

July 25, 1968

Honorable George L. Russell, Jr.  
Department of Law  
508 Tower Building  
222 East Baltimore Street  
Baltimore, Maryland 21202

Dear Judge Russell:

Upon return from a vacation trip to New England I found that you had kindly made available copies of the Report of the Baltimore Committee on the Administration of Justice Under Emergency Conditions.

It is certainly an excellent report and you and your staff deserve the congratulations and appreciation of officials and citizens for such a tremendous job performed within a limited period of time.

Sincere best regards.

Sincerely yours,

RICHARD G. SULLIVAN  
Managing Director



A  
REPORT OF  
THE  
BALTIMORE CIVIL DISTURBANCE  
OF  
APRIL, 1968



THE MARYLAND CRIME INVESTIGATING COMMISSION

623 Edmondson Avenue

Baltimore, Maryland 21228

747-1121

*Dr. William E. Peterson*  
*Board President*

*Alvin J. T. Zumbrun*  
*Executive Director*

Release Date: June 4, 1968



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MARYLAND CRIME INVESTIGATING COMMISSION

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A  
REPORT OF  
THE  
BALTIMORE CIVIL DISTURBANCE  
OF  
APRIL 6 TO APRIL 11, 1968

APPROVED BY THE BOARD OF  
THE MARYLAND CRIME INVESTIGATING COMMISSION

William E. Peterson, M.D.  
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(Release Date: June 10, 1968)



## FOREWORD

The purpose of this report is to present to the people of Maryland an objective, impartial, non-political account of the social disturbances of April, 1968. An attempt has been made to avoid criticisms of personalities, but we have not avoided criticisms of practices and procedures for it is here that changes must take place. It is a socio-legal report with pertinent data concerning the overall national problem as well as what we experienced within Maryland, for we are dealing with a common problem.

We cannot commend enough those police, firemen, state guardsmen and federal troops for returning our communities to their peaceful states. We sincerely hope that this report will help to inspire our elected and appointed officials to establish more effective procedures in dealing with the rioter in the first stages of his lawlessness.

This report is being submitted to the Governor of Maryland; the Attorney General of Maryland; the Mayor of Baltimore City; the Maryland National Guard Commander; the Baltimore City Police Commissioner; the Maryland State Police Superintendent; County police departments; the judiciary; public and private health, welfare, recreation and education agencies; the communication media; and other interested agencies and individuals.

The Crime Commission will continue to work toward that day when our Maryland citizens, both white and colored, receive the best possible protection under every circumstance.



The Report of the Maryland Crime Investigating Commission on  
The Baltimore Civil Disturbance of April 6 to April 11, 1968.

On April 6, 1968, at 8:00 p.m., Maryland Governor Spiro T. Agnew proclaimed that "a state of public crisis, emergency, and civil disturbance exists within the City of Baltimore". The following four nights and three days brought looting, burning, and vandalism, and resulted in Federal troops being called into Baltimore for the first time in almost a hundred years. Before it was all over, six persons were dead, more than 700 others were injured, more than 1,000 businesses were looted or destroyed, approximately 5,500 persons were arrested, and insurance agencies were required to pay some \$12,000,000 to meet some 1600 claims from the riot victims. In addition, some 70 suits asking more than five million in damages from Baltimore City for failure to protect have been filed in superior Court.

Estimates of direct cost to the City government because of the disturbance add up to more than \$800,000. This will cause a property tax increase of 2-3¢ in the next fiscal year, according to the City's finance director. About 80% of the bill was for overtime charges.

According to a Baltimore Bureau of Inspection survey, the 700 damaged buildings which had been hit during the disturbances did not include a number of vacant properties taken over by the City and scheduled for demolition. The street-by-street survey of the riot-stricken areas showed the liquor stores, drug stores, taverns and groceries were the most frequent targets of burning, looting and vandalism during the outburst which subsided on April 11, 1968. The survey listed 127 grocery stores looted, another 30 both looted and burned, and 3 burned but not showing evidence of looting. Another 29 showed broken windows or other signs of vandalism. Seventy-four liquor stores were looted, another 16 burned and looted, and 4 burned without looting. The report showed that 32 drug stores, including those with liquor licenses, were looted, another 2 burned, and 8 subjected to both fire and looting. Four more were vandalised. Looting was reported at 40 taverns and bars, with another 2 burned, and 9 both looted and burned. Signs of vandalism were found at 7 others. Later riot reports set the total businesses damaged at 1,049.

#### AREA COVERED

The area covered was generally bounded by Patterson Park Avenue on the east, West Belvedere Avenue and 33rd Street on the north, Hilton Street and Hilton Road on the west, and Pratt Street and Washington Boulevard on the south.

It is interesting to note that Cherry Hill, a community of 40,000 Negroes, did not have a single window broken nor a single looting occurrence during the general disturbance. This is interesting in lieu of the fact that no soldiers from the National Guard or the Army were on duty in the area. There were over 30 places of business in the Cherry Hill area and all were spared.



In analysing the civil disorder, we quickly see a two-pronged problem. First, we have not worked diligently, either the black community or the white community, to change those conditions which bred the recent civil disorders. Those conditions include ignorance, apathy, almost complete discrimination, slums, poverty, disease, and lack of opportunity for decent jobs. We must attack those and other obvious problems immediately and consistently. It is the right thing to do. The other aspect of the problem must be dealt with just as aggressively if we are to move along in a positive, proper, and constitutionally correct way. We mean that any lawlessness while working for changes must be dealt with quickly and severely. The potential victims of the law violators should expect nothing less and should be given nothing less.

#### DISORDER BACKGROUND

The background of disorder is often as complex and difficult to analyse as the disorder itself. But we find that certain general conclusions can be drawn. Social and economic conditions in the looted areas constituted a clear pattern of severe disadvantage for Negroes compared with whites. There is no evidence to contradict the National Advisory Commission on Civil Disorders' Report that the looter had completed only a few years of education. Very few had attended high school. As compared to the white community, more citizens in the disturbed areas were likely to be unemployed and if employed, were three times as likely to be in unskilled and service jobs. They average only 70% of the income earned by whites and are more than twice as likely to be living in poverty. Although housing costs the Negroes relatively more, they actually have worse housing and are three times as likely to be overcrowded and substandard. When compared to white suburbs, the relative disadvantages are even more pronounced.

#### POSSIBLE DISORDERS THIS SUMMER

We may have more disturbances by August, 1968, and better control of such disorders is most important. In line with the President's Riot Report, we recommend the following, better to maintain control of those incidents which could lead to serious disorders:

1. Assign seasoned, well-trained policemen and supervisory officers to patrol the ghetto areas, and to respond quickly to disturbances.
2. Develop plans which will quickly muster maximum police manpower and highly-qualified senior commanders at the outbreak of disorders.
3. Provide special training in the prevention of disorders and prepare police for riot control and for operation in units, with adequate command and control and field communications for proper discipline and effectiveness.
4. Develop guide lines governing the use of control equipment and provide effective alternatives to the use of lethal weapons.



5. Establish an intelligence system to provide police and other public officials with reliable information that may help to prevent the outbreak of a disorder and to institute effective control procedures in the event a riot erupts.
6. Develop continuing contacts with ghetto residents to make use of the forces for order which exist within those communities.
7. Establish machinery for neutralizing rumors and enabling Negro leaders and residents to obtain the facts. Create special rumor details to collect, evaluate, and dispel rumors that may lead to a civil disorder.

#### FURTHER RECOMMENDATIONS

Further, we recommend to the major and police commissioner of Baltimore City:

1. That more adequate police protection be provided to the ghetto residents to eliminate their high sense of insecurity and the belief of many Negro citizens in the existence of a dual standard of law enforcement.
2. Better educate the citizen in the ghetto of the procedure for bringing grievances against the police and other municipal employees.
3. Develop and use better programs to insure widespread community support for law enforcement.
4. Recruit more Negroes into the regular police force and continue to review promotion policies to insure fair promotion for Negro officers.
5. Recruit more of the ghetto youth into the Baltimore City Police Cadet program. These junior officers could perform duties in the ghetto neighborhoods but would not have full police authority.

#### COMMENDATIONS

Many of the cities which experienced disorders had recurring breakdowns in the mechanism for processing, prosecuting, and protecting arrested persons. These resulted mainly from long-standing structural deficiencies in criminal court systems, and from the failure of communities to anticipate and plan for the emergency demand of civil disorders. The Crime Commission commends the general administration of justice procedure during the recent Baltimore disturbances and congratulates the city policemen, the State Police, the troops, the jail personnel, the prosecutors, the defense attorneys and the judiciary who functioned so well during such a very trying time.

#### THE FIREMEN

The heroics of the firemen could only be equaled -- never exceeded.



## PERSONAL OBSERVATIONS

The Crime Commission can base certain conclusions concerning the disorders on the results of personal observations of Crime Commission personnel, policemen and guardsmen interviewed, newspaper and television accounts, interviews with looters and their victims, interviews with attorneys who defended suspects arrested during the disorder, and with anti-poverty workers. Much information was given from sources which desired to remain anonymous.

Burning and looting were purposely restricted to Negro ghettos and the riot that disturbed the ghetto so greatly was tightly organized and precisely executed. From all appearances, the Black Militants weren't trying to start a race riot but trying to establish the machinery whereby the Negroes were to run their own neighborhood stores. The first phase of the plan was to burn out the white merchants. (This may necessitate further burnings at the same location until the insurance companies will no longer invest in those stores.)

## NEGRO MILITANT COMMANDED

The Negro militant commanded the scene from beginning to end. No civil rights, religious or political leader, white or colored, could maintain control. Although many courageous moderates walked up and down the streets and begged people to stop the lawlessness, very few paid attention.

Many hoodlums, who neither knew nor cared about the Rev. Dr. Martin Luther King, or have interest in the fate of an opposed minority, concealed their criminal acts during the holocaust under the guise of protest against injustices.

## EARLY INACTION OF THE AUTHORITIES

In the beginning of the disorder, there were too many reports of police and guardsmen merely standing by while hoodlums smashed windows and grabbed liquor and clothes and other merchandise. This gave many other people the impression that they too could loot with impunity. It was vital that the police crack down immediately on those first looters to let others know that law and order would be maintained. Inadequate instructions by command figures left the lawman in the field confused as to the amount of force which he could use to maintain order.

## THE PATTERN

The fires were highly controlled. Extensive enough to involve the fire department but not intensive enough to destroy the entire block. By example, it may be pointed out that in a block where several stores were burned out, an unmarred telephone booth stood on one corner, and there were blocks where only one or two places were set afire.

The pattern most looters seemed to follow was to break a target's window and then run. They would hide a short distance from the vandalized window, and wait for the authorities to come along. Where the guard forces, because of insufficient personnel, did not place men in front of those stores, the looters would soon return and remove the main goods. The remainder would be left to the youngsters who quickly followed.



## GAS GRENADES

It is unfortunate that sufficient foresight did not set up the machinery and know-how to provide the authorities with an adequate number of gas grenades that would do the job of an armed guard. When a squad found a store window broken, a gas grenade would have made it impossible for anyone to enter the store for two or three hours. This would serve to better protect the property of store owners during such times.

There was general confusion concerning the authority of the guardsmen to arrest the rioters. Many policemen complained that the guardsmen were of no help on Sunday, April 7, in arresting the trouble makers. Following a series of conflicting reports as to the power of the guardsmen to arrest, a statement was finally made that Governor Agnew, on Saturday evening, April 6, had declared that the guard would have no arrest power and this order was never rescinded.

## CONTROLLING RIOTS

In controlling riots, a general pattern has been established which includes no shooting or clubbing except in self-defense; a tightly enforced curfew; no movement of police into troubled areas until they are sure they are not too badly outnumbered by rioters; and no delay in calling out extra troops. A number of citizens have raised the charge that the leniency tendency leads both to a higher toll in property damages and theft and to a general erosion of respect for law and order.

Law enforcement requires the protection of life and property. Whenever force is necessary to accomplish the preservation of law and order, force should be used and not withheld. At a crucial time, law violators in Baltimore City were permitted to operate unmolested under the eyes of policemen and troops. The vast majority of the citizens within the ghettos were forced to cower at the mob rule which prevailed for a period of time. Many of these good citizens will carry terrifying memories with them to their graves. In the early stages of the riot, they expected more protection, and they deserved more protection from the authorities than they received. Fault is not to be placed with the men in the field who were under orders to show little force.

It is well for those in the law enforcement field to remember that violent opposition to law--any law--is intolerable and is nothing short of rebellion. The nation's law and customs have long been clear that the right to differ with society and reject its code of behavior has limits. Those who undertake such violent courses of dissent should be prepared to be arrested and convicted as criminals because organized society cannot endure on any other basis. Necessary force by the authorities is to be expected.

## PROFILE OF THE VICTIMS

Several thousand business people lost their stores, stock, and livelihoods in the recent disturbance within Baltimore. It is unfortunate that most of the new Americans who came here after World War II as refugees were most hard-hit. Many, through hard work and thrift, long hours and perseverance, built up the small independent grocery, hardware, or beverage business. Only in the downtown areas was he



able to do so. The independent store owner finds it near impossible to compete with the big supermarkets in the suburban areas. It was this small business man, averaging in most cases about \$7,500 in annual net income, who has, in many cases, been completely wiped out. Who is this awful perpetrator of foul deeds who deserved the looters wrath? He is over 50 years of age, possesses few skills, little capital, and frequently only a bare working knowledge of the English language.

He has been accused of taking advantage of his Negro customers. Perhaps his prices are higher by 10 or 20%, but it is well to explain why. Much is lost monetarily due to liberal credit given that is never repaid. Much is stolen from the stores. Much is lost by customers moving away, and denying their obligations. Much is lost by customers losing their jobs, and giving excuses instead of installments. Wholesalers very often will charge this type of retailer more for smaller deliveries than his super-store counterpart. Insurance is higher in many of the areas (if it is possible to get insurance at all in some locations). The robbery and burglary rates are much higher in these areas. The storekeepers often work 72 hours a week. Therefore, the risks are immeasurably greater and the net often smaller than that of the large store in the suburban areas.

Many of these small ghetto merchants are Jewish. The frustrated Negro found this merchant a handy scapegoat. We must be most careful that we do not encourage the lawless procedure of burning out the white merchant with the design of securing governmental or private funds to rebuild that business location in order that the location may be owned by a Negro in the ghetto area. Upon close analysis, this seems to be not only a criminal conspiracy but a step backwards if we are to follow the integration philosophy consistently.

#### BALTIMORE UNPREPARED

Baltimore had a long, long time to be properly prepared for a civil disturbance. Even the Monday morning quarterbacks cannot be criticized too harshly for stating that the situation in Baltimore was not handled as smoothly as the citizens could have expected. The intelligence people may still be blushing. According to information now known, the Governor's proposal at a secret meeting on Saturday, April 6, 1968, to impose a 6:00 p.m. curfew in Baltimore that evening, was rejected by Baltimore City representatives with the explanation that its intelligence of the situation was effective and indicated no imminent trouble. What magic was supposed to prevent the disorders in Baltimore while such disorders were raging as close as 40 miles away? The burned-out businessman asks this with tears of frustration and contempt in his eyes.

The Eastern District was a very hard hit area during the disturbances. The police personnel in that district presented complaints to police officials about alleged inefficiency in distributing police equipment during the troubled times. Fifty-nine in number complained that there were shortages of riot helmets and proper riot guns. There was no additional ammunition for service revolvers, and each officer had been issued only twelve rounds. There was no real organization in issuing riot equipment to the men. Plain clothesmen carried riot guns in cars while uniformed officers, working the worst sections, were unable to obtain any special weapons. Although high-ranking officers



ordered that only regularly used weapons be issued to patrolmen, members of the force at the Central District's Garage carried non-regulation firearms. When Eastern District officers finally were issued riot helmets during the disturbance, all they received were obsolete Civil Defense World War II helmets. Those helmets in large crowds may be used to injure officers if the helmets are grabbed from behind.

When the policeman is out there endangering his own life while attempting to perform his duty, he deserves the most modern equipment and top backing from his superiors. A goodly number felt they were short-changed. We believe the inadequacies will not be repeated.

#### THE NEGRO AS THE VICTIM

Negroes are very much concerned about the lack of police protection for themselves. Many law-abiding Negro citizens were victims of the riots as they are in other crimes in our society. What keeps those who are in most need of police help from getting it? A recent study in Detroit showed that 79% of identified assault offenders were Negroes but 76% of assault victims were also Negroes. Similarly, in Dallas, in 1963 a survey showed that 68% of suspects in criminal cases were Negroes and 69% were victims. The Crime Commission has some classic letters from decent citizens, living in the ghettos, literally begging for adequate police protection from the criminal element in those ghettos. There is a general belief by many of these citizens that law enforcement is not as vigorous as it is in the outlying areas.

#### A CONCERNED POLICE HEAD

The police director of Newark, New Jersey recently made the following observation: "We have had our riot, and I can tell you this, that it will not happen here again. We weren't ready last time. We didn't have the protection we needed for our officers, nor the weapons. We've got them now and we will use them. We will do everything humanly possible to keep a riot from breaking out, but if trouble starts, we won't make the mistake we made before. We won't wait five hours begging people to go home peacefully. Fifteen minutes after the crowd starts gathering, we'll have 100 men there, armed with shotguns. We will disperse the crowd, and our patrols will keep it dispersed. They can shout and yell all they want--that's their right, but the minute the first brick goes through a window, we'll start making arrests. This time there won't be any fooling around". That police director's blunt warning reflects the mood of many lawmen today. The Crime Commission concurs. No mayor or police commander would seriously question the basic findings of the National Advisory Commission on Civil Disorders--that vast projects, "compassionate, massive and sustained", must quickly get underway to wipe out the inequities that cause riots. They agree also with the Commission's observation that violence and destruction must be ended, and that the community cannot, and will not, tolerate mob rule. There must be peace in the streets.

#### THIS SUMMER

At this time, there seems little likelihood that there will be peace in the streets of Baltimore or many other large American cities this summer, without the repressive police measures aforementioned.



As police arm and armor themselves against the possibility of new violence, some citizens of the ghetto, heeding Black Power leader Rap Brown's admonition "get you some fire", have been acquiring weapons of their own. Another disturbance would undoubtedly be bloodier in Baltimore.

### THE REGULARS

In Baltimore, we must remember that it was the steady, disciplined troops of the regular Army which finally brought the mob under control. From these experiences, the police and the National Guard each learned a lesson. The police, trained to work singly or in pairs, discovered that they were neither psychologically prepared nor physically equipped to function as a semi-military unit, which is what riot control demands. They lacked the command structure, the weapons, the knowledge of mass formation tactics which can disperse or contain an unruly mob. The Guard units, on the other hand, were heavily armed for warfare, but it was well publicized at the beginning of the disturbance that no shooting war was going to be waged except against rioter fire.

### LACK OF INTELLIGENCE

In analysing what Baltimore went through, it soon becomes clear that lack of intelligence about the enemy's plan was responsible for much of the early confusion. A complacent feeling had taken hold in Baltimore when, suddenly, the authorities found that they had a hot war on their hands. Local power couldn't handle it. The police soon had the assistance of the National Guard and the National Guard commander soon called in Federal troops to help quell the disorder. More than 12,000 persons eventually were needed.

### NATIONAL GUARD TRAINING AND OFFICIAL PREPAREDNESS

Shocked into an awareness of its unreadiness to fight a war in the streets, Guard units throughout America, under direct order from the President, launched a crash program last year to step up its riot control training from two hours to thirty-two hours. At Ft. Bellvoir, Virginia, and Ft. Gordon, Georgia, regular Army troops simulate riots and demonstrate traditional control methods to both Guard commanders and the police. Meanwhile, determined that they shall not again be taken by surprise, previously troubled cities across the nation are:

1. Sending police undercover men into the ghettos to look, listen, and to gather information on what the militant leaders are saying with special efforts being made to track down the sources of the wild rumors that often incite riots.
2. Stockpiling arms, ammunition, and tear gas, and spending huge sums on body armor and helmets needed to protect police officers attempting to control an unruly mob.
3. Training men in the tactics the military uses to put down civil disorders--the mass formations of armed men that can disperse or contain a mob, and the special techniques of killing or capturing a sniper without unduly endangering the innocent. Believed important also is passing new ordinances giving mayors greater powers



to set curfew hours; to seal off certain sections of the city from all traffic; to close up businesses selling guns and ammunition, liquor or gasoline in areas threatened by a riot.

4. Keeping the department of justice informed of the mood and temper of their minorities by reporting every morning to a special riot control room in Washington where phones and teletypes are manned 24 hours a day. A computer attempts to digest all this information with a view to predicting riots before they start.
5. Holding command post exercises with their allies, the state police and the National Guard, meshing their communications nets, assigning areas of responsibility and setting up the chain of command that will take over when these forces come in to back up the local police.
6. Providing the department of the Army with details of their battle plan. The Army in turn is coordinating its plan with those of the city, and stockpiling riot control equipment at strategic depots from which it can be airlifted to any threatened city. And the National Guard is tying in its plans with those of the Army, the state police and the city governments.

We recommend that our Maryland authorities respond in like fashion.

#### POLICE CHIEFS ON RIOTS

Police from all over the country attending last Fall's police chiefs' convention focused their main attention on riot control. There was almost unanimous agreement on three points:

1. The best way to control a riot is never to let it get started. This is primarily the task of the whole community through its social welfare agencies, but it is also the task of the police department, for the policeman, even though he may only cruise the streets in a patrol car, sees at first-hand the squalor and anguish of the ghetto, and he is the first to feel the impact of its anger.
2. When an incident does occur that threatens to explode into a riot, the police must cool it quickly, using whatever force is needed. Half-hearted measures won't work. In Detroit and Newark and Baltimore, the first response to mob action was slow and cautious. This cost these cities and many of their citizens some very unfortunate results.
3. Whether a riot is to be prevented through the civilized methods of a police community relations program, or controlled by force once it is under way, the police commander must have full and complete information on the mood of the ghetto, its goals and aspirations, its angers and frustrations, the identity of its leaders, friendly and unfriendly, and its potential power to destroy once its fury is unleashed.



## EMPLOYING FORCE WISELY

Organizing and arming a semi-military force to fight a war in the streets basically requires only money and a very small amount of administrative ability. Knowing how to employ it wisely is far more difficult. What does a police commander do when the mob is actually in the streets? Does he try to scatter it, or does he contain it behind barricades? In either case, when does he make his show of force? How hard does he strike? There are no hard and fast guide lines. It is basically a matter of feel, of sensitivity to the mood of a crowd; it is subjective and judgmental. It is difficult to spell out. We do know this, however, you do use what force is necessary to keep a small incident from flaming itself into a full-scale riot, and you use it as quickly as possible. The biggest mistake any police commander can make is to try to handle a dangerous situation with a force of inadequate strength. The sight of a few policemen may inflame the temper of a mob. The sight of great numbers of policemen, coming on in massed ranks, almost invariably will cool it.

## THE DEGREE OF FORCE NECESSARY

The Maryland Crime Investigating Commission does not believe in taking a human life in defense of property alone, but if the rioter's action menaces the officer's life or the life of someone else, then shooting him is justified. This does not mean that non-lethal devices tested for crowd control, should not be used as quickly as possible in other cases. An early promising, but now controversial, device is an innocent-looking black squirt can, about the size of a can of shaving cream, which propels a stream of super tear-gas for a distance of 20 feet. Sold under the trade name Chemical Mace, it contains an ingredient that, when sprayed on human skin, sets up a chemical reaction affecting the nerve ends. The person hit in the face by Mace goes down instantly, gasping, choking, his eyes, nose and throat burning as if on fire. Mace is not available to private citizens, but some 3,000 local state and Federal law enforcement agencies were using it. Some discontinued its use because of possible permanent after-effects. Policemen have nicknamed this chemical "instant apathy". For half an hour, the individual sprayed is as helpless as a newborn baby.

## CROWD CONTROL DEVICES

Many of the other non-lethal devices tested for crowd control sound as if they might have been a product of one of the more imaginative television series. A substance called Rio Trol, nicknamed "instant banana peel", when sprinkled on the sidewalk in powder form and then wetted down, makes the surface so slippery that a rioter (or a policeman) cannot run, walk, or even stand on it. A noise-making device called a Curdler utters a sound of such brain-numbing intensity that the thought processes of all who hear it are disrupted. Sticky nets that may be fired over the heads of the crowd, like those used by wildlife rangers to trap flotillas of sitting ducks, have been tested. So have water pumps which douse a crowd with dyes or evil-smelling chemicals for the purpose of later identification. Smoke has been found to be effective as a psychological weapon. A man can't riot when he can't see.



## RACIAL VIOLENCE FROM COMMUNAL TO COMMODITY

In the area of social control of escalated riots, sociologist Morris Janowitz's efforts give us a good look at the anatomy of racial violence, and the University of Chicago Center for Policy Study begins to give us a clearer picture of the problem.

During World War II, the pattern of rioting underwent a transformation, which has taken full form with outbreaks in Watts in 1965, and in Newark and Detroit in 1967, and in Baltimore in 1968. There has been a change from "communal" riots to "commodity" riots. The Detroit riot of 1943 conformed to the communal or contested area pattern. It involved concentrations of recently-arrived Negro migrants, and the precipitating incident occurred in a contested area, Belle Isle. The violence spread rapidly and produced clashes between Negroes and whites. However, the Harlem riots of 1943 contained features of the new type of rioting. The Negro population was composed of a higher concentration of long-term residents in the community. Most important, it was a riot which started within the Negro community, not at the periphery. It did not involve a confrontation between white and Negro civilians. It was an outburst against property and retail establishments, plus looting--therefore the notion of the commodity riot in the Negro community. These establishments were mainly owned by outside white proprietors. The deaths and casualties resulted mainly from the use of force against the Negro population by police and National Guard units. Some direct and active participation by white civilians may take place in such a riot, as was the case in Detroit in 1967, but this is a minor element. There was no known participation by white civilians in the recent Baltimore lootings, although a few were arrested for curfew violations.

### POLICE INTERVENTION STYLE

The style of intervention by the law-enforcement officers has deeply influenced the anatomy of race riots in the United States. The ability of the local police to seal off contested areas has reduced the prospect of communal riots. Since the riots of the first World War, there has been a gradual increase in the capacity of the local police to prevent riots at the periphery of the Negro community, but this is not without conspicuous exception. The use of radio communications and motorized local police forces have been the essential ingredient of control. But the capacity of local enforcement agencies to deal with "border" incidents has not been matched with the capacity of controlling the resort to violence within the Negro community.

### WEAPON STOCK-PILING

The stark reality of the new type commodity riot throughout the nation is the use of weaponry. It is truly an escalated riot. In the old-fashioned communal riot, the police were armed with pistols and an occasional rifle. The National Guard or Federal units carried rifles tipped with bayonets, plus limited amounts of heavy Infantry weapons. The bulk of the fighting by civilians was with brickbats of a variety of types plus a sprinkling of small arms. The central fact about the commodity riots is the wide dispersal of small arms and rifles among the rioters. These firearms are partially the result of individual



stock-piling. There are no adequate statistics on the percentage of such weapons which were in the hands of participants before the riots started, but a significant stock of weapons appears to be accumulated during the actual rioting. Important sources of supplies have come from looting of sporting goods stores, general merchandise establishments and pawn shops. It is almost unbelievable that our laws do not require that guns, while on sale, be rendered inoperative or at least kept in a secure vault. We strongly recommend that our legislators get busy on this omission.

The absence of clear evidence of organized conspiracy does not mean the absence of a pattern of events. The motivation of contemporary commodity riots is clearly not desperation generated by hunger or starvation, such as in food riots in India during famine times. One is struck by the repeated reports of the carnival and happy-day spirit that pervade the early stages of a commodity riot. The new type of rioting is likely to be set off by an incident involving the police in the ghetto, which is defined as police brutality, where some actual violation of accepted police practice has taken place. The very first phase is generally unpleasant and brutish. While the police are being attacked, crowds collect and tension mounts. The second stage is reached with the breaking of glass windows. Local social control breaks down and the population recognizes that a temporary opportunity for looting is available. The atmosphere changes quickly, and this is when positive enthusiasm is released. But all too briefly. If the crowds are not dispersed and order restored, the third stage of the riot is the transformation wrought by sniper fire, widespread destruction, and the counter measures by police and uniformed soldiers.

#### COUNTER MEASURES

There can be no doubt that the counter measures employed deeply influence the course of rioting--even in prolonging the period of re-establishing law and order. One is, of course, struck by the great variation in local response to escalated rioting, and in the skill and professionalism of the forces in their counter efforts.

Let us look at the operational code of the police in New York City, which has been to intervene with that amount of force judged to be appropriate for early stages of the confrontation. The object is to seek to prevent the spread of the contagion. Special steps are taken to prevent routine police performance from leading into incidents which might provoke tension, but if an incident becomes the focal point for tension and the collection of a crowd, the police respond early and in depth in order to prevent the second stage from actually expanding. Numerous police are sent to the scene or kept in reserve nearby. The police seek to operate by their sheer presence, not to provoke further counter action. They seek to prevent the breaking of windows and the starting of looting, which would set the stage for an escalated riot. If actual rioting is threatening, one element is the early mobilization of local National Guard units and ready reserve deployment in inner city garrisons. In part, this is designed to reduce the time required for their deployment on city streets, and in part as a containment policy, which enables the local police to commit their reserves and feel that they have a supporting force available.



## SNIPER FIRE

Once a commodity riot enters the second stage of widespread looting, and especially during the third phase of scattered sniper fire, effective counter measures are difficult and require highly trained and specilized units. The sniper fire exposes police officers and the National Guard units without battle experience (or without simulated battlefield training experience), to fight fire with which they are not accustomed. The amount of fire power is not very high, although personal risk is clearly present. The biggest problem is the scattered source of fire, which envelops the law enforcement units.

The police feel surrounded, and in the absence of effective command and control, they often respond with indiscriminate and uncontrolled fire. The immediate result is that they expose numerous civilians to dangers. Such fire does not eliminate snipers, which can only be eliminated by carefully directed fire and counter-sniper procedures. In fact, the initial counterfire can actually mobilize new rioters into the fire fight.

In a major riot, law enforcement officers are exposed to an environment which most have not previously experienced. Their behavior is conditioned by the sheer feeling of the unreality of the rioting situation and the physical disruption which takes place. One poor response, elimination of street lights by rifle fire, turns an advantage to the snipers and contributes to the sense of unreality. In effect, for prompt control of snipers, special teams of police and National Guardsmen are required, using highly exact fire, or semi-automatic weapons, and trained to respond directly to the source of sniper fire, and avoid general displays of fire power. At night, they require support by massed beacon-lights to illuminate the area rather than to plunge it into darkness.

The advantages of having police and Guard anti-sniper teams are clear and this is another study recommendation.

## TROOP TRAINING

Likewise, the riots of 1964 through 1968 demonstrate wide variations of capacity of National Guard units to respond to and assist local police. The level of effectiveness derives from their military preparedness in general. The superiority of Federal troops reflects past experience, and indicates that more effective military training per se, and more effective officers produces more appropriate responses.

It is believed that integration clearly contributes to the local populations' acceptance of the units and their legitimacy.

There is reason to believe that the mechanisms for preventing and controlling escalated rioting can be improved in Baltimore. Concrete proposals for strengthening social control by police and military units are set forth in this report. Many measures will require Federal intervention and Federal assistance.



## SOCIO-ECONOMIC POSITIONS

There also is reason to believe that the socio-economic position of the Negro in Baltimore will continue to improve, especially as Federal programs of assistance become more effective. Much social learning has taken place since the initial phase of the "war against poverty". The main lines of effective innovation are beginning to emerge; Federal assistance in family planning, radical modification of the present welfare system, and special youth work training enterprises. Of special importance are the efforts to locate employment opportunities in depressed areas. Experience to date indicates that such industrial establishments become training centers which serve to incorporate youngsters into the labor market for the first time and that, after a short period of work experience, give them incentives to seek additional training for better employment in the wider labor market. No doubt, regardless of their limited immediate impact, some of the community organizations being developed in Negro areas with foundations, trade unions, and Federal funds serve as a learning experience for training new leadership.

However, expected changes in the socio-economic condition of the Negro, during the period from 1968 to 1970, or from 1968 to 1972, do not lead to an estimate that social tensions will decline so drastically that problems of social control will become minor. In fact, in our open society, it is necessary to realize that the present commodity riots bear a parallel to the outbursts of militancy in the trade union movement in the 1930's, which displayed their vigor not during the depth of the depression, but during 1936 and 1937, a period of increasing prosperity. In the present period, trade union organizations do not supply an effective or adequate channelling of the Negro protest, demand, and aspirations; community and political organizations must serve the equivalent function.

In the process of conflict and adjustment, not only do law enforcement institutions change their tactics, but elements in the Negro population learn to modify their behavior.

## OUTBURSTS AS POLITICAL VIOLENCE

It seems appropriate to describe these riots as political violence or political terror. The participants are likely to be persons who have taken part in previous outbursts. There is an element of organization at least to the extent that activists are concerned with personal survival and avoidance of the police. There is an element of organization to the extent that the target seems to be selected, and the patterns repeated for a specific purpose. These outbursts often take place with the explicit appeal of "Black Power". Traditional youth gang activity in the Negro community developed more of a conscience, political orientation, and their leaders openly speak of organized force leading to political action.

## SUBSTITUTES FOR NATIONAL POLICE FORCE

Any analysis of the steps that need to be taken to cope with contemporary forms of urban racial violence must take into account the historical fact that the American law enforcement system, deeply



influenced by British institutions, did not develop a middle level of a national police force for the control of civil disorders. Moreover, the United States relied on a decentralized and locally-controlled police, even more decentralized than the British system. A popular government did not require, at least in theory, a national police force, such as the GENDARMERIE in France and Italy, to enforce the authority of the central government over the opposition of the local population.

In reality, the United States has had extensive civil disorder throughout its history, and the country had to find its equivalent to a national police force. The state militia has mainly served this purpose. This issue was of pressing importance before the civil war in the Southern states where local police forces were backed up by the state militia in order to maintain slavery. After the civil war, the organizing efforts of the labor unions and radical political groups supplied the focal point of unrest and armed intervention. The state guard assumed this task with increasing reliance on Federal troops. The mass rioting in northern and border states after the period of World War I broadened the task of National Guard and Federal troops.

The reliance on National Guard units as the equivalent of a national police force was generally an unfortunate necessity, although, as mentioned above, variations in the level of performance were and continue to be tremendous. State militia units and, later, National Guard units were organized to be mobilized both for domestic and for national defense purposes, but in effect, the Federal military function was seen as the over-riding one. Their training and operational code fitted this objective. Thus, the National Guard fell between the horns of a dilemma. As a defense arm, it has been criticized for its recruitment practices and level of military readiness. On the other hand, it did not develop an effective police outlook and an acceptable tradition in this regard. The result has been that in both labor disputes and in race riots, Federal troops have performed with higher levels of effectiveness, not just because of their specialized training for the task, but because of generally higher organizational effectiveness.

#### METROPOLITAN-REGIONAL POLICE SYSTEMS

The adaptation of local police forces, National Guard units, and Federal armed forces to the control of urban violence must articulate with the basic format of Federalism on which American political institutions rest. In our view, on the basis of technical and organizational consideration, this country requires a metropolitan-regional police force system which would relate to actual urban population concentration. A metropolitan-regional police force would have command centers, corresponding to the major population concentration of the country. It would leave many police functions to local control, such as traffic and community policing. It would constitute a distinct law enforcement system under Federal jurisdiction with crucial functions in dealing with organized crime and in the control of civil disorders. Many functions of the state police and the National Guard would be developed on such a metropolitan-regional police system.



The special character of a metropolitan-regional police would be that some of its personnel, like the state police and the fire department, would be resident in the barracks to be deployed for riot control, accident prevention, community disaster work, and special events. But the notion of a metropolitan-regional police system is so different from the normal concept of law enforcement that resistance will prevent its inception for some time. Eventually, it will evolve as the better answer on the basis that we are United States citizens as well as State citizens. Until then, law enforcement will continue to be organized on a municipal, county, state, and Federal level, and an appropriate division of labor between these elements will be required. Any change should be based on one point--will the new system be more advantageous to the citizens in curbing lawlessness than the present system?

The division of responsibility between local, state, and Federal agencies hinges on the condition under which Federal troops will intervene. On August 10, 1967, the President's panel on urban disorders unanimously issued three recommendations designed to produce short-term improvements in riot control. By implication, these recommendations placed the strategic mission for backing up the local police in the hands of the National Guard. The panel in effect follows the lead of Attorney General Clark in seeking to limit the direct intervention of Federal forces, except in extreme emergencies.

#### ACCELERATING FEDERAL ASSISTANCE

It seems essential that the Federal government have a representative in each major metropolitan center who can serve as a Federal listening post. This function could be assigned to an existing Federal officer such as the Federal Marshall. Realistically, the office of the President is struggling to avoid premature commitment of Federal troops whenever local authorities feel under pressure; but the credibility of swift Federal intervention must be maintained as an essential element of riot control. If Federal forces are to be committed only after a Federal representative certifies to their need, it becomes essential that there be a procedure for making this possible without delay.

#### COORDINATING POLICE UNITS

Effective riot control requires active coordination between the municipal, county, and state police, and between local police and National Guard units. There are technical questions of special communication circuits which are easily solved. More difficult is the establishment of unified field command procedures when different units are employed. Since there is no metropolitan police force, National Guard units should maintain, at least during summer months, some small fully alerted units as residents in local garrisons. These units need to be available for use in the early stages of unrest. They would be under the field command of senior police officers. While sections of National Guard units would include specialists to handle sniper fire, in effect they would serve as police reinforcements and would have appropriate equipment and directives to this end. In the event of a deeper emergency where it was deemed necessary to mobilize significant numbers of National Guard units, the command hierarchy would come under their own direction.



Tasks of riot control shade into general police functions. Adequate police protection in general and resources for riot control cannot be developed in Maryland without greater experimentation with police auxiliaries. It is an irony of our society that the police auxiliary, including the unpaid volunteer, is best-developed in suburban and rural areas where the need is least. It is another example of those who have the most getting the most. Police auxiliaries could be paid, armed, and subject to full police discipline, but they would serve only on weekends or on special occasions. Police auxiliaries can be paid and unarmed and serve as a source of information. They can also be unpaid and unarmed. The time is appropriate for a meaningful experimentation in Baltimore City. Baltimore County has met with great success in establishing its auxiliary force. The demand for adequate police protection is very high in the slum areas and better police protection is required to reduce the conditions which predispose toward riots and violence.

### THE MASS MEDIA

At this point, we might look at the impact of the mass media. The mass media both reflect the values of the larger society and at the same time are agents of change and devices for molding tastes and values. It is a complex task to discern their impact since, at times they are both cause and effect. Controversies about the mass media focus particularly on the issue of their contribution to crime and delinquency and to an atmosphere of lawlessness. Among social scientists, it is generally agreed that consequences of the mass media are secondary as compared with the influence of family, technology, and the organizational structure of modern society. But differences in the meaning and importance attributed to this "secondary factor" among social scientists is great. "Secondary" can mean still important enough to require constructive social policy.

Two separate but closely-linked issues require attention. First, what are the consequences of the mass media with its high component of violence on popular attitudes toward authorities and on conditioning and acceptance of violence in social relations? Second, what have been the specific consequences of the manner in which the mass media have handled escalated rioting since the period of Watts?

The content of channels of communication, especially television, in the United States, have a distinct "violent" flavor, as contrasted to other nations. Thus, for example, the British broadcasting corporation operates under strict limitations as to the amounts and times when American television shows can be disseminated. In the United States, it should be noted that the comic book industry, under its own self-regulation, has greatly reduced the amount of horror and sadism in its contents. Sales to be obtained as an educational medium were found to be more profitable than serving the popular demand for criminal content.



## MORE SELF-REGULATION NEEDED

In a democratic society, the content of mass media must be determined by self-regulation. However, there is reason to believe that the United States could be a more effectively integrated society if popular features on violence and crime were drastically reduced. In achieving such an objective, government agencies, especially those charged with regulating radio and television, have a positive and facilitating role to play. They need to stimulate the television managers to re-think their programming and to review their procedures of self-regulation. Some of the mass media have become sensitive to these issues and have attempted to respond by presenting police and law enforcing agencies in a balanced light. Some have learned that to end a half-hour program of violence with a flash favorable to the police is not to alter the fundamental psychological message and its effect on the fantasy life of the young generation. A long range objective should be to make effective and positive use of the mass media to strengthen democratic values.

Television has served as the main instrument for impressing the grim realities of the riots onto the mass consciousness of the nation. On-the-spot reportage of the details of the minor riots and their aftermath was extensive and was buttressed by elaborate commentaries. It is impossible to rule out the contention that detailed coverage of riots has had an effect on potential rioters and on the public at large.

## IMPACT OF PICTURES

Of great importance is the impact of pictures of the rioting on a wider audience. Again, we are dealing with the process of social learning, especially for potential participants. Rioting is based on contagion, the process by which the mood and attitudes of those who are actually caught up in the riot are disseminated to a larger audience on the basis of direct contact. Television images serve to spread the contagion pattern throughout urban areas, and the nation. Large audiences see the details of riots, the manner in which people participate in them, and especially the ferment associated with looting and obtaining commodities which was so much at the heart of riot behavior. Television presents detailed information about the tactics of participation and the gratifications that are derived. The media disseminates symbols of identification used by the rioters and their rationalizations. The mass media serve to reinforce and spread a feeling of consciousness among those who participate or sympathize with extremist actions regardless of the origins.

In particular, television, seeking to expand and hold its audiences, gives great attention to minor extremist leaders far beyond their actual newsworthiness.

## DEVELOPED RATIONALIZATIONS

Knowledge of the riot would spread in any case, but immediate extensive and detailed coverage both speeds up the process and gives it a special reality. We would argue that these images serve to reinforce free disposition to participate and even legitimate participation.



To generate mass media coverage, especially television coverage, becomes an element in the motivation of the rioters. The sheer ability of the rioters to command mass media attention is, in their minds, an ingredient in developing legitimacy.

In past periods when rioting was of the contested-area variety, the newspapers were the major mass media. In many areas, they developed an operational code, informally and formally, to deal with news about rioting. The practice was to apply an embargo on news about a riot during the actual period of the riot. After the event, it would be covered. The goal was to prevent the newspapers from serving as a means for mobilizing rioters, as was the case in the riots of Chicago in 1919. With the growth of television and the intensification of competition between the press and television, this practice broke down. It is time to consider joint self-regulation.

#### EFFECT ON CIVIL RIGHTS MOVEMENT

The riots and their presentation in the mass media have had a profound, if difficult to determine, impact on public opinion toward the civil rights movement. Within the Negro community, there is no reason to believe that the riots and their aftermath have produced a widespread and mass basis for support of extremists or Black Power leadership, even though these events have given a sense of accomplishment to such leaders and their immediate followers. National opinion polls are perhaps not a completely adequate instrument for measuring political sentiment, but on national polls, according to the University of Chicago Center for Policy Study, the overwhelming bulk of the Negro population reject the leaders and the strategy of direct violence. Less than 10% voice support for militant Black Power leaders. The more clear and present danger is the widespread expectation that rioting has become part of the political scene. Thus, an opinion survey of Negroes with family incomes of \$5,500 or less in Chicago revealed that 70% expected riots during the summer of 1967, while for equivalent white groups the percentage rose to 90%.

Disapproval of rioting is universal in the white community, and violence is viewed as beginning to harm the Negro cause.

#### IMAGERY OF THE NEGRO

Since the end of World War II, the mass media have been helping to modify the imagery of the Negro and thereby weaken the prejudiced symbolism. The advances of the Negro in economic, social, and political life have supplied a basis by which the mass media could project a more realistic and more favorable picture of the Negro. The reason and the moral arguments in defense of racial equality by Negro and white leaders supply the basis for extensive editorial comment in the mass media. Mass media images of the Negro were enhanced by the roles of Negro troops in the Korean conflict, and by the increasing presentation of the Negro as policemen. Regardless of Negro leadership opinion on the war in South Viet Nam, the Negro soldier's role has served to modify in a positive direction the image of the Negro in both white and Negro communities. The early phase of the civil rights movement with its emphasis on orderly and controlled demonstrations served also to alter the symbolism of the Negro from that of a weak, powerless figure.



In the elimination of prejudice imagery, the Negro in the United States obviously has had to face much greater psychological barriers than those of the Jew or any other minority group. Hostility and prejudice formed on the axis of color run deep. Nevertheless, the secular trend in negative stereotypes toward the Negro from 1945 to 1968 has shown a dramatic decline.

#### MODIFIED ATTITUDES

The impact of the recent riots, as noted above, has not brought about a reversal of commitment to social equality for the Negro, although it has temporarily modified attitudes. If the riot served as a basis of group cohesion among the minority of Negroes who are prepared to accept the slogans and tactics of extremist Black Power, and revolted the bulk of the Negro population, it also introduced, or strengthened, if only temporarily, a strong element of irrationality into the response of white persons to Negroes. The view of personal competence and responsible group strength of the Negro has for the moment been shattered. Instead, the image of the explosive irrationality of the Negro has been dramatized. The use of sheer strength for destructive purposes rather than to achieve a goal that the white population could define as reasonable and worthwhile, has served only to mobilize counter-hostility.

Generally speaking, the most stable interracial contact takes place in occupational settings, and the bulk of them are satisfactory. Moreover, the broadening range of interracial contact is between middle-class groups, in educational and voluntary associations, especially church settings, among groups best-prepared for such contacts. In short, for many persons, inter-personal contacts with Negroes, when they have them, are more satisfactory than the recent imagery presented in the mass media. We contend that the mass media need to develop techniques of reporting which disseminate the essential news, but yet do not serve to weaken patterns of social control or to legitimate resort to violence.

#### OPPOSITION TO LAW

It is well at this point to draw some important distinctions between violence and dissent and between moral rights and legal rights. Violent opposition to law--any law--or forcible disregard of another's freedom to disagree falls beyond the pale of legitimate dissent or even of civil disobedience. Properly understood, it is nothing short of rebellion.

There is a clear line between such actions and the non-violent form of civil disobedience championed by Dr. Martin Luther King, that sought to expose "injustices that were perpetrated under the banner of law". One day our nation will point with pride not only to the courage of those who risked punishment in order to challenge injustice but also to the morality of their actions in scrupulously avoiding violence. However, one who contemplates civil disobedience out of moral conviction should not be surprised and must not be bitter if a criminal conviction ensues. He must accept the fact that organized society can not endure on any other basis. His hope is that he may aid in getting the law changed, but if he does not succeed in that, he should not complain if the prevailing law is applied to him.



## THE PRESIDENT'S COMMISSION ON DISORDERS

In the disorders in 23 cities which were surveyed by the President's National Advisory Commission on Civil Disorders, the following was noted:

1. The final incident before the outbreak of disorder and the initial violence itself generally took place in the evening or at night at a place in which it was normal for many people to be on the street.
2. Violence usually occurred almost immediately following the occurrence of the final precipitating incident, and then escalated rapidly. With but few exceptions, violence subsided during the day and flared rapidly again at night. The night-day cycles continued through the early period of the major disorders.
3. Disorder generally began with rock and bottle throwing and window breaking. Once store windows were broken, looting usually followed.
4. Disorder did not erupt as a result of a single "triggering" or "precipitating" incident. Instead, it was generated out of an increasingly disturbed social atmosphere in which typically a series of tension-tightening incidents over a period of weeks or a month became linked in the minds of many in the Negro community with a reservoir of underlying grievances. At some point in the mounting tension, a further incident--in itself often routine or trivial--became the breaking point and the tension spilled over into violence. Prior incidents, which increased tension and ultimately lead to violence were police actions in almost half the cases; police actions were "final" incidents before the outbreak of violence in 12 of the 24 surveyed disorders.
5. No particular control tactic was successful in every situation. The varied effectiveness of control techniques emphasizes the need for advance training, planning, adequate intelligence systems, and knowledge of the ghetto community.
6. Negotiations between Negroes--including your militants as well as older Negro leaders--and white officials concerning "terms of peace" occurred during virtually all the disorders surveyed. In many cases, these negotiations involved discussions of underlying grievances as well as the handling of the disorder by control authorities.
7. The typical rioter was a teenager or young adult, a lifelong resident of the city in which he rioted, a high-school drop-out; he was nevertheless somewhat better-educated than his non-rioting Negro neighbor, and was usually underemployed or employed in a menial job. He was proud of his race, extremely hostile to both whites and middle-class Negroes, and although informed about politics, highly distrustful of the political system.
8. A Detroit survey revealed that approximately 11% of the total residents of two riot areas admitted participation in the rioting, 20 to 25% identified themselves as "bystanders", over 16% identified



themselves as "counter-rioters" who urged rioters to "cool it", and the remaining 48 to 53% said they were at home or elsewhere and did not participate. In a survey of Negro males between the ages of 15 and 35 residing in the disturbance area in Newark, about 45% identified themselves as rioters, and about 55% as "non-involved".

9. Most rioters were young Negro males. Nearly 53% of arrestees were between 15 and 24 years of age; nearly 81% between 15 and 35.

#### BALTIMORE RIOT STATISTICS

In contrast to this, in Baltimore, 42% of the looting suspects were under the age of 25, and 45% were age 30 and over, according to sampling statistics of The Sun, April 22, 1968. Also, in the curfew or disorderly conduct suspect statistics, we learn that 48% of the individuals were age 24 or under and 38% were over the age of 29. A further breakdown shows that 26% of the looting suspects were under the age of 20, and 21% of the curfew or disorderly conduct suspects were under the age of 20. Therefore, we can deduce that at least as many of the lawbreakers who were taken into police custody during the four-day riot were working men 30 years old or older, as were unemployed teenage boys. Nearly all were Negroes and most were men or boys rather than women. We know too that most of the looters lived within ten city blocks of the stores they looted. Very few of the lawbreakers had traveled across town.

Later information disclosed that although the disturbance began in East Baltimore, most of the damage occurred in West Baltimore. Arrested during the rioting were 51 juveniles in addition to the 5512 adults; 5069 Negroes (4655 men and 414 women); 443 whites (413 men and 30 women).

Curfew violations, (63% of total arrests), brought arrests of 3311 Negroes and 177 whites; disorderly conduct, 342 Negroes and 49 whites; larceny 910 Negroes and 49 whites, and other offenses, 493 Negroes and 172 whites.

There were 723 incidents of looting reported, and 256 reports of malicious destruction. There were 1536 fire calls; 607 building fires (103 dwellings included); 321 false alarms; and 468 street or alley fires. The Fire Department also answered 140 non-fire calls.

We must be careful that we do not get mislead by the cold arrest records. On-the-scene observations still indicate that teenage boys and men in their early twenties committed the more serious acts of violence. Most witnesses have testified that the youngest children and the older men and women did not participate in the rioting in large numbers until the initial destruction had already occurred.

Our investigation arrives at the clear conclusion that the riot in Baltimore must be attributed to two elements -- "white racism" and economic oppression of the Negro. It is impossible to give specific weights to each, but together they gave clear cause for many of the ghetto residents to riot.

#### BALTIMORE'S JUSTICE DURING THE RIOTS

Through the use of almost round-the-clock court sessions and unparalleled cooperation among judges, police, and attorneys, Baltimore City was able to provide quick trials to more than 5400 persons arrested during the disorders.



The volunteer defense attorneys and the prosecutors worked out an agreement to agree to waive a few basic rights and to ask the defendant under what circumstances his curfew violation occurred. It was agreed that the arrest record would serve as acceptable evidence. Each defendant was represented by a competent attorney and advised of all his rights. It was believed that it was better to waive a few basic rights such as freedom from self-incrimination and right to have your accuser appear in court to expedite matters, than to have these people, many of whom have families, sitting in jail for a week or two awaiting trial. The procedure followed this general line. The charge would be read in Court as follows: "Tom Smith, picked up at Aisquith and Gay for curfew violation at 10:30 p.m.". The defendant would then take the stand and explain the circumstances of the violation, and the judge would then make his decision. Problems developed with this particular system, and in many cases it was impossible to prove violations of a more serious offense. As an example, a man would be picked up by a policeman while walking the streets with a television in his arms after the curfew was in effect. Although it appeared obvious that the article was the subject of looting, there was no way it could be proven. In the eyes of the law, in order to prove larceny, you must be able to show who the owner is and to have the owner testify in court and positively identify the goods. Where it was possible to postpone certain charges until later and to convict on curfew violations only, this was done. However, so many stores had been broken into that it was impossible in most instances to determine where the article came from. At that point, a decision was made to have the arresting officer put down not only the charge on the arrest record, but also to indicate what form that violation took.

It was decided to indicate one of three things to clarify the records:

1. Curfew violation on the street. This was primarily a simple violation with no aggravating circumstances present. Some of these people were found innocent, but most were fined from \$25 to \$50.
2. Curfew violation and disregarding officer's demand. This was deemed more serious and generally brought the maximum fine of \$100 and a few days in jail.
3. Curfew violation while carrying goods in street or found in a building. This was the most serious and would fall into the looting category, though larceny or arson could not have been proven. This was enough to carry a 30 to 60 day jail sentence. Therefore, where we found longer jail sentences imposed, they were in fact the looting cases because larceny would have been difficult to prove under the circumstances.

Prisoners found with incendiaries or firearms were considered instigators and were held for Grand Jury action.

Charles E. Moylan, Jr., the Baltimore City State's Attorney, used the "information" form whereby he used his indictment power which he has under the constitution, but which has never before been used in the City. (There are two means that normally are used to bring people to trial. One is the police officer's arrest warrant, and the other is the Grand Jury Indictment system. Quite naturally, with almost



6,000 people to be tried, a new system was necessary, and the State's Attorney is to be commended for the innovation). "Information" forms were mimeographed with spaces to be filled in with the individual's name and the circumstances of the arrest and with what he was charged.

The City's detention facilities were jammed far past their capabilities within a very short period of time. The Civic Center was pressed into service as a special detention center. Within 24 hours after being pressed into service, the make-shift jail had over 1,000 prisoners.

Well over 80% of the approximately 5,500 people arrested during the disorders were charged with curfew violations and were fined rather than imprisoned. Although the violations could carry a prison sentence of up to 60 days as well as a fine of up to \$100, Judges rarely imposed prison sentences unless there were aggravating circumstances.

In all, 3,466 riot-connected cases were tried in the nine municipal courts. A guilty verdict was returned in 2,193 of the cases, or 64%. In 776 cases, or 33%, the verdict was not guilty. Probation before verdict, usually returned when a judge wants to avoid giving someone a criminal record, was the decision in 389 cases, or 11%. Most of the remaining cases were held for the Grand Jury.

An estimated 500 juveniles were taken into custody during the curfew hours and only 51 complaints against these youths under 16 were aired before the juvenile court judge and two court masters.

#### TWO SIGNIFICANT FACTS

It is significant to note that the Baltimore County Police Bureau reported that 262 purchase applications were received for pre-sale processing between the outbreak of rioting in Baltimore City April 6, and Sunday, April 15, 1968, when Governor Agnew removed the restrictions on gun sales.

It is worth noting that the new Federal Anti-Riot provisions give the FBI the power to arrest the instigators of riots at the planning and preparation stage, and before those plans are carried to completion in looting, arson, and sniping cases. This is a powerful addition to the preventative forces.

#### RIOTER'S GENERAL CHARACTERISTICS

The general characteristics of the rioters appear similar to the pattern found in riots throughout the United States last summer by the National Advisory Commission on Civil Disorders, with the exception that more older people took part in the Baltimore rampage than did older people in other troubled cities.

- . In Detroit and Newark, about 74% of the rioters were brought up in the North. In contrast, of the non-involved, 36% in Detroit and 52% in Newark were brought up in the North.



What the rioters appeared to be seeking was fuller participation in the social order and the material benefits enjoyed by the majority of American citizens. Rather than rejecting the American system, they were anxious to obtain a piece for themselves in it.

- . Numerous Negro counter-rioters walked the streets urging rioters to "cool it". The typical counter-rioter was better-educated and had higher income than either the rioter or the non-involved. Few were successful in having it "cooled".
- . The proportion of Negroes in local government was substantially smaller than the Negro proportion of the total population. Only three of twenty cities studied had more than one Negro legislator; none had ever had a Negro mayor or city manager. In only four cities, did Negroes hold other important policy-making positions or serve as head of municipal departments.
- . Although almost all cities had some sort of formal grievance mechanism for handling citizens' complaints, this typically was regarded by Negroes as ineffective and was generally ignored.

#### LEVELS OF GRIEVANCES

Although specific grievances varied from city to city, at least 12 deeply-held grievances can be identified and ranked into three levels of relative intensity:

##### First level of intensity:

1. Police practices
2. Unemployment and underemployment
3. Inadequate housing

##### Second level of intensity:

4. Inadequate education
5. Poor recreation facilities and programs
6. Ineffectiveness of the political structure and grievance mechanisms

##### Third level of intensity:

7. Disrespectful white attitudes
8. Discriminatory administration of justice
9. Inadequacy of Federal programs
10. Inadequacy of municipal services
11. Discriminatory consumer and credit practices
12. Inadequate welfare programs.

The results of a three-city survey of various Federal programs--manpower, education, housing, welfare, and community action--indicate that, despite substantial expenditures, the number of persons assisted constituted only a fraction of those in need.



"JUSTICE FOR ALL"

It is well to remember that it takes no more than a small minority of determined and embittered men to initiate and sustain widespread civil disorder. It is also well to remember if Negroes are going to "make it" in American society, they are going to make it within the framework of democratic institutions and through the normal modes of social and economic mobility. Violence is not the way for a civilized people to seek redress for wrongs. Any Negro tempted to follow the cause of militants to turn to violence has but to search the records of the recent senseless rioting, looting, and burning to know the truth. Frustration must not be allowed to turn the colored people of this country against the white. Racial violence delays that day of "justice for all" dreamed of by Dr. Martin Luther King, Jr. A cool summer will put us much closer to that day of equality than will a hot one. White America is not blameless for the recent holocausts. It owes it to its colored citizens to end once and for all its hypocritical preachments and to make this a country of equal opportunity for every citizen, no matter his race, color, or creed. Also, when white Americans cry out for respect for law and order, it must be an understanding that the same law must pertain to whites as to the colored.

The detailed report of the National Advisory Commission on Civil Disorders is a report which we especially recommend to every responsible citizen. One paragraph capsules the problem: "The finger is pointed to the white, middle-class man who, knowingly or not, establishes barriers of racism. Not flagrant racism, or violent racism, but a sort of "cold-shoulderism" toward the Negro that excludes their feelings and their rights".



### CAPSULED SUMMARY

In summary, the Maryland Crime Investigating Commission recommends:

- . That the entire community get busy with other than lip-service in attacking the problems which have grown to such proportions as to cause the serious disturbances in Baltimore and other Maryland communities. The Negro can justify his anger and frustration. The militant cannot justify his methods.
- . That the elected and appointed officials get busy and establish more effective procedures in dealing with the rioter in the first stages of his lawlessness. Those who advocate violence as a necessary element leading to change (even deserved) should be dealt with quickly and severely. The essence of a democracy's foundation is LAW. Those laws affecting the citizen's life and property should be enforced with such certainty as to discourage other potential wrongdoers.

A riot is made up of many individual criminal acts. There is no need to develop a new law enforcement attitude or to prescribe a different code of justice toward or for the wrongdoer. Where we find a killer, looter, or burner operating by himself or with co-criminals, great authoritative force is called for immediately. Those who would pacify hoping the problem will minimize itself must carry the guilt of seeing unnecessary harm come to citizens and their property--citizens who expected protection but received it too late.

The Crime Commission will maintain a strong interest in seeing that the citizens, both white and colored, receive the best possible protection under every circumstance.



### UTILIZE OUR FREE LIBRARY

Any responsible person may borrow publications dealing with crime and delinquency from the library of the Maryland Crime Investigating Commission. The agency charges nothing for this service; however, there is a replacement charge if the material is lost.

It would not be possible to list the entire library here. The publications deal with probation and parole, prisons, courts, police departments, and other agencies and offices concerned with the prevention, detection, and correction of crime. Publications on the Communist conspiracy also are available.



## **FACTS**

### **What The Maryland Crime Investigating Commission Is**

The Maryland Crime Investigating Commission is an independent, fact-finding citizens' organization with a technical staff conducting impartial research in the operation and management of police departments, courts, probation and parole offices, prisons, and other agencies and offices in the criminal justice field. It is a "watchdog" agency.

### **Whom The Crime Commission Represents**

The Crime Commission represents the Maryland citizens. It is entirely non-political and represents no special interest, group, individual or organization.

### **How The Crime Commission Is Governed**

The Crime Commission is governed by a Board of Directors. Members of the Board are unpaid. No Board member may be a candidate for an elective criminal justice office.

### **How The Crime Commission Is Financed**

The Crime Commission is a non-profit organization. It is financed wholly by voluntary funds. The funds are used for fact-finding work rather than for elaborate printed reports or impressive office furnishings. It charges no fees for its services.

Membership contributions have been ruled deductible under State and Federal income tax laws.

No monies are received from the government or any federated fund-raising group for operating purposes.

### **What The Crime Commission Does**

Since 1958 the Crime Commission has maintained a continuing study of the crime and delinquency conditions in the State of Maryland. It helps public officials attain higher standards of performance, and much of its work is done at their request, or in cooperation with them. It investigates miscarriages of justice and takes corrective action when necessary.

Daily, Commission personnel educate the citizens on crime prevention, detection and correction.

Studies also are made of other areas—the purpose being to develop and apply at home not only the most improved practices found in governmental operations, but also to adapt for use here the progressive methods of private business.

The Commission's accumulated experience in this field thus is greater than that of any political administration temporarily in office.