EMERGENCY PLAN WHITE
WAR DEPARTMENT
(GENERAL POLICIES AND INSTRUCTIONS)
The Adjutant General's Office
Washington

June 8, 1923.

Subject: Emergency Plans -- White.

To: The Commanding General,
District of Washington,
Washington, D.C.

Transmitted herewith for your information and guidance is Confidential Copy No. 26, Emergency Plan -- White, War Department General Policies and Instructions.

By order of the Secretary of War:

Adjutant General.

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EMERGENCY PLANS—WHITE

War Department

GENERAL POLICIES AND PRINCIPLES.

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EMERGENCY PLANS--WHITE

War Department

(General Policies and Principles)

1. PURPOSE OF EMERGENCY PLANS--WHITE - War Department.

The purpose of Emergency Plans--White - War Department is to make available in condensed form the federal policies and laws, together with the War Department policies and plans for dealing with domestic disturbances.

2. CLASSIFICATION OF DOMESTIC DISTURBANCES.

Domestic disturbances may be classified as follows:

(a) Disturbances, the suppression of which is primarily a function of the State.

(b) Disturbances the suppression of which is a function of the Federal Government.

3. DISTURBANCES, THE SUPPRESSION OF WHICH IS PRIMARILY A FUNCTION OF THE STATE.

The doctrine that upon the State lies the first responsibility for the suppression of disorder within its boundaries is fundamental with our government.

Section 4, Article IV, of the Constitution of the United States, (See 1, Appendix A) states that action for the protection of a State against domestic violence may be taken by the Federal Government only in case the State legislature or the governor (when the legislature can not be convened) applies for such protection.

It has been the consistent policy of our government to hold the States responsible for the suppression of disorder, and to furnish military aid to a state and to intervene in domestic disturbances of this class only after a State has exhausted all the means at its disposal for quelling the disturbance and has acknowledged itself to be unable to cope with the existing emergency. (See 1, 2, 3, and 4, Appendix B)

Each State has its own means for suppressing disorder, consisting, first, of the police, and other civil authorities, and, second, of its National Guard. The constitutions and statutes of the various States define the responsibilities of State civil officials, and the manner in which, and the authorities under whom, State troops may be employed. The military codes of the States define the responsibilities and the limitations of authority of the State military commanders when on active duty connected with the suppression of disorder.

It is sufficient, in this connection, to note that the provisions of the codes of the various States are not uniform in these respects. The responsibilities and authority of State military commanders are much more limited in some States than in others.

4. DISTURBANCES THE SUPPRESSION OF WHICH IS A FUNCTION OF THE FEDERAL GOVERNMENT.

Disturbances, for the suppression of which the Federal Government is either partially or wholly responsible may be divided into two classes, viz.:

(a) Disturbances in which the President, in response to an appeal made by State authorities, under Section 4, Article IV, of the Constitution, has decided to intervene.

In emergencies of this kind, the Federal Government is co-responsible with the State concerned for the suppression of the
disturbance. This class of disturbances, and federal action in connection therewith, are discussed in paragraphs 5 and 6, following.

(b) Disturbances which prevent the government from carrying into execution the powers conferred upon it by the Constitution or which constitute insurrection or rebellion against the Federal Government.

The responsibility for quelling disturbances of this character is an essential attribute of government. In emergencies of this kind the Federal Government is wholly responsible for the suppression of the disturbance and for the means and methods to be employed.

This class of disturbances and federal action in connection therewith are discussed in paragraphs 5 and 6, following.

5. REVISED STATUTES RELATING TO FEDERAL INTERVENTION IN DOMESTIC DISTURBANCES AND ACTION THEREUNDER.

(a) Section 5297, Revised Statutes. (See 2, Appendix A)

This section of the Revised Statutes authorizes the President when appealed to by the proper State authorities under Section 4, Article IV, of the Constitution, to use the Regular Army and Navy of the United States, and the Militia of any or all other States for the suppression of disorder or disturbances which amount to insurrection against a State government. The appeal for aid must be made to the President. In case a request for aid should be made by State officials to a post or corps area commander, such request must be forwarded with a statement of all material facts to the War Department for the action of the President. (See 8, Appendix A)

It is to be noted that the Militia, which includes the National Guard, of the State making the appeal for aid, is exempted from the forces which the President is authorized to call forth for the purpose specified in this section of the Revised Statutes. These forces will be engaged in attempting to quell the disturbance before the appeal of the State authorities for aid is granted by the President. (See Par. 3, above) The President (through the War Department) will retain direction and control of all troops employed by him for the purposes authorized by this statute. Close cooperation will be required, therefore, between the troops operating under the direction and orders of the President and the State troops operating under the direction and orders of State officials unless the latter are withdrawn from the disturbed area as was done during the disorders in Colorado, in 1914. (See 2, Appendix E)

Should an unusual case arise where the State neither puts the disturbance down nor invokes federal aid, it will be most likely that such disturbance will soon interfere with the mails or other federal activities to such an extent as to prevent the due execution of the laws of the United States by federal civil authority, thus making it lawful for the President to employ military force under Section 5298, Revised Statutes (see below) for the suppression of the disturbance notwithstanding the absence of a request for aid from State authorities.

The Militia or National Guard has never yet been called into Federal service for use by the President in accordance with the provisions of Section 5297 of the Revised Statutes. It is probable that in case an emergency should develop to such an extent as to require for its suppression military forces in excess of the combined National Guard of the State concerned, and available regular troops, that the operation of federal laws and functions would be
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as interfered with as to warrant the President taking action under Section 5298, Revised Statutes, as in the case above assumed. In such a case the President would be authorized to call into the Federal service such National Guard troops of the particular State as he deemed necessary and existing conditions required.

(1) Section 5298, R. S. (See 3, Appendix A)

This statute authorizes the President to make use of the Regular Army and Navy of the United States, and of the Militia of any or all States whenever necessary to compel obedience to federal laws as well as to suppress insurrection or rebellion against the Federal Government.

A statement in writing from the Department of Justice or from one or more of the courts of the United States that on account of unlawful obstructions to the authority of the United States it is impracticable by the ordinary course of judicial proceedings to enforce the laws of the United States is usually the best evidence that a situation such as is contemplated by Section 5298, Revised Statutes exists and would, no doubt, be required by the President before he would employ federal troops for the suppression of disorder under this statute.

Certain telegrams relating to the action taken by President Cleveland in 1894, the last occasion upon which federal troops were employed under Section 5298, R. S., are quoted in Appendix B. (See 4, Appendix B)

The Judge Advocate General in his memorandum of March 22, 1922, Subject: "War Plans—White; employment of military forces to maintain civil order and obedience to law", states in referring to the disturbances of 1894, as follows:

"The lawlessness in defiance of the United States which reached its climax at Chicago in July of that year had manifested itself at various places in the West during the spring and early summer. A large band of men known as Coney's Army and others had seriously interfered with the dispatch of the mail and with interstate commerce and the civil authorities of the United States had not sufficient force for the occasion. Instructions were sent to the department commanders in the West directing them to enforce the processes of the Federal courts to protect the property of the United States, to prevent obstruction of the United States mail and interference with interstate commerce (see annual reports of department commanders for the year 1894, Volume I, Report of Secretary of War, 1894). These instructions to the troops had the sanction of Attorney General Coney as shown by his telegram to United States marshals (see report of Attorney General, 1896) and this was done before the President issued his proclamation under Section 5300, R.S., which he did as to the disturbances in Chicago, on July 8th, and as to much of the western part of the United States on July 9th. It is these facts that account for the following paragraph of the President's proclamation of July 8, 1894:

"And whereas, for the purpose of enforcing the faithful execution of the laws of the United States and protecting its property and removing obstructions to the United States mail in the city and state aforesaid (Chicago) the President has employed a part of the military forces of the United States."

It is to be especially noted that when action is taken by the President under this section of the Revised Statutes, he is not restricted in the use of militia as he is when he acts under Section 5297, R.S., but is authorized to "call forth the militia of any or all the States."
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(c) Section 5300, Revised Statutes. (See 4, Appendix A)

This section of the Revised Statutes is mandatory and requires the President whenever he decides to use military forces under either of above mentioned statutes for the suppression of disorder, to issue a proclamation, commanding the insurgents to disperse and retire peaceably to their respective abodes within a limited time.

Referring to this proclamation required by Section 5300, Revised Statutes, and the use of federal troops in the quelling of domestic disturbances, the Judge Advocate General has stated:

"Indeed there is no legal objection to the corps area commander ordering troops to the scene of the disturbance, even before the President's proclamation is issued or orders from the President are received, though it does not seem good policy for him to do so unless he regards the situation as most urgent. The mere ordering of troops by the corps area commander to a place within his command is a matter which does not require any statutory authority and is one upon which the statutes impose no restrictions; and the moral effect of the presence of troops is frequently so great as to avert disturbance. Their employment under the law to quell the disturbance must, however, await the President's proclamation." (See memorandum, J.A.G., Mar. 22, 1922, Subject: War Plans—White; employment of military forces to maintain civil order and obedience to law.)

Appropriate forms for proclamations to be issued in accordance with the provisions of this statute, when action is taken by the President under the authority conferred upon him by Section 5297, R.S., or Section 5298, R.S., are contained in Appendix C.

It will be noted that the preamble to each proclamation sets forth very clearly the necessity for its issue and indicates the particular statute under which action is contemplated.

(d) Section 5301, Revised Statutes. (See 5, Appendix A)

This statute authorizes the President in certain emergencies to declare the inhabitants of a State or section or sections thereof to be "in a state of insurrection against the United States" and thereupon to prohibit all commercial intercourse "by and between the same and the citizens thereof and the citizens of the rest of the United States."

This is a civil war statute, and was designed to meet special conditions existing at that time. It may be invoked, however, in the future in case a disturbance should attain such proportions or be of such a character as to warrant such action.

The President is authorized by this statute, without additional congressional action, to utilize in addition to military operations all other necessary means to prevent supplies of all kinds from reaching the inhabitants of any specified section of the country. (See 3, Appendix C for appropriate form of proclamation to be issued by the President)

6. CHARACTER OF MILITARY ACTION THAT WILL BE REQUIRED DURING EMERGENCIES.

In general, the action that will be required during emergencies will be more in the nature of an exercise of the regular police functions that have been rendered inoperative or ineffectual in the disturbed regions than in the nature of regular military operations in the ordinarily accepted sense and meaning of this term.
No proclamation other than that issued by the President, in accordance with the provisions of Section 5300, Revised Statutes, is required to invest the military forces with full and complete authority to do all things necessary to quell the disturbance.

The following quotations from the memorandum of the Judge Advocate General of the Army, dated March 22, 1922, Subject: "War Plans - White - Employment of Military Forces to maintain Civil Order and Obedience to law", indicate, in a general way, the character of military action that will be required during emergencies:

"8. Anglo-American law has always scrupulously guarded the liberties of the people, prescribing with great nicety the methods of arrest and trial and requiring their strict observance. The language of Sections 5297 and 5298 is therefore significant. The President is required to suppress the insurrection; but there is not a word in either statute as to how he shall do this except that he may employ the military forces for the purpose. These statutes recognize the fact that when law-breakers combine together and successfully resist the execution of the law they are to be regarded as public enemies and are not entitled to the safeguards of life and liberty that the law provides for other offenders against the law. The statute enjoins but one thing, and that is the suppression of the insurrection and the restoration of order and it leaves to the executive authority the determination of the method by which that result shall be accomplished. The extremely general terms that these acts employ should be an example to the executive in the instructions that he gives to his military subordinates whom he employs under these acts. Since the President knows, in a general way, of the nature and character of each insurrection which he proclaims it his duty to suppress, he may give instructions more or less general and issue orders imposing certain limitations upon the discretion of those who are to act; but such instructions must be of a very general nature and must leave much to the discretion of the officers who are to act; and this is true not only as to the highest general officer who may command the troops in the disturbed regions, but also, though in less degree, as to a subordinate commanding a detachment.

"9. Since neither of Sections 5297 and 5298, nor any other statute, provide that the troops shall obey the orders of any civil authority, State or Federal, it is manifest that the troops act under the orders of the President and military officers exclusively. Up to about forty years ago the view was more or less prevalent that soldiers should make arrests or do other acts in the execution of the law under the orders of a sheriff or marshal and that the military employed under 5297 might act under the orders of a governor of a State. This view apparently arose from the fact that until the passage of the Act of June 18, 1878, known as the Posse Comitatus Act, United States marshals could summon the military the same as they could other citizens for the purpose of making arrests. The fallacy of this view so far as obedience to any State officer is concerned was apparent in the strike of 1877, and was clearly pointed out in a letter of General Hancock to the Secretary of War, July 24, 1877. This, together with the Posse Comitatus Act of 1878 put an end to the view that U.S. troops should, under any circumstances in the performance of their duty in suppressing insurrection, obey the civil authority. And the regulations now very clearly state whom they shall obey as follows:
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"In the enforcement of the laws troops are employed as a part of the military power of the United States and act under the orders of the President as Commander-in-Chief. They cannot be directed to act under the orders of any civil officer. The commanding officers of the troops so employed are directly responsible to their military superiors, any unlawful or unauthorized act on their part would not be excusable on the ground of an order or request received by them from a marshal or any other civil officer." (A.R. 488)

"10. It is therefore clear that when the President employs the military to quell insurrection under Sections 5297 and 5298 he and his military subordinates are in no way restrained by any statute. There are no statutes of the United States which prescribe how the President and the military shall quell the insurrection and of course no State laws can have any such effect. The question therefore presents itself in each case how shall the military be employed, what may or should be done, how far are the troops justified in going. The answer to all these questions depends, of course, upon the circumstances of the case. Of course, those who are banded together in open defiance of law are rebels and may be dispersed. The questions as to them are tactical rather than legal, though life should never unnecessarily be taken.

The purpose of both Sections 5297 and 5298 is to restore civil authority to the full exercise of its functions as early as possible. This fact clearly points to cooperation with and maintenance of the civil authority as the proper military policy. Such policy in no way implies the subordination of the military to civil officials. It will rarely, if ever, be the case that civil authority will be absolutely powerless when it has the support of United States military forces, and if the civil authorities are inclined to do their duty as they in all cases are (except how and then the local officials of a county) it should be the policy to maintain the civil courts whether of a State or of the United States in the exercise of their powers, and to give them every protection necessary. For reasons stated in a subsequent paragraph (No. 11) it is the opinion of this office that so long as the insurrection exists the military may and should, if the civil authorities are inadequate, arrest offenders whether warrants have issued or not, hold such persons for trial until they can safely be turned over to the civil authorities, guard prisoners either before or after conviction, and arrest and hold persons who, there is good reason to believe, are leaders or inciters of the insurrection; providing it appears necessary to do these things to suppress the insurrection. Such policy will in almost any case soon put down the lawless element and restore the civil authority. In fact, with the exception of the Civil War of 1861-5, there has not been a domestic disturbance in the United States that could not be quelled in the manner thus indicated. And so long as disturbances arise from industrial grievances and not from purposes to overthrow the government, there will be so many law-abiding citizens and friends of government, even in the most disturbed localities, as to make it practicable to restore order by those methods.

"11. What the military may do to suppress insurrection. It has been stated in a preceding paragraph as the opinion of this office that while the insurrection lasts the military authority may and should, if the civil authorities are inadequate, arrest offenders whether warrants have issued or not, hold such persons for trial until they can safely be turned over to the civil authorities, guard prisoners whether before or after conviction and arrest men who, there is good reason to believe, are leaders or inciters of the insurrection, providing such acts on the part of the military are necessary for
the suppression of the insurrection. The power and right to do these things are, it is believed, clearly implied in the statutes under which the military acts — Sections 5297, 5298 and 5300, Revised Statutes. These statutes have never been construed by the Federal Courts and in the absence of judicial decision as to the powers given it can not, with certainty, be said what the military may do or how far it may go. But when power is given by a statute to do a thing and the manner in which it is to be done is not prescribed, the means necessary to do it and to accomplish the purpose for which the power is given is clearly implied. In view of the purpose for which the power is here given — the safety of the State — it must be assumed, I think, that the President and his military subordinates are vested with all the power necessary to bring the insurrection to an end."

True military operations on a large scale will be required only in case a situation should develop to such an extent as to take the aspects of a civil war. It is possible that an emergency from the time of its inception may take this aspect as was the case in 1861. It is more probable, however, that an emergency requiring military operations of this charactes would develop from one or more minor emergencies in which federal troops were already engaged, either in accordance with the provisions of Section 5297, Revised Statutes or Section 5298, Revised Statutes. In either of such cases, it must be assumed that the situation will receive consideration by Congress, and that a proclamation will be issued by the President either in accordance with congressional action or under Section 5301, Revised Statutes defining theaters of operation and the territorial limits of such sections of the country as will be considered enemy territory. It may become necessary in a case of this kind for the President to declare martial law and for the military authorities to assume control of and exercise all the functions of government within certain described areas or districts.

7. MARTIAL LAW.

Referring to a proclamation of martial law during domestic disturbance, the Judge Advocate General has stated:

"22. Proclamation of Martial Law, etc. It has been seen that there is no need of resort to the use of uncertain term "martial law" when the military pursuant to statute aids the civil authorities in the execution of their functions, even though the extent of and justification for such aid depends on necessity. It should be reserved for the occasion said by the Supreme Court in the Milligan case to justify it — in time of war, in the theater of war, where courts can not exercise their jurisdiction. It has also been seen that there is no need of instituting martial law when the military operates under Sections 5297 and 5298, Revised Statutes — that the proclamation required by Section 5300 is sufficient warrant for the employment of military force to suppress the disturbance, and according to the decision in the Milligan case it is not authorized on such occasion. To proclaim martial law on such occasions would be ineffective in law, would delude the public, and would merely add to the confusion and difficulty. As stated in Par. 25, it may be necessary in time of domestic disturbance to issue further proclamations than is required by Section 5300, as was done in the Colorado disturbances in 1914. It may be necessary to command the people of the disturbed area to surrender all firearms, to remain in their homes at night, to close all places of amusement, to regulate the speed and class of traffic, to regulate circulation, etc. Whatever the military requires of the public in these
and other respects where things ordinarily legal are to be prohibited, due and specific notice should be given the public in the form of proclamations or orders. In the opinion of this office the power to do these things when they are necessary to the suppression of the disturbance is implied in the power given by Sections 5297 and 5298. Should the courts hold otherwise, such action of the military would have to be defended on the ground of necessity and as an exercise of the martial law power. No declaration of martial law in terms would, however, strengthen the defense of the military in such cases. Should the courts of the United States hold that such acts of the military are not authorized by Sections 5297 and 5298, it is believed that they would hold them to be a necessary application of the martial law power, thus modifying the Milligan decision (Luther v. Borden, 7 Howard 45).

"It follows from what has been said that the occasion for a declaration of martial law in terms, that is a declaration that "martial law" exists, will be very rare. Its form will depend largely on circumstances. And since martial law conditions and the justification of martial law are brought about, not by declaration but by the acts of the enemy, the form of proclamation has not such legal importance as the other forms attached to this paper. The declaration should notify the public what the military will require other than compliance with the local law. If, as is believed will be the case, civilians are to be tried by military courts for acts prejudicial to the military regime, the declaration should contain notice to that effect. And the declaration may specify, or may be followed by further proclamations specifying, certain acts as prohibited and subject to certain named punishments, if the seriousness of such acts would be otherwise unknown to the public. It would be well to include a warning that offenders against the law (civil) will be arrested and detained until they are otherwise disposed of.

"Although a military commander may issue a declaration of martial law when circumstances justify, in these days of communications by wire and air so important a decision should be made by the President and the declaration should be issued by him". (See memorandum of Judge Advocate General, March 22, 1922, Subject: "War Plans—White; employment of military forces to maintain civil order and obedience to law.")

Appendix C contains an appropriate form for a proclamation to be issued by the President declaring martial law.

3. ESTIMATE OF MILITARY FORCES REQUIRED.

Due to the extreme diversity of situations and conditions under which the War Department may be required to act, no definite estimate of the numbers of troops that will be required in an emergency can be made much in advance of the inception of the emergency. It is possible for situations to vary from that which would require the employment by the federal government of but a single platoon or company of infantry to that which would require the mobilization and employment of the entire available man-power of the Nation. An estimate of each situation must be made as it arises and conclusion reached as to the numbers of troops that may be required to cope therewith.

In the past, with the exception of the Civil War, our available regular forces have been sufficient to cope with all emergencies in which federal forces have been called upon to act. In case a situation should arise in the future calling for the employment of troops
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in excess of available regular army troops, such troops would be
secured by drawing from the National Guard and Organized Reserve
components of the Army of the United States, and by increasing the
Regular Army to the strength authorized by law. The mobilization
of these forces would be conducted in accordance with the principles
enunciated in the War Department Mobilization Plan with such modifi-
cation as the particular situation might demand.

With reference to their employment during emergencies, troops
may be classified as follows:

(a) Troops available for immediate use by the President in an
emergency.

(b) Troops that may be made available by additional congress-
ional legislation.

9. TROOPS AVAILABLE FOR IMMEDIATE USE BY THE PRESIDENT IN AN
EMERGENCY.

(a) Regular Army. In general all regular army troops stationed
within a corps area can be considered as immediately available for
use in any emergency arising within that corps area.

The President, or the Secretary of War, acting for him, must
decide as to the availability of troops stationed beyond the terri-
torial limits of the corps area in which the disturbed conditions
exist. It is sufficient to note in this connection that the particu-
lar duties upon which troops may be engaged such as border protec-
tion, etc., as well as unsettled social conditions in other corps
areas, must be taken into consideration when determining upon the
numbers of regular troops that may be sent as reinforcements to any
particular corps area in an emergency.

(b) The National Guard. According to the terms of Section 1,
of the National Defense Act, the National Guard is a component of the
Army of the United States, first, when called into the service of
the United States, under the militia laws, although it retains
during such service its identity as militia; and, second, when
drafted into the service of the United States pursuant to Section
111, (See 6, Appendix A) of the National Defense Act, when it loses
its identity as militia and becomes a purely federal force.

Section 5, of the Act of January 23, 1903, as amended by Act
of May 27, 1908, known as the Dick Act, provides: "That whenever
the United States is in danger of invasion from any foreign nation
or of rebellion against the authority of the Government of the United
States, or the President is unable with the Regular Forces at his
command to execute the laws of the Union, it shall be lawful for the
President to call forth such number of the Militia of the State or
of the States or Territories, or of the District of Columbia, as
he may deem necessary xxxx."

It is thus seen that when it is necessary for the President to
employ military force to execute the laws of the United States,
militia may be called into the service of the United States for such
purpose only when the President finds the available regular forces
inadequate. The National Guard or such portion thereof as may be
deemed necessary is called into the federal service by means of a
proclamation signed by the President or by means of telegrams
addressed to the governors of the various States, signed by the
Secretary of War. (See 4 & 5, Appendix C, for appropriate forms for
proclamations and telegrams calling the National Guard into federal
service.)
Normally it would be unnecessary to draft the National Guard into the federal service under Section 111, National Defense Act, (See 6, Appendix A) unless it was intended to use them beyond the continental limits of the United States. Specific legislation will be required before the National Guard can be drafted in accordance with this Act. (See 6, Appendix C, for appropriate form for proclamation drafting the National Guard).

Prior to the time of federal intervention, whether this intervention is made under Section 5297, Revised Statutes, or Section 5298, Revised Statutes, it must be assumed that the State authorities of the State in which a disturbance exists will already have mobilized and have placed on active duty all or part of their National Guard.

In case action is taken under Section 5297, R.S., the National Guard of the State or States in which the disturbance exists are not available for federal service. (See Par. 5a, above)

It is probable also that the State authorities of other States, especially of those States adjoining the scene of the disturbance would be loath to have transferred from their control all or part of their military forces at a time of disturbed and abnormal economic conditions.

In case action is taken under Section 5298, R.S., even though the President would be authorized to call into federal service the National Guard of the State or States in which the disturbance is located (See Par. 5 (b), above) questions other than those of securing unified command will undoubtedly be given consideration by him when arriving at a decision as to the National Guard troops that he will call forth.

In addition to the desires of the State authorities concerned, the President would undoubtedly take into consideration the question of expense to the federal government.

When the National Guard is employed under the direction of State authorities, the expenses incident to such employment are borne by the State concerned. When the National Guard is called into federal service all expenses are borne by the federal government.

(c) Organized Reserves and Reserve Corps Personnel. In view of the provisions of Sections 37a and 55b, National Defense Act (See 7, Appendix A) neither Organized Reserve units nor Reserve Corps personnel are available for use by the President without special congressional legislation. (See 7, Appendix C, for appropriate form of General Order, ordering Organized Reserve units or personnel to active duty.)

10. TROOPS THAT MAY BE MADE AVAILABLE BY CONGRESSIONAL LEGISLATION.

In case a situation should demand the use of troops in excess of available regular army and National Guard troops, Congress will be appealed to for authority to obtain by voluntary enlistments the additional troops that may be required. These troops will be obtained by increasing the Regular Army to a strength of 280,000, and by ordering to active duty for the period of the emergency such organized reserve units and reserve corps personnel as may be necessary. (See 1 Appendix D for a draft of legislation required.)

Subject to such modification as the particular situation may require the priority for the mobilization of Organized Reserve units and inactive Regular Army units will be as set forth in the War Department Mobilization Plan.

In case voluntary enlistments do not suffice to meet the situation, Congress will be appealed to for the passage of a selective service law such as is contemplated in the War Department Mobilization Plan.
11. EMERGENCY PLANS.--WHITE.

In the fall and winter of 1919-20 social unrest was at its height, not only in the United States, but throughout the world. Apprehension was felt by all governmental departments as to possible radical action. The Director of the War Plans Division stated in a memorandum referring to the then existing situation in the United States as follows:

"Our information points clearly to a well organized movement for the overthrow of the Government, and that the personnel for that purpose now immediately available amounts to more than 600,000, and there could be mobilized in thirty days nearly 1,500,000. This is not a military organization, but it is an organization nevertheless under marked control, and its aims seem to be something as follows:

(a) The seizing of main transportation lines carrying food supplies.
(b) The shutting off of food supplies to large industrial centers where but a short supply is had.
(c) Not to have the strikers use any violence of any kind, but to force the public through lack of food to institute mob law and seize stocks of food supplies. It is at this stage that the plan is for the organized force to step in, seize all food depots and make distribution to the starving people thereby getting them as friends and in the same way to get control of the local government.

"This is in general the method whereby the Reds in Russia succeeded as they succeeded in Hungary, Ukraine, to some extent in Poland, Siberia, to some extent in Turkey and many other places."

In order that the War Department might be prepared to meet such a contingency, War Plans--White, were prepared by the War Plans Division of the General Staff. Instructions were issued to corps area (at that time department) commanders directing them to make an estimate of the existing situation in their corps areas, a careful survey of resources, and to prepare the necessary plans to meet any contingency that might arise.

In October, 1921, the instructions issued to corps area commanders relating to War Plans--White, were rescinded and new instructions issued embodying in general the principles previously enunciated, but changing the name of the plan from War Plans--White, to Emergency Plans--White.

Appendix E contains copies of instructions issued to corps area commanders relative to Emergency Plans--White. In brief these instructions require corps area commanders to prepare and keep up to date at all times a plan for the complete military occupation and control of their corps areas.

It is realized that many emergencies may arise falling far short of the magnitude provided for in these plans, and for meeting which special plans will have to be prepared at the time of their inception. The Emergency Plans form a basis upon which all such Special Plans may be built. They also form the basis for the preparation by the War Plans Division of the General Staff of plans for the establishment of theaters of operations, the organization of armies, etc., in case a situation should arise or develop to such an extent as to require such action.
12. GENERAL OUTLINE OF FEDERAL AND WAR DEPARTMENT ACTION IN EMERGENCIES.

The following general outline of action that will be required during an emergency is but a modification of the action that will be required during a general mobilization under the War Department Mobilization Plan. In it a major emergency is assumed which develops from a series of minor emergencies in which the means at the disposal of the corps area commander are inadequate to meet the situation. The outline of action is carried to the point where further Federal and War Department action will depend upon congressional action. This in turn will depend upon and be moulded to suit the particular emergency.

1. Domestic disorder is seriously threatened or actually develops in a corps area.

2. The corps area commander, with the means at his disposal keeps in touch with the situation and keeps the War Department informed of developments therein.

   The reports submitted to the War Department by the corps area commander will embrace the following:

   I. Estimate of the Situation from the viewpoint of a federal officer and his conclusion as to the possibility of federal aid being called for either under Section 5297, Revised Statutes or Section 5298, Revised Statutes.

   II. Probable centers of disturbance.

   III. Probable troop requirements.

(See 5, Appendix E, for form of report that will be required.)

3. Based primarily upon the report or reports of the corps area commander, the Secretary of War will recommend to the President such action as he deems the situation to require.

4. In case the President decides to intervene, either under Section 5297, Revised Statutes or Section 5298, Revised Statutes, a proclamation suited to the existing conditions and drawn up in order to comply with the requirements of Section 5300, Revised Statutes will be presented to him for signature by the Secretary of War.

5. Definite instructions and orders are then issued by the War Department to carry out the decision of the President.

   Under the assumption above made of a major emergency developing from a series of minor emergencies, the initial instructions of the President would authorize the War Department to utilize all available regular army troops for the suppression of the disorder. The instructions and orders issued by the War Department at this time would embrace the following:

   (a) Orders and instructions for the commanding general of the corps area in which the disorder is located.

   (1) Terms of the Proclamation signed by the President.
   (2) Instructions relating to the employment of troops in the particular emergency.
   (3) Instructions relative to reinforcements that will be sent from other corps areas.
   (4) General instructions.

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EMERGENCY PLANS--WHITE, W.D., (Cont.)

(3) Orders and instructions for commanding generals of other corps areas.

(1) Instructions relating to the sending of reinforcements of regular troops to the affected corps areas.

(2) General instructions.

6. When the President has become convinced that the regular forces are inadequate to cope with the situation, his instructions to the War Department will indicate the extent to which National Guard troops may be called into federal service for use in the emergency.

Orders and instructions prepared and issued by the War Department at this time will comprise the following:

(a) Orders and Instructions for Governors of States.

(1) Proclamation or orders calling specific National Guard organizations into federal service. (See 4 and 5, Appendix C.)

(b) Orders and instructions for the commanding general of the corps area in which the disorder is located.

(1) Instructions relative to the mobilization of National Guard units of his corps area. (See A.R. 130-10)

(2) Instructions relative to the employment of National Guard units.

(3) Instructions relative to the organization of all troops on duty in the affected area or areas into higher tactical units.

(4) Instructions relative to the establishment of a G.H.Q., theaters or theaters of operations, etc.

(5) General instructions.

(c) Orders and instructions for commanding generals of other corps areas.

(1) Instructions relative to the mobilization of National Guard units. (See A.R. 130-10)

(2) Specific instructions relating to the forwarding of National Guard reinforcements to the disturbed area.

(d) General instructions.

(d) Orders and instructions for the commanding general of field forces.

(1) Organization of General Headquarters.

(2) General instructions.
APPENDIX A.

PROVISIONS OF THE CONSTITUTION AND LAWS OF THE UNITED STATES RELATING TO THE EMPLOYMENT OF FEDERAL TROOPS IN DOMESTIC DISTURBANCES.
1. Article IV of the Constitution.

"Sec. 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 can not be convened), against domestic violence."

2. Section 5297, Revised Statutes.

"Sec. 5297. In case of an insurrection in any State against the government thereof, it shall be lawful for the President, on application of the legislature of such State, or of the executive, when the legislature can not be convened, to call forth such number of the militia of any other State or States, which may be applied for, as he deems sufficient to suppress such insurrection; or, on like application, to employ, for the same purposes, such part of the land or naval forces of the United States as he deems necessary."

3. Section 5298, Revised Statutes.

"Sec. 5298. Whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed."

4. Section 5300, Revised Statutes.

"Sec. 5300. Whenever, in the judgment of the President, it becomes necessary to use the military forces under this Title, the President shall forthwith, by proclamation, command the insurgents to disperse and retire peaceably to their respective abodes, within a limited time."

5. Section 5301, Revised Statutes.

"Sec. 5301. Whenever the President, in pursuance of the provisions of this Title, has called forth the militia to suppress combinations against the laws of the United States, and to cause the laws to be duly executed, and the insurgents shall have failed to disperse by the time directed by the President, and when the insurgents claim to act under the authority of any State or States, and such claim is not disclaimed or repudiated
by the persons exercising the functions of government in such State or States, or in the part or parts thereof in which such combination exists, and such insurrection is not suppressed by such State or States, or whenever the inhabitants of any State or part thereof are at any time found by the President to be in insurrection against the United States, the President may, by proclamation, declare that the inhabitants of such State, or of any section or part thereof where such insurrection exists, are in a state of insurrection against the United States; and thereupon all commercial intercourse by and between the same and the citizens thereof and the citizens of the rest of the United States shall cease and be unlawful so long as such condition of hostility shall continue; and all goods and chattels, wares and merchandise, coming from such State or section into the other parts of the United States, or proceeding from other part of the United States to such State or section, by land or water, shall, together with the vessel or vehicle conveying the same, or conveying persons to or from such State or section, be forfeited to the United States."


"Sec. 111, National Guard when drafted into Federal Service.-- When Congress shall have authorized the use of the armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations, including such physical examination, as he may prescribe, draft into the military service of the United States, to serve therein for the period of the war or emergency, unless sooner discharged, any or all members of the National Guard and of the National Guard Reserve. All persons so drafted shall, from the date of their draft, stand discharged from the militia, and shall be subject to such laws and regulations for the government of the Army of the United States as may be applicable to members of the Army, whose permanent retention in the military service is not contemplated by law, and shall be organized into units corresponding as far as practicable to those of the Regular Army or shall be otherwise assigned as the President may direct. The commissioned officers of said organizations shall be appointed from among the members thereof; officers with rank not above that of colonel to be appointed by the President alone, and all other officers to be appointed by the President by and with the advice and consent of the Senate. Officers and enlisted men while in the service of the United States under the terms of this section shall have the same pay and allowances as officers and enlisted men of the Regular Army of the same grades and the same prior service. On the termination of the emergency all persons so drafted shall be discharged from the Army, shall resume their membership in the militia, and, if the State so provide, shall continue to serve in the National Guard until the dates upon which their enlistments entered into prior to their draft, would have expired if uninterrupted."

7. Sections 37a and 55b, National Defense Act.

"Sec. 37a. RESERVE OFFICERS ON ACTIVE DUTY.-- To the extent provided for from time to time by appropriations for this specific purpose, the President may order reserve officers to active duty at any time and for any period; but except in time of a national emergency expressly declared by Congress, no reserve officer shall be employed on active duty for more than fifteen days in any calendar year without his own consent. A reserve officer shall not be entitled to pay and allowances except when on active duty,
APPENDIX A (Cont.)

When on active duty he shall receive the same pay and allowances as an officer of the Regular Army of the same grade and length of active service, and mileage from his home to his first station and from his last station to his home, but shall not be entitled to retirement or retired pay."

"Sec. 55b. RESERVISTS ON ACTIVE DUTY.-- Members of the Enlisted Reserve Corps may be placed on active duty, as individuals or organizations, in the discretion of the President, but except in time of a national emergency expressly declared by Congress no reservist shall be ordered to active duty in excess of the number permissible under appropriations made for this specific purpose, nor for a longer period than fifteen days in any one calendar year without his own consent. While on active duty they shall receive the same pay and allowances as other enlisted men of like grades and length of service."


"487. If time will admit, applications for the use of troops for such purposes must be forwarded, with statements of all material facts, for the consideration and action of the President; but in case of sudden and unexpected invasion, insurrection, or riot, endangering the public property of the United States, or in case of attempted or threatened robbery or interruption of the United States mails, or other equivalent emergency so imminent as to render it dangerous to await instructions requested through the speediest means of communication, an officer of the Army may take such action before the receipt of instructions as the circumstances of the case and the law under which he is acting may justify, and will promptly report his action and the circumstances requiring it to The Adjutant General of the Army, by telegraph, if possible, for the information of the President."
EMERGENCY PLANS--WHITE

War Department

APPENDIX D.

MEMORANDA, LETTERS, TELEGRAMS, ETC., SETTING FORTH POLICIES OF FEDERAL GOVERNMENT RELATING TO DOMESTIC DISTURBANCES.
EMERGENCY PLANS--WHITE -- WAR DEPARTMENT.

APPENDIX B.

MEMORANDA, LETTERS, TELEGRAMS, ETC., SETTING FORTH POLICIES OF FEDERAL GOVERNMENT RELATING TO DOMESTIC DISTURBANCES.

1. Telegram of President Roosevelt, dated December 28, 1907, to Governor of Nevada, re disorder at Goldfield, Nev. (1907), (See page 311, "Federal Aid in Domestic Disturbances, 1903-1922")

"Your telegram December 28 is received. It, in effect, declares that you have failed to call the legislature together because, in your judgment, the legislature would not call upon the Government of the United States for the use of troops, although in your opinion it ought to do so. The Constitution of the United States imposes, not upon you, but upon the legislature if it can be convened, the duty of calling upon the Government of the United States to protect the State of Nevada against domestic violence. You now request me to use the armed forces of the United States in violation of the Constitution because in your judgment the legislature would fail to perform its duty under the Constitution. The State government certainly does not appear to have made any serious effort to do its duty by the effective enforcement of its police functions. I repeat again what I have already said to you several times, that under the circumstances now existing in the State of Nevada as made known to me, an application from the legislature of the State is an essential condition to the indefinite continuance of the troops at Goldfield. Circumstances may change and if they do I will take whatever action the needs of the situation require so far as my constitutional powers permit. But the first need is that the State authorities should do their duty, and the first step toward this is the assembling of the legislature. It is apparent from your telegram that the Legislature of Nevada can readily be convened. You have fixed the period of three weeks as the time necessary to convene and organize a special session. If within five days from the receipt of this telegram you shall have issued the necessary notice to convene the Legislature of Nevada, I shall continue the station of the troops at Goldfield during such period of three weeks. If within the term of five days such notice has not been issued, the troops will be immediately returned to their former stations."

2. Telegram of President Wilson, dated April 28, 1914, to Governor Elisha M. Ammons, Denver, Colo., re disorder in Colorado, 1914. (See page 312 "Federal Aid in Domestic Disturbances, 1903-1922")

"Gov. Elisha M. Ammons,
Denver, Colo.:

"In response to your telegram describing a situation of domestic violence in your State which you inform me has passed beyond the ability of the State to control, and conveying your request to me to dispatch Federal troops pursuant to section 4, Article IV, of the Constitution of the United States, I beg leave to advise you as follows:

"That section of the Constitution provides that 'the United States x x x shall protect each (State) x x x on
APPENDIX B (Cont.)

application of the legislature, or of the executive (when the legislature can not be convened) against violence; and is put into effect by certain statutes, principally sections 5297 and 5300, Revised Statutes. The former makes it lawful for the President in the circumstances described in the section of the Constitution referred to, to use the land or naval forces of the United States as he deems necessary, and the latter provides that whenever in his judgment it becomes necessary, so to use these forces he 'shall forthwith by proclamation command the insurgents to disperse and retire peaceably to their respective abodes within a limited time,'

"Upon the information before me my judgment is that it is necessary for me to use the military forces of the United States for the purpose defined by law, and I shall forthwith issue the proclamation provided by the statute, and in pursuance thereof shall order the troops when they reach the scenes of disturbance to cause all those who have been indulging in domestic violence or who threaten to do (or whose acts are likely to give rise to disorder) to disperse and retire peaceably to their respective abodes if they have not already done so within the time limited by my proclamation; and I shall order that no person or persons, natural or artificial, shall be permitted to do that which may give rise to disorder of the character heretofore occasioned, to the end that good order may be established and maintained. I shall not, by the use of the troops or by any attempt at jurisdiction, inject the power of the Federal Government into the controversy which has produced the present situation. The settlement of that controversy falls strictly within the field of State power. My duty, as I now see it, is to confine myself to maintaining a status of good order until the State can assert its authority and resume the enforcement thereof. I am informed that your legislature can not be convened in time to deal with this emergency, but has been summoned to convene on May 4, 1914. I shall expect you to draw the attention of that body to the imperative necessity of immediate consideration of the whole situation and as prompt action as is possible in the premises in order that the use of the Federal power may be limited within its contemplated confines, and in order that the State may take up its duty as soon as it is possible for it to do so.

"The manifest disadvantage of having two military forces under separate sources of control, operating within the same localities, leads me to request you to withdraw your militia so soon as the troops of the United States have reached the scene and are ready to take over the necessary control."

Woodrow Wilson.

3. Memorandum of Secretary of War, dated December 2, 1919, and letter to Hon. Thomas F. Kilby, Governor of Alabama, re policy of United States in furnishing Federal aid to a State.

"WAR DEPARTMENT
Washington
December 2, 1920.

MEMORANDUM FOR THE CHIEF OF STAFF:

"Please have a copy of the attached letter sent to each Corps Commander with a statement, for his information, that this letter was circulated under its date to all Governors as stating the rules to be followed in the use of Federal troops in controversies and disturbances purely domestic as to the several States. Further call the attention of all Corps
APPENDIX B (Cont.)

Commanders to U. S. Army Regulations, Article 47, and particularly to Section 467. The true rule to be followed is that the public military power of the United States should in no case be permitted to be substituted for the ordinary police powers of the States, and should be called into service only when the State, having summoned its entire police power, is still unable to deal with the disorder which threatens it. The constitutional obligation of the Government of the United States is a guaranty conditioned upon the primary exercise by the States of their full power for the preservation of their own domestic peace.

"It should be stated that during the emergency caused by the World War, the National Guard of the several States having been drafted into the Federal Service, and the States being thus stripped of domestic military forces, a relaxation of this rule was necessary in the public interest. After the return and demobilization of the Army the National Guard was of course discharged from its Federal and State obligations at the same time, and until new forces could be organized the same public necessity required an indulgent construction of the limitations upon the use of the Federal forces. Enough time has now elapsed, however, to restore the true relationship, and Federal forces should not be sent upon the request of either legislatures or governors, made to Corps Commanders, without a reference of the request with all of the facts to the President for his information and instructions, unless the danger is so immediate and imminent as to require instant response, in which case all the facts should at once be reported to the War Department for the information of the President and no commitment should be made for the retention of Federal troops sent in response to such call beyond such time as may be reasonably necessary to enable the State to summon its power and relieve the Federal forces."

(Sgd) BAKER
Secretary of War.

"November 7, 1919.

"Honorable Thomas F. Kilby,
Governor of Alabama,
Montgomery, Ala.

"My dear Governor:

"In the present disturbed condition of the Country there will doubtless arise, as there has in the past, the necessity for the use of organized force in the protection of life and property and the maintenance of law and order. There appears to be a widespread feeling that federal forces are available in all such emergencies in our National life. The theory of our government, however, is opposed to the use of federal forces except for certain specific federal purposes. When federal forces are used for State purposes it is an admission on the part of the State government that they are unable to cope with the situation. The protection of private property, rights, liberties and lives of the inhabitants of any State is primarily the duty of the individual concerned, under the law of self defense; next it devolves upon the constituted local authorities. The use of Federal troops for this class of duty has heretofore always been the last resort and should be so considered in the present case. Our Constitution contemplates the use of federal forces for local or State purposes only when all
APPENDIX B (Cont.)

other forces of the locality or State have been exhausted, or have been found insufficient to meet the emergency, or when it is evident that such measures will prove inadequate. Then, and then only, should federal forces be called upon to handle the situation.

"The relation of our federal government and forces to the State government can not be altered by reason of the widespread theaters of operations which may result from the present unrest. We can be assured, however, that these theaters will lie within the domain of some State and it is the duty of the local authorities of such State to use all means within their power to curb and control internal disorders.

"x x x x x

"It should be borne in mind that our Regular or Permanent Army is designed to resist and overcome enemies of our government and is provided for strictly federal use. It is not supposed to be utilized for the purpose of quelling disorders or riots among our citizens, unless such citizens assume the position of enemies of our government or endeavor to overthrow State governments or offer State governments domestic violence. This use of our federal forces can be avoided if the State authorities take adequate, proper and timely action for the suppression of lawlessness and disorder which may possibly ensue in the near future. Whatever be the cause of our backwardness in developing military forces for our local communities, the emergency before this Nation at the present time demands action on the part of State authorities. It should be distinctly understood that State forces are designed not to oppose or to favor either party to a dispute, but are to protect States and localities from acquiring a reputation for lawlessness during periods of local unrest from any cause. This purpose should appeal to and animate every loyal patriotic individual.

"Your earnest efforts and immediate cooperation are requested in this matter."

"Yours very truly,

NEWTON D. BAKER
Secretary of War."

4. Letter from Chief of Staff to Commanding General, 5th Corps Area, dated Nov. 29, 1920, re disorders in West Virginia.

"November 29, 1920.

"Major General George A. Read,

Hq., Fifth Corps Area,
Fort Benj. Harrison, Ind.

"My dear Read:

"With reference to your sending troops into West Virginia on request of the Governor of the State, which is authorized by the Constitution, the policy of the Department is to retain troops on such duty as these troops are performing in West Virginia only so long as will permit the State to resume its normal functions and to take over the policing and guarding of certain districts."
APPENDIX B (Cont.)

It is desired that you inform the Governor of West Virginia that this has been communicated to you as the policy of the Department and that you intend under these instructions to take the troops out in as short a time as possible, asking him to designate the time when the State will be prepared to perform its normal functions in this matter and indicate to him that after a reasonable time, should the State fail to act, that you will be required to withdraw your troops anyway. It is not the intention of the Constitution or of the Department to permit U. S. troops to do police work of a character which is plainly the duty of the States.

"Please acknowledge this letter by sending me a copy of the letter of instructions or whatever you communicate to the Governor of West Virginia."

"Very truly yours,

"(Signed) P. C. MARCH
Chief of Staff, U. S. Army."

5. Telegrams relating to the use of Federal troops in railroad strike, 1894.

"HEADQUARTERS OF THE ARMY
Washington, D.C.,
July 2, 1894.

"The Commanding General,
Department of the Missouri,
Chicago, Ill.

"You will please make all necessary arrangements, confidentially, for the transportation of the entire garrison at Fort Sheridan -- Infantry, Cavalry and Artillery -- to the Lake Front Park in the City of Chicago. To avoid possible interruption of the movement by rail, and by marching through a part of the City, it may be advisable to bring them by steamboat. Please consider this matter, and have the arrangements perfected without delay. You may expect orders at any time for the movement. Acknowledge receipt, and report in what manner the movement is to be made."

"J. W. SCHOFIELD
Major General Commanding."

"WAR DEPARTMENT
Headquarters of the Army,
Washington, D.C., July 3, 1894, 4 o'clock P.M.

"To Martin,
Adjutant General,
Hq. Dept. of the Missouri,
Chicago, Ill.

"It having become impracticable, in the judgment of the President, to enforce by ordinary course of judicial proceedings the laws of the United States, you will direct Colonel Crofton to move his entire command at once to the City of Chicago, leaving the necessary guard at Fort Sheridan, there to execute
APPENDIX B (Cont.)

the orders and processes of the United States Court, to prevent the obstruction of the United States mails and generally to enforce the faithful execution of the laws of the United States. He will confer with the United States Marshal, the United States District Attorney and Edwin Walker, Special Counsel. Acknowledge receipt and report action promptly."

"By order of the President:

J. M. SCHOFIELD
Major General."

"RAILROAD STRIKE, 1894.

(Telegram)

Indianapolis, Ind., July 8, 1894.

"Hon. Richard Olney,
Attorney-General, Washington, D.C.:

"Our information is that a mob is in possession of the city of Hammond, Ind., a suburb of Chicago. As rioters driven from Chicago are massing at this point, the lives of deputy marshals protecting the mail trains and serving process are in danger. All railroads from Chicago east pass through Lake County. Governor Matthews is in conference with us and will send available militia to Lake County. He asks the cooperation of Federal troops in protecting the mail trains and Federal officers. In that request we earnestly join, believing the necessity exists."

JOHN H. BAKER,
United States District Judge,
W. H. HAWKINS,
United States Marshal,
BURKE,
United States Attorney."

"(Telegram)

Department of Justice,
Wash., D.C., July 8, 1894.

"Burke, United States Attorney,
Indianapolis, Ind.:

"Have joint dispatch of yourself, judge, and marshal. Suggest to governor that use of Federal troops would be much more effective if he called upon the President for protection against domestic violence under Article IV, section 4, of the Constitution of the United States."

OLNEY,
Attorney-General."

"Hon. Grover Cleveland,
President United States:

"Since Judge Baker and Marshal Hawkins wired Attorney-General situation at Hammond grows more alarming. Mail trains are held and all traffic stopped. The place in control of mob."
APPENDIX B (Cont.)

Overrun by desperate characters from Chicago. Available State troops on way. Other points in State in threatening and dangerous condition. Will soon have entire force of State ordered out. It is absolutely necessary that at least three companies of United States troops be ordered to that point without delay. Will use every means at my command and cooperate with Government troops."

CLAUSE MATTHEWS  
Governor."  

"(Telegram)  
Washington, D.C., Jul. 8, 1894.

"Hon. Claude Matthews,  
Governor, Indianapolis, Ind.:"

"Your telegram of this date, addressed to the President, has been referred to Major-General Miles, commanding Department of the Missouri, headquarters at Chicago, who has full authority to act in the premises. Please communicate with him at that place."

DANIEL S. LAMONT  
Secretary of War."

"(Telegram)  
Headquarters of the Army,  
Washington, D.C., Jul. 8, 1894.

"Major-General Miles,  
Headquarters of the Army, Chicago, Ill.:"

"The President is informed by Governor Matthews, of Indiana, that the situation at Hammond, in that State, makes it absolutely necessary that at least three companies of Regular troops be ordered to that point at once. This being in the immediate vicinity of Chicago, your previous instructions are sufficient to authorize you to respond."

J. M. SCHOFIELD  
Major-General, Commanding."

"(Telegram)  
War Department,  
Washington, D.C.,  
July 1, 1894.

"Brigadier General Ruger,  
Commanding Department of California,  
San Francisco, Calif.

"By direction of the President you will at once send a sufficient military force from San Francisco to Los Angeles, with orders to enforce the mandates and warrants of the United States Court and to prevent any obstruction of the United States Mails. Send preferably the First Infantry. Direct the Commanding Officer to communicate with United States Attorney Dennis at Los Angeles, who will be instructed by the Attorney General to communicate with the Commanding Officer."

J. M. SCHOFIELD,  
Major General Commanding."
APPENDIX B (Cont.)

"(Telegram)

July 7, 1894.

"Brigadier General Ruger,
Commanding Department of California,
San Francisco, California.

"In view of the facts, as substantiated by communications received from the Department of Justice, from military official reports and from other reliable sources, that, by reason of unlawful obstructions, and combinations or assemblages of persons, it has become impracticable, in the judgment of the President, to enforce by the ordinary course of judicial proceeding, the laws of the United States, and to prevent obstructions of the United States mails and interruptions to commerce between the States, on the line of the Central Pacific Railway; and to secure to the government the use of the same for postal, military and other purposes, as contemplated by the Act of July 1, 1862, and other Acts amendatory thereof, you are directed by the President to employ the military force under your command, to remove obstructions to the mails and to execute any orders of the United States courts for the protection of property in the hands of receivers appointed by such courts and for preventing interruption of interstate commerce, and to give such protection to said railroads as will insure to the government the use of the same for postal, military, or other governmental purposes."

J. M. SCHOFIELD,
Major General Commanding."

"(Telegram)

Washington, D.C.,
July 7, 1894 ... 207 P.M.

"Brigadier General Ruger,
Commanding Department of California,
San Francisco, Calif.

"The order of the President telegraphed you today relative to protection of the Central Pacific Railroad is identical in substance with one sent to Brigadier General Brooks, Commanding Department of the Plate. The object of these orders is to maintain uninterrupted communication over the Union and Central Pacific Roads from Omaha to San Francisco. The execution of this order must be left very largely to your discretion, having in view the force under your command, which can not at present well be increased. You are advised to consult with the Governor of California, or his military representative, respecting such cooperation as may be practicable between the troops under your command and the State forces, and you will exercise your best judgment respecting the number of troops that you may prudently send away from the Harbor of San Francisco for the purpose of operation along the line of the railroad.

"Trains carrying troops in the execution of the President's orders will also carry United States Marshals under instructions from the Department of Justice, for the purpose of arresting violators of the law, and holding them subject to the orders of the United States courts. The obstruction at Sacramento is reported here to be most serious, and it should be removed as soon as practicable, either by the action of your troops or those of the State. Please acknowledge receipt of these orders, and report promptly all action taken under them, and all important events as they occur from time to time."

J. M. SCHOFIELD,
Major General Commanding
EMERGENCY PLANS—WHITE

War Department

APPENDIX C

FORMS FOR PROCLAMATIONS, TELEGRAMS AND ORDERS.
EMERGENCY PLANS--WHITE, -- WAR DEPARTMENT.

APPENDIX C.

FORMS FOR PROCLAMATIONS, TELEGRAMS AND ORDERS:

1. Form for proclamation to be issued by the President in compliance with the provisions of Section 5300, Revised Statutes, when aid is furnished a State in accordance with the provisions of Section 5297, Revised Statutes.

A PROCLAMATION

By the President of the United States.

Whereas, the (legislature) (governor) of the State of ______ has represented that domestic violence exists in said State which the authorities of said State are unable to suppress; and

Whereas, it is provided in the Constitution of the United States that the United States shall protect each State in this Union, on application of the legislature, or of the executive when the legislature can not be convened, against domestic violence; and

Whereas, by the law of the United States in pursuance of the above it is provided that in all cases of insurrection in any State or of obstruction to the laws thereof it shall be lawful for the President of the United States on application of the legislature of such State or of the executive when the legislature can not be convened to call forth the militia of any other State or States and to employ such part of the land and naval forces of the United States as shall be judged necessary for the purpose of suppressing such insurrection and causing the laws to be duly executed; and

Whereas, the (legislature of the State of ______ (Legislature of the State of ______ is not now in session and can not be convened in time to meet the present emergency) and the executive of said State under Section 4 of Article IV of the Constitution of the United States and the laws passed in pursuance thereof, has made due application to me in the premises for such part of the military forces of the United States as may be necessary and adequate to protect the State of ______ and the citizens thereof against domestic violence and to enforce the due execution of the laws; and

Whereas, it is required that whenever it may be necessary, in the judgment of the President, to use the military forces of the United States for the purposes aforesaid he shall forthwith by proclamation command such insurgents to disperse and retire peaceably to their respective homes within a limited time;

Now, therefore, I, ______, President of the United States, do hereby make proclamation and I do hereby command all persons engaged in said unlawful and insurrectionary proceedings to disperse and retire peaceably to their respective abodes on or before 12 o'clock noon of the ______ day of _______, instant, and thereafter abandon said combinations and submit themselves to the laws and constituted authorities of said State;

And I invoke the aid and cooperation of all good citizens thereof to uphold the laws and preserve the public peace.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this ______ day of ______ in the year of our Lord one thousand nine hundred and ______ and of the Independence of the United States the one hundred and ______.

By the President

Secretary of State,
APPENDIX C (Cont.)

NOTES.

(a) The foregoing form is practically identical with the proclamation of President Hayes on the occasion of the railroad strike in West Virginia in 1877 and does not differ substantially from many other proclamations, including that of President Wilson during the Colorado disturbances in 1914. It was used on the occasion of the West Virginia coal strike in 1921.

(b) The words in the first or second parenthesis are employed, according as the legislature or the executive of the State makes the request for aid.

(c) The words "obstruction to the laws thereof" and "causing the law (of the State) to be duly executed" (in 3d paragraph) are not in the Revised Statutes (Sec. 5297). They were in the Act of March 3, 1807, 2 Stat. 443, (incorporated in Sec. 5297) and were evidently omitted by those who prepared the revision in 1878 under the view that obstruction to the law amounts to insurrection. They are in strict accordance with Section 4, Article 4 of the Constitution authorising the Federal Government to protect a State against "domestic violence", and are incorporated in proclamations issued since as well as before the revision of 1878.

(d) The time fixed in the proclamation when the insurgents must disperse is usually twelve noon of the day following the date of the proclamation, though it may be fixed earlier. A proclamation of the President takes effect when it is signed by him and sealed with the seal of the United States (La Faye v. U.S., 17 Wall, 191). In a few cases of disturbances in the remote West the proclamation gave several days' notice to "disperse".

(e) Insurrection against State authority may break out simultaneously in several States and the President may have before him at one time requests for aid by several States. It is probable that a single proclamation could be framed that would properly cover several States, but it is believed better to issue a separate proclamation as to each State.
APPENDIX C (Cont.)

2. Form for proclamation to be issued by the President in compliance with the requirements of Section 5300, Revised Statutes, when he decides to take action in accordance with the provisions of Section 5298, Revised Statutes.

A PROCLAMATION

By the President of the United States.

Whereas, it is provided in the laws of the United States that whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce by the ordinary course of judicial proceedings the laws of the United States (within any State or Territory) it shall be lawful for the President to call forth the militia of any or all the States and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed or the execution thereof forcibly obstructed;

And whereas, by reason of unlawful obstruction, combinations, and assemblages of persons it has become impracticable, in the judgment of the President, to enforce by the ordinary course of judicial proceedings, the laws of the United States (within the State (States) of ____________, and especially in the City (County) of ____________, within said State);

Now, therefore, I, ____________, President of the United States, do hereby admonish all good citizens and all persons who may be or may come within the State (States) aforesaid, against aiding, countenancing, encouraging or taking any part in such unlawful obstructions, combinations, and assemblages; and I hereby warn all persons engaged in or in any way connected with such unlawful obstructions combinations, and assemblages to disperse and retire peaceably to their respective abodes on or before twelve o'clock noon on the day of ____________, instant.

Those who disregard this warning and persist in taking part with a riotous mob in forcibly resisting and obstructing the execution of the laws of the United States, or interfering with the functions of the Government or destroying or attempting to destroy the property belonging to the United States or under its protection, can not be regarded otherwise than as public enemies.

Troops employed against such a riotous mob will act with all the moderation and forbearance consistent with the accomplishment of the desired end; but the stern necessities that confront them will not with certainty permit discrimination between guilty participants and those who are mingled with them from curiosity and without criminal intent. The only safe course, therefore, for those not actually unlawfully participating is to abide at their homes, or at least not to be found in the neighborhood of riotous assemblages.

While there will be no hesitation or vacillation in the decisive treatment of the guilty, this warning is especially intended to protect and save the innocent.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be hereto affixed.

-3-
APPENDIX C (Cont.)

Done in the City of Washington, this ______ day of ______ in the year of our Lord, nineteen hundred and twenty ______ and of the Independence of the United States the one hundred and ______.

(Seal)

By the President:

Secretary of State.

NOTES.

(a) The foregoing form is identical with the proclamation issued by President Cleveland July 8, 1894, on the occasion of the Chicago riots, except that it omits a paragraph contained in said proclamation reciting the fact that the military had already been employed; and there is inserted in this form a paragraph (the first) reciting the authority of the laws of the United States for the use of troops as was done in several early proclamations based on resistance to the laws of the United States in the Territories (New Mexico 1876, and Arizona 1882), and as is usually done in like proclamations.

(b) This form of proclamation manifestly may cover any number of States in which there is resistance to the laws of the United States,
3. Form for proclamation to be issued by the President in accordance with the provisions of Section 5301, Revised Statutes.

A PROCLAMATION

By the President of the United States.

Whereas on the __________ day of __________ nineteen hundred and __________ the President of the United States in view of unlawful obstructions, combinations and assemblages of persons against the authority of the government of the United States in the city of __________, State of __________ (States of __________), and in pursuance of the provisions of the laws of the United States authorizing the employment of the land and naval forces to suppress such obstruction to the laws and such unlawful combinations and assemblages, did, in pursuance to the laws of the United States, issue a proclamation commanding obedience to the law and resistance from taking part in any such unlawful obstructions, combinations and assemblages; and did command all persons engaged in or in any way connected with such unlawful obstructions, combinations and assemblages to disperse and retire peaceably to their respective abodes on or before twelve o'clock noon on the __________ day of __________ nineteen hundred and __________.

And whereas the said insurgents have failed to disperse by the time directed by the President, and insurrection against the Government of the United States now exists in the said City (Counties) (State) (States of __________), State of __________ (State of __________) (States of __________).

Now therefore, I, __________, President of the United States, do declare that the inhabitants of the City of __________, in the State of __________ (States of __________) are in a state of insurrection against the United States, and that all commercial intercourse between the said City (Counties) (State) (States) and the inhabitants thereof, and the citizens of other parts of the United States is unlawful, and will remain unlawful until such insurrection shall cease or has been suppressed, and notice thereof has been duly given by proclamation; and all products, goods, chattels, wares and merchandise coming from the said city (any of said Counties) (said State) (any of said States) into other parts of the United States, or proceeding to the said City (any of said Counties) (said State) (any of said States) without the license and permission of the President through the Secretary of Treasury, will, together with the vessel or vehicle containing the same, be forfeited to the United States.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in the City of Washington this __________ day of __________ nineteen hundred and __________, and of the independence of the United States the __________ hundred and __________.

By the President.

Secretary of State.
NOTES.

(1) For precedent see proclamation of President Lincoln, April 2, 1863 (13 Stat. page 731).

(2) The first paragraph is not essential, but is regarded as a proper preamble which the facts will usually warrant.
APPENDIX C (Cont.)

4. Form for proclamation calling National Guard and National Guard Reserve into Federal Service.

A PROCLAMATION

By the President of the United States.

Whereas, the laws of the United States provide that whenever the United States is invaded or in danger of invasion from any foreign nation, or of rebellion against the authority of the Government of the United States, or the President is unable with the regular forces at his command to execute the laws of the Union, it shall be lawful for the President to call forth such number of the militia of the State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, and to issue his orders for that purpose, through the governor of the respective State or Territory, or through the commanding general of the militia of the District of Columbia, from which State, Territory, or District such troops may be called, to such officers of the militia as he may think proper.

And whereas the President is unable with the regular forces at his command to execute the laws of the Union

Now, therefore, I [signature], President of the United States, by virtue of authority vested in me by the Constitution and the laws of the United States and through the governors of the respective States and Territories and the commanding general of the militia of the District of Columbia, call into the service of the United States as of and from the ___ day of ___ all members of the National Guard and of the National Guard Reserve of the United States, except such officers and enlisted men of the National Guard and National Guard Reserve as have been or may be specially notified by my authority that they will not be affected by this call.

The members of the National Guard and National Guard Reserve affected by this call will be concentrated at their respective armories and await the orders of the War Department.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this ____ day of _____, in the year of our Lord, one thousand nine hundred and ____, and of the independence of the United States of America the one hundred and _____.

By the President:

Secretary of State,

NOTES.

In lieu of calling all of the National Guard of a State the President may call only such organizations (designating them in the call) as he may think best. And in lieu of calling all the National Guard Reserve of a State, he may call only such reserve as may be attached to organizations.
APPENDIX C (Cont.)

5. Form for letter of telegram to Governors of States calling National Guard into Federal Service under Section 5298, R.S., which may be substituted for a proclamation.

Honorably
Governor of ______________

Having in view the necessity of affording a more perfect protection against possible interference with postal, commercial and military channels and instrumentalities of the United States in the State of ______________, and being unable with the regular troops available at his command to insure the faithful execution of the laws of the Union in this regard, the President has thought proper to exercise the authority vested in him by the Constitution and laws to call out the National Guard necessary for the purpose. I am, in consequence, instructed by the President to call into the service of the United States forthwith, through you, the following units of the National Guard of the State of ______________, which the President desires shall be assembled at their respective armories and await the orders of the War Department. (Insert units designated.)

Secretary of War,

NOTES:
(a) Priority of troops called will be as recommended by Corps Area Commanders.
(b) Authority for call, Sec. 5298, R.S.

6. Form for proclamation drafting the National Guard.

A PROCLAMATION

By the President of the United States.

I. Under the authority conferred upon me by a joint resolution of Congress approved ________, and Section 111, of the act of June 3, 1916, entitled, "An Act for making further and more effectual provision for the national defense, and for other purposes", as amended by the act of June 4, 1920, I ______________, President of the United States, hereby draft into the military service of the United States as of and from the ___ day of ______________, nineteen hundred and ________, all members of the National Guard and all enlisted members of the National Guard Reserve of the several States and of the District of Columbia, who were called into the service of the United States by instructions issued by me on ______________, and all persons who subsequent to the dates mentioned shall have become members of organizations so called into the service of the United States, with the exception hereinafter mentioned, to serve for the period of the emergency recognized as existing by said Joint Resolution, unless sooner discharged. There are excepted from this draft all persons, who having responded to the calls of ______________, aforesaid, have been released from further service under said calls on account of physical unfitness or for other cause, and such other members of the National Guard as have been or may be specially notified by my authority that they will not be drafted.

II. The members of each company, battalion, regiment, brigade, division, or other organization of the National Guard hereby drafted into the military service of the United States shall be embodied in organizations corresponding to those of the Regular Army.
APPENDIX C (Cont.)

of the National Guard not above the grade of colonel who are drafted and who do not hold commissions in the Officers' Reserve Corps are hereby appointed officers in the Officers' Reserve Corps in the arm, staff corps, or department, and in the grades in which they now hold commissions as officers of the National Guard, such appointments to be effective, subject to acceptance, on and from the day of nineteen hundred and , and each of them, subject to such acceptance, is hereby assigned as of said date to the organization in the Army of the United States composed of those members of the organization of the National Guard in which at the time of the draft he held a commission. The warrant officers and noncommissioned officers of the organizations of the National Guard the members of which are hereby drafted are hereby appointed warrant officers and noncommissioned officers in their present grade in the organizations of the Army composed of said members and shall in each case have the same relative rank as heretofore; and all other enlisted men are hereby confirmed in the Army of the United States in the grades and ratings held by them in the National Guard in all cases where such grades and ratings correspond to grades and ratings provided for in like organizations of the Regular Army, all such appointments of noncommissioned officers and confirmation of other enlisted men in their grades to be without prejudice to the authority of subordinate commanders in respect of promotions, reductions, and changes in enlisted personnel.

III. Each organization hereby drafted will, unless otherwise directed, bear the same name and designation of the former organization of the National Guard of whose members it is composed.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this day of , in the year of our Lord one thousand nine hundred and twenty , and of the independence of the United States of America the one hundred and forty .

____________________________

By the President

Secretary of State,

7. Form for General Order ordering Organized Reserve units or personnel to active duty.

General Order

War Department,
Washington, D.C.

No. .

1. By direction of the President and pursuant to the authority vested in him by the Joint Resolution of Congress, approved , Organized Reserve units and members of the Officers' and Enlisted Reserve Corps will be ordered to active duty as follows:

(a) All Organized Reserve units and all members of the Territorial Assignment Group, Officers' Reserve Corps, not assigned to Organized Reserve units will be ordered to active duty by their respective corps area or department commanders in such order and upon such dates as are deemed expedient by them in the execution of their mobilization plans.
APPENDIX C (Cont.)

(b) All members of the officers' and Enlisted Reserve Corps, not embraced in the above categories, will be ordered to active duty by The Adjutant General of the Army in such order and upon such dates as are deemed expedient by the War Department.

2. All directives issued by The Adjutant General or by corps area or department commanders, in compliance with the above, will state that such unit or units, and such personnel are ordered to active duty "by direction of the President."

BY ORDER OF THE SECRETARY OF WAR:

Chief of Staff,

OFFICIAL:

ROBERT A. DAWIS
The Adjutant General.

B. Form for proclamation declaring Martial Law.

DECLARATION OF MARTIAL LAW.

Whereas war exists between the United States and _____________
and;

Whereas the county (city) of _____________, in the State of _____________, is within the theater of actual hostilities which render impossible the proper and unobstructed exercise of the jurisdiction of the courts in said county (city) and;

Whereas for the due and successful prosecution of said war by the United States and for the safeguarding of the military forces of the same and for the protection of persons and property within said county (city) which the civil authorities are powerless to protect, and for the due re-establishment of law and order therein, it is necessary that military authority be asserted over all persons and property within said county (city);

Now, therefore, I _____________, President of the United States, acting as Commander-in-Chief of the armies and military forces of the United States, do hereby assume military command of and over the said county (city) of _____________, and all property therein, and all civilians or other persons therein or which or who may hereafter come into said county (city) and I do hereby declare and proclaim that martial law exists therein.

And I do hereby admonish all persons in said county (city) to abstain from all words or acts which might be injurious to the military force of the United States or might embarrass or interfere with its operations or which might give aid or comfort to the enemy or which might retard the functions of the courts and I further admonish them to yield prompt and precise obedience to all orders, rules and regulations which the local commander of said military force or any one thereto duly authorized by him may from time to time give or establish; hereby warning all persons who may do or say anything injurious to said military force or interfering with its operations or giving aid or comfort to the enemy or who may violate the military orders, rules or regulations given or established as aforesaid, that prompt and exemplary punishment will be visited upon them and that the pains and penalties consequent upon such acts or words can not safely or properly be limited, and will not be limited to such pains and penalties as
APPENDIX C (Cont.)

are fixed by the municipal or other law heretofore and in normal and
peaceful times prevailing in said county (city), and I do warn all
persons who violate the laws now in force in said county (city), that
they will be arrested and detained by the military forces until
their cases can be otherwise disposed of,

In testimony whereof, I have hereunto set my hand and caused the
seal of the United States to be affixed.

Done in the City of Washington this _____ day of ______ in the
year of our Lord ________________ and of the Independence
of the United States the ____________________.

____________________________________

By the President and Commander-in-Chief
of the Armies and Military Forces of
the United States,

Secretary of War.
EMERGENCY PLANS--WHITE

War Department

APPENDIX D.

DRAFTS OF LEGISLATION.
APPENDIX D.

DRAFTS OF LEGISLATION.

1. Draft of legislation designed to authorize the President to increase the strength of the Regular Army to 280,000 enlisted; to order active duty Organized Reserve Units and personnel; to furnish him with the necessary funds to carry out his policies.

"An Act to Expand the Army of the United States.

"Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That a national emergency existing, requiring the use of troops in addition to those now available, the President be, and he hereby is, authorized --

"First. Immediately to recruit the Regular Army by voluntary enlistment to the number authorized by the Act approved June 4, 1920, Forty-One Statutes at large, pages 759-787, notwithstanding later provisions of law restricting the number of enlisted men in the Regular Army. Enlistments and re-enlistments during the emergency shall be for the period of the emergency and each soldier enlisted shall be entitled to discharge within six months after the emergency ceases. Upon the termination of the emergency, soldiers enlisted under the provisions of this section shall be discharged when their services are no longer needed and within six months after the termination of the emergency the number of enlisted men in the Regular Army shall be reduced by discharge to a number not to exceed one hundred and twenty-five thousand, exclusive of the Philippine Scouts; Provided that soldiers enlisted under the provisions of this section may be assigned to such branches of the service as the President shall direct.

"Second. To order to active duty for the period of the emergency hereinbefore declared to exist such number of reserve officers and members of the enlisted reserve corps, as individuals or as organized units, as may be necessary. During the emergency enlistments will be made for the period of the emergency; All soldiers enlisting under the provisions of this section shall be discharged within thirty days after the termination of the emergency. All other reserve officers and enlisted reservists ordered to active duty under the provisions of this section shall be returned to an inactive status within thirty days after the termination of the emergency.

"Third. The President is authorized, notwithstanding the restrictions of existing law, to organize the increased Regular Army provided for herein into such arms and services, and into such units as in his discretion may be necessary.

"Fourth. The sum of three hundred million dollars be and hereby is appropriated for the purpose of this Act and for the payment of expenses incident to the employment of the National Guard and the National Guard Reserve in the service of the United States."

2. Draft of legislation designed to authorize the President to draft the National Guard in accordance with the provisions of Section III, National Defense Act.

"JOINT RESOLUTION.

"To authorize the President to draft into the military service of the United States any or all members of the National
APPENDIX D (Cont.)

Guard, and of the National Guard Reserve:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a national emergency existing requiring the use of troops in addition to those now available; the President be and he is hereby authorized to use the armed land forces of the United States in excess of those of the Regular Army as in his discretion may be necessary in accordance with Section 111, of the National Defense Act, as amended and approved June 4, 1920."
EMERGENCY PLANS--WHITE

War Department

APPENDIX E.

ORDERS AND INSTRUCTIONS ISSUED TO CORPS AREA COMMANDERS RELATIVE TO THE PREPARATION OF EMERGENCY PLANS--WHITE.
APPENDIX E.

ORDERS AND INSTRUCTIONS ISSUED TO CORPS AREA COMMANDERS RELA-
TIVE TO THE PREPARATION OF EMERGENCY PLANS -- WHITE.

1. Basic instructions issued October 22, 1921, relative to the

"Since the promulgation of instructions contained in secret
letter, AG 370.6, May 27, 1920, as amended, relative to the prepara-
tion of a War Plan -- White, substantial changes have been made
in the distribution and strength of the Regular Army and the
National Guard and in the missions assigned therein. In addition,
the recent reorganization of the General Staff as provided for
in General Orders No. 41, War Department, 1921, has indicated
the desirability of changing the designation of the plans and
the supervising agencies. The instructions contained in
secret letter, AG 370.6, May 6, 1920, as amended by letter,
AG 370.6, January 31, 1921, are hereby rescinded and the follow-
ing is substituted therefor:

1. In order to provide for coordinated and effective
action by the War Department and the corps areas in cases of
internal disorder in which the Federal Government may be required
to act, a plan, which will hereafter be referred to and designated
as "Emergency Plan -- White", will be prepared by you without
delay to meet emergencies that may develop from internal dis-
orders in your corps area. These plans will be coordinated in
the War Department so as to provide the means not available and
under control of corps area commanders and for insuring coopera-
tion between contiguous corps areas. In the formulation of these
plans so much of the "War Plans -- White", prepared under pre-
vious instructions, will be utilized as are practicable and as
may be found desirable and appropriate.

2. There are two classes of emergencies in which the Federal
Government may be required to act:

(a) Minor emergencies or localized disturbances
in which the means at your disposal are adequate to
meet the situation.

(b) Major emergencies or general disturbances,
developing from a series of minor emergencies or af-
flecting a large area, in which the means at your
disposal are inadequate to meet the situation.

3. Your mission will be:

(a) To take cognizance of the situation in your corps area
with special reference to the economic, industrial, and radical
conditions and to carefully observe incidents and events which
may develop into strikes, riots, or other disorders and by
investigations and other means at your disposal inform yourself
and the War Department of the situation when it appears probable
that the Federal Government may be required to act.

(b) In minor emergencies, when the Federal Government has
been called upon by competent State authorities for assistance,
you will assume, in preparing your plans, that the proclamation
by the President required in Section 5300, Revised Statutes,
will be issued and that you will be directed to assume charge
of the situation, to suppress localized disorders, to restore
order, and to protect the interests of the Government."
APPENDIX K (Cont.)

(c) If National Guard troops are on active duty in the affected area or areas or are being employed therein under the control of the State authorities concerned, you will assume in preparing your plans that such troops will be called into the service of the United States by proclamation and placed under your command and that upon your recommendation similar action will be taken in cases where National Guard of the States concerned are not on active duty.

(d) In carrying out your mission the troops under your command will be employed in the most effective and energetic manner to the end that normal conditions be restored in the minimum time with the least possible disturbance of local civil institutions.

(e) In major emergencies, you will assume that in addition to the actions indicated in (b), (c), and (d) above, the proclamation by the President will declare martial law and will direct you to assume charge of the affected area or areas, to administer such area or areas, to suppress disorders, to restore order, and to protect the interests of the United States. You will also assume that the additional means, in troops and material, as called for in your plan will be placed at your disposal.

(f) In both minor and major emergencies, you will cooperate with the commanders of contiguous corps areas and, in consultation with these commanders, will arrange for mutual support and cooperation.

(g) In major emergencies, when the affected area exceeds more than one corps area, the War Department will designate the commander of the whole area, but in such cases the corps areas will be continued as administrative units under command of their normal commanders.

4. In connection with the foregoing, your attention is directed to the approved opinion of the Judge Advocate General, relative to the employment of United States troops in domestic disturbances, dated January 6, 1921, copies of which have been furnished you.

5. The "War Plan -- White", formulated by you under the instructions contained in letter, AG 370,6, May 27, 1920, is satisfactory as covering the mission therein assigned corps area commanders. In preparing the "Emergency Plan -- White", as contemplated in these instructions, the appendices accompanying the basic plan should be limited to four and the subject matter of each should be in accordance with the present distribution of functions of the General Staff. This arrangement will facilitate the study and execution of the plan in so far as the War Department is concerned.

6. Pending the preparation and approval of your "Emergency Plan -- White", you are authorized, should any emergency arise, to operate under the provisions of your existing "War Plan -- White,"

7. The Operations and Training Division, General Staff, G-3, is charged with the supervision of the development and execution of these plans, in consultation with G-1, G-2, and G-4.

8. Five copies of your plan will be furnished the Adjutant General of the Army.

9. Commanders of National Guard organizations involved in the plans may be furnished with such extracts therefrom as may be deemed essential.

10. These plans and correspondence relative thereto will be considered secret.
APPENDIX E (Cont.)

2. Instructions issued to corps area commanders Nov. 30, 1921, relative to railways, waterways, motor transport, etc.

"From: The Adjutant General of the Army.

To:

Subject: Emergency Plans -- White (Engineers).

1. In the study, preparation and execution of Emergency Plans -- White, the subject of railways, waterways, and utilities constitutes a factor of very great importance. A study of the War Plans White submitted by the various corps area commanders indicates that some further War Department guidance upon the subject may prove helpful to corps area commanders in the formulation of Emergency Plans -- White.

2. ALLOTMENT OF DUTIES:

A clear and definite assignment of the duties which the various staff sections and the services will have to perform is essential.

In this connection, the Corps of Engineers is charged with the actual execution of that part of the Emergency Plan which pertains to the maintenance and operation of all public utilities, such as water, light and power systems, rail and water transportation. The Motor Transport Division, Transportation Service Quartermaster Corps, should be charged with the actual execution of that part of the Emergency Plan which pertains to the operation and maintenance of motor transportation as described in the Manual for Organizing a National Motor Transport Service furnished under separate cover.

Cooperation between adjacent corps areas is essential with regard to all inter-corps railways and waterways, that is, those which must serve for through traffic beyond the limits of any corps area.

3. RAILWAYS AND MOTOR TRANSPORT:

A map showing first priority of railways for the Emergency Plans -- White, has recently been issued to corps area commanders. It provides for the necessary connections at corps area boundaries. As a general rule, subject to the fewest possible exceptions, no hauls of less than seventy-five miles should be made by rail; all traffic for lesser distances should be handled by motor or other transport.

The War Department prescribes only the first priority railways, second priority roads being established by corps area commanders, Where a second priority road serves more than one corps area, it should be established by the commanders concerned; the matter should be referred to the War Department only in case an agreement can not be reached.

In connection with the subject of motor traffic, and its best application to your area, there will be sent you shortly for reference and study a map showing model motor transport arrangements for the 5th Corps Area as based upon railheads of the first priority railroads in that area. Coordination
between corps area commanders will be required in the establishment of railheads and motor centers near boundaries.

4. WATER-WAYS:

Coastwise traffic should be handled between the corps area concerned under the same rules of procedure as for rails. Traffic on inland waterways similarly, except that the "Inland and Coastwise Waterways Service", War Department (G.O. #42, W.D., 1920) will operate under G-4, War Department.

5. UTILITIES:

In general, all utilities will lie entirely within the corps area. However, cases may arise where long power transmission lines exist and power stations will lie in a different corps area from the locality which receives power from these stations. In such cases the closest liaison must be maintained between the adjacent corps areas to insure proper coordination of plans and maps.

6. PERSONNEL, CORPS OF ENGINEERS:

There are now scattered through the United States a number of Engineer officers who are on miscellaneous duties directly under the Chief of Engineers and exempt from the Corps Area Commanders. As their duties are of a civil works nature not connected with the military establishment as such, it is essential that such officers be exempt during ordinary times, but in an emergency certain of them can be placed by the Chief of Engineers at the disposal of the Corps Area Commander for military duties. These officers may be grouped in three classes:

FIRST CLASS: This includes all officers who will be immediately available for any assignment, on telephonic or other request direct to the Chief of Engineers, by the Corps Area Commander.

SECOND CLASS: This includes officers who, on account of their duties, must remain at their proper stations, but who, in addition to these duties, can be used in case of emergency. These officers will be available in this limited sense, on telephographic or other request from the Corps Area Commander to the Chief of Engineers.

THIRD CLASS: This includes certain officers, who, on account of their special duties can not be turned over to the Corps Area Commander, except in emergencies so extreme as to justify disruption of their normal activities and contingent financial losses. Such officers may be made available, on telegraphic or other request by the Corps Area Commander to the Chief of Engineers, but their services can not be definitely counted on.

The Chief of Engineers will keep all the officers on this work classified and will furnish such a list on demand from any Corps Area Commander when an emergency is imminent.

BY ORDER OF THE SECRETARY OF WAR:

MARRISON HALL

Adjutant General.
APPENDIX E (Cont.)


"From: The Adjutant General of the Army.

To: The Commanding General,

Subject: Method of preparation of Emergency Plan — White, and similar plans.

With reference to recent instructions contained in secret letter A.G. 361, Oct. 22, 1921, on the subject of Emergency Plan — White, the following instructions will govern in the preparation of these plans and any similar plans that may be called for by the War Department in the future:

1. All matter other than maps, charts and graphics will be on cop-size paper and either written with a black record ribbon or else mimeographed with good black ink. In the event that carbon copies are furnished these should be made with thoroughly fresh black carbon paper.

2. In the reproduction of maps, photography is often used at some point in the process and all work must be done with this fact in mind. Maps which are to be reduced in size must have all lettering, conventional signs, etc., on an exaggerated scale in the original. Maps, charts and other graphics will be made on white paper. Black ink will be used as far as possible, different activities being shown by broken lines and by lines of various weights. If it is absolutely necessary to use colors whose with a high actinic value, red orange and yellow will be employed. Blue, green and pink colors, washes and crayon shadings of any kind will not be utilized. All maps, etc., will be carefully prepared, lines and lettering being clean cut and distinct.

3. The plans will be furnished in loose leaf form so that any future minor revision or correction will simply necessitate the withdrawal and substitution of the pages, maps, charts, etc., concerned.

4. In order to secure uniformity in the presentation of the Emergency Plan — White, it is suggested that the following form or arrangement be considered in developing your plan:

The Basic Plan.

I. (a) Estimate of the situation.
   (b) Missions.
   (c) Corps area Plan.
   (d) War Department Action (Under instructions issued or to be issued).

II. Annexes.

It will be noted that the Basic Plan is the permanent part of the plan and that the details are developed in a series of annexes and appendices which are kept up to date.
APPENDIX E (Cont.)

5. The above indicated headings may be divided into the following sub-heads or any other that appear desirable:

Estimate of the Situations,

(1) General situation.
(2) Radical Forces.
(3) Radical action.
(4) Forces available,
   (a) Local police.
   (b) State Constabulary.
   (c) National Guard.
   (d) Regular Army.
   (e) Organized Reserves.
   (f) Civilian organizations.
(5) Scope of action,
   (a) Minor emergencies.
   (b) Major emergencies.
(6) Conclusions.

Missions,

(a) Mission of Corps Area Commander --
   (a) In minor emergencies.
   (b) In major emergencies.
(b) Mission of the War Department --
   (a) In minor emergencies.
   (b) In major emergencies.

Corps Area Plan.
(General scope.)

War Department action.
1. In minor emergencies.
2. In major emergencies.

Annexes,

Annex I (G-1).
" II (G-2).
" III (G-3).
" IV (G-4)
The above will contain appendices by:
Q. M. Corps,
Corps of Engineers,
Medical Corps,
Signal Corps,
Ordnance Corps, etc.
(or such as may be necessary and desirable.)

6. It is not intended to confine corps area commanders and their staffs absolutely to the outline submitted or to restrict them in any way in working out the details of the plan. The arrangement indicated is submitted with the view of securing some degree of uniformity and in the hope that it may be of value and assistance in this respect.

BY ORDER OF THE SECRETARY OF WAR:

HARRISON HALL
Adjutant General."

"From: The Adjutant General of the Army.

To: The Commanding General,

Subject: Emergency Plan -- White.

With reference to former War Department instructions on the subject of War Plan -- White and Emergency Plan -- White, and the copy of your plan now on file in the War Department, the following additional instructions are issued to apply to any situation that might arise out of the pending coal strike in which the U. S. Army may be required to act:

1. In case federal aid is furnished to a state at the request of the legislature thereof or of the Governor when the legislature cannot be convened in accordance with the provisions of Section 5297, Revised Statutes (see Par. 485 A.R.) National Guard troops of the state concerned will not be called into the federal service.

In any action that you may be called upon to take under these circumstances, you will retain a separate command and cooperate in such manner as the situation demands with such State military forces as may be on active duty in the States.

2. In case federal action is taken in accordance with the provisions of any other one of the federal laws that may be applicable, you will have complete command of all field forces as indicated in secret letter A.G. 381, October 22, 1921, on the subject: Emergency Plan -- White.

3. In case the employment of regular army forces becomes necessary, units will not be raised to war strength.

4. Pending further instructions from the War Department, the present authorized peace strengths will govern for units of the regular army.

4. In case National Guard organizations are called into the federal service, Tables of Organization (peace strength) will apply to these organizations.

5. In the event that it becomes necessary to call into the service of the United States National Guard troops, such organizations only will be called in the first instance as your estimate of the current situation in your Corps Area may indicate as being necessary. Heavy Artillery and other units manifestly unsuited to the character of the service that may be required will not be called into the service of the United States unless the situation develops so as to require their use either in their present capacity or as infantry when, in the latter case, they will be re-equipped after induction into the service of the United States.

In accordance with the above, you will submit without delay to The Adjutant General of the Army a table of federally Recognized National Guard units of your Corps Area arranged according to the priority in which you recommend that such units be
APPENDIX E (Cont.)

called into the federal service for a minor emergency. In determining this priority you will take into consideration the actual status of the organization with respect to strength, equipment, training, geographical location and adaptability for the duty to which they will be assigned in accordance with your plans.

6. You will keep yourself and the War Department informed of the development of the situation in your corps area and be prepared to act when directed by the War Department in accordance with the above and previous instructions relating to Emergency Plan -- White. You will be informed by the War Department as much in advance as possible of their contemplated action and also of that of other federal authorities.

BY ORDER OF THE SECRETARY OF WAR:

HARRISON HALL
Adjutant General."

5. Instructions issued Aug. 8, 1922, re form of report to be submitted by corps area commanders on current situation.

"The Commanding General,

Corps Area,

Having reference to previous instructions from this office (G-3/4148, AG. 370.6) July 12, 1922, subject: "Suppression of Disorders", you will on August 15, 1922, submit to the War Department a report on the current situation embodying such changes in, amendments to, corrections of and additions to your report for July as deemed desirable.

This report will in general conform to the following outline which will be extended or altered to include any information which should be in possession of the War Department:


I. Estimate of the Situation:

1. General.
2. Attitude of the disorderly element.
3. Attitude of the public.
4. Attitude of the local peace officers.
5. Attitude of the State Authorities.
6. Places at which disorder exists.
7. Federal assistance now being rendered by (a) United States Marshal (b) Federal Troops with the location, numbers and duties.
8. Extent of the problem in the Corps Area with probable trend of future developments.
9. Industries liable to be affected by the present disturbed condition.
APPENDIX E (Cont.)

II. Probable Centers of disturbance.

III. Probable Troop Requirements.

1. National Guard now on active duty under state authorities, organizations, strength, locations, dates.


3. Regular Army available for use by Corps Area Commander in suppression of disorders and general plan for use of same.

4. General plan for use of National Guard in the event it is called into Federal service.

APPENDICES:

1. Priority in which units of the National Guard should be called into the Federal service, from their respective States, giving organizations, districts in which they will be sent and points of assembly. (Only changes in your statement already on file in War Department required.)

2. Detailed statistics on each disturbed area.


4. Map showing priority roads and railroads, in the Corps Area.

BY ORDER OF THE SECRETARY OF WAR:

H. H. TEBBETTS

Adjutant General."
APPENDIX F.

MISCELLANEOUS.

1. Form for letter of transmittal to military committees of Congress of proposed legislation to expand the Army of the U.S.

2. Form for warning letter or telegram to governors of states of President's intention to call National Guard into Federal Service.

3. Form for telegram or letter of instructions to corps area commanders when proclamation in accordance with the provisions of Section 5300, Revised Statutes, has been issued by the President.
APPENDIX F.

MISCELLANEOUS.

1. FORM FOR LETTER OF TRANSMITTAL TO MILITARY COMMITTEES OF CONGRESS OF PROPOSED LEGISLATION TO EXPAND THE ARMY OF THE U. S.

Hon.
Chairman, Committee on Military Affairs,
United States Senate (House of Representatives).

My dear _________________________,

A mature consideration of the present internal situation existing in the United States constrains me to believe that the strength of the Regular Army as now authorised is at present, and will be for some time to come inadequate to fulfill its proper function, and that legislation is necessary in order to take care of the emergency which has arisen.

I am enclosing herewith draft of an Act which I urgently recommend be favorably considered by the Congress, and enacted at the earliest practicable date.

The proposed act contemplates the increase of the number of enlisted men only, such additional commissioned officers as may be needed being drawn from the Officers' Reserve Corps.

Sincerely yours,

Secretary of War,

2. FORM FOR WARNING LETTER OR TELEGRAM TO GOVERNORS OF STATES OF PRESIDENT'S INTENTION TO CALL NATIONAL GUARD INTO FEDERAL SERVICE.

CONFIDENTIAL.

Honorable Governor of _________________________,

My dear Governor:

I am directed by the President to advise you, confidentially, that he may be obliged to call into federal service the following National Guard organizations and National Guard personnel of your State, viz.,

________________________________________________________

________________________________________________________
APPENDIX F. (Cont.)

The President also directs me to request you to take such steps as can be taken without publicity to expedite action upon such a call in case it becomes necessary for him to issue it.

The Commanding General, ______ Corps Area, will be furnished a copy of this telegram. He will be responsible for the proper induction into federal service of the National Guard forces of your State, and will be directed to communicate with you in regard thereto and to advise and assist you, so far as is expedient, in such preliminary action as you may deem advisable.

Secretary of War.

3. FORM FOR TELEGRAM OR LETTER OF INSTRUCTIONS TO CORPS AREA COMMANDERS WHEN PROCLAMATION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 5300, REVISED STATUTES, HAS BEEN ISSUED BY THE PRESIDENT.

Commanding General, ______

Proclamation required by Section 5300, R. S., issued by President this date, involving federal action under Section 5298 (or 5297), R. S., in the State (or County) of _______.

Time for dispersal fixed at 12 o'clock, noon, of ______ day of _______.

You will employ after that hour such force of regular troops as may be necessary to deal with the situation in affected areas.

If conditions require it, the National Guard, or such portion thereof as may be needed will be called into Federal service by the President.

BY ORDER OF THE SECRETARY OF WAR:

Adjutant General, _______