

CLASSIFIED
THE WHITE HOUSE
Washington, D.C.

September 10, 1999

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: COUNSEL'S OFFICE

SUBJECT: Status of Administration Preparations To Use the U.S. Armed Forces to Control Anticipated Civilian Disturbances

This memorandum was prepared in response to your request for a status report on your administration's efforts to prepare for the deployment of U.S. Armed Forces within the United States against civilians in the event of anticipated millennial civil disturbances, or whatever else you choose. In this memorandum, we also deal with the preparations of federal, state, and local government units to support (materially and popularly) such use of the U.S. Armed Forces

This memorandum follows up on our memorandum of May 1, 1999, which established the legal basis for your assertion of the right to use the U.S. military against U.S. civilians. ("Martial Law" at www.gunowners.org)

SUMMARY

As your administration began the process of the remediation of computers from the early stages of our preparations for continuity of governmental operations during the Year 2000, such preparations have included perfecting the readiness of

This memorandum is fictional but accurately depicts the extensive efforts by this administration to prepare for the use of the U.S. Armed Forces for law enforcement purposes within the U.S.

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U.S. military personnel for their deployment to address widespread civil disorders. (Although the degree of technological problem that the country will face from Y2K is unclear, the problem can be as serious as you want it to be.)

In addition to Y2K concerns, we have cited concerns regarding meeting a possible terrorist threat in the United States. Although the only prior domestic acts of violent terrorism are the **Oklahoma City Bombing** (April 19, 1995) and the **World Trade Center Bombing** (February 26, 1993), and both of these incidents had significant prior involvement by federal government personnel (see discussion below), it is clear that the American people will only surrender their freedoms if they are constantly reminded that the choice is between public safety and order, on the one hand, and constitutional rights and liberty on the other. Given that choice, we are confident that they will back your administration's actions to impose peace, forcibly if necessary, irrespective of the consequences.

It is our conclusion that due to those extensive preparations, U.S. military personnel are now generally well-prepared to aggressively and effectively intervene in force to restore order, ensure continuity of government, and achieve other presidential objectives nearly anywhere within the United States.

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I. Preparation of the Military to Quell Domestic Disturbances

As discussed in the May 1, 1999 memorandum, cited above, you can persuasively assert that you have extensive constitutional and statutory authority to support your deployment of the U.S. military for domestic disturbances. Furthermore, you have already made good use of this authority, and resistance has been minimal. As Colonel Thomas Lujan has observed, during your administration, which is a short period of time when measured by the history of the United States, there have been a lot of deployments of Army forces within the United States.¹ (Worldwide, your deployments of the Armed Forces are said to be 300 percent greater than even the time of the Vietnam War.)

Your domestic deployments, ranging from the limited deployment of Delta Force members during the FBI's assault at **Waco**² to the more substantial deployment of military units along the **Mexican border**,³ have prepared U.S.

¹ David Snyder, "Call Out the Guard: Is America Ready for a True Disaster?", CBN News, March 9, 1999. Colonel Lujan previously served as Staff Judge Advocate of the United States Special Operations Command.

² Lee Hancock, "DPS Official Says Army Force Present at Waco Siege," *Dallas Morning News*, August 26, 1999. DPS stands for the Texas Department of Public Safety.

³ Operation Gatekeeper in California, Operation Hold-the-Line in Texas, and Operation Safeguard in Arizona. A listing of U.S. Military Operations is provided by the Federation of American Scientists at their website,

military units, physically and mentally, for domestic use. Fortunately, the number of these deployments heretofore has escaped widespread public notice, as the institutional press has largely ignored these historic developments. However, the danger remains that the institutional press could follow the lead of Drudge-esque internet news sites,⁴ which report in greater detail on the administration's plans for the use of the military.

In addition to these full-fledged deployments, your administration has actively exercised other statutory authority granted to the Department of Defense ("DoD") to support and participate in local law enforcement activities, further expanding and improving military and civilian law enforcement collaboration. See Appendix 1. Only recently has the resultant **militarization of state and local law enforcement** been documented.⁵

A. Defanging the Posse Comitatus Act, a 19th Century Relic

The most significant statutory limitation on the use of the military for law enforcement purposes is the commonly misunderstood **Posse Comitatus Act**, 18 U.S.C. § 1385. This historical appendage, a highly-partisan, 19th Century artifact, is on its face practically meaningless. First, it only limits use of the U.S. Army and Air Force. More importantly, it does not apply "in such cases and under such circumstances as such employment of said force may be **expressly** authorized by the **Constitution** or by **act of Congress**," (e.g., the statutory provisions discussed above).⁶

<http://www.fas.org>.

⁴ *E.g.*, www.worldnetdaily.com, voted the most popular website for 20 straight weeks, www.drudgereport.com, www.freerepublic.org, www.reagan.com, and www.newsmax.com.

⁵ See Diane Weber, "Warrior Cops," CATO Institute Briefing Paper, August 26, 1999. Available at www.cato.org.

⁶ An increasingly popular theme among conspiracy theorists is that you exempted Delta Force from Posse Comitatus — either permanently, using PDD 25, or for the Waco attack, see <http://www.drudgereport.com/matt.htm>, September 7, 1999.

Conspiracy theorists have also focused upon the fact that the special operations units of the U.S. Army, Navy, and Air Force are assigned to the U.S. Special Operations Command. Subordinate to the U.S. Special Operations

Nevertheless, to facilitate the lawful utilization of military assets (including personnel) in domestic law enforcement, Congressional assistance has been forthcoming, as express statutory exceptions to this Act have been enacted. For example, early in your administration, we successfully expanded DoD's ability to support domestic law enforcement with two statutes, 10 U.S.C. §§ 381 and 382 (discussed at length in Appendix 1).

Unfortunately, the most recent effort to further gut the Posse Comitatus Act was not successful. The Department of Justice sought further relaxation of the Posse Comitatus Act's restrictions in 1998. While the timing of this effort (*i.e.*, in the final days of the 105th Congress, yet before the congressional elections, when attention was distracted) offered hope of success, the hope was not realized. It was most regrettable that, **Rep. Bob Barr (R-GA)**, one of the "House Managers" of your impeachment trial (who James Carville has targeted on your behalf), violated our trust and Congressional confidentiality when he issued a press release to let the American people know about the Department of Justice's request in a premature fashion.⁷

We have had greater success in preparing the groundwork for a general disregard for the Act, with the assistance of the Office of the Secretary of the Army who has primary responsibility, to promulgate "all essential guidance on applicability of the ... Posse Comitatus Act" as well as other applicable statutes. See DoD Directive 3025.12, "**Military Assistance for Civil Disturbances (MACDIS).**"

1. New DoD Standards Regulating Support of Domestic Law Enforcement in Civil Disturbances

Command are distinct Special Operations Commands within the various theaters. For example, **U.S. Central Command identifies five component commands:** U.S. Army Forces Central Command, U.S. Naval Forces Central Command, U.S. Air Forces Central Command, U.S. Marine Forces Central Command, and **Special Operations Command Central**. Some speculate that this distinct chain of command, instituted by statute in 1987, was intended to permit Army and Air Force special forces units to circumvent the Posse Comitatus Act.

⁷ September 29, 1998 Press Release of Rep. Barr, http://www.house.gov/barr/p_doj.html. Congressman Barr's lawsuit against the Justice Department for invasion of privacy in the U.S. District Court for the District of Columbia has thus far been rebuffed by Justice Department attorneys. (www.judicialwatch.org.)

During your administration, DoD has modernized the standards governing the military's necessary role in preserving public order. For example, the **Operational Support Planning Guide of Joint Task Force Six** (which is one of several joint task forces which coordinate military support to civilian law enforcement counter-drug activities in the United States) observes that:

Innovative approaches to providing new and more effective support to law enforcement agencies are constantly being sought, and **legal and policy barriers** to the application of military capabilities **are gradually being eliminated.**⁸

Army Field Manual 100-19, "**Domestic Support Operations**," (July 1993) states that "[g]enerally, federal military forces may not give law enforcement assistance to civil authorities without running afoul of The Posse Comitatus Act. However, Constitutional and statutory exceptions to this prohibition do exist." It continues, "[u]nder the Constitution, two exceptions allow the use of the military to execute or enforce the law: when necessary to **protect civilian property and functions** and when necessary to **protect federal property and functions.**"⁹

The Field Manual mentions another Presidential power which serves as an evident exception to the Posse Comitatus Act:

To save lives or to preserve property, the President may commit DOD resources to perform emergency work on public or private lands **prior to his official declaration of an emergency or major**

⁸ Quoted in House Rept. 104-749, *Investigation Into the Activities of Federal Law Enforcement Agencies Toward the Branch Davidians*, p. 33, emphasis in original.

⁹ Emphasis added, page 3-1. Page 3-2 of the Field Manual further defined these terms: "**when necessary to protect civilian property and functions**" refers to a "sudden and unexpected civil disturbance, disaster, or calamity [which] may seriously endanger life and property and disrupt normal governmental functions to such an extent that local authorities cannot control the situation." "**When necessary to protect federal property and functions**" is self-explanatory. The Field Manual adds that a President may order the armed forces to aid state civil authorities who are suffering from an insurrection or civil disturbance at the request of a state, to enforce federal authority, to protect federal property, or to protect the Constitutional rights of citizens within any state. It is our view that this language is sufficiently broad to provide a patina of legality to virtually any military actions you might desire to order.

disaster. Emergency work is defined as clearance and removal of debris and wreckage and temporary restoration of essential public facilities and services.¹⁰

According to DoD Directive 5525.5,¹¹ “**DoD Cooperation with Civilian Law Enforcement Officials**,” the following actions are **not subject** to Posse Comitatus:

Actions that are taken under the **inherent right** of the U.S. Government, a sovereign national entity under the U.S. Constitution, to ensure the preservation of public order and **to carry out governmental operations within its territorial limits**, or otherwise in accordance with applicable law, by force, if necessary.¹²

Recently your administration has ceased even referencing the Posse Comitatus Act. For example:

- The DoD Directive governing military responses to civil disturbances — DoD Directive 3025.15, “**Military Assistance to Civil Authorities**,” (February 18, 1997) — does not even cite the Posse Comitatus Act as an authority, while four other statutes are explicitly referenced.
- Air Force Instruction 31-210, “**The Air Force Antiterrorism/Force Protection (AT/FP) Program Standards**,” (August 1, 1999) makes no explicit reference to the Posse Comitatus Act, notwithstanding the Instruction’s extensive concern with fighting domestic terrorism.

2. Re-education of Military Officers Regarding Posse Comitatus

¹⁰ Emphasis added, page 3-3. Although there is no express Constitutional or statutory basis for this exception, it is inherent in the concept of a truly national government. See DoD Directive 5525.5, below.

¹¹ December 20, 1989.

¹² Emphasis added. The quotation is taken from paragraph E.4.1.2.3 of Enclosure 4: Restrictions on Participation of Dod Personnel in Civilian Law Enforcement Activities. The two exceptions to Posse Comitatus referenced in FM 100-19, above, are replicated at paragraphs E.4.1.2.3.1 and .2. This document is available on Franklin Frith’s website: http://www.y2kcoming.com/fed_gov_doc.htm.

However, the deletion of references to the Posse Comitatus Act from DoD authorities is insufficient to prevent improper applications of the Act in the field. Because of this, DoD has also instituted a program of re-education for military officers regarding the actual scope of the Act.

One notable example of the need for re-education was the conduct of the commander of **Joint Task Force Los Angeles** (“JTF-LA”) during the 1992 Los Angeles riots. JTF-LA — comprised of U.S. infantry, marines, and federalized units of the California National Guard¹³ — was created when President Bush ordered the deployment of “[u]nits and members of the Armed Forces of the United States and Federal law enforcement officers ... to suppress the violence ... and to restore law and order in about the City and County of Los Angeles, and other districts of California.”¹⁴ Pursuant to this order, soldiers of the U.S. Army’s 7th Infantry Division and Marines from Camp Pendleton were deployed in Los Angeles beginning on May 3.¹⁵

However, efforts to use these resources aggressively were hampered when the JTF-LA commander “required each request for assistance to be subjected to a nebulous test to determine whether the requested assignment constituted a law enforcement or military function.” As a result, the federal troops became “largely unavailable for most assignments requested by the LAPD.”¹⁶

¹³ Field Manual 90-41, the Joint Task Force Liaison Handbook, published in August 1998, also makes **no reference** to the Posse Comitatus Act. While joint task forces operate overseas as well as within the United States, any deployment involving military assistance to civil authorities would necessarily result in a joint task force. There are also permanent **joint task forces** (e.g., Joint Task Force 6) which are heavily involved in the provision of military support and personnel to facilitate the accomplishment of civilian law enforcement projects.

¹⁴ 57 *Fed. Reg.* 19361, emphasis added.

¹⁵ Colonel Thomas Lujan, “Legal Aspects of Domestic Employment of the Army,” *Parameters*, Autumn 1997.

¹⁶ Christopher Schnaubelt, “Lessons in Command and Control from the Los Angeles Riots,” *Parameters*, Summer 1997, quoting from Judge (and former FBI Director) William Webster’s report concerning the military and law enforcement response to the Los Angeles riots.

A 1997 article in *Parameters*, a quarterly publication of the U.S. Army War College, pointed out that legal restrictions imposed by the Posse Comitatus Act did not apply to the JTF-LA. According to this article, since President Bush's executive order provided JTF-LA with authority to perform law enforcement duties, "Posse Comitatus therefore could not limit the military's options in this circumstance."¹⁷

Col. Lujan observed in a second *Parameters* article that:

The JTF commander apparently believed that he and his troops were constrained by the **Posse Comitatus Act**, and therefore could not legally participate in law enforcement activities. He was mistaken. In this particular situation, pursuant to the presidential power to **quell domestic violence**, federal troops are **expressly exempted** from the prohibitions of **Posse Comitatus**. This exemption applies equally to active-duty military and federalized National Guard troops.... This **misunderstanding** seriously degraded the effectiveness of military support of local law enforcement in Los Angeles.¹⁸

Colonel Lujan expounded on the extent of your authority as President:¹⁹ "The lesson is clear. By the **stroke of a pen**, within a single day, the underlying framework for the authorized use of military force within the United States can be **completely changed**."²⁰ He concluded: "senior leaders will have to **reorient** their thinking. Given the scarcity of resources, our nation can ill afford to have the effectiveness of their military assets **artificially constrained** by a misunderstanding of the law."²¹

Another military publication, produced by the Foreign Military Studies Office (part of the U.S. Army Combined Arms Center at Fort Leavenworth, Kansas), also discussed the applicability of Posse Comitatus to the Los Angeles riots:

The Joint Task Force chain of command required that law enforcement agency requests for assistance be subjected to a test to

¹⁷ Schnaubelt. Although the legal authority for this conclusion that whenever a president orders the army to perform law enforcement duties the Posse Comitatus Act would not apply is unknown, we certainly agree with his conclusion.

¹⁸ Lujan, emphasis added.

¹⁹ Using language reminiscent of your aide Paul Begala.

²⁰ *Id.*, emphasis added.

²¹ *Id.*, emphasis added.

determine whether the requested assignment was a law enforcement or a military function. Regular military officers were concerned with breaking the law by being involved in law enforcement activities (**although** they were under a Presidential Order to restore law and order). This was an **unnecessary constraint** because the Posse Comitatus Act **does not necessarily apply** in cases of ‘a sudden and unexpected civil disturbance, disaster or calamity.’²²

Recently, discussions at Fort Leavenworth's School of Advanced Military Studies have anticipated that the Act will be repealed, from the expectation of future “turbulence within the United States.”²³

3. Preparation of Public Support for Elimination of Posse Comitatus

Secretary of Defense William Cohen has taken the lead in publicly raising questions regarding the appropriateness of permitting the Posse Comitatus Act to govern deployments of the U.S. military in the 21st Century. This media campaign has been undertaken under the primary theme of counter-terrorism.²⁴

a. Counter-terrorism Is Your Administration’s Ace Bugbear

This theme has been quite effective both for electoral purposes (as you have observed, the **single greatest contributing cause to your re-election was the Oklahoma City bombing**, and the spin that was placed on it)²⁵ and to increase the

²² William Mendel, “Combat in Cities: The LA Riots and Operation Rio,” Foreign Military Studies Office Publication, July 1996, quoting U.S. Army Field Manual 100-19, *Domestic Support Operations*, July 1, 1993.

²³ Robert Kaplan, “Fort Leavenworth and the Eclipse of Nationhood” *The Atlantic Monthly*, Volume 278, No. 3, (September 1996).

²⁴ However, there is useful overlap between counter-terrorism efforts and efforts for Y2K, as when an FBI official testified regarding preparations for terrorist actions at a Congressional hearing on Y2K. Jim Wolf, “U.S. Prepares For Possible Y2K Violence,” *Reuters*, August 31, 1999.

²⁵ “Relaxing on Air Force One after the election, Bill Clinton told reporters it was the Oklahoma City bombing that proved the turning-point in his political fortunes.” Ambrose Evans-Pritchard, “Bomb that gave Clinton victory

power of the federal government. Using anti-terrorism, you have been able to further limit the scope of Posse Comitatus (obtaining Congressional approval of 10 U.S.C. § 382, which places DoD assets at the disposal of the Department of Justice whenever an emergency situation arises involving a biological or chemical weapon of mass destruction). You have also been able to obtain significant reductions in civil liberties through the **Antiterrorism and Effective Death Penalty Act of 1996**.²⁶

More recently, your administration has effectively used the anti-terrorism threat to significantly expand funding for federal and military law enforcement.²⁷ Efforts to demonize your political opponents (*e.g.*, conservative Christian organizations) as violent, racist fringe groups (an effective continuation of the successful multi-year effort to label talk-radio opponents of the administration in the same terms) both justify greater budget requests for federal law enforcement agencies (led by individuals personally loyal to you),²⁸ while facilitating the media's association of future emergency situations to actions taken by these political opponents. (We should also credit the efforts of Morris Dees and his disciples, who fervently and indiscriminately incite fear and hatred of any conservatives who oppose you.²⁹)

Thus, the Oklahoma City paradigm has be followed again and again, to great benefit for your administration. The characterization of such groups as presenting

could still return to haunt him," *London Daily Telegraph*, November 10, 1996.

²⁶ For example, the anti-terrorism law federalized state crimes, and reduced habeas corpus protections against prosecutorial abuse at the trial level, allows the government to use "secret evidence" against certain individuals; expands wiretap authority; and requires banks to freeze the assets of domestic groups identified by government officials. The law also funded studies to identify which ammunition should be banned as armor-piercing, and criminalized sales of ammunition where it was used for violent crimes. "Congress Passes Government Terror Bill," *The Gun Owners*, June 1996.

²⁷ Pamela Brogan, "\$49.2 million earmarked for Fort Leonard Wood Homeland Defense terrorist program," *Gannett News Service*, June 25, 1999.

²⁸ According to the GAO, counterterrorism spending was **\$6.5 billion** in FY 1998, and **\$10 billion** in FY 2000. "Combating Terrorism: Observations on Growth in Federal Programs," *GAO*, June 1999.

²⁹ See, *e.g.*, Morris Dees, "Gathering Storm, America's Militia Threat," HarperCollins, 1997.

a personal threat to the lives of Congressmen and Senators has also proven extremely effective (notwithstanding the lack of knowledge of any specific credible threats).³⁰

Fortunately, the institutional press continues to play up the dangers from domestic terrorism, even supporting Secretary of Defense Cohen's call for increased domestic intelligence gathering.³¹ Like the demonizing of conservative Christians, this effort has been strongly supported outside the administration, as where the CEO of Global Options asserted:

Whether by bombing a jetliner or attacking crowds in Times Square, it's **almost certain** the Year 2000 will be ushered in with a major terrorist attack. We have **every reason** to believe that people are going to try to mark that date.³²

This media campaign has facilitated military efforts to assuage fears of their participation in federal and local law enforcement efforts. Nevertheless, the balance between the traditionalist Posse Comitatus view and the modern police state view is difficult to maintain. As Deputy Defense Secretary John Hamre stated: "We are **not seeking** to become involved in this, but we **have asked** to become involved because we are the only part of the government that has the resources that can be mobilized."³³

b. Counter-terrorism Trumps Posse Comitatus Act

Regarding the efforts to further cripple the Posse Comitatus Act, in a September 10, 1998 interview with the *Army Times*, Secretary Cohen predicted that armored units of the U.S. military would be used to guard government buildings —

³⁰ Jim Wolf, "U.S. Prepares for Possible Y2K Violence," *Reuters*, August 31, 1999.

³¹ William Cohen, "Preparing For A Grave New World," Op-ed piece, *Washington Post*, July 26, 1999.

³² Emphasis added. Jim Wolf, "Firm Predicts Y2K Terror Surge Against U.S.," *Reuters*, July 7, 1999.

³³ Emphasis added. Jonathan Landay, "Delicate task of rallying public about threat of terrorism," *Christian Science Monitor*, February 3, 1999.

even civilian hotels. He further warned of the need for Americans to choose between civil liberties and more intrusive means of protection.³⁴

This *Army Times* article exemplifies the conflict between the Posse Comitatus and police state perspectives; it went on to quote a colonel and judge advocate in the Army Reserve, John Odom, Jr., as pointing out that such deployments would require dramatic revisions in the Posse Comitatus Act before they would be legal. However, Secretary Cohen confidently predicted in the September 10 interview that terrorist access to weapons of mass destruction is “going to change the way in which the American people view security in our own country,” a prerequisite to obtaining such dramatic revisions in the Act.

Also pursuant to that end, in a July 26, 1999 op-ed piece printed in the *Washington Post*, Secretary Cohen cited the “greater threat.” He there assured the American people that “[f]ears about the military’s role in domestic affairs are unfounded,” explaining that:

There need be no fear or foreboding by the American people of the preparations of their government. On the contrary, the **greater threat** to our civil liberties stems from the chaos and carnage that might result from an attack for which we had failed to prepare and the demands for action that would follow.

On this same topic, in a press briefing at the National Press Club on March 17, 1998, Secretary Cohen stated that:

We can either choose to ignore [weapons of mass destruction] or we can choose to confront directly the kind of challenge that these weapons pose to our security in the future. We can either confront them and thereby provide for **greater security** and protection for the 21st Century, or we can ignore them.³⁵

³⁴ Fortunately, with the current state of government education, the public no longer recalls Benjamin Franklin’s aphorism: “They that can give up **essential liberty** to obtain a little **temporary safety** deserve neither liberty nor safety.”

³⁵ News Briefing, March 17, 1998, Office of the Assistant Secretary of Defense (Public Affairs), http://www.defenselink.mil/news/Mar1998/t03171998_t031_npc.html. Secretary Cohen did an excellent job of presenting the American people with their choice — governmentally-protected safety or dangerous, unregulated liberty. In honor of Secretary Cohen’s clever rhetorical configuration, we now call this public

An Army spokesman explained that the necessity of having the military to become more involved in domestic law enforcement duties:

the threat to civil liberties might be worse if the military failed to devise a response now and was mobilized without clear limits on its responsibilities and concrete lines of civilian command. 'We do not want to be in a posture where the only thing which you can do at that time is turn it into **marital law** because we haven't done the process of ... working out those arrangements with the FBI and working it out with local civil defense people and emergency preparedness people,' the senior Pentagon official says. 'If none of that takes place ... that is far more likely to lead to an unacceptable role for the military in our society.'³⁶

B. Government Communications with U.S. Military Personnel To Prepare Them for Domestic Deployment in the Year 2000

Of course, civil disturbance deployments will be ineffective — notwithstanding your legal authority, and field commanders who are willing to obey your orders to the fullest — if the soldiers, marines, airmen, and sailors are not prepared to carry out **their** orders. There are two elements to addressing this concern: what are the current views held by these military personnel, and what threats have arisen to maintaining critical military discipline during civil disturbance deployments.

1. Surveys of Military Personnel Unit Discipline

The current views of these military personnel are constantly being monitored, formally and informally. This process began with Lt. Cdr. Guy Cunningham pursuant to the development of his thesis entitled *Peacekeeping and U.N. Operational Control: Their Effects on Unit Cohesion*, which was stimulated by your **Presidential Decision Directive 25**.³⁷

information strategy “the greater threat” ploy.

³⁶ Ellipses in original, emphasis added. Jonathan Landay, “Delicate Task of Rallying Public About Threat of Terrorism,” *Christian Science Monitor*, February 3, 1999.

³⁷ Of course, PDD 25, a classified presidential directive which regulates U.S. participation in U.N. peacekeeping, arose out of the growing consensus that such peacekeeping actions are a useful tool to help prevent and resolve conflicts

On May 10, 1994, Lt. Cdr. Cunningham administered a “Combat Arms Survey” to 300 active duty Marines at the Marine Corps’ Air-Ground Combat Center at **Twenty-Nine Palms**, California. Question 46 of that survey presented a scenario:

The U.S. government declares a ban on the possession, sale, transportation, and transfer of all non-sporting firearms. A thirty (30) day amnesty period is permitted for these firearms to be turned over to the local authorities. At the end of this period, a number of citizen groups refuse to turn over their firearms.³⁸ Consider the following statement:

I would fire upon U.S. citizens who refuse or resist confiscation of firearms banned by the U.S. government.

 No opinion Strongly disagree Disagree Agree Strongly agree

As 61 percent of the Marines surveyed expressed some level of disagreement with such an order, Cunningham concluded that the issuance of such an order would result in a complete unit breakdown. As **more than 26 percent did express a willingness to fire on U.S. citizens to take their weapons**, consideration is also being given to the formulation of elite units — not unlike the volunteer sharpshooter regiments formed in the U.S. Army during the Civil War, committed to the maintenance of unit discipline and available for the special assignments.

Of course, subsequent surveys have administered more carefully (to avoid public disclosure) and sometimes less formally.³⁹ While the results of these more recent surveys have been somewhat more encouraging, the danger remains that

before they pose direct threats to our national security. See www.fas.org.

³⁸ This was also the scenario undergirding a live-fire exercise held earlier this year, according to a FEMA official. See further discussion, below.

³⁹ One advantage of less formal “surveys” is the avoidance of anonymity — commissioned and noncommissioned officers are thereby able to identify which individuals hold certain opinions. However, as with all surveys, caution should be observed in assuming that surveyed results are accurate, particularly in face-to-face encounters where the inquirer may be told the answer it is believed he (or she) is looking for.

certain law enforcement tasking of military units when deployed in support of civilian authorities in a civil disturbance context may result in the loss of unit cohesion.

Another means of ensuring military discipline is the incorporation of greater numbers of non-citizens and **non-native born** individuals into the military. According to Senator Spencer Abraham (R-MI):

Today, over **60,000 active military personnel are immigrants** to this country. In some branches of the services, 5 percent or more of active-duty enlisted personnel are immigrants, and this is particularly important given our armed forces' current recruitment difficulties. Officials estimate today that half of all the new recruits at the Army station in Flushing, New York, are immigrants. In New York City, about one-third of the recruits are green card holders who are not even yet naturalized citizens.⁴⁰

Also, the use of **foreign troops** is a time-honored method. Training in civil disturbance deployments with foreign troops has been undertaken. For example, National Guard units from three states engaged in a four-day training exercise with troops from **Latvia, Lithuania, and Estonia**.⁴¹ Training included "taking over and securing an area -- where [the soldiers] faced dissenters and people begging for food and money."⁴² Col. Dennis Hull, Emergency Management Coordinator for the Michigan National Guard, observed that the guard is "prepared to activate state military emergency operations center and joint military operations." He added that he is aware of a "plan with the Department of the Army for a Y2K event on a national level" that involves use of the National Guard.⁴³

Col. Hull set an admirable example for other National Guard commanders to follow when he observed that the:

⁴⁰ May 26, 1999 hearing, U.S. Senate Committee on The Judiciary, Subcommittee on Immigration, "Immigration and the U.S. Armed Forces," *Washington Transcript Service*.

⁴¹ Franklin Frith, "Foreign Troops and National Guard Preparing for Y2K," July 7, 1999, published on his website: http://www.y2kcoming.com/Docs/Frith%20reports/supplement_no_2.htm.

⁴² *Id.*, quoting the *Traverse City Record Eagle*, June 19, 1999.

⁴³ Frith, Foreign Troops.

National [G]uard is federally funded, trained by the federal government, and all of the equipment is owned by the federal government.... The president can federalize the guard and use them however he wants.”⁴⁴

2. Threats to Unit Cohesion — Attacks on Your Administration

Unfortunately, efforts are underway to viciously slander your administration. Such efforts could undermine military discipline. We are entering a particularly critical time, as there are several efforts underfoot to undermine public (and military) confidence in this administration. Perhaps most damaging, military personnel are confronted with the prospect that their participation in civil disturbance suppression may result in media harassment, or even criminal liability (*e.g.*, arising out of a continuing cycle of Congressional hearings run by publicity-seeking demagogues who display animus towards you personally). It may have been this prospect of such consequences that improperly influenced the behavior of the commander of Joint Task Force-Los Angeles.

First, there is the recent public relations disaster — arising out of the Texas Rangers’ fanatical commitment to seeking the “truth” without concern for the ‘consequences, collaborating with the formerly reasonable but increasingly recalcitrant federal judge who is hearing the wrongful death suit filed by Branch Davidians⁴⁵ — regarding the pacification of the Branch Davidian compound in Waco. This nightmare has raised doubts about the credibility and integrity of high ranking administration officials, notably the Attorney General, (who is tasked with overseeing the approval of requests for the provision of military support to civil authorities under the current system).⁴⁶ There have even been public calls for “the

⁴⁴ *Id.*

⁴⁵ Lee Hancock, “ATF attempts to block search for siege evidence; Judge acts to let Rangers look for tear-gas shell,” *Dallas Morning News*, September 4, 1999.

⁴⁶ Personal attacks on the integrity of your administration’s officials and appointees are a standard weapon of the ultra-right anti-American Reaganite racist camp. *See, e.g.*, Paul Craig Roberts, “When reputation is lost,” *Washington Times*, August 9, 1999; The Dave Bossie Investigative Report, www.bossiereport.com,

federal officials who approved the illegal attacks” to be in federal prison.⁴⁷ Further the GAO’s report on the FBI’s acquisition (if not use) of military tear gas, illumination, and **high-explosive 40 mm rounds** for the Waco pacification further muddies the public perception of support by the military to federal law enforcement activities.⁴⁸

Additionally, discussions about the presence of domestic and foreign Special Operations Forces before and during the assault (even allegations that Delta Force participated in the assault, operating the armored vehicles used against the compound)⁴⁹ have raised the topic of military support to civil authorities in a highly unflattering context. Worse, after years of having a dishonest and inflammatory film — “**Waco: The Rules of Engagement**” — celebrated left and right, now a sequel has been produced, entitled “**Waco: A New Revelation.**”⁵⁰ If the first film is any measure, the sequel will produce years of stories critical of your administration. After watching this film, Rep. Bob Barr (R-GA) called for new hearings on Waco; Rep. Dan Burton (R-IN), Chairman of the House Government Reform Committee, has announced another round of Congressional hearings.⁵¹

⁴⁷ Paul Craig Roberts, “The Waco hit on civil rights,” *Washington Times*, September 3, 1999.

⁴⁸ Lee Hancock, “ATF attempts...,” *supra*. The report that evidence in ATF’s custody may now be missing is hardly confidence-inspiring.

⁴⁹ See, e.g., Lee Hancock, “Delta Force had active role in raid, ex-CIA officer told,” *Dallas Morning News*, August 27, 1999.

⁵⁰ Paul Craig Roberts, “Waco’s unfolding saga,” *Washington Times*, August 23, 1999; Richard Leiby, “FBI Reverses Position on Actions in Waco Siege; FBI Reveals Waco Munitions Were Potentially Incendiary,” *Washington Post*, August 26, 1999. The film is available from MGA Inc., at (800) 277-9802. Roberts, a former Assistant Secretary of the Treasury in the Reagan Administration, and now a nationally-syndicated columnist, has been on a crusade to unearth what he views as the truth about Waco, and a wide variety of other government operations, has become a favorite of so-called patriots, and deserves careful watching.

⁵¹ Burton’s press release announcing the hearings is posted at <http://www.house.gov/reform/press/99.08.27.htm>.

Another extremely problematic public relations issue has arisen from our inability to resolve concerns arising from the destruction of **TWA Flight 800**.⁵² This issue is particularly troubling in that prominent retired members of the military (including a former Chairman of the Joint Chiefs of Staff, **Adm. Thomas Moorer!**) have led the effort to challenge and accuse our public findings the very least).⁵³ Every administration has faced a certain level of sniping from retired officers like **Col. David Hackworth**,⁵⁴ who are forever bad-mouthing what they would view as the politicization of the military and crying for greater defense spending. But the presence of retired admirals and generals publicly challenging the veracity of executive agencies appears unprecedented. In the past, these officers have been restrained by the fact that they, technically, could be recalled to active military service, by their loyalty to the President as their Commander-in-Chief, and, by the fact that their retirement is paid for by the government. For some reason, these natural checks on the candor of retired military have worked as well of late.

⁵² This issue has recently been the subject of articles on the August 28, 1999 UPI wire (<http://twa800.com/news/upi8-28.htm>); three articles dated August 27, 1999: *Paris Match* (<http://www.parismatch.tm.fr>), *Insight Magazine* (<http://twa800.com/news/omera8-27.htm>), and Nando Net (<http://www.nando.net/nation/story/0,1038,86797-137080-955753-0,00.html>); the August 16, 1999 issue of the *New American* (http://www.thenewamerican.com/tna/1999/08-16-99/vo15no17_flight800.htm), as well as July 1999 articles in *Business Wire* (<http://twa800.com/news/firo7-14.htm> and the *Village Voice* (<http://twa800.com/news/voice7-15.htm>).

⁵³ Other retired military personnel involved in attacking this administration's position include **Rear Admiral Mark Hill**, a former accident investigator; retired **Air Force Brigadier General Ben Partin**, an convention munitions design expert; and **Naval Commander William Donaldson**, a former JAG officer and naval crash investigator. A reserve officer, **Air National Guard Major Fred Meyer**, a Vietnam veteran, claims to have witnessed a missile flight followed by a blinding white explosion and then a petrochemical explosion. Even **Victoria Cummock**, a member of the White House Commission on Aviation Safety and Security, challenges the FBI explanation for the presence of plastic explosive residue on the airplane debris. Leading the attacks on your administration are two dangerous groups, "Associated Retired Aviation Professionals" led by Cdr. Donaldson (<http://twa800.com>), and "Flight 800 Independent Researchers Organization" (<http://flight800.org>)

⁵⁴ <http://www.hackworth.com>.

If the allegations of misrepresentations by the administration (particularly if by the FBI) in the investigation of this flight's mid-air explosion begin to receive credulous treatment in the general press, the combination of this issue and Waco could require reconsideration of current contingency plans for deployments of military units. There are already efforts to combine both issues.⁵⁵

Another issue that refuses to die is the bombing of the **Murrah Building in Oklahoma City**.⁵⁶ While the spinning of this event was extremely effective in the short term (perhaps the single greatest contributing cause to your re-election, as you acknowledged),⁵⁷ any change in the perception (*e.g.*, the presence of a government cover-up, or lying about the facts surrounding the bombing) could be just as damaging. There are already indications that the loss of trust from Waco is affecting the public's view of the government line on Oklahoma City. For example, a September 6, 1999 wire story led with quotations from a woman whose grandchildren died in the explosion:

After what I've heard about Waco, I'm beginning to blame the federal government for my grandchildren dying. I don't trust the information we've gotten so far about Waco or the information we've gotten on the bombing. I can't believe what we've been told.⁵⁸

Formerly, allegations that the explosion was not due to an ANFO explosion, and that the ATF and federal judicial officials had been tipped off beforehand, had been around for years without convincing anyone.⁵⁹ It's bad enough that citizens are

⁵⁵ Jon Dougherty, "Waco: wrong about the right," *WorldNetDaily*, August 27, 1999. http://www.worldnetdaily.com/bluesky_dougherty_com/19990827_xcjob_waco_brwro.shtml

⁵⁶ For example, the Art Bell show had a show discussing Waco and Oklahoma City on August 29, 1999; <http://www.artbell.com>. This graveyard shift talk show host specializes in anti-Clinton conspiracy theories and extraterrestrials.

⁵⁷ Ambrose Evans-Pritchard, "Bomb that gave Clinton victory could still return to haunt him," *London Daily Telegraph*, November 10, 1996.

⁵⁸ Quotation of Jannie Coverdale in "Waco Revelations Raise Questions," *AP*, September 6, 1999.

⁵⁹ See Gen. Partin's report to Congress on the Oklahoma City bombing advancing his dangerous theory that there were explosive devices inside the building, and that it was physically impossible for the damage done to the building to have all been caused by the explosion of the truck parked curbside, at

tying together Waco and Oklahoma City — it's incredible such garbage could be viewed as newsworthy (even on a holiday weekend). When the institutional media starts to tie Oklahoma City to Waco, the damage could prove to be irreparable. Likewise, the consequences of a congressional investigation into Oklahoma City (as suggested in that article) could be equally disastrous (although the Republicans have long run scared of being demonized by association).

Conspiracy theorists have now begun to assert the existence of "government-sponsored domestic terrorism" performed by hate-minded racists recruited by the FBI!⁶⁰ These people need to be silenced before things spin out of control.

It may be necessary to ensure military unit cohesion by identifying additional military personnel to reinforce the awareness of punitive nature of military discipline — such as with **Army Spec. Michael New**, who refused to serve under UN command in Macedonia;⁶¹ Lt. **Ryan Berry**, a Roman Catholic who refused to serve with females on missile silo duty;⁶² and the servicemen and women of several branches who have been disciplined (including imprisonment) for refusal to take the anthrax vaccine.⁶³ (Of course, the need for such discipline in the latter issue may

<http://www.parascope.com/mx/okm.htm>.

⁶⁰ Joel Skousen, WORLD AFFAIRS BRIEF, September 4, 1999, quoted at http://www.garynorth.com/y2k/detail_cfm/6028. Skousen alleges that:

The FBI counter-terrorism section is funding a lot of its anti-right wing and anti-Christian preparations by merging its costs with funding for the Y2k crisis--such as the multi-million dollar bunker (National Infrastructure Protection System) being built near the White House. This, in my opinion, is a new central command center dedicated, in large measure, to the management and elimination of "domestic threats" to the dark side of government. The fact that [the FBI] chose to single out the "right wing fringe element" during a Y2k [Congressional] hearing (which is the least of our problems in Y2k) is indicative, in my opinion, of this agency's true target.

⁶¹ His slick, professionally-run fundraising operation runs the website at <http://www.mikenew.com>.

⁶² Jon Dougherty, "Waco: wrong about the right," WorldNetDaily, August 27, 1999. http://www.worldnetdaily.com/bluesky_dougherty_com/19990827_xcjod_waco_brwro.shtml

⁶³ Elizabeth Vargas, "Anthrax Vaccine Refusal," *ABC Good Morning America*, June 21, 1999; Bradley Graham, "Air Force Censures Vaccine Critic,"

reflect an inadequate level of submission to their superior officers, and ultimately to you as Commander-in-Chief, within the armed forces.)

3. Expanding Military Personnel Awareness of the Domestic Civil Disturbance Mission

For U.S. military personnel to be ready for effective deployment in a civil disturbance mission within the United States, they must become aware of the prospect of such deployments in response to Y2K.

DoD's Y2K Management Plan⁶⁴ sets forth the following goal:

The goal of the DoD Y2K program is to ensure the continuance of a mission-capable force able to execute the National Military Strategy before, on, and after January 1, 2000, **unaffected by the failure of mission critical or support systems** to properly process date-related information.

The Management Plan observes that 100 percent compliance will not be achieved by DoD:

Despite the best efforts of the DoD to ensure AIS systems (weapon/business) are Y2K compliant, **not all DoD systems will achieve that goal by 1 January 2000**. Many non-DoD systems **which interface** will also fail to meet the Y2K deadline. Consequently, **even compliant systems may experience various degrees of disruptions as a result of interface or user defined data problems or problems with infrastructure**.

Washington Post, August 2, 1999; Ellen Barry, "Maine Airman Faces Court-Martial," *Boston Globe*, August 4, 1999; Milton Copulos and Holly Myers, "DoD vaccination vexations," *Washington Times*, August 7, 1999; *see also* report on the imprisonment of Lance Corporal Jared Schwartz, <http://www.gulfwarvets.com/court3.htm>. **Joyce Riley**, R.N., BSN, Captain (USAF inactive Reserve) who runs the American Gulf War Veterans Association (www.gulfwarvets.com) has been a constant critic of your administration, appearing repeatedly on widely listened to shows such as Art Bell (www.artbell.com).

⁶⁴ <http://www.c3i.osd.mil/org/cio/y2k/mgntplan/plan.html>.

The Management Plan includes the conduct of exercises which “will focus on policy and crisis management in response to a National Security emergency.”

Besides general awareness of Y2K concerns, it is important that military personnel receive formal and informal notice that civil disturbance deployments within the U.S. are anticipated. In part towards this end, on February 22, 1999, Deputy Secretary of Defense John Hamre issued a memorandum, to the secretaries of the military departments, the Joint Chiefs of Staff, the chief of the National Guard Bureau, and others, setting forth priorities entitled “DoD Year 2000 (Y2K) Support to Civil Authorities.” This memo set forth the standards governing military responses to civil disorders, including some Y2K-specific criteria.⁶⁵ For example, the memo observes that:

past DoD responses typically have been applied to localized acute situations, most of which have not been simultaneous. **By contrast the Y2K problem has the potential to involve a large number of events that occur over broad geographic areas within a short time frame.**

The **broad, near-simultaneous, systemic nature of potential problems** during the Y2K date transition could lead to two types of stresses on DoD resources and operational readiness:

Immediate responses that **appear rational from a local perspective**, but could **collectively undermine** the Department's ability to execute operational missions, and

Prioritizations, which are made on the basis of requests **as they are received**, but which may quickly become **outdated as higher priority requests are received for support already committed elsewhere.**

Against this background, it is important to establish a set of criteria that more clearly establishes the Department's focus and response to domestic and foreign requests for military assistance. Accordingly, this memorandum amplifies existing

⁶⁵ Joe Bauman, “Military Plans for Y2K Disruptions,” *Deseret News*, May 9, 1999, <http://deseretnews.com:80/dn/views/1,1249,85001943,00.html>. Hamre’s memo is at <http://www.army.mil/army-y2k>.

guidance both to utilize and to protect DoD resources for warfighting priorities through the Y2K date transition.⁶⁶

Yet, notwithstanding these expressed concerns, the memo makes the following allowances:

Within the United States, **local commanders** may undertake **immediate, unilateral, emergency response actions** that involve measures to save lives, prevent human suffering, or mitigate great property damage, only when time does not permit approval by higher headquarters. Overseas, immediate response may be undertaken when time is of the essence and humanitarian considerations require action.

The memorandum proceeds to set four levels of priorities. The **first priority** is for DoD to “retain the capability to take all actions necessary to carry out its essential national security missions.” The **second priority** is to ensure the availability of adequate “resources in military units and combat support organizations, to include the Reserve Components, assigned to support standing operations” so that they will be prepared to engage in such operations. There is, however, an exception to the second priority “for immediate response situations.” The **third priority** is “[m]aintenance of domestic public health and safety,” which involves support to civil authority. The **fourth and last priority** is “[m]aintenance of the economy and the Nation's quality of life.”

Orders have been given to disseminate this information among military personnel:

The DEPSECDEF recently issued some general priorities for DOD Y2K support to civil authorities. A copy of his 22 February 1999 memo is on the Army Y2K homepage. Additionally, we are initiating a Y2K awareness campaign in conjunction with the Army Public Affairs Office. Our intent is to get reliable and germane Y2K information out to our soldiers, civilians, and family members. Recommend you task your public affairs offices to provide relevant information throughout your installations and local communities.⁶⁷

⁶⁶ Emphasis added. This memorandum can be found at http://www2.army.mil/army-ywk/depsecdef_dod_civil_support.htm.

⁶⁷ Lieutenant General William Campbell, Memorandum Regarding Y2K Progress.

DoD has also established and publicized a weblink on DefenseLINK for military personnel entitled "Confronting Y2K."⁶⁸ With regard to military missions arising from Y2K, it assures military personnel that:

DoD is working closely with the White House, the Federal Emergency Management Agency (FEMA), and other organizations to coordinate DoD's role in responding to potential domestic problems caused by Y2K.⁶⁹

DoD is preparing to respond to requests for assistance from civil authorities both domestically and overseas during the Y2K transition period. DoD recognizes:

that it is possible that localized Y2K system failures may occur in the public and private sectors.

that there is the possibility of widespread, systemic Y2K problems in the public or private sectors (domestically & internationally).

All requests by civil authorities for military assistance shall be evaluated by DoD approval authorities against their impact on DoD's ability to perform its primary national security missions.

Exceptions:

Within the U.S.: Commanders may take immediate, unilateral emergency response actions that involve measures to save lives, prevent human suffering, or mitigate great property damage only when time does not permit approval by higher headquarters.

Overseas: Immediate response may be undertaken when time is of the essence and humanitarian considerations require action.
[Emphasis added.]

The website also reiterates the priorities set forth in Deputy Secretary Hamre's February 22 memo. The website also directs military personnel not to panic, but rather to prepare as for a winter storm.

In addition, as described in greater detail below, a consistent and expanded program of unit training for civil disturbance deployments, particularly in urban settings, has been a critical means of increasing the awareness and preparation of military personnel.

⁶⁸ <http://www.defenselink.mil/specials/y2k/home.html>. DefenseLINK is produced by the Public Affairs Office of the Secretary of Defense

⁶⁹ http://www.defenselink.mil/specials/y2k/mission_fdod.htm

- C. Additional Preparations for the Effective Deployment and Utilization of U.S. Military Personnel for Domestic Civil Disturbance Mission
1. Training Military Personnel for Domestic Civil Disturbance Deployment

Another critical aspect of preparing military assets for civil disturbance deployments is live fire and other non-base exercises. Such exercises serve to increase confidence and efficiency by military personnel (both are factors which increase the likelihood that individual servicemembers will participate in actions against civilians without any mental reservation.)

In our preparation for such deployments, we have built upon experiences gained in the most recent civil disturbance deployment. Major General James Delk, commander of California National Guard troops during the 1992 **Los Angeles riots**, described the riots as a **case study** in urban warfare.

In assessing the Los Angeles civil disturbance operation, General Delk suggests that “**MOUT**” training (short for **Military Operations in Urban Terrain**) is needed for urban conflict. This underscores the seriousness of military roles in support of civil authorities as we face a new century of uncertainty and challenge.⁷⁰ [Emphasis added.]

MOUT, which has been designated a key **Advanced Concept Technology Demonstration** (“ACTD”), has thus become a foundational element of DoD’s preparations for the 21st Century.⁷¹ Lieutenant General Paul J. Kern, Military Deputy to the Assistant Secretary Of the Army for Research, Development, and Acquisition, testified before Congress, stating:

The MOUT ACTD addresses 32 requirements for operations by soldiers and Marines in urban terrain. These requirements were

⁷⁰ William Mendel, “US Forces: Many Roles in the 21st Century,” Foreign Military Studies Office Publication, 1996.

⁷¹ The 1996 Joint Warfighting Science and Technology Plan cites MOUT as one of the Joint Chiefs of Staff ten Joint Warfighting Capability Objectives. MCWP 3-35.3, “Military Operations in Urban Terrain,” <http://www.acq.osd.mil/at/mout.htm>.

developed in concert by the Army's Dismounted Battlespace Battle Lab and the Marine Corps Warfighting Lab. Technologies to be experimented with during this ACTD have been divided out by agreement between the Army and the Marine Corps and will be integrated into the ACTD....

MOUT ACTD consists of squad, platoon, company, and battalion level experiments conducted in progressive manner from FY98 through FY00. Requirements being addressed are specific to Military Operations in Urban Terrain and include engagement (lethal and non-Lethal), mobility, protection, and C41....

Non-Lethal Weapons (NLW) are being developed in concert with the USMC as the executive agent. This effort will provide operational commanders with a readily accessible tool box to conduct operations across the spectrum of conflict.⁷²

Besides on-base MOUT training at Fort Benning, Fort Polk, Fort Bragg, Camp LeJeune, Camp Pendleton, and Schofield Barracks, live-fire MOUT exercises have taken place in several urban and suburban locations. As Marine Lt. Col. Gary Schenkel observed, "We discovered long ago that to truly train for urban conflicts, there is no MOUT facility large enough." He explained that "MOUT facilities have small isolated training that cannot occupy large units."⁷³

This perspective was echoed by the **Center for Army Lessons Learned** ("CALL"), Ft. Leavenworth, Kansas. George Mordica, a CALL Analyst observed that:

Training in villages will not prepare the Army for combat in the large metropolitan areas. The Army has invested a tremendous amount of money and assets in developing a series of first-class MOUT sites at

⁷² March 11, 1998 testimony of Lieutenant General Paul J. Kern, Military Deputy to the Assistant Secretary Of the Army for Research, Development, and Acquisition, and Lieutenant General John N. Abrams, Deputy Commanding General United States Army Training and Doctrine Command, Before the Senate Armed Services Committee Airland Forces Subcommittee (emphasis added).

⁷³ "Urban Warrior Looks 'Over-the-horizon,'" *Regulatory Intelligence Data*, October 2, 1998.

various training centers to help train soldiers to operate in the urban combat environment.

These sites can help a soldier polish the skills he needs to clear a room, isolate a threat, or move up a stairwell, but the present training sites are unrealistic. They suggest the urban terrain can be isolated and cut off. Only in the best of circumstances would this be the case. Cities are too large and too segmented to allow for complete encirclement, and forces are not available to accomplish this task. As in Grosny, the enemy will be reinforced and supplied with open-ended support. Gone are the days when an army can prevent these enemy activities in an urban battle. Even the best weapons in the world cannot isolate the enemy; the example of the Ho Chi Minh trail should tell all military practitioners something. If the enemy is dedicated to his cause, re-arming, re-supply, and reinforcement will be something our forces must contend with and be prepared for.

Mordica recommended that “the U.S. Army work with city governments to train under as realistic conditions as acceptable to those cities. Offers of cooperation, funding, and sharing of experiences that could otherwise never be gained with **local law enforcement** agencies and other emergency services can create an exercise that will benefit all concerned.”⁷⁴

Mordica concludes that “[t]he Army now faces a dangerous world without a defined foe. The enemy is nebulous, and the Army is caught between a highly successful, but increasingly outmoded doctrine and the desire to prepare to meet future adversaries. Urban combat will be a small piece of any new doctrine.”⁷⁵

Congress has shown its support for MOUT, increasing its budget. For example, the Senate version of the FY 2000 military construction bill included \$6.8 million for phase I of the construction of an MOUT Collective Training Facility at Fort Campbell, Kentucky. This site would allow an air assault brigade of the 101st

⁷⁴ George Mordica, “It’s a dirty business, but somebody has to do it (URBAN COMBAT),” Center for Army Lessons Learned. <http://call.army.mil/call/trngqtr/tq4-99/mordica2.htm>

⁷⁵ *Id.*

Airborne to incorporate helicopters as an insertion platform into their MOUT scenario training.⁷⁶

MOUT operations are a primary mission requirement of the **101st Airborne** and the **10th Mountain Division**, as well as the **2nd Marine Division**. MOUT training has also been undertaken with foreign units.⁷⁷

MOUT is a format for **Operations Other Than War** (“OOTW”). Types of OOTW include **arms control**, **DoD counterdrug operations**, and **military support to civil authorities**.⁷⁸ OOTW operations differs from war operations in that these operations “are more **sensitive to political considerations** and often the military may not be the primary player. More **restrictive rules of engagement** and a **hierarchy of national objectives** are followed.” OOTW are conducted both outside and **within the United States**.⁷⁹

Among the concerns raised by OOTW are:

Public affairs, including media reporting, influences public opinion and may ultimately be a principle factor in the success or failure of the operation. **Civil affairs** may provide assessments of the civil infrastructure, assist in the operation of temporary shelters, and serve as liaison between the military and various outside groups.

Psychological operations provide a planned, systematic process of conveying messages to, and influencing selected target groups.

Coordination with nongovernmental, private voluntary organizations and **interagency operations** allows the JFC to gain greater understanding of the situation and the society involved.

MOOTW may present unique **legal issues**.⁸⁰

⁷⁶ Capitol Hill Press Releases, “Thompson, Frist Announce Funding for Fort Campbell Projects,” June 15, 1999.

⁷⁷ “Australians, Marines Attack MOUT Town,” Regulatory Intelligence Data, March 4, 1999. This multi-national force training has obvious advantages as a means of addressing the concerns raised by the Twenty-Nine Palms Survey.

⁷⁸ Joint Publication 3-07, Joint Doctrine for Military Operations Other Than War, Joint Chiefs of Staff, June 16, 1995, p. ix.

⁷⁹ *Id.*, p. vii, emphasis in original.

⁸⁰ *Id.*, p. ix.

MOUT live-fire exercises have involved OOTW scenarios, such as the **seizure of weapons** from American citizens. (Predictably, some dissidents, including members of the patriot movement, view such operations as a violation of the Second Amendment, which, of course, applies only to the state National Guard and has no application to the rights of citizens.) For example, one live fire MOUT exercise involved a scenario where:

Martial law has been declared through presidential powers and war powers act, and **some citizens have refused to give up their weapons**. They have taken over two of the buildings in Kingsville. The police cannot handle it. So you call these guys in. They show up and they zap everybody, **take all the weapons**, and let the local P.D. clean it up.⁸¹

The 31st Marine Expeditionary Force recently engaged in a live-fire MOUT training, which required cooperation from the local police department, government and military officials, and the FBI.⁸² The article on the “**Training in an Urban Environment Exercise**” (“TRUEX”) observed that “[m]arines today are being called more and more to operate in places where **political unrest** and **social distortion** require urban fighting tactics.” (Emphasis added.)

Military-civilian law enforcement exercises are also occurring at higher levels. The Pentagon’s Joint Task Force for Computer Network Defense, led by Maj. Gen. John Campbell, USAF, will meet with the FBI National Infrastructure Protection Center (which includes other federal agencies) in October for a two-day classified conference entitled “Preparing for Cyberwar” in October.⁸³ “Year 2000 operations plans and **contingency operations** are **highlighted** in the conference schedule.”⁸⁴

⁸¹ Quote is from Tomas Sanchez, FEMA coordinator for Kingsville, Texas. David Bresnahan, “Bush says maneuvers not his business,” *WorldNetDaily*, February 16, 1999.
http://www.worldnetdaily.com/bluesky_exnews/19990216_xex_bush_says_ma.shtml

⁸² “31st MEU TRUEX Training for the Future,” *Regulatory Intelligence Data*, July 8, 1999.

⁸³ Bob Brewin, “Intercepts,” *Federal Computer Week*, August 30, 1999; Jim Wolf, “U.S. Prepares for Possible Y2K Violence,” *Reuters*, August 31, 1999.

⁸⁴ Brewin, emphasis added.

Besides MOUT training in urban areas, other live-fire exercises have occurred in non-urban areas. For example, the Marines have staged a series of small town exercises.⁸⁵

The schedule of live-fire exercises in populated areas has expanded from one (outside Chicago) in 1995 to five just in February and March of this year.

Chicago, IL	June 1995, May 1998
Pittsburgh, PA	June 1996, March 1999
Fort Lauderdale, FL	November 1996
New York, NY	May 1998
Jacksonville, FL	July 1998
Birmingham, AL	July 1998
Charlotte, NC	October 1998
Monterey, CA	December 1998
Port Arkansas, TX	February 1999
Kingsville, TX	February 1999
Lowell, MA	March 1999
Oxford, AL	March 1999
Richmond, VA	April 1999

Further, less traditional civil disturbance training has also been provided, such as the training received by Marines stationed at the Barracks in 8th and I, SE, Washington, D.C. These Marines, equipped with riot shields and concertina wire, addressed a scenario which involved government workers whose paychecks were never issued due to computer problems associated with Y2K.⁸⁶

Additional training — for the operation of civilian internment camps — is discussed below.

2. Preparations for Civil Internment

a. Changes in Civil Internment Program

⁸⁵ Bob Woodruff, “War in the Next Millennium,” *ABC News*, August 19, 1999, http://www.abcnews.go.com/onair/CloserLook/wnt990819_woodruff_story.html

⁸⁶ Unfortunately, the Washington Post got wind of this exercise. The story appears at: <http://search.washingtonpost.com/wp-srv/WPlate/1999-03/18/1411-031899-idx.html>

Army Regulation 190-8, entitled “Enemy Prisoners of War, Retained Personnel, **Civilian Internees** and Other Detainees,”⁸⁷ was extensively revised on October 1, 1997. In its latest version, three of the seven chapters deal solely with **civilian internees**. When compared to a 1976 Field Manual (FM 19-40), the more detailed 1997 Army Regulations place much more emphasis on dealings with **civilian internees**, and also subtly change the definition of a civilian internee: “civilian persons ... who are interned by the United States in the occupied territory of **their country**” (another location in the 1976 Field Manual speaks of internment “by the United States Army in the occupied territory of **his** own country.” This evolution in definition reflects the expansion in awareness which this administration has developed in the armed forces of using military force (including imprisonment) against other Americans. The press office needs to develop a non-threatening response to the question that may come — what is a “**civilian internee.**”

b. New Construction of Internment Camps

Of course, changes in policy are meaningless unless the resources to carry out the policies become available. Pursuant to this end, your administration has initiated a building program of federal internment camps.

The decision to place the construction of some of the internment camps into the **Immigration and Naturalization Service** budget has been a stroke of genius. The underlying suggestion that this administration is finally taking action regarding the illegal immigration crisis has served to allay the suspicions of those members of Congress most concerned with the imposition of martial law.

There are plans for up to 10 military style compounds to be constructed by the INS.⁸⁸ The INS saw dramatic increases in staffing for “construction initiatives” — staffing in the Eastern, Central, and Western regions increased from 5 in FY 98 to 28 in FY 99.⁸⁹ The FY 00 budget seeks funds for additional construction of

⁸⁷ This regulation is also designated OPNAV Instruction 3461.6, Air Force Joint Instruction 31Ø304, and Marine Corps Order 3461.1. This regulation supersedes AR 190-8, (June 1, 1982), and rescinds AR 190-57 (March 4, 1987).

⁸⁸ Report on FreeRepublic.com, <http://www.freerepublic.com/forum/a36a6af1873fl.htm>.

⁸⁹ Immigration and Naturalization Service, Office of Public Affairs, Fact Sheet: FY 1999 Resource Enhancements, February 1999.

detention facilities in four states, two to be completed in FY 00.⁹⁰ The FY 00 request also includes “\$6.0 million for military projects.”⁹¹

c. Training for Civilian Internee Camps

Training for POW/civilian internee camps was conducted for 2575 soldiers at Fort A.P. Hill. The exercise, entitled **Gold Sword IV**, drew 68 Army Reserve, National Guard, and active duty units from every state, as well as participants from several foreign countries.⁹²

Preparations for the use of these camps further advanced when the Department of Justice (“DoJ”) established the **Center for Domestic Preparedness** at Fort McClellan (the Army training base for military police and chemical weapons training) in 1997. DoJ has used the base to train medical, law enforcement, and other emergency personnel. Additionally, more than 40,000 National Guard and Reservists now train at Fort McClellan each year. This year, the Army is giving the base over to DoJ and the Alabama National Guard, however military police will continue to train at Fort McClellan through the end of the fiscal year.⁹³

The Military Police Corps and Regiment is being transferred to Fort Leonard Wood, where a “Center of Excellence for Homeland Defense” will be instituted with the new fiscal year. This program “is so new that **the Department of Defense has not formally defined its mission**, but the department has earmarked \$49.2 million **in this year’s budget** to launch the program. ‘This is going to be a training program to deal with a **calamity** at a national or state level,’ said Mike

⁹⁰ “INS Budget Draws Critics on Two Fronts,” States News Service, February 2, 1999; March 16, 1999 congressional testimony of Doris Meissner, INS Commissioner, before the House Appropriations Subcommittee on Commerce, Justice, State & Judiciary.

⁹¹ March 24, 1999 congressional testimony of Doris Meissner, INS Commissioner, before the House Appropriations Subcommittee on Commerce, Justice, State & Judiciary.

⁹² Richmond Times Dispatch, June 23, 1998; saved at http://www.garynorth.com/y2k/detail_cfm/1913.

⁹³ “Fort McClellan Ends 84 Years as South’s Showcase,” Regulatory Intelligence Data, May 20, 1999.

Wood, a spokesman for Fort Leonard Wood.” Among the public targets of this program are **domestic terrorism** and **organized crime**.⁹⁴

II. Local and State Government Preparations for Civil Disturbances

A bright spot in the preparations for civil disturbances has been the preparations and contributions of state and local governments, under the leadership of your Administration. The federal contribution to the ability to disarm Americans has been substantial. The ATF Form 4473s required for every gun purchase from a licensed dealer will prove useful for any gun confiscation that you may order.⁹⁵ Also, your 1994 and 1998 bans on the importation of semi-automatic rifles will save lives in the coming civil disturbances (as well as establish an important precedent of executive authority.)

However, most of the governmental preparations necessary to pre-pacify the American people must be undertaken by the state and local governments. In many instances, their performance has been exemplary. The outlawing and seizure of guns, outlawing of gun shows, preparations to ensure that full contingents of law enforcement and other emergency personnel are available, and development of emergency urban bunkers and emergency powers ordinances have assisted our preparations for the new millennium.

A. Millennial Gun Control

California has been a leader in both the seizure and prohibition of firearms. Earlier this year, the state made it illegal to own SKS-style rifles (sales of these rifles had earlier been prohibited).⁹⁶ More recently, California’s Governor Gray

⁹⁴ Emphasis added. Pamela Brogan, “\$49.2 Million Earmarked for Fort Leonard Wood Homeland Defense Terrorist Program,” Gannett News Service, June 25, 1999.

⁹⁵ Such an operation was melodramatically — yet accurately — portrayed in that ultra-Reaganite fantasy movie *Red Dawn*, written and directed by neanderthal John Milius. In the movie, a Cuban colonel advises his Nicaraguan troops invading the United States that they can identify gun owners easily by using ATF Form 4473s required by federal law to be maintained at all gun shops.

⁹⁶ If the gun is returned in a certain manner, a voucher for \$230 may be issued. <http://www.sksbuyback.org>. A federal bill to seize every privately-held

Davis signed three gun control bills: one which prohibited the sale of **pistols designated unsafe** by the state government; a second which would require all guns manufactured or sold in California to have a **trigger lock** (an effective means of inhibiting their use in an emergency); and a third which heavily regulates **gun shows** (further reducing opportunities for survivalists and gun nuts to build arsenals).⁹⁷ Governor Davis also prohibited state agencies from selling, trading-in, or transferring firearms except directly back to the manufacturer, reducing the number of guns available on the market.⁹⁸

Other states have also legislated greater gun control. The governor of **Illinois** signed a bill which criminalizes owning firearms where a minor obtains access to the firearm and causes injury (this should also ensure that less guns are available for emergency use).⁹⁹ Similar legislation is under consideration in the State of **Washington** (HB 1424).

Other bills currently under consideration include **Connecticut's** Senate Bill 1167, which expressly seeks to both limit gun sales and randomly criminalize sales (e.g., if someone initially passes a background check but is later found to be a prohibited person, the seller who relied on the background check is held responsible). S. 1167 also will facilitate outright gun seizures, permitting unproven allegations to provide a sufficient basis for such seizures. The bill would also consume tax dollars in the development of "safety" technology which should make the purchase of such guns prohibitively expensive. This bill has passed several committee votes, and is awaiting a vote by the State Senate.

Delaware's SB 172 would reduce handgun transfers between private individuals by imposing a requirement that background checks be conducted. This bill is currently before the State Senate. The North Carolina legislature is considering H. 1275, a bill which would harass most gun shows out of the state, and, at the remainder of the gun shows, compile a government database of gun

weapon identified as an assault weapon will be filed by Sen. Dianne Feinstein. Matt Lait, Tina Daunt, "Officials Raise Battle Cry Against Gun Proliferation," *Los Angeles Times*, August 18, 1999.

⁹⁷ Robert Gunnison, "Davis to Sign Get-Tough Bills on Guns," *San Francisco Chronicle*, August 27, 1999.

⁹⁸ Executive Order D-7-99, August 19, 1999.
<http://www.ca.gov/s/governor/d799.html>.

⁹⁹ Public Act 91-0018.

buyers for use later during confiscation raids. The value of such databases was discussed with regard to the ATF Form 4473 records.

The **New Jersey** Senate has passed a bill, S. 2045, which requires that all handguns be sold with trigger locks, until child-proof technology is adopted. The Pennsylvania House is considering HB 218, which would make it a crime for a parent to possess a firearm while dropping their kids off at school, or for teachers who hold valid permits to defend themselves and their students at their workplace. The South Carolina House is considering Bill No. 3128, which would prohibit the discharge of a firearm within a ½ mile radius of any school (including public, private and perhaps even home schools), including hunting and self-defense. All will help keep citizens less armed, and thus more responsive to armed government officials and representatives.

Other bills are expected to be submitted in **Colorado**, where the governor will submit bills which would raise the minimum age for firearms purchases, to facilitate prosecutions of persons alleged to be “straw” buyers of guns, and to severely punish adults when children access their guns.¹⁰⁰ **Maryland’s** governor will submit legislation which would require that all handguns sold in Maryland be child-proof, technology which does not yet exist, and may not exist for years to come.¹⁰¹

B. Other Local and State Preparations for Civil Disturbances

1. Construction of Emergency Bunkers

Besides disarming their citizens and restricting their access to firearms, state and local governments have made other preparations to protect themselves from the voters during Y2K. **New York City** established an \$13 million emergency command center on the 23rd floor at 7 World Trade Center, which has its own power supply and air circulation system.¹⁰² Los Angeles has an operations center which is five floors beneath a federal building, with vault doors, a secret elevator, and its

¹⁰⁰ Mike Soraghan, “Owens to Push Gun Bill,” *Denver Post*, August 21, 1999.

¹⁰¹ Michael Dresser, “Maryland Will Be the First in Fight for Smart Guns,” *Baltimore Sun*, August 27, 1999.

¹⁰² Graham Rayman, “City Unveils Command Center” *Newsday*, June 8, 1999.

own power supply. It is supposed to be able to withstand an earthquake or nuclear explosion.¹⁰³

The **Ohio Emergency Management Agency** will be burrowed underground on January 1, in a reinforced concrete emergency operations center that is 12 feet below ground, surrounded by barbed wire, with dormitories, a well, food, a filtered air supply, and its own power supply. The center is directly linked to Ohio's national guard and highway patrol offices.¹⁰⁴ The states of **Maine, New Mexico, Pennsylvania, Rhode Island, and Wisconsin** also have Emergency Operations Centers or Tactical Headquarters.¹⁰⁵ **Montgomery County, Maryland** has an emergency operations bunker that is so solid, cellular communications can't penetrate it.¹⁰⁶

Baltimore, Maryland has ordered 2,700 riot helmets, while Baltimore County police have obtained 200 M-16s from the military.¹⁰⁷

2. Emergency Powers Laws

Several **Oregon** communities, including Portland, Beaverton, Eugene, and Springfield, have established emergency ordinances which authorize confiscation of private property, the closing of public streets, curfews and evacuations, prohibit the sale or possession of firearms in public, and regulate the use, sale, or distribution of food, feed, fuel, clothing, and other commodities, materials, goods, and services, by rationing, freezing, quotas, prohibitions on shipments, price fixing, or other means.¹⁰⁸

¹⁰³ James Langton, "US Sets Up Bunkers to Beat Millennium Chaos," *Daily Telegraph* (London), April 18, 1999.

¹⁰⁴ "State Has Emergency Underground Bunker," *UPI*, March 8, 1999.

¹⁰⁵ Tustin Amole, "National Guard Makes No Special Plans for Y2K," *Rocky Mountain News*, January 25, 1999.

¹⁰⁶ Stephen Dinan, "Cities, Counties Test Year-2000 Readiness; Some Aren't Taking Threat Seriously," *Washington Times*, January 1, 1999.

¹⁰⁷ Sanford Abrams, "Why aren't media screaming about Curran's repression?," letter to the editor, *Journal Newspapers*, August 30, 1999.

¹⁰⁸ Scott Marin, "Official Clarifies Intent, Powers of Disaster Law," *Eugene Register-Guard*, July 21, 1999.

C. General Local and State Preparations for Y2K

Preparations for the provision of public services have been less complete. The GAO found in July that only two of 21 cities have completed their Y2K preparations, while 10 cities — **Chicago, Los Angeles, Baltimore, Washington, Detroit, Phoenix, San Antonio, Columbus, Ohio, and El Paso, Texas** expect to have their preparations complete by December 31.¹⁰⁹ Also according to the GAO, by mid-August only **Iowa, Nebraska, and North Dakota** had completed their Y2K preparations.¹¹⁰ Beyond the \$13 million spent on its command center, **New York City** has spent \$300 million on other Y2K preparations, yet approximately half of its agencies received scores of “fair,” “poor,” and “doubtful,” by the start of September.¹¹¹

CONCLUSION

While concerns remain about the Y2K readiness of so-called “high impact federal programs,”¹¹² this memo demonstrates that substantial progress has been made towards what may be identified as the ultimate contingency — deployment of the U.S. military to address civil disturbances. And, irrespective of Y2K, your administration will be well poised to carry out your wishes as you seek to implement policies for the benefit of our country and the peace and stability of the world community. Further preparations are continuing. Thus, there appears to be a firm basis for assurances that you will be able to fully exercise your powers as commander-in-chief in the new year, so long as damage control is maintained on various issues of concern, such as the efforts to question the authority and integrity of your administration, and so long as the American people do not “connect the dots” in time to act to stop you from doing what is in the best interests of both the American people — and your place in history.

¹⁰⁹ Darryl Taft, “Government & Education: Bad Shape: Only Two of 21 Major U.S. Cities Have Completed Preparations -- Report Out on Y2K Readiness in U.S. Cities,” *Computer Reseller News*, August 2, 1998.

¹¹⁰ *Washington Post*, August 14, 1999.

¹¹¹ Melanie Carroll, “New York City focuses on Y2K preparations,” Associated Press, September 1, 1999.

¹¹² General Accounting Office, “Year 2000 Computing Challenge: Readiness Improving Yet Essential Actions Remain to Ensure Delivery of Critical Services,” T-AIMD-99-268 (August 17, 1999).

APPENDIX ONE
STATUTORY AUTHORITY FOR LIMITED DOD PARTICIPATION
IN CIVILIAN LAW ENFORCEMENT

A series of statutes entitled “**Military Support For Civilian Law Enforcement Agencies,**” are found at Title 10, Chapter 18.

For example, 10 U.S.C. § 371 permits the Secretary of Defense to **provide information** collected during the normal course of military training or operations to Federal, State, or local civilian law enforcement officials. Moreover, § 371(b) requires him to consider the needs of civilian law enforcement officials for information in the planning and execution of military training or operations, and § 371(c) requires the Secretary to ensure that intelligence information held by DoD and relevant to civilian law enforcement matters is provided promptly to appropriate civilian law enforcement officials.

Another statute, 10 U.S.C. § 372, authorizes the Secretary of Defense to provide any **DoD equipment, base facility, or research facility** to any Federal, State, or local civilian law enforcement official for law enforcement purposes. Under this statute, the Secretary may also provide any appropriate DoD material or expertise to prepare for or respond to an emergency involving chemical or biological agents if the Secretary determines that the item is not reasonably available from another source. Pursuant to these ends, the Secretary of Defense, in collaboration with the Attorney General, shall conduct an **annual briefing of the law enforcement personnel within each State** regarding information, training, technical support, and equipment and facilities available to civilian law enforcement personnel from DoD, including an explanation of the procedures for civilian law enforcement officials to obtain surplus military equipment, information, equipment, training, expert advice, and other personnel support. 10 U.S.C. § 380.

The Secretary of Defense may further make DoD personnel available:

- to **train** Federal, State, and local civilian law enforcement officials in the operation and maintenance of DoD equipment (10 U.S.C. § 373);
- to **maintain DoD equipment** for use by such law enforcement officials (10 U.S.C. § 374);

- to **operate DoD equipment** on behalf of such law enforcement officials, where authorized by law (10 U.S.C. § 374);¹¹³ and
- to provide such law enforcement officials with **expert advice** (10 U.S.C. § 373).

Your administration has yet further expanded DoD's ability to support domestic law enforcement with two statutes. The first, 10 U.S.C. § 381, requires the Secretary of Defense to establish procedures whereby **States and units of local government may purchase DoD equipment** for anti-drug law enforcement purposes. The second, 10 U.S.C. § 382, permits the Secretary of Defense to support Department of Justice activities during an **emergency situation involving a biological or chemical weapons** of mass destruction.

Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if the Secretary of Defense and the Attorney General jointly determine that an emergency situation exists; and the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States. DoD personnel may **directly participate in arrests, searches for or seizures of evidence, and the collection of intelligence for law enforcement purposes**, if necessary for the immediate protection of human life, and civilian law enforcement officials are not capable of taking the action, or such activities are otherwise authorized under applicable law.¹¹⁴

However, several statutes place some limitation on this authority. For example, 10 U.S.C. § 375 permits the Secretary of Defense to prescribe regulations

¹¹³ The equipment may be operated for the following purposes: Detection, monitoring, and communication of the movement of air and sea traffic, or of surface traffic outside of the geographic boundary of the United States, or of surface traffic within the United States not to exceed 25 miles of the boundary if the initial detection occurred outside of the boundary; aerial reconnaissance; interception of vessels or aircraft detected outside the land area of the United States; and facilitation of communications in connection with law enforcement programs. Additionally, subject to joint approval by the Secretary of Defense and the Attorney General, DoD personnel may operate equipment to further the transportation of civilian law enforcement personnel and the operation of a base of operations for civilian law enforcement and supporting personnel.

¹¹⁴ Similar authority exists for the use of DoD military assets to address the prospective or actual use of a **nuclear device**, 18 U.S.C. § 381.

as may be necessary to ensure that the provision of any equipment or facility or the assignment of any personnel does not result in the direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search, seizure, arrest, or other similar activity.¹¹⁵ Another statute, 10 U.S.C. § 376, provides that support may not be provided to any civilian law enforcement official if the provision of such support will adversely affect the military preparedness of the United States. Section 377 provides that a civilian law enforcement agency must reimburse DoD for that support, unless such support is provided in the normal course of military training or operations; or results in a benefit to DoD that is substantially equivalent to that which would be obtained from military operations or training. However, even these minor limitations are themselves limited (10 U.S.C. § 378), as they expressly do not “limit the authority of the executive branch in the use of military personnel or equipment for civilian law enforcement purposes beyond that provided by law before December 1, 1981.”

¹¹⁵ While Secretary of Defense Caspar Weinberger of the Reagan Administration promulgated the called-for implementing regulations soon after the enactment of this law in 1981, your administration wisely **“removed” these regulations** on April 28, 1993, observing that they were **no longer necessary**. No regulations published in the Code of Federal Regulations now implement this code section. Without implementing regulations, this statute will be unlikely to impede any anticipated deployments.

Other regulations governing the provision of military assistance to civil authorities are found at 32 CFR Part 501.

APPENDIX TWO FOREIGN MARTIAL LAW PREPARATIONS FOR Y2K

While our militarization plans for Y2K, counter-terrorism and other purposes are proceeding, for the most part, out of the public eye, other countries have been able to be more open about their plans, including the United Kingdom (under the leadership of your close friend Prime Minister Tony Blair) and Canada.

For example, **Canada** has made Y2K the nation's top defense priority.¹¹⁶ Y2K preparations include "the biggest peacetime deployment of troops ever in case computer failures caused by the Year 2000 problem disrupted [sic] key services," named Operation Abacus.¹¹⁷ This operation is expected to cost \$386 million (Canadian) and involve 14,500 active duty troops and 4,000 reservists.¹¹⁸ However, the Department of National Defense noted that this figure could increase (or decrease.)

The deployment is expected to last three months, and could involve 20,000 troops. Canadian officers are identifying and eliminating "all non-essential national and international tasks and activities not related to **Operation ABACUS.**" Stocks are being prepositioned to "permit the cancellation of sustainment flights during the millennium transition period."¹¹⁹

Training is being provided to the Canadian military "in case they need to use force in dealing with millennium bug problems, or to handle terrorist attacks by groups wanting to take advantage of the year 2000."¹²⁰ The training will involve the use of force "in domestic operations," including the provision of armed and unarmed assistance to law enforcement agencies. "Providing aid to civil powers and police is

¹¹⁶ Spencer E. Ante, "Canadian Army Preps for Y2K," *Wired News*, October 12, 1998. The statement was attributed to Brigadier General Walt Holmes, addressing a group of Toronto-area reservists.

¹¹⁷ David Pugliese, "'Martial law' rushed for Y2K chaos; Report warns government to be ready to invoke federal Emergencies Act," *Ottawa Citizen*, December 12, 1998.

¹¹⁸ Press release, "Military action plan released for Year 2000 problem," Department of National Defense (Canada), February 26, 1999.

¹¹⁹ *Id.*

¹²⁰ Pugliese, "Soldiers train to fight Y2K terrorism; Selected military units preparing for 'use of force' on New Year's Day," *Ottawa Citizen*, September 4, 1999.

one of the main jobs the Canadian Forces will have during the year 2000 transition, according to military officials.” The Air Force is preparing to offer an air-dispatch service to carry messages across the country should the civil telecom infrastructure suffer a catastrophic collapse. Other training involves emergency evacuations of remote communities. Currently, the Canadian Forces have started to minimize all activities not related to Operation Abacus; “units will ramp up to ‘concentrate gradually and deliberately on Op Abacus,’” up to November 15, 1999.¹²¹

Military units have been ordered to meet with provincial authorities and discuss the Y2K issue.¹²² The navy has been instructed to prepare to moor ships on each coast during December 1999 and prepare to provide electrical power if needed. The development of rules to govern the military’s use of force if called upon to assist in law enforcement was under consideration.¹²³

The Canadian Army has set up a 24-hour operational “nerve centre” set up explicitly “to handle potential Y2K bug problems across Western Canada at the turn of the millennium.”¹²⁴ A study group led by the Canadian Defence Minister called on the government to include the drafting of emergency orders and regulations in its Y2K preparations.¹²⁵

In the **United Kingdom**, British officials announced the development of plans to **place troops on the streets** in the year 2000.¹²⁶ “Armed forces will be on standby to help local councils and police,” according to an article. Local authorities are drawing up contingency plans “to deal with the ‘nightmare scenario’ of failed traffic lights, disabled water pumping stations, fuel shortages and other disrupted services.”¹²⁷ Likewise, contingency plans being developed by the (national) British

¹²¹ *Id.*

¹²² *Montreal Gazette*, September 1, 1998, article reprinted at http://www.garynorth.com/y2k/detail_.cfm/2451.

¹²³ *Id.*

¹²⁴ Bob Gilmour, “Army unveils new ops centre,” *Edmonton Journal*, June 1, 1999.

¹²⁵ Pugliese, “Martial law,” *supra*.

¹²⁶ *The Independent*, September 11, 1998, article reprinted at http://www.garynorth.com/y2k/detail_.cfm/2553.

¹²⁷ *Id.*

government explore the prospect of power blackouts resulting in civil unrest and military deployments.¹²⁸ Military support to police would include “air support and other military backup.”¹²⁹

Millennium bug problems were viewed as posing a threat to computer-controlled emergency services and highway traffic systems, hospitals, electricity, and telecommunications systems. Discussions occurred between high ranking military officials and law enforcement officials throughout the nation. Individual police forces “are making their plans to see what military assistance they will be able to make us of in the event of difficulties.” The British Army was described as an essential part of contingency planning for the year 2000 in the event of widespread civil disruption.¹³⁰

The British Ministry of Defence has withdrawn the **Special Air Service (“SAS”)** units from the Balkans so they will be available “to deal with outbreaks of civil disorder and the collapse of utilities.”¹³¹ Special forces will be deployed to protect both key government sites and civilian installations such as banks, airports, and power stations whose security systems may fail. Up to 2,000 soldiers were to be withdrawn by the end of August, to be available for problems arising from September 9, 1999 end-of-code problems. According to a source in the British Ministry of Defence:

The operation is designed to ensure that essential government and civilian functions can continue between September and February next year, which is the period of danger. It’s a real threat and highly classified.¹³²

Troops will be deployed with light tanks and heavy weapons, with some form of martial law possibly necessary in localized areas. Eight leading financial institutions have asked for protection from the Ministry of Defence. Military postmen are preparing to ensure that government mail goes through, while Army

¹²⁸ *The Scotsman*, November 5, 1998, article reprinted at http://www.garynorth.com/y2k/detail_.cfm/3035.

¹²⁹ Alan Travis, “British Army prepares for millennium bug,” *The Guardian*, November 17, 1998.

¹³⁰ *Id.*

¹³¹ High McManners, “Soldiers pull out of Kosovo to deal with millennium bug chaos,” *Sunday Times [of London]*, July 18, 1999.

¹³² *Id.*

motorcycle dispatch riders will deliver government documents by hand if necessary.¹³³

A recent analysis found that the Y2K readiness of 98 percent of British police forces were at risk in July 1999.¹³⁴

¹³³ *Id.*

¹³⁴ “UK MPs warn of lingering millennium bug dangers,” *Reuters*, August 18, 1999.