Massachusetts and Boston Bar Associations. Recipient of one of the Ten **Outstanding Young Men of Greater Boston awards of the Junior Chamber of Commerce**, 1952; Distinguished Service Award, AMVETS; National Judge Advocate, AMVETS, 1955-57, and Massachusetts Department Commander AMVETS 1954-55. Recipient of The Spingarn Medal, NAACP, 1967, and the Charles Evans Hughes Award, National Conference of Christians and Jews, 1967.

JAMES C. CORMAN -- U S. Representative from California, 22nd District, 1960- ; Van Nuys, Calif. Born October 20, 1920, Galena, Kansas. B.A., University of California at Los Angeles, 1942; LL.B., University of Southern California, 1948. Attorney, Los Angeles, 1948-50 and 1952-57; Member of the Los Angeles City Council, 1957-60; elected November 8, 1960 to the 87th Congress; reelected to the 88th, 89th, and 90th Congresses. **Democrat. U.S. Marine Corps, 3rd Marine Division, at Bougainville, Guam, and Iwo Jima, 1942-46**; subsequent service 1950-52. **Member of the Methodist Church, Lions International, American Legion, Veterans of Foreign Wars, Elks**; the American, California, Los Angeles and San Fernando Valley Bar Associations, Los Angeles Community Relations Conference. Awards from the Jewish Federation-Council of Greater Los Angeles for "outstanding service in fostering good will and understanding among religious and racial groups," and from the California Congressional Recognition Plan, Claremont College for "exemplary service" on the House Judiciary Committee.

FRED R. HARRIS -- **U.S. Senator from Oklahoma**, 1964- ; Lawton, Okla. Born November 13, 1930, Walters, Okla. B.A. in political science and history, University of Oklahoma, 1952; LL.B. "with distinction," University of Oklahoma, 1954. Practiced law, 1954-64; Member of Oklahoma State Senate,

1956-64; elected to U.S. senate November 3, 1964, to fill unexpired term of Robert S. Kerr; reelected November 8, 1966, for term ending January 3, 1973. Democrat. Recipient, **Oklahoma Junior Chamber of Commerce "Outstanding Young Man of Oklahoma" award, 1959**; one of the U. S. Jaycee "Ten Outstanding Young Men" awards, 1965.

HERBERT JENKINS -- Chief of Police, Atlanta, Georgia, 1947- . Born 1907, Lithonia, Georgia. Atlanta public schools and Atlanta Law School. Joined Atlanta Police Department, 1931; elected Chief of Atlanta Police Department, 1947. President International Association of Chiefs of Police, 1965; Member, Attorney General's Advisory Panel on Grants, 1964; Baptist Church; **Past Worshipful Master of Atlanta Masonic Lodge**; charter member of Northside Atlanta Kiwanis Club; Board of Directors of the Atlanta Boys Club and other civic organizations. Awards include: 1962 **Outstanding Citizen Award by Jewish War Veterans of United States of America**, Atlanta Post 112; Atlanta Jaycee Good Government Award, 1962; Alpha Chapter of Delta Kappa Gamma Society award for leadership in maintaining public education, 1962; Silk Hat Award by Northside Atlanta Kiwanis Club, 1962; **Boys Club Bronze Keystone for Long and Devoted Service to Boys by the Boys Clubs of America, 1963.**

WILLIAM M. McCULLOCH -- U.S. Representative from the State of Ohio, 4th District, 1947- ; Piqua, Ohio. Born November 24, 1901, Holmes County, Ohio. LL.B. Ohio State University, 1925; Honorary LL.D., Ohio Northern University; Member Ohio House of Representatives six terms, serving as **Republican leader 1936-39, and as Speaker for three terms**; Elected to 80th Congress, November 4, 1947, reelected to each succeeding Congress. **Republican. Veteran, World War II.** Member, American Political Science Association; Recipient, Congressional Distinguished Service Award, APSA, and the Distinguished Alumni Award, College of Wooster, Wooster, Ohio.

KATHERINE GRAHAM PEDEN -- Commissioner of Commerce, State of Kentucky, 1963-67; Hopkinsville, Ky. Born January 2, 1926, Hopkinsville, Ky. Traffic Department, Radio Station WHOP, Hopkinsville, 1944-49; Vice President and Director, WHOP, 1949- ; **Owner-President, Radio Station WNVL, Nicholasville.** President, National Federation of Business and Professional Women, 1961-62; **Member, the Defense Advisory Committee of Women in the Service (DACOWITS);** the National Advisory Council of the Small Business Administration; the Governor's Commission on the Status of Women -- Kentucky; **Board of Directors, Kentucky Chamber of Commerce;** the American Industrial Development Council; the Southern Industrial Development Council; President, Kentucky Federation of Business and Professional Women, 1955-56; Director, Mental Health Association, and Co-Chairman, Western state Hospital Chapel Fund, 1956- ; Trustee, Business and Professional Women's Foundation, 1958- ; Member, Kentucky Federation of Business and Professional Women, Kentucky Broadcasters Association, **First Christian Church of Hopkinsville,** and **Hopkinsville Chamber of Commerce, 1951- ;** Recipient, Woman of the Year Award, Hopkinsville, 1951.

CHARLES B. THORNTON -- Chairman of the Board and Chief Executive Officer, [Litton Industries, Inc.](#), 1953- ; Los Angeles, Calif. Born July 22, 1913, Knox County, Texas. B.C.S., Columbus University, 1937; Honorary D.C.S., George Washington University, 1964; Honorary Jur D., Texas Technological College, 1957. **Director of Planning, [Ford Motor Company](#), 1946-48; Vice President and Assistant General Manager, Hughes Aircraft Company, Culver City, Calif., 1948-53; Vice President, Hughes Tool Company, 1948-53; President, Litton Industries, 1953-61. Colonel, USAF, World War II;** Consultant to Commanding General, 1946; Distinguished service Medal, Legion of Merit, Commendation Ribbon with two oakleaf clusters. **Director and member of the executive committee: United California Bank, Western Bancorporation, Times Mirror Company, (1959-67); Director: Union Oil Company of**

California, Lehman Corporation, General Mills, Inc. (1963-67); Director and Executive Committee Member, Cyprus Mines, Inc.; [Director, MCA, Inc.](#); Director and Finance Committee Member, Trans World Airlines, Inc.; Trustee, University of Southern California; Trustee, Harvey Mudd College of Science and Engineering; Member, California Institute Associates; Member, University of Southern California Associates; Member, The Visiting Committee, Harvard Business School; Board of Governors, Welfare Federation of Los Angeles (1960-63); National Professional and Civic Organizations: Member, The Business Council; **Defense Industry Advisory Council to the Department of Defense; Air Force Academy Advisory Council; Director, National Committee for International Development;** Trustee, Committee for Economic Development; Trustee, National Security Industrial Association; Member, West Coast Advisory Group of American Management Association; prior affiliation with numerous other local and national civic and governmental bodies.

Introduction

Development cooperation officially started in the United States with President Truman's inaugural address in 1949. Truman declared that the fourth point of U.S. foreign policy was a "bold new programme" to provide assistance to developing countries. With singular prescience, he predicted: "We are here embarking on a venture that extends far into the future. We are at the beginning of a rising curve of activity, private, governmental and international, that will continue for many years to come." One year later Congress passed the Act for International Development, with an initial appropriation of \$35 million.

Nobody in the United States used the term "development cooperation" then, and, indeed, nobody uses it today. "Development assistance" has been the term of choice, but in common discourse and political practice, aid for development has been submerged in a package of programmes lumped together as "foreign aid."

U.S. foreign aid programmes did not start in 1950. Forerunners of aid to development include post-war emergency relief through UNRWA, military aid to Greece and Turkey in 1947 in the first manifestations of the cold war and, above all, the Marshall Plan for European recovery in the late 1940s and early 1950s. The record of European nations in using U.S. aid effectively in their rebuilding became, in fact, both a positive and a negative factor in later consideration of aid -- positive in providing an example of the successful use of aid funds, but negative in suggesting that development aid should achieve equally rapid results.

Over the years, foreign aid has had two distinctive components: military aid and economic aid, the latter embracing humanitarian relief, economic support (essentially balance-of-payments assistance) and development assistance. Since the first year or two, all economic aid, whatever its objective, has been administered by a single government agency, known first as the Mutual Security Agency, then as the International Cooperation Agency and since 1961 as the [U.S. Agency for International Development \(USAID\)](#).

In 1950, at the peak of the Marshall Plan, the public information section of the Economic Cooperation Administration, which administered reconstruction aid to Europe, had about 100 employees. Paul Hoffman, the first ECA administrator, argued that "to run the ECA without a strong information arm would be as futile as trying to conduct a major business without sales, advertising, or customer relations departments." Indeed, the ECA turned out an enormous amount of publicity, running its own radio and television programmes, taking journalists on tours, meetings with editors and so on.

In 1955, the public information office staff had shrunk to 16, and a provision in the aid legislation (the Dworshak Amendment) prohibited the agency from using its funds for "the dissemination within the United States of general propaganda" in support of the aid programme.

Faced with growing criticism, the Eisenhower Administration in 1958 convened a national citizens' assembly to arouse public support for foreign aid under the title "Conference on Foreign Aspects of National Security." Using the White House itself as a base, and led by a charismatic entrepreneur (Eric Johnston, president of [the Motion Picture Association of America \[MCA\]](#)), the conference was a two-day jamboree, with the leaders of both political parties, the heads of the major religious denominations, leaders or organised business and trade unions, and scores of NGO executives. A new super-NGO emerged, the Committee for International Economic Growth (CIEG), which launched a vigorous public information campaign.

The 1960s

Public Opinion

The 1960s was named the "decade of development" by the United Nations; it produced new development institutions such as the UNDP and the Inter-American Development Bank; and President Kennedy launched the Peace Corps and the Alliance for Progress, a major development programme for Latin America. General public opinion on aid, however, hardly changed at all. Asked in 1965 the same question as in 1958 ("In general, how do you feel about foreign aid?"), the public responded with remarkable consistency: 57 per cent for, 33 per cent against, 10 per cent no opinion.

The annual battle over aid levels continued in Congress. On this subject, the public was asked in 1965: "President Johnson has proposed that Congress set aside \$3.4 billion for aid to countries in other parts of the world, or about 3 per cent of the total annual budget. Would you like to see this amount increased or decreased?" The answers: 6 per cent for increased aid, 49 per cent for decreased aid, 33 per cent for maintaining the level of aid.

Organisational Voices

By 1963 the CIEG had collapsed, following Eric Johnston's death and the change of party control at the White House. Efforts were made, with a tacit White House blessing, to build new support groups -- e.g. a Citizens' Committee for International Development in 1961, and a **National Committee for International Development** in 1964 -- but both failed.

By the end of the 1960s, however, impetus for a new public support organisation took on renewed momentum. With strong leadership and funding from private foundations (especially the Ford and Rockefeller Foundations), the Overseas Development Council (ODC) was created to serve as a think tank on development issues and policy, and as a disseminator of facts and ideas. Respected for the professional competence of its staff, the ODC has operated successfully ever since, cultivating opinion makers of various kinds, including journalists and the staffs of members of Congress. It has without doubt been the leading centre of policy-oriented pro-development thinking in the United States.

Government Action

During this period, USAID itself was becoming increasingly conscious of the politics of foreign aid. Its presentations to Congress carefully broke down aid expenditures (for services and goods) by state and congressional district, thus demonstrating the beneficial economic impact of aid spending on the domestic economy. Major contracts were signed with U.S. universities to provide technical assistance overseas, thus creating a continuing interest in foreign assistance within the educational community. Many NGOs also became USAID contractors.

-- Public Support for International Development, edited by Foy Colm, Helmich Henry

ROY WILKINS -- Executive Director, National Association for the Advancement of Colored People, 1955- ; New York, New York. Born August 30, 1901, St. Louis, Mo. A.B., University of Minnesota, 1923. Managing Editor, Kansas City Call, 1923-31; Assistant Secretary, NAACP, 1931-49; Acting Secretary, NAACP, 1949-50; Administrator, NAACP, 1950; Editor, Crisis Magazine, 1934-49. Recipient, the Spingarn Medal, NAACP, 1964.

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[Re: Report of the National Advisory \(Kerner Report 1967\)](#)

by [admin](#) » Fri May 06, 2016 11:17 pm

APPENDIX E: WITNESSES APPEARING AT HEARINGS OF THE COMMISSION, AUGUST 1-NOVEMBER 7, 1967

ADAMY, CLARENCE G.
President, National Association of
Food Chains

ADDONIZIO, HUGH J.
Mayor, Newark,
New Jersey

ATCHISON, LEON
Administrative Assistant to
Congressman John Conyers, Jr.

BACHRACH, W. H.
Mayor, Cincinnati,
Ohio

*BAILEY, SAMUEL
Vice-President, Mississippi State
Conference of Branches,
National Association for the
Advancement of Colored People

BAKER, JOHN A.
Assistant Secretary of Agriculture;
accompanied by Lynn Daft

BATTLE, MARK
Administrator,
Bureau of Works Program,
Department of Labor

BENNETT, LERONE
Historian, Senior Editor,
Ebony Magazine

BERRY, THEODORE M.
Director, Community Action Program,
Office of Economic Opportunity;
accompanied by: Ben Zimmerman,
William C. Lawrence, Donald K. Hess,

and James H. Hiller

BONNE, RICHARD W.
Executive Director,
Citizens Crusade Against Poverty

BRIGGS, PAUL W.
Superintendent of Schools,
Cleveland, Ohio

BULLOCK, PAUL
Associate Research Economist,
Institute of Industrial Relations,
University of California at Los Angeles

BUNTING, JOHN R.
Executive Vice President,
First Pennsylvania Banking and Trust Co.,
Philadelphia, Pennsylvania

BURRELL, BERKELEY
President, National Business League;
accompanied by: Matthew Clark and
Henry Miller

CAMPBELL, R. J.
Assistant to the City Manager,
Cincinnati, Ohio

CAPOLOVITZ, DAVID
Bureau of Applied Social Research,
Columbia University

*CARMICHAEL, STOKELY
Ad Hoc Committee of
Black Militants

CARTER, LISLE C., JR.
Assistant Secretary for Individual and
Family Services, U.S. Department of
Health, Education and Welfare

CASELL, FRANK H.
Assistant to the Administrative
Vice President,
Inland Steel Corporation

CAVANAGH, JEROME P.

Mayor, Detroit, Michigan;
accompanied by: Robert P. Roselle;
Richard Strichartz; Herbert Loche;
John Nichols, Anthony Ripley;
Fred J. Romanoff; Ron Hewitt;
Conrad Mallett, Ass! to the Mayor;
Bernard Winckoski; Richard Marks;
Norman Drachler, Sup! of Schools;
Ray Girardin, Police Commissioner;
Alvin Harrison, Citizen Rep.,
Neighborhood Legal services;
Thomas Angott, Member, Fire
Commission, Rev. Robert Potts,
Grace Episcopal Church; and
Philip Rutledge, Director,
Mayor's Committee on Resources

CERVANTES, ALFONSO J.

Mayor, St. Louis, accompanied by:
Rev. Lucius Cervantes, S. J.

CHAMBERS, ERNIE W.

Negro, community leader,
Omaha, Nebraska

CHRISTENSON, GERALD W.

Executive Director,
President's Council on Youth
Opportunity, accompanied by:
E. Lester Levine, Bruce Terris, and
John Stewart

CHRISTOPHER, WARREN M.

Deputy Attorney General;
Vice Chairman of the
Governor's Commission on
the Los Angeles Riots

CLARK, KENNETH

Psychologist and Social Scientist;
President, Metropolitan Applied
Research Center, Inc., New York

COLEMAN, RICHARD G.

Director, Better Housing League of
Greater Cincinnati, Inc.

*COX, CARLTON
Ad Hoc Committee of
Black Militants

DANZIG, LOUIS
Housing and Urban Renewal Director,
City of Newark, New Jersey

DODSON, DAN W.
Director, Center for
Human Relations Community Studies,
New York University

*DONALDSON, IVANHOE
Ad Hoc Committee of
Black Militants

DRACHLER, NORMAN
Superintendent of Schools,
Detroit, Michigan

EMERY, JOHN C., JR.
Judge, Recorder's Court, Detroit;
Legal Aid and Defender Association,
Detroit

ENGLE, BYRON
Director, Office of Public safety,
Agency for International Development,
Department of State

*EVERS, CHARLES
Field Director, Mississippi State
Conference of Branches,
National Association for the
Advancement of Colored People

FANTINI, MARIO D.
Program Officer,
Division of Public Education,
Ford Foundation

FULLER, DEWEY C.
Director, Economic
Development and Employment,
Urban League of Greater Cincinnati,

Ohio

GANS, HERBERT J.
Senior Research Sociologist,
Center for Urban Education,
New York

GARDNER, JOHN W.
Secretary of Health,
Education and Welfare

GARRETT, ERNEST
Member, Board of Education,
Newark, New Jersey

GELSTON, GEORGE
Adjutant General,
Maryland National Guard

GIACCHINO, ALDO
Planning Officer,
City of Newark,
New Jersey

GINSBERG, MITCHELL I.
Commissioner of Social services,
New York City

G1NZBERG, ELI
Hepburn Professor of Economics,
Columbia University; Member,
National Manpower
Policy Task Force, 1962

GIRARDIN, RAY
Police Commissioner,
Detroit, Michigan

GOLDFARB, RONALD
Consultant to the
Commission

GREEN, ALFRED L.
Executive Director,
New York State Division
of Employment

*GREGORY, DICK
Comedian, Lecturer

GROPPI, JAMES
Milwaukee, Wisconsin;
accompanied by: Father Patrick Flood,
Dwight Benning, and James Pierce

*GUYOT, LAWRENCE
Chairman, Mississippi
Freedom Democratic Party

*HALL, WILLIAM
Ad Hoc Committee of
Black Militants

HANSAN, JOHN E.
Director,
Community Action Commission,
Cincinnati, Ohio

HARDY, DAVID
New York Daily News

*HATCHER, RICHARD
Mayor, Gary, Indiana

HENDERSON, VIVIAN
Economist;
President, Clark College,
Atlanta, Georgia

*HILL, NORMAN
Associate Director,
A. Philip Randolph Institute

HILL, RODERIC L
Major General (Ret.)
Former Adjutant General
State of California

HOLLIS, HARRIS W.
Director of Operations,
Office of Deputy Chief of Staff
for Military Operations,
Department of Army,
Washington, D.C.

HOLMAN, CARL M.
Deputy Staff Director,
U. S. Commission on Civil Rights

HOOVER, J. EDGAR
Director,
Federal Bureau of Investigation

HOWE, HAROLD II
U. S. Commissioner of Education;
accompanied by: Charles H. Smith

JACQUES, TRUMAN
Manager, Management
service Center, Watts Section
of Los Angeles, California

JOHNSON, EARL JR.
Director, Legal Services Program,
Office of Economic Opportunity

*JORDAN, VERNON
Director,
Voter Education Project,
Southern Regional Council, Inc.

KAIN, JOHN F.
Professor of Economics
Harvard University

*KARENGA, RON
Chairman, US

KING, MARTIN LUTHER, JR.
President, Southern Christian
Leadership Conference

LEARY, HOWARD R.
Police Commissioner,
New York

*LEWIS, JOHN
Field Representative,
Southern Regional Council, Inc.

LIEBOW, ELLIOT

Acting Chief,
Special Projects Section,
Mental Health Study Center,
National Institute of Mental Health

LOMBARD, WILLIAM M.
Chief of Police,
Rochester, New York

LUMSDEN, ARTHUR R.
Executive Vice President,
Chamber of Commerce,
Hartford, Connecticut

MAIER, HENRY W.
Mayor, Milwaukee, Wisconsin;
accompanied by: James Newcomb
and George Whlttow

MALAFRONTE, DONALD
Administrative Assistant to
Mayor Addonizio

MANGUM, GARTH L.
Research Professor of Economics,
George Washington University

MARSHALL, KENNETH E.
Vice President for
Community Affairs,
Metropolitan Applied Center, Inc.,
New York

MATTHEWS, WILLIAM
Assistant Presiding Judge,
Municipal Court,
Cincinnati, Ohio

McCANDLESS, WILLIAM M.
Federal Co-Chairman,
Ozark Regional Commission

McCLELLAN, H. C.
President, Management
Council for Merit Employment,
Training and Research

McCONE, JOHN A.
Chairman, Governor's
Commission to Investigate
the 1964 Watts Riot

McFARLAND, KENNETH
Superintendent of Schools,
Topeka, Kansas

McKELDIN, THEODORE B.
Mayor, Baltimore,
Maryland

*McKINNIE, LESTER
Ad Hoc Committee of
Black Militants

*McKISSICK, FLOYD
National Director,
Congress of Racial Equality

MEANY, GEORGE
President, AFL-CIO;
accompanied by: Nat Goldfinger,
Donald Slaiman, Andrew Biemiller,
Julius Rotham, and Thomas E. Harris

MEECHAM, CHARLOTTE, MRS.
National Representative,
Police Community Corrections
Program, American Friends
Service Committee

MILLER, HERBERT J.
Chairman, President's
Commission on Crime for
the District of Columbia;
Former Assistant U. S.
Attorney General, Criminal Division,
Department of Justice

MOGEY, JOHN
Professor Sociology,
Boston University

MURPHY, PATRICK V.
Director of Public Safety,

District of Columbia

ODELL, CHARLES E.
Director, U.S. Employment
Service, Bureau of
Employment Security,
U.S. Department of Labor

OOSTDYCK, HAROLD
Director, New York
Urban league Academy,
New York City

PERSKY, JOSEPH
Harvard University

POLLACK, STEPHEN J.
Special Assistant to
the Attorney General

PURDY, WILSON E.
Director of Public Safety,
Dade County, Florida

QUARLES, BENJAMIN
Professor of History
Morgan State College,
Baltimore, Maryland

RANKIN, LEE J.
Former General Counsel
Warren Commission

REISS, ALBERT
Professor of Sociology,
University of Michigan

REYNOLDS, C.
Acting Director,
Cincinnati Human Relations
Commission

RODMAN, HYMAN
Merrill-Palmer Institute,
Detroit, Michigan

ROMNEY, GEORGE

Governor of Michigan; accompanied
by: Col. Frederick A. Davids,
Major General Clearence Schnipke,
Major General Cecil Simmons,
Robert Danhof, Charles Oriebeke,
and Charles Harmon

ROSS, ARTHUR
Commissioner of Labor Statistics,
U.S. Department of Labor

RUTTENBERG, STANLEY H.
Assistant Secretary for Manpower,
U.S. Department of labor

SANDERS, J. STANLEY
Director of Summer Projects,
Westminster Neighborhood
Association,
Watts, Los Angeles, Calif.

SCHIFF, NORMAN
Corporation Counsel,
New York

SHERIDAN, THOMAS R.
Chairman, Committee on
Administration of Justice
American Bar Association

SHRADE, PAUL
Director, Western Region Six,
United Auto Workers;
Member, Executive Board,
United Auto Workers

SHRIVER, SARGENT
Director, Office of
Economic Opportunity

SILLS, ARTHUR
Attorney General,
State of New Jersey

SMITH, CHARLES H.
Office of Education,
Department of Health,

Education and Welfare

SMITH, WILLIAM H. T.
Former Chief of Police,
Syracuse, N.Y.
Director, Inspection Division,
Department of Housing and
Urban Development

SPINA, DOMINICK H.
Police Director
Newark, New Jersey

STALKS, LARRIE
Director, Department of
Health and Welfare,
City of Newark, New Jersey

STILL, TIMOTHY
President, United
Community Corporation,
Newark, New Jersey

*STOKES, CARL B.
Mayor, Cleveland,
Ohio

SULLIVAN, LEON H.
Chairman of the Board,
Opportunities Industrialization
Center, Inc.,
Philadelphia, Pennsylvania

SUMMER, ALEXANDER
Former President,
National Association of
Real Estate Boards;
accompanied by: Edwin Stoll

TAMM, QUINN
Executive Director,
International Association of
Chiefs of Police

TAYLOR, RALPH H.
Assistant Secretary,
Department of Housing and

Urban Development

TAYLOR, WILLIAM L.
Staff Director,
U.S. Commission on Civil Rights
THOMAS, PIRI
Author,
New York, New York

TITUS, FRANKLIN
Superintendent of Schools,
Newark, New Jersey

TREATT, JAMES
Human Rights Director,
Newark, New Jersey

TURNER, BAILEY
Treasurer, United Community
Black Organization,
Cincinnati, Ohio

VANCE, CYRUS R.
Former Deputy Secretary of
Defense on National Guard Matters

VINSON, FRED JR.
Assistant U. S. Attorney
General, Criminal Division

WEAVER, ROBERT C.
Secretary,
Department of Housing and
Urban Development

WEST, CALVIN
City Councilman,
Newark, New Jersey

WHELAN, THOMAS J.
Mayor, Jersey City,
New Jersey

WILKINS, ROGER W.
Director,
Community Relations Service,
Department of Justice

WILSON, JAMES Q.

Professor of Government,
Harvard University, lecturer,
Harvard-Mil Center for
Urban Studies

WILSON, WINSTON P.

Major General Chief
National Guard Bureau

WIRTZ, WILLARD W.

Secretary of labor;
accompanied by:
Stanley H. Ruttenberg

WRIGHT, KENNETH

Vice President and Chief
Economist, life Insurance
Association of America

WRIGHT, MARION

legal Director, NAACP
legal Defense and Education Fund,
Jackson, Mississippi

YLVISAKER, PAUL

Director, New Jersey
Department of Community
Relations, accompanied by:
Col. Kelly, Chief of State
Police; Oliver Lofton,
Director of legal Services;
Stanley Van Ness, Governor's
Counsel; John Spinelli,
Press Secretary to Governor;
and James Blair, Department
of Community Affairs;
Timothy Still, President,
United Community Corp.;
David Sullivan, Assistant
Director, Plainfield Human
Relations Commission;
Charles Miller, Vice-Chairman,
Plainfield Human Relations
Commission; and Don MacDonald,
Department of Community Affairs

[YORTY, S. W.](#)

Mayor, Los Angeles,
California

* Witnesses at Special Hearings

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[Re: Report of the National Advisory \(Kerner Report 1967\)](#)

by [admin](#) » Fri May 06, 2016 11:48 pm

APPENDIX F: CONSULTANTS, CONTRACTORS AND ADVISERS

ADLER, JAMES

Attorney
Los Angeles, California

AILES, STEPHEN

Attorney, Former Secretary of
the Army

AMERICAN INSURANCE ASSOCIATION

New York, New York

AMSTERDAM, ANTHONY G.

University of Pennsylvania
Law School

ASTOR, GERALD M.

Look Magazine

BAGDIKIAN, BEN H.

Rand Corporation

BAILEY, DOUGLAS

Washington, D.C.

BATT, JOHN

College of Law

University of Kentucky

BAZELON, DAVID T.
Attorney
New York, New York

BELLOW, GARY
Bakersfield, California

BENNETT, LERONE, JR.
Ebony Magazine

BISBING, LEONARD
Milwaukee, Wisconsin

BLAKEY, G. ROBERT
Law School
University of Notre Dame

BLUMBERG, ABRAHAM S.
Department of Sociology
City University of New York

BLUMENSON, MARTIN
Alexandria, Virginia

BLUMSTEIN, ALFRED
Institute of Defense Analysis
Washington, D.C.

BODNER, JOHN, JR.
Attorney
Washington, D.C.

BOOKER, JAMES
New York, New York

BOONE, RICHARD W.
Executive Director
Citizens' Crusade Against Poverty
Washington, D.C.

BORDUA, DAVID J.
Department of Sociology
University of Illinois

BRADLEY, THOMAS

Councilman
Los Angeles, California

BRANDSTATTER, ARTHUR F.
Director, School of Police
Administration and Public Safety
Michigan State University

BUREAU OF APPLIED SOCIAL
RESEARCH
New York, New York

CAHILL, THOMAS J.
Chief of Police
San Francisco, California

CAMPBELL, ANGUS
Director, Survey Research Center
University of Michigan

CAPLAN, NATHAN
Department of Sociology
University of Michigan

CAPRON, WILLIAM M.
The Brookings Institution

CARROW, MILTON M.
Attorney
New York, New York

CATTON, BRUCE
American Heritage Publishing Company

CENTER FOR COMMUNITY STUDIES
Nashville, Tennessee

CHAMPION, HALE
Director
Boston Redevelopment Agency

CHAYES, ABRAM
Harvard Law School

CHAYES, ANTONIA
Consultant
Action for Boston Development, Inc.

COLEMAN, JAMES
Department of Social Relations
Johns Hopkins University

COLM, GERALD
National Planning Association
Washington, D.C.

CONWAY, JACK
Executive Director
Industrial Union Department,
AFL-CIO

CRISCI, RALPH F.
Project Director, The Legal Aid Society
Cincinnati, Ohio

DAHL, RAYMOND A.
Former Inspector
Milwaukee Police Department
Staff, Southern Police Institute
Louisville, Kentucky

DEITCHMAN, SEYMOUR J.
Chevy Chase, Maryland

DERSHOWITZ, ALAN M.
Harvard Law School

DOWNS, ANTHONY
Chicago, Illinois

DUHL, LEONARD
Department of Housing and Urban
Development
Washington, D.C.

DUMONT, MATTHEW
National Institute of Mental Health
Bethesda, Maryland

ECKER-RACZ, LASZLO, L.
Washington, D.C.

ECKSTEIN, OTTO
Department of Economics

Harvard University

EMORY, FRED
Center for Advanced Studies
In the Behavioral Sciences
Stanford, California

ENGLE, BYRON
Director, Office of Public Safety
Agency for International Development

ESTAVER, PAUL E.
Assistant Program Director
Office of Law Enforcement Assistance
Department of Justice

FAIN, JIM
Editor
The Dayton Dally News

FEINSINGER, NATHAN
University of Wisconsin Law School

FITZPATRICK, JAMES F.
Attorney
Washington, D.C.

FLAMING, KARL
Director, Milwaukee Urban
League Study

FLEMING, HAROLD C.
President
Potomac Institute
Washington, D.C.

FOGELSON, ROBERT
Department of History
Columbia University

FORER, LOIS G.
Community Legal services
Incorporated
Philadelphia, Pennsylvania

FRANKLIN, JOHN HOPE
Chairman, Department of History

University of Chicago

FULLER, HILTON M., JR.
Executive Director
Police-Community Relations Committee
Atlanta Bar Association

GAIN, CHARLES
Chief of Police
Oakland, California

GANS, HERBERT
Center for Urban Education
New York, New York

GARMIRE, BERNARD L.
Chief of Police
Tucson, Arizona

GATES, DARYL F.
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[Re: Report of the National Advisory \(Kerner Report 1967\)](#)

by [admin](#) » Fri May 06, 2016 11:50 pm

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[Re: Report of the National Advisory \(Kerner Report 1967\)](#)

by [admin](#) » Sat May 07, 2016 12:18 am

APPENDIX H: REPORT TO THE COMMISSION BY THE ADVISORY PANEL ON PRIVATE ENTERPRISE, JANUARY 29, 1968

THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS

1016 16th Street, N.W.
Washington, D. C. 20036

January 29, 1968

REPORT TO THE COMMISSION BY THE ADVISORY PANEL ON PRIVATE ENTERPRISE

At the request of the Commission, we have considered the appropriate role of the profit-making free enterprise system in helping to alleviate the causes of civil disorders, which are the subject of the Commission's work. In our meetings and deliberations during the past two months we have taken as our starting point the evidence presented to the Commission on the causes of the disorders and the alternative courses of action which might be pursued to deal with those causes. We have also sought the advice of representative members of the business community and others both within and outside of government.

We conclude that maximum utilization of the tremendous capability of the American free enterprise system is a crucial element in any program for improving conditions, in both our urban centers and our rural poverty areas, which have brought us to the present crisis.

The maintenance of public order is primarily the responsibility of the public sector, but the private sector is the mainspring of the national economy and consequently of the economic wellbeing of our citizens. Free enterprise, with its system of incentives and rewards for hard work, ability, ingenuity and creativity, has made this nation strong and produced the highest standard of living the world has ever known. Under the spur of competition, the discipline of business management produces maximum benefit from the funds and other resources available.

More than eighty-five percent of the current annual gross national product of over 800 billion dollars is attributable to the private business sector. Eighty-four percent of the nation's 73 million civilian workers are employed by 11.5 million separate private, profit-making employers, of which more than 1.3 million are corporations. Even five percent of the total number of private employers would represent more than 500,000 enterprises. The involvement of even that number would constitute a massive, pluralistic and truly national approach to the national problem of civil disorder and the closely related problem of chronic unemployment and underemployment, particularly among Negroes.

For these reasons the nation in the past has repeatedly relied upon the private sector to assist in solving complex national problems. In the field of defense, contracts with private companies for materiel, supplies and services amounted to 34 billion dollars in fiscal year 1966. In the exploration of outer space, contracts of the National Aeronautics and Space Administration with private companies amounted to more than four billion dollars in fiscal year 1966.

The concept that the private sector must also be involved in overcoming the challenge of racial ghettos in urban areas and poverty in rural areas is now widely accepted, both within and outside the government. In his State of the Union Message on January 17, 1968, the President called for "a new partnership between government and private industry to train and to hire the hard-core unemployed persons." The Congress has made similar declarations in a number of acts, including the Economic Opportunity Act, the basic charter of the War on Poverty.

Dr. Kenneth B. Clark, the eminent Negro psychologist and educator who testified before the Commission,

stated in a recent article in answer to the question "What role can business play in finding answers to rioting?":

Business and industry are our last hope. They are the most realistic elements of our society. Other areas in our society -- government, education, churches, labor -- have defaulted in dealing with Negro problems.

No fewer than thirty of the witnesses who have appeared before the Commission referred to a role for the private sector in meeting those urban problems which contribute to civil disorder.

We believe that these widely-shared sentiments about the role of the business community are more than mere rhetoric. The private sector has shown its concern and capacity for making a contribution in the fields relevant to the urban crisis. In many cases it has done so in collaboration with government, and in many cases it has done so entirely independently of government. A partnership of profit-making businesses and local governments, organized labor, and religious groups has recently been organized in The Urban Coalition, and there are numerous examples of involvement by individual companies in useful projects of various types.

Some of the areas in which there is evidence that the private sector could make a contribution are:

Job Training and Employment: The on-the-job training program under the Manpower Development and Training Act of 1962 has involved more than two thousand private employers. The Job Corps has involved more than 20 private companies as managers of urban training centers. Numerous similar undertakings by private companies have been catalogued by the National Association of Manufacturers as part of its STEP (Solutions to Employment Problems) program, a national clearinghouse for such endeavors; and by the National Industrial Conference Board in the proceedings of its conference on "Corporate Urban Programs -- An Investment in Economic Progress and Social Order," held on January 10, 1968, in New York City.

Housing: Joint ventures with public housing authorities to reconstruct low-income apartments, housing development corporations to receive industrial and banking investments, and "instant renewal," utilizing prefabricated units, have been pioneered by a number of companies.

Economic Development: A consortium of seven of the largest life insurance companies has been created to extend loans in ghetto areas where investment risks were previously considered too great. Several companies have established plants in various poverty areas to employ and train local residents. "Operation Bootstrap," through tax and other incentives, has drawn some 600 companies into investments in new plants in Puerto Rico since 1942, has resulted in the rapid development of the Puerto Rican economy and a dramatic increase in the standard of living, and now serves as a model for the development of other areas of the Western Hemisphere. As a by-product, "Operation Bootstrap" has also reversed the net immigration of Puerto Ricans to the continental United States, which was an immigration from a rural poverty area to urban centers much like the massive outflow of the rural poor to American cities in recent decades.

Negro Entrepreneurship: In order to support and develop needed managerial capabilities in the Negro community, a number of small business programs have relied upon the private sector. The Small Business Administration made almost 3,500 loans during fiscal year 1967 under its Economic Opportunity Loan Program, many in participation with private lending institutions and many as guarantor of private loans. A privately sponsored non-profit group, the Interracial Council for Business Opportunities, has utilized volunteer executives of successful businesses to provide managerial assistance to small businesses. The

ICBO has assisted approximately 1,000 businessmen since 1963 and has created a private, bank-guaranteed loan fund. A Department of Commerce program has so far stimulated creation of four trade associations for counselling and other assistance to Negro small businessmen. Some companies have created private community development corporations which provide managerial assistance to Negro entrepreneurs.

Education: A number of companies have provided basic literacy and mathematical skill training to their own disadvantaged employees and in some cases to those of other companies, under contract. A number of profit-making Job Corps contractors have pioneered rapid literacy techniques.

Attitudinal Change: Inclusion of Negroes in national advertising has been spurred by the Advertising Council, and many companies are taking affirmative steps to improve the attitudes of their employees and customers through in-plant literature as well as through advertising policy.

While business and industry are making substantial efforts in these and other fields; we believe that much more can and should be done. Many more companies will undoubtedly enter these fields on a volunteer basis, in some cases because they recognize that the price of inaction may well be continued tension and disorder and the ultimate breakdown of the tranquility which underlies our entire social fabric and economic growth. And this process might, and should, be accelerated by exhortation from government and business leadership.

But we believe that a truly massive number of companies could be induced to participate only if appropriate monetary incentives are provided by the Federal government to defray the unusual costs of participation. We also believe that opportunities for business involvement, on a substantially broader scale than at present, exist primarily in the areas of employment and job training and in economic development, in the sense of the establishment of plants and other facilities in poverty areas, both urban and rural. Housing, Negro entrepreneurship, education, and attitudinal changes are also important areas in which the private sector might well make significantly greater contributions, but in the time available to us we have attempted to deal only with the highest priority areas and urge that further study be given to these additional subjects.

It should be noted that our optimism about potential business involvement, in both jobs for the unemployed and economic development, is grounded upon continuation of essentially the same level of economic growth the Nation has experienced in the past eighteen months. Business interest is, obviously, affected by general economic conditions as well as by a specific monetary incentive.

The Commission has received ample testimony that unemployment and underemployment are among the most persistent and serious grievances among many Negroes in the central cities which have experienced disorders in recent years. At the same time, job training and job development are the daily concern of profit-making enterprises and consequently are areas to which private companies can bring the greatest skill and ingenuity.

It is estimated that some 500,000 unemployed persons may be characterized as "hard core" in the sense that they lack eighth grade literacy and mathematical skills, have only intermittent work histories at most, and often lack motivation to hold and perform a job. A substantial proportion of this group is Negro, male, and between the ages of approximately 18 and 25. The evidence before the Commission suggests that it is this group of late teenagers and young adults who are often the initial participants in civil disorders. A slum employment study by the Department of Labor in 1966 indicated that, as compared with an overall unemployment rate in the United States of 3.8 percent, the unemployment rate among nonwhite 16 to 19-

year-old males was 26.5 percent, and among nonwhite 16 to 24-year-old males was 15.9 percent. Data collected by the Commission in 20 cities which experienced racial disorder in 1967, including the most serious disorders, indicate that Negro males between the ages of 15 and 25 predominated among the rioters, that more than 20 percent of the rioters were unemployed, and that when they were employed, they tended to be underemployed in the sense that their employment was intermittent and in low status, unskilled jobs.

Experience over recent years with various experimental public and private employment techniques demonstrates to our satisfaction that on-the-job training by private employers offers a highly successful method of insuring ultimate placement of trainees, 88 compared with vocational school programs. The latter often fail to attract the hard-core unemployed person, who is likely to have been a dropout from public school and is generally poorly motivated toward public educational institutions of any type. Institutional programs also leave unresolved the difficult problem of matching the trainee to the subsequent job. Public employment programs often tend to provide unsatisfying, dead-end jobs.

In our recommendations we propose to deal primarily with the 500,000 hard-core unemployed who have not yet been reached or placed in permanent employment by existing programs. By so zeroing-in, we do not intend to ignore the remaining approximately million and a half jobless whom the U.S. Department of Labor estimates also "need help" with regard to employment. Nor do we intend to ignore the approximately 10 million underemployed, 7.5 million of whom work full-time and earn less than \$3,200 annually, which is the Federally-defined poverty level for a family of four.

Many members of these latter two groups, the unemployed who are not "hard core" in the sense of extreme disadvantage, and the underemployed, would undoubtedly also benefit from the kind of training which our recommendations would encourage for the hard core. We would urge continuation and expansion of existing programs which are designed to reach these other two groups. In addition, we recommend consideration of extension to these two groups of the program we recommend for the hard core, perhaps with modifications.

We do not intend with our program for the hard-core disadvantaged to stimulate the "leap-frogging," by the hard-core unemployed, of the other two groups. Certainly the already employed must not lose their jobs in order to make room for the hard-core unemployed. Only a program which both upgrades the already employed and thereby creates openings for the hard core, or which creates new openings for the hard core, can satisfy this need.

The other two groups are often disadvantaged by the interrelated problems of outright racial discrimination against those who are nonwhite, and unrealistic and unnecessarily high minimum qualifications for employment or promotion, which often have the effect of discriminating. For these groups, as for the hard-core, business must consider whether a criminal record should be a bar to the particular job, whether a high school diploma is an inflexibly necessary requirement, or whether a written examination is appropriate. During World War II, industry successfully employed large numbers of the previously unemployed who were disadvantaged, by lowering standards such as these and by restructuring work patterns so that the job fit the level of available skill, not vice versa.

That experience, and many others as well, amply demonstrate that racial and other stereotypes are false. The usual educational and other measures used for the population as a whole, when applied to the disadvantaged often ignore considerable intelligence and skill which are utilized instead in activity, often illegal, in the complex "system" of the ghetto streets. The existing Federal, state and local laws against discrimination employment should be observed and effectively but reasonably enforced.

We are realistic about the problems involved in motivating and training these hard-core youngsters and young adults. Experience with a number of programs, such as the Job Corps, the Neighborhood Youth Corps, and several Manpower Development and Training projects, demonstrates clearly that training and motivating this group is considerably more costly than in the case of either the labor force with which private enterprise normally operates or the trainees whom current Federally-assisted on-the-job training programs have generally tended to reach. Accordingly, we are convinced that the incentive necessary to induce a broad base of the free enterprise system to hire and train the hard-core unemployed will have to be increased correspondingly.

Almost by definition, the new employee recruited from the hard-core will require substantially more basic job training than is provided today for unskilled workers who are not disadvantaged. Although this is a function and a source of cost which employers have generally undertaken themselves, under the Manpower Development and Training Act of 1962 the Federal government has created an incentive for training by defraying a portion of such costs.

Far more serious for the employer are the many supportive services which the hard-core require in order to make them amenable to employment and job training and the discipline of the work experience. In many cases the new employee recruited from the hard-core will require basic educational training, which employers have rarely been required to provide under normal labor market circumstances. In addition, the new employee will usually require counselling in regard to his willingness to work and in regard to aspects of his work habits which the employer normally takes for granted: for example, in dress, appearance, social relationships, money management, transportation, hygiene and health. These supportive services will therefore constitute a source of special cost to the employer.

Tardiness and absenteeism are major problems for this group, who have previously found little social or economic benefit from conformity with the usual standards of commercial life. A number of experiments, including the substantial experience of the Job Corps training centers, indicates that it is difficult to motivate hard-core youths to remain on the job for more than a few weeks. The productivity of trainees at any level is often minimal, but at this level, and with considerable disruption through tardiness, absenteeism and turnover, the cost to the employer can, again, be especially burdensome.

These special costs, of supportive services and loss of productivity, will have to be adequately reimbursed by government in order to permit and stimulate business and industry of all types and sizes to hire and train members of the hard-core unemployed. Estimates of the total annual cost to the employer per hard-core trainee vary from \$3000 to \$5000, including \$3000 or more in wages at the higher of the minimum wage or the prevailing wage, training costs, and supportive service costs, and assuming that marginal productivity is achieved during the training period. In return for the employer's payment of wages.

It must be recognized that a sure method for motivating the hard-core unemployed has yet to be devised. One basic minimum is already apparent from experimental programs: the job must not appear to the hard-core person to be a "dead-end" job. Since by definition he would not be eligible for even an entry-level job, he must be given job training. It must be made clear to him from the outset that his satisfactory performance at the entry level will result not only in continued employment after the training period but also in an opportunity for advancement, ideally through a clearly defined "job ladder" with step increases in both pay and responsibility. The fastest-growing area of private sector labor demand is in the service industries, rather than in manufacturing; yet the problem of giving a sense of dignity to entry-level jobs is greatest in

the service industries.

We believe that, spurred by an adequate monetary incentive, many private employers can and will utilize sufficient ingenuity to meet these and other difficulties of motivating, training and retaining the hard-core in useful and productive jobs. The task is by no means an easy one, but we believe the private sector is capable of devising individual solutions adapted to the individual employee and company. A truly massive attempt has not yet been made to induce business to try this approach to the unemployment problem. We believe that it offers a realistic possibility of success.

Even with an adequate monetary incentive to the employer, it must also be recognized that many of the hard-core may never be employable by private enterprise, either because they are not reached by the normal processes of the labor market or even stepped-up recruitment techniques, because once reached they are reluctant to accept employment, because the cost of training them exceeds even the most liberal reimbursement, or because they are unable to achieve an adequate level of productivity. For this most severely disadvantaged group, other alternatives will have to be considered.

Effective administration of a monetary incentive is almost as important in attracting widespread business interest as the amount of the incentive itself. Monetary incentives to business might be provided in a number of ways. The government could guarantee business against various unusually high risks from investment in ghetto areas or, as has been attempted by the Office of Economic Opportunity in a few experimental cases, against the higher turnover and other loss resulting from employment of the hard core. The most direct technique for compensating business is a contract mechanism, under which reimbursement for costs in the particular case is made by a governmental agency to the private contractor. An indirect incentive can be provided through the tax system, either by way of a credit against net tax or through an additional expense deduction for a particular cost or through accelerated depreciation for particular investments or some combination of these three.

We are convinced that large numbers and many different types of business and industrial companies will participate in hiring and training the hard-core unemployed only if an incentive technique is devised which is as simple and automatic as possible.

Experience since 1962 in the on-the-job training program under the Manpower Development and Training Act indicates that the government contract mechanism, in advance of employment and training, is slow in attracting business interest. In part this is due to the need in a contracting system for a substantial promotional effort to bring the program to the attention of a large number of employers. In part it is due to the reluctance of many employers, once they learn of the program, to engage in protracted negotiations with a many-layered structure of local, state and Federal authorities, all of whom must approve the contractual arrangements. Employers are also extremely reluctant to assume the burdensome paperwork requirements and corresponding additional overhead costs of any Federal contracting procedure. Executives are often apprehensive that a government contract will necessarily involve some loss of management prerogatives over the productive process, especially because government may seek to dictate in detail the content of the training to be given to employees. These factors appear to discourage even the largest industrial firms, but their negative impact is, naturally, magnified manyfold for medium and small-sized employers, who might otherwise absorb, in the aggregate, large numbers of the hard-core unemployed. It is possible that a simplified direct compensation technique could be devised which would minimize the negative features of contracting, but it is likely that most businessmen would still avoid this type of involvement with government.

We believe that the single most powerful inducement for broad involvement of private enterprise in job training and job development lies in the use of a tax incentive. Neither a guarantee technique nor a contracting mechanism offers the same appeal to businessmen in enterprises of all sizes as does a tax incentive. Businessmen are convinced from past experience that tax incentives will be relatively simple, automatic and as self-enforcing as a government program can be, even as compared with a simplified direct compensation method. Accordingly, we recommend the following program of incentives to business and industry:

1. Tax Incentive for Hard-Core Employment.

First, the hard-core unemployed should be defined and identified by a government agency, either the Federal-State Employment Services or other local agencies, such as the community action agencies, whichever may in particular localities develop the capacity to reach out effectively to the hard-core unemployed. We do not believe that business can generally be expected to perform this recruitment function efficiently within the ghetto.

Second, an unemployed person once certified as hard-core should be issued a green card or other similar identifying document which he would present to an employer.

Third, for each new employee furnishing a green card added to his payroll, the employer would in turn receive a substantial credit against his corporate income tax for the year in which the employee was employed. The sole limitation upon the employer would be that he not displace existing employees in order to hire green card employees.

In order to stimulate efforts by the employer to devise techniques for motivating green card employees to remain on the job, the tax credit would not be allowed to the employer unless the employee were retained for at least six months. If he remained for six months, the employer would be entitled to a tax credit in the amount of 75 percent of the wages and fringe benefits paid to the employee during that period. From the outset, the employer would be required to pay the higher of the minimum wage or the prevailing wage for the occupation in question.

To encourage continued retention of the employee, the employer would be entitled to a credit against tax in the amount of 50 percent of the wages and fringe benefits paid to the employee during the second six months of employment, and 25 percent of the wages and fringe benefits paid during the second year of employment. For example, an employer paying the minimum wage of \$1.60 per hour, or \$3,328 per year to a full-time employee, and no fringe benefits, would receive for the first six months of employment \$1,248 in credit against his net corporate income tax. If the employee were retained for the second six months, the employer would receive an additional \$832 or a total of \$2,080 as a credit against tax for the first year. If the employee remained for the entire two-year period, the employer would receive an additional \$832 in credit against his corporate tax for the second year. The employer's total credit for the employee over a two-year period would thus amount to \$2,912. Of course, over the two-year period the employer will incur the cost of training and other supportive services and the cost of wages and fringe benefits paid and would therefore also receive the usual deduction from gross income for these costs as business expenses.

The premise of the plan is that, given the tax benefit only if the employee is motivated to remain on the job, the employer will attempt to create the conditions necessary to keep the employee motivated, through the

provision of training, job ladders, and the supportive services which have been described above as so necessary to motivation and retention of the hard-core unemployed. In order to avoid abuse of the premium which the green card confers upon the job applicant, no green card holder would be entitled to use the card for more than two years of cumulative employment and in no event for a series of less-than- six-month periods with different employers. Should an employee leave an employer voluntarily for the second time, the Employment Service or other referring agencies would be required to place him at the bottom of their referral file.

As in the case of the existing 7 percent tax credit for investment in new equipment, the maximum credit allowable against the corporate employer's tax arising from employment of the hard-core unemployed would be limited to \$25,000 plus 50% of the amount of the company's tax exceeding \$25,000. So that no employer would receive a competitive advantage, credit would be allowable only for a limited percentage of the total number of the company's employees, on a sliding scale. An employer of ten or fewer employees could receive a tax credit for no more than 50% of his employees as green card holders; employers of ten to one-hundred employees could receive credit for no more than 25%; and those employing over one hundred no more than 15%.

An advantage of the tax credit route is that only companies which are profitable and therefore owe Federal income tax are eligible for the incentive credit. Profitable companies are in the best position to provide meaningful and continuing employment.

Provision should be made for exemption of green card holders from mandatory labor union membership until they have become permanent, full-time employees.

2. Tax Incentives for Investment in Poverty Areas, Both Urban and Rural.

We recommend a parallel tax credit, in addition, for the location and renovation of plants and other business facilities in urban and rural poverty areas, as already defined jointly by several Federal departments and agencies. The new investment credit would be available for investments in rural as well as urban poverty areas in order to begin a national effort to improve rural economic conditions and thereby attempt to stem the massive migration from such areas to the urban centers which has been so marked in recent decades.

The existing incentive tax credit for investment in new equipment, first enacted in 1962, applies regardless of the area in which the investment is made. But the existing credit does not apply to investment in real property or in plant. We recommend that, for investment in poverty areas, the existing credit be increased substantially enough to achieve this purpose and extended to investments in real property and plant, whether for acquisition or construction of new property or the renovation of existing property. We also recommend that plant and equipment in such areas be eligible for rapid amortization, within as little as five years. These incentives would be designed to attract to the poverty areas the type of industrial and commercial development which would create new jobs and would also stimulate further economic benefit within the disadvantaged community surrounding the enterprise.

The incentives would assist existing businesses in poverty areas, including Negro-owned businesses, as well as new businesses. By stimulating new jobs in urban poverty areas the incentives would also help to overcome the often severe difficulties residents of those areas now experience in obtaining transportation to suburban commercial and industrial plants.

The credit for poverty area investment would not, however, be dependent upon employment of the hard-core unemployed. An employer eligible for the credit for poverty area investment would also be eligible, if he employed green card holders, for the credit for hard-core employment. The two credits are designed to meet separate needs and different costs to investors and employers and therefore should be cumulative. Like the credit for employment of the hard-core, the investment credit should be limited to \$25,000 of tax and 50 percent of the tax exceeding \$25,000.

Protections would have to be provided against subsidizing "run-away" plants from urban areas, although large companies should not be discouraged from expanding their operations into rural areas. Protections would also be necessary to avoid abuse of the credit by automated operations which involve few employees.

3. Local Joint Clearinghouse Groups.

We recommend that industry, organized labor, and various civic organizations be encouraged to create joint local clearinghouse groups to exchange experience gained with employment of the hard-core unemployed and with investment in poverty areas. A major benefit of utilizing the tax incentive technique is permitting each enterprise to adapt its program to the particular conditions of its business and location and the particular problems and strengths of the labor market in that location. However, there is much to be gained from the cross-fertilization of the many experimental programs now being carried on by business and industry and the many additional experiments which would be stimulated by the tax incentives we have outlined. Mixed local groups would facilitate a useful interchange of experience and know-how. In any event, these local groups would have no authority to approve or disapprove programs for tax credit purposes.

In our deliberations we have considered carefully the arguments which have repeatedly been made in some tax circles against the use of tax incentives for social purposes such as those we recommend. Two such arguments have been made most strenuously and merit thoughtful answers:

(1) Backdoor Financing. It is often contended that tax incentives, once enacted as a part of the Internal Revenue Code, become entrenched and immune from the kind of public scrutiny which more direct incentives, through appropriated funds, receive annually in the Congress. The recent history of the existing 7 percent investment credit for new equipment, which is the most direct analogy to the investment credits proposed here, belies this argument. A fixed time limitation may be placed upon a provision of the tax law, just as in the case of authorizing legislation for a direct incentive. Although this was not done in the case of the 7 percent equipment investment credit, the Administration recommended a suspension of the credit for a period of time in 1966 and 1967, because the demonstrated success of the tax credit as a spur to new investment was thought to increase the danger of inflation. The Congress accepted this conclusion, after giving it the same consideration it would have given had the question instead arisen in regard to the extension of an authorized direct incentive or in regard to an appropriation for a program of direct incentive enacted under a multi-year authorization. The public policy which dictates that an incentive be a permanent part of the law is the same whether the law involved is the Internal Revenue Code or some other statute.

The tax incentives we recommend should be limited in time and reappraised every two years. If, in addition, some further control on the cost to the Treasury is necessary, the government would retain authority to regulate the flow of green cards in the case of the credit for hard-core employment.

(2) Foreclosing Other, More Creative Avenues of Assistance. It is contended that tax incentives tend to

obscure the search for more effective techniques to achieve common social goals, This may be an effective argument in regard to other uses of tax incentives, but it is inapplicable to the use we recommend. We arrived at the tax approach only after carefully appraising the various other available means of governmental assistance, several of which have been tried. After weighing these alternatives, we have come to the firm conclusion that the tax technique is indeed the most effective for the particular social goal. We have sought a means of motivating the widest possible spectrum of American business in alleviating joblessness in our urban and rural poverty areas, and we find that no other technique is as likely to move the American business community into action for this purpose as is the tax-incentive device.

The public policy goal here is the employment and training of hundreds of thousands of persons by, hopefully, thousands of business enterprises. The existing investment tax credit was taken on 1,239,000 corporate tax returns and 6,904,000 individual tax returns during the period of 1962-1965, representing new investments in the amount of approximately 75 billion dollars and 17.5 billion dollars respectively. It is precisely because of the need for a similarly pluralistic and large-scale answer to the problem of joblessness in the ghetto that we have turned to the most pluralistic technique for channelling governmental assistance: the individual decisions of thousands of businesses to utilize the tax credit in making their daily employment and plant location decisions. Other incentive techniques may be better for the solution of other major social problems, but we are convinced that the tax incentive method is the most appropriate and most hopeful solution to this particular problem.

Commissioner Charles B. Thornton, Chairman
Chairman of the Board
[Litton Industries, Inc.](#)

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President and Chief Executive Officer
North American Rockwell Corporation

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[Re: Report of the National Advisory \(Kerner Report 1967\)](#)

□by [admin](#) » Sat May 07, 2016 12:29 am

APPENDIX I: SPECIAL INTERIM RECOMMENDATIONS OF THE COMMISSION: LETTERS TO THE PRESIDENT ON THE NATIONAL GUARD AND ON CONFERENCES FOR POLICE AND MAYORS; LETTERS TO FCC AND DEPARTMENT OF JUSTICE

LETTERS TO THE PRESIDENT FROM THE CHAIRMAN AND VICE CHAIRMAN OF THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS

August 10, 1967

Dear Mr. President:

On the basis of the testimony to date, the National Advisory Commission on Civil Disorders recommends that the following actions be taken immediately:

(1) Increase substantially the recruitment of Negroes into the Army National Guard and Air National Guard. As of December 31, 1966, the Army National Guard totaled 404,996 officers and enlisted personnel in units in the United States. Of this total, only 4,638 were Negro -- 1.15%. As of the same date, the Air National Guard totaled 80,822 officers and airmen. Of this total, only 475 were Negro -- .6%.

The Commission believes strongly that this deficiency must be corrected as soon as possible. To do so will require the combined efforts of the Department of Defense, State officials, and the Negro community.

(2) Improve and expand riot control training of the Army National Guard and the Air National Guard. We have been informed that steps are under way to do this. We wish to underscore the importance of moving forward as rapidly as possible. We recommend that special emphasis be given to such training during the next several weeks.

(3) Review by Federal and State officials of the qualifications and performance of all officers in the Army National Guard and Air National Guard. The Department of Defense should also review federal recognition standards and procedures to insure that they are adequate to preclude the appointment and promotion of substandard officers.

Respectfully yours,
/s/ Otto Kerner
Governor, Illinois

John V. Lindsay
Mayor, New York City

THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS
1016 16th street, N.W.
Washington, D. C. 20036

October 7, 1967

The President
The White House
Washington, D. C.

Dear Mr. President:

The National Advisory Commission on Civil Disorders, on the basis of testimony thus far received, recommends that you direct the Department of Justice to conduct a series of intensive training conferences this winter for governmental and police officials. The series would focus on effective measures for the maintenance of law and order and on programs to improve police-community relations.

We emphasize that knowledge and programs in these areas are not substitutes for solutions to the problems of racial discrimination, alienation and poverty, as reflected in such areas as employment, education and housing. But there is need for cities, as soon as possible, to share the knowledge that has been gained in methods for maintenance of law and order.

Some seventy-five witnesses, including mayors, chiefs of police, other state and local officials, representatives of federal departments and agencies, and residents of disorder areas have now testified before the Commission. Many others will be heard.

The testimony to date convinces the Commission that a substantial body of knowledge now exists in the fields of prevention and control of civil disorders that could profitably be communicated through training conferences under the auspices of the Department of Justice. Of course, we are aware that a number of valuable meetings and programs for local law enforcement officials are under way. But these meetings we believe can be significantly supplemented by a conference of broader scope and longer duration such as that we here propose.

The precise format of this conference and the cities to be involved would, of course, be determined by the Justice Department. The conference could be conducted here in Washington or on a regional basis, perhaps in cooperation with colleges or universities. A short program might be appropriate for key state and municipal officials, a slightly longer one for police chiefs, and a more extensive one for other public safety and government personnel. Subjects to be covered presumably would include advance planning; control techniques; communications systems; decision making during disorders; joint operations with neighboring police, state police, the National Guard and Army; community relations and effective means of dealing with citizens' grievances.

Respectfully yours,

/s/ Otto Kerner
Chairman

/s/ John V. Lindsay
Vice Chairman

THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS
1016 16th Street, N.W.
Washington, D. C. 20036

February 7, 1968

Honorable Ramsey Clark
Attorney General
Washington, D.C. 20530

Dear Mr. Attorney General:

More effective means of communication among police officers in a disorder area and between police in the area and officers at control headquarters are essential. Difficulties in communication impair day-to-day enforcement efforts, but become particularly acute during a disorder when there is urgent need for departments to act as coordinated units.

One important way to alleviate this problem is to provide miniaturized two-way radio equipment for all officers on patrol. Accordingly, the Commission's Report will include the following paragraph strongly endorsing the recommendation of the President's Crime Commission:

Miniaturized communications equipment for officers on foot is critically needed for command and control in civil disorders. This Commission, therefore, endorses the recommendations made by the Crime Commission that the Federal Government assume the leadership in initiating and funding portable radio development programs for the police.

The Commission believes that the Department of Justice should move forward now to develop such a program. We urge immediate action and we would appreciate learning of steps being taken in this direction.

Sincerely yours,

/s/ Otto Kerner
Chairman

/s/ John V. Lindsay
Vice Chairman

THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS
1016 16th Street, N.W.
Washington, D. C. 20036

February 7, 1968

Honorable Rosel H. Hyde
Chairman, Federal Communications Commission
Washington, D.C.

Dear Mr. Chairman:

The National Advisory Commission on Civil Disorders has examined the critical control problems that our cities have encountered in the recent disorders. Among the most perplexing has been to provide sufficient radio frequencies to insure communication among control officers on a daily basis and especially during a disorder. Police officers in the disorder area have frequently found it difficult or impossible to reach other officers or other agencies of local or state government. state and local police are sometimes unable to use the same frequency.

The following paragraph, which will be included in the Commission's report, sets forth the Commission's strong recommendation on the basis of its study:

We believe that the critical communications and control problems arising from the present shortage of frequencies available to police departments require immediate attention. Accordingly, we recommend that the Federal Communications Commission make sufficient frequencies available to police and related public safety services to meet the demonstrated need for riot control and other emergency use.

We understand that this matter is under consideration by the Commission now. We urge immediate action and would appreciate learning of steps being taken in this direction.

Sincerely.

/s/ Otto Kerner
Chairman

/s/ John V. Lindsay
Vice Chairman

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