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## CIVIL DISTURBANCES AND THE RULE OF LAW

O. W. WILSON

The author is Chicago's Superintendent of Police, a position he has held since 1960.

During his student days at the University of California (A.B., 1924), Superintendent Wilson worked as a police officer on the Berkeley, California, Police Department.

After holding two posts as Chief of Police (at Fullerton, California, 1925-26, and at Wichita, Kansas, 1928-39), Superintendent Wilson joined the faculty of the University of California as Professor of Police Administration. In 1950 he was appointed Dean of the University's School of Criminology and he served in that capacity until his 1960 appointment as Chicago's Superintendent of Police.

During the interim of 1939-1950, he was a police consultant to the Public Administration Service of Chicago, and also to the Insular Government of Puerto Rico; and from 1943 until 1947 he was a Lieutenant Colonel, and later a Colonel, in the United States Army Corps of Military Police in Germany and Italy.

Among his various publications he has authored three books: *Police Records* (1942); *Police Planning* (1951); and *Police Administration* (1950; 1963).

In recognition of Superintendent Wilson's outstanding contributions and services, and particularly his administration and development of the Chicago Police Department, he was awarded the honorary degree of Doctor of Laws by Northwestern University in June, 1965.

The present article is based upon a speech superintendent Wilson delivered at the annual meeting of the John Henry Wigmore club of Northwestern University School of Law on January 31, 1967. It contains a penetrating analysis of the problem confronting the police today with respect to the civil rights issue. In it Superintendent Wilson also discusses police tactics and techniques that should be of considerable value to other police departments in civil disturbances situations.

During the Summer of 1966 Chicago experienced two kinds of serious civil disturbances. Neither was classifiable, however, as a "race riot".

### TYPES OF CIVIL DISTURBANCES

My definition of a "race riot" is a situation where a group of persons of one race engages in actual physical combat with members of another race. This we did not have in Chicago.

Of the civil disturbances that occurred, one kind resulted from civil rights demonstrations—in the form of marches, picketing, "sit-downs", "sit-ins", and boycotts.

A disturbance may or may not stem from a civil rights demonstration. In Chicago we had a number of marches into areas where the cause in question was unpopular—for example, the march of Negroes, and those friendly to the cause they espoused, into white neighborhoods to protest what they believe to be unequal housing opportunities in the area. Although the marches often led to serious disturbances, there were other forms of demonstrations that produced no serious disturbances.

Another kind of disturbance that Chicago experienced might be termed a "riot", but by no means a "race riot". The causes of riots are difficult to determine. They may be touched off by a single arrest, a justifiable shooting by a police officer, or any other incident from which there would be no repercussions in other areas of the city.

The events which touch off riots are not the real causes of them. The causes are rooted more deeply in the neighborhood, the community, the family, and the times we live in. Once this type of disturbance begins, it snowballs at a fantastic rate and soon thousands of citizens are in the streets, fires are started, windows are smashed, looting is widespread, and the police are physically attacked by the mobs. We had two major occurrences of this type this past Summer—one in a predominantly Puerto Rican neighborhood, and one in a predominantly Negro neighborhood.

In connection with the riot that occurred in July of '66 on Chicago's Near West Side, which is predominantly Negro, a total of 533 persons were arrested and charged with crimes ranging from

arson and burglary to possession of stolen property and disorderly conduct. Of these, 155 were juveniles. In the area of the disturbance between July 12th and July 17th a total of 61 police officers were injured. Eight of these were shot, 24 received injuries from bricks, bottles and other objects thrown at them, and 12 were bitten, not by dogs, but by human beings. This particular serious disturbance was ended by sending approximately 2000 National Guardsmen into the area.

#### TYPES OF PARTICIPANTS

There are not only two types of civil disturbances but also two basic types of persons who may participate in civil rights demonstrations. The first of these is the honest, forthright individual who sincerely believes, whether correctly or incorrectly, that a march or other demonstration is a proper and legal means for the betterment of our society. The individuals who regularly engage in civil rights demonstrations and thereby become involved in civil disturbances include aggressive leaders who plan and promote the action, as well as large numbers who are prompted to participate in the action by the leaders. Some of the leaders are local, but many are from other parts of the country who came to Chicago for this express purpose.

The other basic type of individual is the person who is bent on destroying our society for political, social or other reasons. He sees the civil rights demonstration as a vehicle for his nefarious purpose. He joins the various civil rights organizations in order to use them to further his own ends. Sadly enough, some persons within the first category are taken in by these individuals who are intent on destroying our democratic way of life. Here is where the biggest danger lies.

With the problem in this perspective, let us now consider the police role.

#### POLICE ROLE

The police are not charged with the duty of correcting the social inequities that exist in our society. There are other agencies that have this responsibility. Our job is to enforce the law, and in doing so there are two basic policies from which we will not deviate. First, the Chicago Police Department will not take sides. We make no judgments as to who is morally right and who is wrong. We merely enforce the law equally as to all persons. Second, we arrest all persons who violate the law

if it is within our power to do so. We have a booklet which we call *On This We Stand*; we characterize it as "a compilation of operating policies formulated and approved by the Command Staff of the Chicago Police Department" and that is exactly what it is. In the booklet we state:

All persons are entitled to seek redress of grievances through free speech, peaceful assembly, peaceful picketing, and distribution of handbills. This does not mean that everyone with opinions or beliefs to express may do so at any place and at any time without regard for the maintenance of public order or in violation of the Law.

The Laws of our Country, our State, and our City are written for all our people. It is police policy to take whatever action may be necessary to enforce the Laws and Ordinances which protect the rights and property of all citizens. This means arrest and court appearance for those who break the Law. Trouble can be prevented when there is respect for Law and Order and respect for the Civil Rights and privileges of all.

We not only espouse this theory; we do our best to live by it!

#### POLICE TACTICS AND TECHNIQUES

Based upon our stated policy, the following police tactics and techniques are invoked in civil disturbance situations. As described in *On This We Stand*, they are:

The department will deal quickly and decisively with any civil disturbance.

In civil disturbances there is a temptation to temporize—that is, to avoid or delay taking action in the hope that the problem will dissolve of its own accord or that it will be solved by local leaders. The services of local leaders and other citizens in restoring order and a state of normalcy should be sought and encouraged. But in accepting such services, a deviation from normal police practices and normal community life must not be permitted. Experience in Chicago and in other parts of the country has shown that the result of temporizing is a worsening of the situation, due to the fact that the disorder tends to increase in size and to become more aggressive.

A delay in effecting arrests or taking decisive action in such instances is justifiable

only if, in the judgment of the ranking officer, sufficient manpower is not on hand to assure that law and order will prevail. An amount of manpower should be summoned, sufficient in number, to eliminate any question as to the capability of the department to cope with a given situation.

It has become apparent that what we refer to as "temporizing" is a solution to nothing. During the disturbance in the predominantly Puerto Rican neighborhood of Chicago in June of last year, local leaders in that community convinced us that if we removed all uniformed police from the area, leaving only plain clothes undercover men at the scene, they, the leaders, would be able to calm the crowds and get them off the streets. This was suggested on the theory that the mere presence of the police incensed the crowd. I am sure that the leaders did this in good faith, under the misapprehension that they had the power to handle the situation. We were dealing with responsible members of the community but they were wrong. We pulled the uniformed men out and all was quiet for a short period, but then the whole thing flared up again with renewed intensity. We had to return the police into an area which was now much hotter than when they left. I am convinced that law and order would have been restored much sooner had we not succumbed to the somewhat natural tendency to temporize. I have read that police officers in other areas of the country have said that in handling these disturbances one should avoid a show of force. I believe that just the opposite is true. It should be made apparent to all involved that there is sufficient force to quell any disorder that might occur and that the police are willing to use it. We learned our lesson last June.

This brings me to the second and related major tactical blunder that the police have a tendency to commit—that is, the failure to provide sufficient manpower to handle a given situation. I said that a show of force is good. Well, that's one reason you should have it, but the second and more important reason is that without sufficient manpower the police become less than ineffective. Not only are they unable to maintain order and make arrests for violations of the law, but they are in grave danger of being overwhelmed by the mob. What's more, those in the crowd who are bent on mischief or inclined toward crime immediately sense the dilemma of the police and actually

urge the mob on to more violence, thus increasing the need for more manpower.

To counter this snowballing effect and to insure that the maximum amount of manpower is available we have put several plans into operation. First, we have a task force of several hundred men, and through it we can field a force of about 250 men on very short notice to supplement district personnel already in the area. These men receive special training in crowd control and operate as a unit. The latter gives us the continuity and unity of command and the solidarity which hastily gathered forces lack. Also, when disturbances are expected, we place a sergeant, seven patrolmen, and a squadrol (our "paddy wagon") with its two-man crew on standby alert in each district. These additional men are available almost immediately to assist in quelling or preventing a disturbance in any part of the city. They can be ordered into an area which is close to the scene when the need for them seems imminent and then either moved into the actual disturbance area or returned to their districts as the situation evolves. Each squadrol so assigned is equipped with a packet of complaint forms covering crimes common to civil disturbances, such as mob action, criminal damage to property, and resisting arrest.

There are other ways of supplying additional manpower, such as requiring men to work into the next watch, canceling days off, and putting the force on 12-hour shifts. But every police department has its limit and sooner or later may reach it as we did in July. When this happens, the National Guard should be called in. In the August 8 issue of *U. S. News and World Report* I was quoted as saying, "There is no substitute for force in quelling civil disturbances, and if the police are unable to provide the manpower to restore normalcy, then there is no alternative but to put in a call for the National Guard—and as quickly as possible". This is my view in a nutshell. There should be no shame or reticence involved. To temporize or to continue without sufficient manpower is futile.

I would also like to mention, in passing, a couple of techniques with which we have had particular success. One of them is called "Operation Trojan Horse". We have ten large air conditioned prisoner vans, and when we expect trouble along the course of a particular march we load one or more of them with police officers. They will hold 25 men com-

fortably and up to 40 men somewhat uncomfortably. The van follows along behind the marchers or on a parallel street. When trouble arises, the van is summoned by walkie-talkie; the men are unloaded; they make arrests and the prisoners are loaded into the van.

Another technique is that of diverting the hecklers. Police officers are stationed in such a manner as to divert around the corner those hecklers who are following along beside the marchers. By this means, the hecklers must go around the block to catch up and must walk, or run, three blocks for every one of the march. They soon tire themselves out just trying to keep up.

It is these types of efficient operations which deter lawlessness.

#### EFFECT OF CIVIL DISTURBANCES ON CRIME IN GENERAL

In 1965, Chicago ended the year with a 12% decrease in index crimes as compared with 1964. On June 22, 1966, the cumulative increase as compared to the same period in 1965 was less than 1%. That is, we were about even with the preceding year, as of June 22. However, between that time and September 14 (the period in which most of the serious civil disturbances occurred) the cumulative increase over the comparable 1965 figures was up to 7.8%.

We compile statistics on a 13 police period basis. Each police period covers four weeks. In the 7th police period of 1966 (June 23 thru July 20) serious crimes increased 12.3% over the 7th police period of 1965; in the 8th police period (July 21 thru August 17) crime increased 29.8%; and in the 9th police period (August 18 thru September 14) crime increased 19.9%. This brought the cumulative increase for the first nine police periods or 36 weeks of 1966 up to 7.8%.

This increase we attribute to the fact that a tremendous amount of police personnel and effort had been diverted from crime fighting to dealing with civil disturbances. This theory is reinforced by the fact that during the 8th police period, the 8th District, where most of the disturbances occurred and which received most of the manpower diversion, was the only district which showed a decrease in serious crimes.

The high crime rate continued into the 10th police period (September 14th thru October 12th), which showed an increase of 13.2% over the 10th police period of 1965. Significantly, this increase occurred in spite of the fact that only minimal amounts of police effort and manpower were ex-

pected on controlling civil disturbances. As a result, we ended the year with an increase in serious crimes of 4.8% over 1965. I can only conclude from this that civil unrest engenders an attitude of lawlessness which may continue for some time after the disturbances have ended.

#### THE CRIMINAL COURTS

The police are the arm of our system of administration of justice charged with apprehending law violators, while the courts must mete out the punishment. Both are absolutely necessary to the system. If the police act quickly and decisively and the courts do not, the system breaks down.

Disturbances almost invariably result in the arrest of large numbers of persons within a short period of time. Such arrests create some judicial problems that the police themselves can solve; for example, the problem that arises when one officer has arrested several persons. A general statement such as "they were all disorderly, Your Honor", will not suffice, and the court in such a situation has no recourse but to release the prisoners. To combat this we have men on the scene to photograph the accused—if possible, while he is violating the law, or, as an alternative, when he is entering the squadrol. He is also photographed in the police station, alongside the arresting officer.

Photographs thus taken permit the arresting officer to refresh his recollection as to the identity of the person or persons he had arrested. He can then give accurate, intelligent, and truthful testimony in court, and the photographs themselves afford reliable evidence of guilt.

There are other problems, however, which the police can solve only with court cooperation. One is the presentation of arrestees in court; under normal circumstances the courts are not equipped to handle mass arrests.

The First Municipal District of the Circuit Court of Cook County has established procedures to be followed in such situations. By written order, the court prescribes what is to be done when fifty or more persons are arrested in any one incident. According to the day and time of the arrest, and in some instances according to the area of the city in which the arrests were made, a branch of the court is designated, and a time for presentation is specified in the order. This type of cooperation has been very beneficial to the courts and the police. In the Summer of 1966, 450 arrestees were processed in this manner.

Another means of cooperation between the

courts and the police is our system under which the court complaint transmittal listing of prisoners, made up by the police, goes with the prisoners to the court and is used as a docket sheet. This eliminates the old problem of cases not being heard because the court docket sheet for that call had already been made up.

The police of this country will not be able to reverse the trend and attitude of lawlessness and return the community to normalcy unless an arrest means something—that is, unless we have a system of justice that is swift and sure.

### CIVIL COURTS

The non-criminal, civil courts also have a considerable responsibility with respect to civil disturbances.

During the Summer of '66 there were several civil rights groups which conducted marches into areas of Chicago where a majority of the residents were not sympathetic with the view of the marchers. I believe that it was the aim of these marchers to subject themselves to violence. If the marches were conducted without incident, nothing would be gained. The violence which occurs is in fact their bargaining wedge. If violence occurs, they can make demands upon the city administration and in return for the granting of those demands agree to end the marches and thereby the violence. Otherwise they have no bargaining power. For this reason, those in charge of the marches do not really want adequate police protection and control, although they say they do.

At first, the leaders of the marches agreed to notify the police sufficiently in advance of the march so that the police might mobilize an adequate force to control the onlookers, hecklers, and other trouble makers. Only twice, however, were we notified. Much to the credit of the police officers involved, an admirable job of mobilizing and controlling the crowds was done in spite of the fact that we learned of impending marches sometimes less than one hour in advance. Then the leaders hit upon the idea of holding simultaneous marches in more than one area of the city. I can only assume that their purpose was to further hinder police protection and control and in that way strengthen their bargaining position.

Up until this time the position of the city administration had been that the marchers were within their rights and that there was no legal basis for enjoining them from marching. But at

this point, Chicago's Mayor, Richard J. Daley, decided that it was time to act to protect the rights of all citizens. At the request of the Mayor, the Corporation Counsel filed a suit for an injunction on behalf of the City of Chicago and myself as Superintendent of Police. The complaint pointed out: that the marches were diverting needed police manpower and effort from other areas of the city where it was needed; that as a result, the crime rate had risen; that the marchers had failed to cooperate with the police by not notifying the police of their intended activity; that simultaneous marches were being planned and that the effect of simultaneous marches would be to deprive the marchers themselves of police protection, along with an accompanying deprivation of police protection for the life, limb, and property of the city's 3½ million citizens.

The relief sought was not that the protesters be enjoined from marching, which is their constitutional right. All that was requested was an injunction against *unreasonable* activity. Specifically the request was to enjoin them from:

1. Conducting simultaneous demonstrations on public property;
2. Conducting demonstrations in which more than 500 persons would participate;
3. Conducting demonstrations without notifying the police of the time, place, number of participants and other pertinent data at least 24 hours in advance; and
4. Conducting demonstrations on public property during peak traffic periods or during other than daylight hours.

A temporary injunction was granted on August 19, 1966.

Here, then, was an application of the rule of reason.

In granting the injunction the court balanced the interest of the individual against those of society itself, a line of reasoning that is absolutely indispensable to orderly, democratic existence.

The police ask no more of the courts than that they be guided by the rule of reason, and here in Chicago, I think it is evident that they are so guided.

I urge law-abiding citizens to take every lawful measure within their power to insure that our courts remain above the transitory pressures of injustice, and that our judges and lawyers are not blinded by the cries of individual rights.

We must all be guided by the rule of reason, lest we lose our birthright—the rule of law.