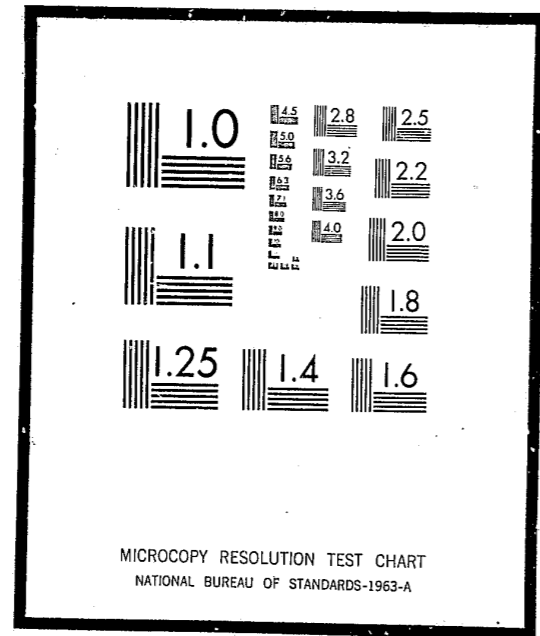


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## CONFRONTATION OR ACCOMMODATION?

The American Legion and the People's Army Jamboree in Portland

NI 71-013

by

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## PREFACE

This report concerns the simultaneous occurrence in Portland, Oregon of the Annual Convention of the American Legion and a convocation of political dissidents operating under the title of "People's Army Jamboree." Specifically, the report focuses on the response of governmental officials to the dilemma of their dual responsibility to preserve the public peace and protect the right of peaceful assembly.

Data for the report were collected by a research team composed of Jerome Corsi and Diana Winthrop of Brandeis University's Lemberg Center for the Study of Violence. Both were in Portland as observers during the week of the American Legion Convention. Mr. Corsi devoted most of his time to the collection of data concerning the activities of governmental officials. In general, he was well received by and obtained the cooperation of these officials. Miss Winthrop was assigned to observe and collect information on the Peoples Army Jamboree. Her acceptance by this group was extremely good. Unfortunately, Miss Winthrop had to leave Portland before she had completed her assignment. As a result, we have not been able to include detailed data on the behavior of dissidents in this report.

Ralph G. Lewis, Director of Research at the Lemberg Center, collaborated with Mr. Corsi in the writing of this report.

CONTENTS

	Page
I. STATEMENT OF THE PROBLEM .....	1
II. BACKGROUND INFORMATION ON THE PORTLAND CONFRONTATION .....	2
III. THE PORTLAND STATE UNIVERSITY STRIKE .....	7
IV. THE CONFRONTATION TAKES SHAPE: EARLY NEGOTIATIONS .....	17
V. THE CONFRONTATION TAKES SHAPE: FINAL NEGOTIATIONS .....	34
VI. THE CONVENTION AND THE DEMONSTRATIONS' ...	46
VII. ATTITUDES OF OFFICIALS AND PROTESTERS .....	55
VIII. LOCAL LAW ENFORCEMENT PREPARATION .....	61
IX. STATE AND FEDERAL LAW ENFORCEMENT PREPARATION .....	71
X. CITIZEN PREPARATION .....	77
XI. LAW ENFORCEMENT PRESENCE DURING THE CONVENTION .....	81
XII. SUMMARY AND CONCLUSION .....	85
NOTES .....	95

I. STATEMENT OF THE PROBLEM

In the spring of 1970, a group calling itself "The Revolutionary Festival of Life" (and later, "The People's Army Jamboree") began planning a mass gathering of political dissidents to coincide with the Fifty-second Annual Convention of the American Legion, an event to be held in Portland, Oregon, from August 28 through September 3.

These developments presented Oregon officials with the prospects of approximately 20,000 to 25,000 Legionnaires and their guests and an estimated 50,000 to 100,000 youths converging on Portland simultaneously. State, County, and City government officials, including of course all the law enforcement agencies involved, faced the problem of insuring dissident groups of their constitutional rights to assembly and free speech while at the same time providing continued order and security to Portland and surrounding areas.

## II. BACKGROUND INFORMATION ON THE PORTLAND CONFRONTATION

### 1. Relevant Locations

Hilton Hotel: situated in the heart of Portland's central business district / headquarters for the Legion convention; site of Legion commission and committee hearings / location of the command post established by the Governor and used as the coordinating center for the combined governmental and law enforcement steering committee efforts to monitor the activities between August 28 and September 3.

Memorial Coliseum: located in the northeast corner of Portland, across the Willamette River / site of delegate sessions of the Legion convention.

Portland State University: located in the southwest corner of Portland / the "Park Blocks," a long, narrow park area stretching for several city blocks, serves as the university "campus."

McIver State Park: located in Clackamas County approximately 35 miles to the southeast of Portland near Estacada / site of the Vortex I Festival organized by The Family and approved by the Governor.

Delta Park East: located to the north of Portland, on the banks of the Columbia River about 7 miles from center of Portland and directly across from Vancouver, Washington / requested overnight camping site for the People's Army Jamboree / requested location for a rock festival planned by the Free People's Pop Festival.

Washington Park: located on the direct southwest of Portland about one mile from the center of the city / requested campsite for the People's Army Jamboree.

Lair Hill-Duniway Park: located on the south side of Portland about one mile from the center of the city / requested daytime meeting place, staging area, and possible campsite for the People's Army Jamboree.

Sky River: a farm area located approximately 20 miles north-east of Portland, near Washougal, Washington / site of a festival planned to occur simultaneously with the Legion convention (and possibly continue afterward) sponsored largely by the Seattle Liberation Front.

### 2. Groups Involved: Dissidents

While these dissenting groups are presented here together, it is not to be assumed that these groups were always operating in concert. Often, the cooperation between these groups was minimal. At times, various groups operated at cross-purposes.

Veterans United against the War: an anti-war group composed of Korean War and Vietnam veterans organized in opposition to continued American involvement in Indochina.

People's Army Jamboree: a loosely formed group of dissenting individuals, largely spearheaded by the Veterans United against the War / organized around the following six points: (1) stop racism; (2) stop armed U.S. exploitation of underdeveloped countries; (3) support the struggles of women for equal rights; (4) support the struggles of working people to maintain a decent standard of living; (5) support the struggles of GI's for equal rights; (6) stop the repression against those working for political and cultural changes / developed from a group originally calling itself "The Revolutionary Festival of Life."

Free People's Pop Festival: a group seeking to hold a rock festival in Portland (at Delta Park East) during the week of the Legion convention / a separate group not directly associated with the People's Army Jamboree.

The Family: originally called "Clear Creek Life Brotherhood" / a group of people committed to non-violence and interested in a socio-cultural change from the traditional American life style / organizers of the Vortex I Festival at McIver State Park.

White Panthers: a radical white group in Portland / reportedly armed along principles of "self-defense."

Black Panthers: a militant black group similar in philosophy and life style to Black Panther groups in other U. S. cities.

Seattle Liberation Front: a militant white group centered in Seattle and involved in sponsoring the Sky River Festival.

In addition to these groups principally involved in the August 28-September 3 confrontation, a number of hippie communes located in Oregon were marginally involved through minimal participation in The Family's Vortex I Festival.

3. Groups Involved: Liberals

People for Portland: a group of Portland citizens organized to play a role in maintaining peace during the Legion convention. The group had three specific objectives: (1) man and operate a rumor control center with a professionally trained staff of volunteers (the center was designed to prevent the spread of false rumors by providing factual information to those calling); (2) implement a speakers bureau as part of a general public information program; (3) train civilian monitors to serve as marshals in all crowd-control situations.

4. Groups Involved: Local Government

Community-Police Relations Subcommittee: Five members of this subcommittee of the Metropolitan Human Relations Commission prepared a report on the Portland State University strike and submitted their report to the MHRC on August 19, 1970.

Eight-man Committee: appointed by the Mayor on August 13, 1970, to consider the feasibility of granting the PAJ permission to use city parks. Composed of city officials, members of various civic organizations, a representative from People for Portland, and PAJ representatives.

Steering Committee: established by the Mayor on August 24, 1970, when invoking the emergency powers granted in the City Charter. This four-man steering committee was composed of the Executive Assistant to the Governor, the Executive Assistant to the Chairman of the Board of County Commissioners, the City Commissioner of Public Works, and the Chief Deputy District Attorney for Multnomah County. The steering committee assumed responsibility for coordinating the city-county-State response to the forthcoming events, establishing liaison with Federal authorities, and negotiating with dissident elements.

Joint Executive Committee: proposed as a result of discussions in July and August between city and county officials. This joint executive committee was envisioned to be formed of the Mayor, the Chairman of the Board of County Commissioners, and the Multnomah County District Attorney, and was proposed to function from approximately August 28 through September 5. The joint executive committee was never actually constituted. Instead, on August 24, the Mayor established the steering committee previously described.

5. City and County Government

Portland's city government consists of a Mayor and four elected Commissioners. The Mayor has authority over a specific area of city management and each Commissioner has control over a different area. The Mayor, with control over the Department of Finance and Administration, is in the position of "first among equals."

The Mayor and Commissioners constitute the City Council; these individuals then exercise both administrative and legislative functions. Decisions in the City Council are on the basis of majority rule. Thus an administrative decision by the Mayor or any Commissioner can be modified or overruled by a majority vote of the Council.

Multnomah County, where Portland is located, is headed by an elected Chairman. City and County functions overlap. For instance, the Municipal Court system hears cases involving violations of city ordinances but only conducts preliminary proceedings if those violations involve felony matters. The Multnomah County District Attorney tries all felony cases committed in the County. Such cases are the responsibility of the Circuit Court.

While Portland has its own police department, the county maintains a sheriff's office.

#### 6. Oregon State Government

The State Police and the Oregon National Guard were involved in the law enforcement aspect of the confrontation and were directly responsible to the Governor.

#### 7. Political Climate of Portland and Oregon

Oregon has had a tradition in American politics of innovation and liberalism. In many ways, however, Oregon has recently become a conservative state. Oregonians are disturbed at the number of people moving to their state. They are intent upon preserving their values and their way of life.

It was generally conceded that the City Commissioner of Public Affairs gained political mileage for his hard-line stand over a Portland State University (PSU) strike and subsequent police action. Oregon and Portland politicians openly admitted the political wisdom of taking a hard line against the People's Army Jamboree (PAJ) in the upcoming confrontation with the Legion.

#### 8. Election Year 1970

In November 1970, all the following faced re-election: the Governor, the Chairman of the Board of Multnomah County Commissioners, and all four City Commissioners in Portland. The proximity of the November election date intensified the political nature of the Portland PAJ-Legion confrontation for those public officials facing re-election.

### III. THE PORTLAND STATE UNIVERSITY STRIKE

Following the President's decision to invade Cambodia, Portland State University (PSU), along with other colleges in the nation, experienced a student strike. The outcome eventually affected the manner in which both Portland officials and the People's Army Jamboree (PAJ) viewed the forthcoming confrontation during the Legion convention.

On the afternoon of May 4, 1970, about 60 students met to discuss plans for a university strike to focus attention on the President's decision to send troops into Cambodia and "to help make the classroom activities more relevant to the troubles of the world."<sup>1</sup> During this meeting, students learned about the deaths at Kent State University.

This group of students decided a student strike was the best available method of involving themselves in these national problems. They identified the following strike issues:

1. Cambodia.
2. The shipping of nerve gas into Oregon.
3. The deaths of the four students at Kent State.
4. The Bobby Seale case (presented as a symbol of the struggle of the black man and other minorities in America).

On Tuesday afternoon, May 5, students and faculty attended a rally in the Smith Memorial Center at Portland State University. This rally resulted in a call for a strike to begin the following day.

On Wednesday morning, May 6, the strike began with a number of students staying away from classes. Some students picketed the entrances to PSU buildings and attempted to engage students in conversation on the strike issues (though they did not try to prevent students from attending classes). Some students and professors entered classrooms and requested instructors to allow them to discuss strike issues with students.

Furthermore, on Wednesday, students began erecting barricades along the cross streets in Portland's Park Blocks. (These Park Blocks are a long, narrow park area running for several blocks and serving as the PSU "campus" area.) According to students, these barricades were constructed for the following reasons:

(1) A rally was planned for Wednesday afternoon and was expected to draw a large crowd. The barricades were to prevent injury to people or damage to cars which might result if traffic were permitted to flow along the cross streets in the Park Block area.

(2) The barricades might serve to speed up plans for making a complete park area around the campus.

As the Metropolitan Human Relations Commission later noted in their report (hereafter referred to as the MHRC Report): "The barricades subsequently became symbolic in themselves, but did not prevent any student from going to class."<sup>2/</sup>

Late Wednesday afternoon, the PSU President announced the cancellation of classes on Thursday, May 7, and Friday, May 8, in observance of the National Day of Mourning called by the National Student Association. According to the MHRC Report, the PSU President took this action "in an effort to insure that no violence would occur and to give the students and faculty the opportunity to discuss the strike issues."<sup>3/</sup>

In other strike activity on Wednesday, a group of about 400 students marched downtown to the Armed Services induction center. Here students confronted police who had been called out to prevent the protesters from entering the induction center. Students made several attempts to cross police lines to enter the center. Several students were arrested as a result of these efforts.

Two students arrested at the induction center were held in custody in the Greyhound Bus Depot across the street, and additional students were arrested following attempts to free them. In both actions, a total of 24 protesters were arrested.<sup>4/</sup>

Also, on Wednesday afternoon, the Portland City Council met and granted a revokable permit to PSU officials to close off the portion of the Park Blocks near the university to automobile traffic. This action, in effect, sanctioned the barricades students had already erected. The City Administration also granted a permit for students to use these Park Blocks for rallies between Wednesday and Friday.

Despite the demonstrations of Wednesday, PSU classes were held, and university officials estimated that attendance was off by only about 20%.<sup>5/</sup>

On Wednesday, Thursday, and Friday nights, students staged all-night "live-ins" in PSU's Memorial Center. The official report from the Director of Smith Memorial Center listed \$19,070 in losses due to these "live-ins." Vandalism and theft accounted for \$17,970, and an additional \$1,100 was spent on labor to "remove vomit, excrement, and paint from the building and to repair some of the fixtures."<sup>6/</sup>

On Friday morning, about 2000 demonstrators marched to the city's docks at 6:30 A.M. in an effort to persuade longshoremen to join their strike. According to the business agent of the local

longshoremen's union, only about 20 of the union's 2000 workers called in sick as a means of respecting student picketing.<sup>7/</sup>

On Friday evening, a truck smashed through one of the barricades into the closed campus area, nearly running over some demonstrators bedded down in sleeping bags on the street.<sup>8/</sup> This occurrence was one of several incidents involving cars or trucks trying to go through the barricades. However, none of these incidents resulted in any fights.

On Sunday, a group of activists began operating "Radio Free Portland," a non-licensed radio station. The Federal Communications Commission began an investigation of this broadcasting.<sup>9/</sup>

By Saturday, however, the strike seemed to be in its final stages. At a Saturday press conference, a student identified as a strike coordinator told reporters that the strike had been "successful," that "we shut down the university. We got a lot of students who weren't committed before this to protest [atrocities by the President of the United States.] And I think we made a good impression on the community."<sup>10/</sup>

On Monday morning a conference was held at 9:30 A.M. in the PSU President's office. Tensions were mounting. The barricades still remained in the Park Blocks, and the strike had not yet totally ended. Representatives of the PSU administration, leaders of the Strike Committee, and an Assistant to the Mayor attended this meeting. Attendees reached a consensus that the barricades would be taken down with a "symbolic" number of policemen in attendance (a dozen or so). One barricade was to remain standing as a symbol. Between 9:30 A.M. and 10:30 A.M., students in opposition to the strike proceeded from PSU to City Hall. This group met with the Mayor and demanded that the barricades be taken down and the Park Blocks be cleaned. The Mayor agreed to their demands. Upon returning to the campus, this group met with the PSU President and told him that they were fearful that the police riot squad would have to come onto campus.<sup>11/</sup>

The police were placed on standby at approximately 11:00 A.M.

At about noon, police moved to a parking lot on the university campus and began to remove the barricades. However, once the barricades were down, some demonstrators attempted to reconstruct them. Furthermore, other strikers created a "human barricade" in the streets once the barricades were removed. One of the Park Bureau's trucks used to remove the barricades was de-activated when a demonstrator removed its distributor cap.

At 2:00 P.M., the following people met at City Hall: the Mayor, his assistant, the Commissioner of Public Affairs, the Chief of Police, the Deputy Chief of Police, and a police captain. At this meeting, a decision was made to remove the barricades and a plastic and canvas geodesic "hospital" tent which demonstrators had set up in the Park Blocks.

Between 3:00 and 4:00 P.M., the situation was relatively quiet on the PSU campus.

At approximately 3:00 P.M., the 22-man TOP Squad (Tactical Operation Patrol) was ordered by the ranking officer at the PSU campus to assemble. The TOP Squad, a division of the Portland Police Department, is composed of motorcycle officers specially trained in crowd dispersal and riot control. This unit is designed to be assembled on short notice.

The Commissioner of Public Affairs knew by at least 2:00 P.M. on Monday afternoon that his assistant, the Assistant Superintendent of Parks, had spoken on the phone that morning with striking students and had given them verbal permission to keep the hospital tent up until noon Tuesday. The Mayor was also aware of this conversation. At approximately 4:00 P.M., Monday afternoon, the Commissioner of Public Affairs rescinded the Assistant Superintendent's permission and instructed him to notify the Strike Committee of this action. The Assistant Superintendent then telephoned the woman he believed to be in charge of the tent and informed her that the Commissioner had rescinded the permission granted earlier.

At approximately 4:15 P.M., the TOP Squad arrived in two paddy wagons at the Community College parking lot (near the PSU campus).

At approximately 4:30 P.M., public works trucks and crews began removing rubbish and debris from the Park Blocks.

At about 5:00 P.M., the TOP Squad marched to the Park Blocks area and assembled in a wedge formation. As the MHRC Report notes: "The 'hospital tent' had become a symbol to the student protesters, and both students and faculty members were in negotiation with police at the scene in an attempt to prevent the use of force in removing the tent."<sup>12/</sup>

The Deputy Police Chief, the highest ranking officer at the scene, was in charge of the operation. Three police captains, who were also present, informed the Deputy Chief that they did not feel it was advisable to remove the tent at that time. As the MHRC Report records:

At least four times, at the request of the three captains, [the] Deputy Chief... (via police radio) questioned the decision to remove the tent, and each time he was told that [the Police Chief] said the tent must be removed. The questioning of the decision to remove the tent was based upon the fact that students, faculty, and administrators along with the three captains, had reason to believe that permission had been given for the tent to remain until Tuesday noon.<sup>13/</sup>

At approximately 5:25 P.M., the TOP Squad moved to the tent. The MHRC Report recorded that the squad:

stopped in front of the tent, and [the TOP Squad Commander] gave the crowd an order to disperse. He announced that all who failed to disperse would be considered under arrest. There is some confusion as to his next statement. Several interviewees indicated that he then announced that all who were assembled in front of the tent were under arrest. [The Commander] reported that he announced that "those who don't disperse, consider yourselves under arrest." Within one minute of his second announcement, the TOP Squad moved toward the tent in wedge formation, holding their riot batons in front of them, jabbing those in their path.<sup>14/</sup>

The TOP Squad made no effort to arrest the 100-200 protesters who had gathered around the hospital tent. Rather, they used their riot batons. In the words of the MHRC Report: "Moving and still photos along with eye witnesses attest to the fact that officers struck people with their batons, often raising their batons over their heads in doing so. Thirty-one persons were treated at hospitals as a result of injuries administered by police officers."<sup>15/</sup>

No witnesses reported seeing anything thrown before the TOP Squad moved on the hospital tent. Police intelligence reports, however, indicated that there were two pistols in the crowd and several boxes of rocks in the nearby Smith Memorial Center. Witnesses also reported that when the TOP Squad assembled a "couple of rocks and bottles" were thrown; although, in the words of the TOP Squad Commander, there was "not too much debris at that point." While the TOP Squad was clearing the area around the tent, one officer was hit on the leg with a board, another was hit in the face with a clod of cement, a third was hurt with a burning 2 x 4 board. Four officers were injured.<sup>16/</sup>

About 1,500 onlookers assembled when the police originally gathered at the Park Blocks to clear the area. In the hour following the TOP Squad action, the crowd swelled to about 3000.<sup>17/</sup>

On the morning of Tuesday, May 12, a special PSU faculty meeting passed a resolution condemning police "for attacking people instead of arresting them."<sup>18/</sup> Later on Tuesday, approximately 3500 persons marched on City Hall to protest the City Administration's role in what was now termed by many in Portland as "Bloody Monday."<sup>19/</sup>



On Wednesday, May 13, students returned to classes; the Park Blocks were cleared and quiet. On Wednesday afternoon, some students wishing to continue the strike received university permission to erect two "hospital" tents on a university parking lot.<sup>20/</sup>

In the days following, a group of moderates claiming the support of 2500 fellow students (who had signed the group's petitions) formed a new University Organization to keep PSU open.<sup>21/</sup> On Wednesday, May 20, approximately 650 young protesters staged a demonstration march through downtown Portland, continuing to try to focus attention on the issues of the PSU strike.<sup>22/</sup> PSU, however, remained open for the completion of the Spring Term.

### Participant Reaction to the PSU Strike

Many in the City Administration strongly supported the police action on Monday, May 11. The Commissioner for Public Affairs voiced much of this "hard-line" position,<sup>23/</sup> claiming that the strikers, not the city, had exhibited bad faith in breaking promises. He pointed to: (1) strikers illegally dragging benches from the Park Blocks to illegally barricade the streets; (2) the strikers' refusal to return these materials to the Park; (3) the rebuilding of the barricades on Monday, May 11, and the obstruction of sanitation workers' attempts to clean the Park Blocks on this day. He argued that these steps (and especially the third) made it necessary for police to use whatever force and tactics were appropriate for clearing the area.

Student strikers felt a promise made to them had been breached. Strikers had interpreted the phone conversation with the Assistant Park Superintendent as sufficient authority to permit them to keep the tent in the Park Blocks until noon Tuesday. In many ways this conclusion seems justified since the Assistant Park Superintendent routinely signs such park permits. Nor were many students informed that he had telephoned to notify demonstrators that the Commissioner of Public Affairs had rescinded the permission previously granted.

Many more than the initial strikers were outraged at the action of the TOP Squad. Many moderate students, previously opposed to the efforts of student strikers, joined in condemnation of the TOP Squad's tactics. Furthermore, activist students gained an opportunity to level new charges against police: charges of brutality, failure to give the demonstrators sufficient time to clear the area, attacking and beating instead of arresting, using violence against a non-violent sit-in. Undoubtedly, the action of the TOP Squad added new fuel to a situation already calming down and losing momentum.

### Conclusions of the Metropolitan Human Relations Commission

The Report of the Metropolitan Human Relations Commission contained three conclusions:

1. ... The findings of this report are that the students were not rioting, the police did not come in to put down a riot, nor was a riot imminent at the time. The students had been and were protesting to express their frustrations with our society which stemmed from our involvement in Cambodia, the proposed shipment of nerve gas into Oregon, the tragic death of four college students at Kent State, and the complexities of racism in our society....

We feel that citizens and governmental officials should not only respect but also encourage peaceful demonstrations, which is a right given by the First Amendment.

2. ... The decision to remove the tent cannot be considered a professional police decision, because the three police captains at the scene advised against its removal. The removal of the tent appears to have been a political decision.

The prerogative for making such a decision rightfully belongs to the Mayor. We do not feel, however, that it was the right decision. Such decisions, with the potential for adverse repercussions, cannot be made in a vacuum. [The Mayor, the Chief of Police, and the Commissioner of Public Affairs] were not at the scene when they made the decision and could have no way of assessing the seriousness of the situation. [The Deputy Chief] was not at the tent when the decision was made. The three police [captains] who were at the tent and were in a position to assess adequately the situation all advised against its removal....

3. ... We feel that the police erred in the method used to remove the tent. The TOP Squad employed violence in a non-violent situation. In other words, there were alternatives at the disposal of the police other than the use of force. The most obvious alternative would be to invoke the criminal process by placing those who refused to disperse under arrest....<sup>24/</sup>

This report, prepared by a five-man subcommittee, was not submitted to the full Metropolitan Human Relations Commission until August 19. It was not made public until after the Legion convention. There is good reason to doubt that City, County, or State officials had an opportunity to study the report before the days of the PAJ-Legion confrontation. <sup>25/</sup>

Nor could it be expected that members of the City Administration or the Police Department would accept these conclusions when they had studied the report. <sup>26/</sup> However, similar conclusions concerning the events of the PSU strike are evident in the thinking of County and State officials. As the various levels of government consolidated their efforts to deal with the PAJ-Legion confrontation, there was evident determination not to repeat mistakes made in dealing with the PSU strike. More often than not, the steering committee members were willing to recognize the "lessons" of the PSU strike along the lines the Metropolitan Human Relations Commission had highlighted in its conclusions.

Still, for the members of the steering committee, questions of how to permit dissent in this situation, how to obtain "responsible" and not "political" decisions, and how to utilize the appropriate level of police force, should it be called for, were not easy questions to resolve.

#### Implications of the PSU Strike for the PAJ-Legion Confrontation

The PSU strike influenced the manner in which both the PAJ and Portland officials viewed the forthcoming confrontation during the Legion convention.

Portland officials were apprehensive over the type of situation dissidents had shown themselves capable of presenting to the city. Elements of dissident behavior which disturbed City officials were the following:

... the ability to present City officials with a fait accompli (such as the construction of the barricades) before City officials had an opportunity to consider and approve or disapprove such an action.

... the ability of dissidents to create a situation in which all options open to official action appear undesirable (for instance: allow the barricades to remain on the Park Blocks through approval or inactivity and thus face the anger of those wishing the Park Blocks cleared; or, clear the Park Blocks even though the dissenters will resist and possibly invite an incident with police).

... the inability of dissenters to insure that all protesters would accept a decision of self-appointed protest spokesmen and representatives (for instance, the May 11 morning meeting in the PSU President's office at which members of the strike committee agreed to the removal of the barricades was followed by the reconstruction of the barricades after the Park Bureau began clearing them later on the morning of May 11).

City officials were further concerned that the number of dissidents gathered during the PSU strike could be a mere prelude to a massive protest during the convention week.

Nor were City officials reassured over the TOP Squad's removal of the hospital tent on May 11. If demonstrators were present during the convention and police action became necessary, officials wanted to be sure that any law enforcement steps taken would calm the situation and not exacerbate it.

For dissidents, the PSU strike helped develop leadership and tactics. After the strike, the Revolutionary Festival of Life (later the People's Army Jamboree) began to plan more concretely for possible confrontation with the Legion. Some of the dissidents involved in the PSU strike could now transfer energy and efforts to the forthcoming confrontation.

Furthermore, the response of the City Administration to the PSU strike and the police action of May 11 served to convince dissidents that the City Administration was "repressive" and "fascist." The PAJ did not hesitate to publicize the May 11 incident as concrete evidence of what they were opposing. Because the incident caused some non-striking and moderate students to sympathize with those participating in the PSU strike, the incident could continue to color the attitudes of youth toward the City Administration.

Finally, the incident over the hospital tent gave a small indication of what was to be a major problem during the PAJ-Legion confrontation: the issue of negotiations. The incident involving the phone conversation with the Assistant Superintendent of Parks, his granting permission to keep the tent on the Park Blocks, and the Commissioner of Public Affairs' subsequent overruling of that decision created a credibility problem. When an official or a committee with authority authorizes a decision, the countermanding of that decision at a higher level of government tends to cast doubt on the reliability of the entire decision-making process. In the instance of the PSU strike, the Commissioner's decision led to confusion in the field as to whether or not a permit for the tent had been issued and to a subsequent feeling among the strikers that a "promise" had been breached.

On the other hand, the Commissioner's conclusion that the Assistant Superintendent's call to the woman believed to be in charge of the tent was sufficient to rescind permission to keep the tent up illustrates the obverse problem: It is often difficult for government officials to identify the authority that individuals in loosely formed dissident groups possess. Moreover, it is often difficult to trust self-appointed leaders (who claim to have authority over those in dissident groups) when there is no assurance that these individuals will convey the decisions of government to group members and obtain dissident compliance with those decisions.

#### IV. THE CONFRONTATION TAKES SHAPE: EARLY NEGOTIATIONS

February, 1970

Dissident Activity. A group of political dissidents calling themselves "The Revolutionary Festival of Life" began planning for a counter-rally and festival to occur simultaneously with the Annual Convention of the American Legion scheduled in Portland between August 28 and September 3. This small festival group was largely spearheaded by the Veterans United against the War, an anti-war organization composed of Korean War and Vietnam veterans joined in opposition to continued American involvement in Indochina.

May 5-13

Portland State University Strike. This incident was discussed above in detail.

Late May - June

Dissident Activity. Following the PSU strike, the Revolutionary Festival of Life was joined by various student strikers, community workers, draft resisters, former Peace Corps and Vista workers, etc. This coalition of individuals continued the initial planning of the Revolutionary Festival of Life although the name of the group was changed to the "People's Army Jamboree" (PAJ).

Intelligence Reports. U. S. Department of Justice officials contacted the Governor of Oregon to apprise him of intelligence reports concerning the potential danger in Portland during the Legion convention. <sup>1/</sup> These officials informed the Governor that the Department of Justice considered that Portland had the "highest risk of violence in the nation this summer." These intelligence reports had indicated that known violent political militants were planning to come to Portland during the convention and that Portland might experience a series of violent incidents. (For a more detailed discussion of available intelligence information, see Chapter VII.)

Wednesday, July 1

PAJ-City Government Contacts. The Park Bureau Superintendent received a request from the PAJ for the use of Washington Park between August 28 and September 3. The PAJ request read in part:

The Jamboree expects to attract 10,000-15,000 persons. The park [Washington Park] would be used for musical events, speeches, and the like. Although private housing is being located, it is expected that some persons would spend the night in the park. We would request the use of electrical outlets as we will plan to use sound equipment and the sanitary facilities available at the park.

The Jamboree Planning Committee will make the necessary arrangements for additional sanitary facilities, concessions, and security.<sup>2/</sup>

The City Commissioner of Public Affairs with authority over the Park Bureau, stated that he would consider the PAJ proposal.

Citizen Participation. A group of Portland citizens held a meeting to discuss the possibility of citizen involvement in the forthcoming confrontation between the PAJ and the Legion. In addition to a number of private citizens, the meeting was attended by members of the Governor's staff; law enforcement personnel from the City, County, and State; the U.S. Attorney for Oregon; and the District Attorney of Multnomah County. After this meeting, a smaller group remained to organize a group which became the People for Portland. (See Chapter IX for detailed description of Citizen Preparation.)

Monday, July 6

Governor - PAJ Contact. Oregon's Governor contacted the PAJ by letter urging the group to reschedule its proposed jamboree to occur at a time other than at the time of the Legion convention in Portland. The PAJ rejected the request.

Wednesday, July 8

PAJ-City Government Contacts. The Commissioner of Public Affairs sent a letter to the PAJ announcing his decision not to grant the PAJ the requested permit to use Washington Park between August 28

and September 3. This letter explained the investigation of the Park Bureau Superintendent into the request and the reasons for refusal to grant the permit:

[After receiving the July 1 letter from the PAJ, the Park Bureau Superintendent] reviewed Washington Park facilities and recommended against issuing this permit. His reasons were based upon the facts that Washington Park is essentially a garden park consisting of the Rose Garden, Shakespeare Garden, Azalea Garden, Japanese Garden, and the Garden Theatre. Washington Park has inadequate roads to support the vehicular traffic generated by such an assembly and is too close to residential areas to permit a buffer to the homes for such a gathering. The Park Bureau has never made provision in any park for housekeeping or cooking for such a group. In addition, the sanitary facilities in Washington Park, as well as in all other parks, are not designed to serve a group of this size.

Our office has reviewed the application and the physical conditions of Washington Park and has decided against issuing a permit to the People's Army Jamboree for the use of Washington Park. We believe such a use would be inconsistent with the general public's right of access and freedom of access to the park. My office has adopted the conclusions of [the Park Bureau Superintendent] that such a use of Washington Park is and would be inappropriate and create a nuisance in the park and to adjoining residential areas. Further, that the park has grossly inadequate sanitary facilities, that a week of musical events, speeches, and the like, with amplification of sound and temporary sanitary facilities and concessions, is inconsistent with park purposes.

The Commissioner ended his letter with the following general statement:

At this time, I personally believe that a public park of the City of Portland is not a suitable place for a 7-day convention such as you propose. Again, personally, I would be opposed to the use of this or any other park for such long-term jamboree because

such private long-term use is completely inappropriate in Washington or any other city park, whether by this or any other group for the purposes requested by you. 3/

Monday, August 3

Governor Orders Additional National Guard Training. Oregon National Guardsmen were notified by letter that additional training sessions would be held during the week of the Legion convention. The Governor's instructions reminded Guardsmen that the Legion convention was expected to attract many top-level government officials as well as thousands of Legionnaires. The letter read in part:

You should also be aware that there is reason to believe other groups not in agreement with the goals and policies of the Legion will meet in Portland at the same time.

I share the deep concern of Portland and Multnomah County officials that these and other groups will converge upon Portland in such numbers that assistance may be required by local authorities.

As a result, I am requiring Oregon National Guard units to perform training assemblies on the weekend beginning Friday evening August 28, through Sunday August 30. I am also directing some units to remain in training assembly status for the period beginning Sunday evening August 30 and ending September 2.

I am fully aware that these additional assemblies, following almost immediately after completion of field training by many units, in some instances will create hardships on you as an employee. However, I ask of you to accept my assurance that there are reasonable grounds to conclude the potential magnitude of the problem demands unusual precautions be taken. 4/

Tuesday, August 4

The Family Proposes Vortex I Festival. A Portland communal group known as "The Family" sent a letter to various government officials. The letter was sent to inform public officials of the group's

plans for the convention week. The letter described in some detail the group's intentions in designing a festival to be called "Vortex I" and to be held at McIver State Park during the Legion convention:

We, the family, are putting together Vortex I because we believe in it. As a non-violent group of people we believe Vortex to be a cultural and political affirmation of our common humanity and an alternative to negation and violence. We feel that by making a positive statement of new thought forms and new life styles, and by nurturing the reality of that statement, we are taking a political stance. This is a new kind of politics, the politics of affirmation and living example. Vortex I is an attempt to concert our efforts in expanding our life styles beyond superficial horizons. Our vision is of four days of example, an example of sharing this planet in a spirit of harmony and purity, where brothers and sisters from all over the world can begin the self-education and self-discipline necessary to turn our isolated attempts at new-culture into a movement.

This is a free festival. It is free because this is the only way that is consistent with a new cultural movement in America. Vortex I will be completely organic and bio-degradable: no concessions, no litter, and no pollution. Artists, philosophers, teachers, musicians, communes, and brothers and sisters from everywhere are invited to come, to teach, to engage, to speak, and to participate in a cultural regeneration in America. Together, in workshops, in dialogues, in creative harmony with the environment, we will begin: culturally, politically, ecologically, humanly--we will begin. 5/

Saturday, August 8

Governor McCall Approves Plans for Vortex I. The Executive Secretary to the Governor held a press conference together with two members of The Family and the Co-Chairman of People for Portland. He announced that a site would be provided at McIver State Park for the Vortex I festival. His statement emphasized the careful attention the Governor and other levels of government had given to the potential confrontation:

For over a month we have been working very closely with local governments in the Portland area and a

variety of citizen groups regarding the potential confrontation between the People's Army Jamboree people and the American Legion Convention.

The statement provided a measure of strength together with accommodation.

Information from a variety of sources confirms the fact that many young people are coming to Oregon during the latter part of this month. It is impossible to accurately forecast numbers, but if they are coming to join with those who want violence, it is very clear that confrontations will occur. Local government and the state are working jointly to avoid such occurrences, and officials at all levels have agreed that whatever manpower is necessary will be used to protect the citizens of this state.

The Governor has advised the National Guard to be on a standby basis and, if necessary, such numbers as may be needed will be mobilized during the period of this potential civil crisis.

All who are working on trying to prevent this potential problem have learned from the experiences of Chicago and other cities throughout the nation. The citizens' group, People for Portland, and a number of church people and young people in this area are trying to find a way for those young people who are not seeking violence to avoid becoming embroiled in confrontations. We have indicated that every means available will be used to protect the citizens of Oregon, yet we have all agreed that the responsible course of action is to make use of any reasonable means to avoid this type of confrontation, if possible.

The Governor's point was clear: those coming to Portland were encouraged to attend Vortex I instead of coming into the city to seek a confrontation with the Legion:

A community group has requested land so that people coming to Oregon will have a place to go and things to do other than being swept up into confrontation and violence. In this context and based

upon the recommendation of many groups that have been working together, a site will be allowed for this purpose.

Those young people who are coming to Oregon no matter what are being encouraged by every means at our disposal to avoid a situation of potential confrontation and to set an example by showing their respect for laws of this society. McIver Park in Clackamas County will be available for their use. They maintain that they can show by living example that they believe in peaceful demonstrations of their views through a non-commercial gathering. These responsible youth will be allowed the opportunity to prove their beliefs. <sup>6/</sup>

This announcement followed prolonged discussions between the Governor's office, officials of Clackamas County, and representatives of The Family. Clackamas County officials were uneasy about opening McIver Park to such a large gathering. The 840-acre park was only three years old and was not equipped to handle overnight camping. State officials, however, were able to persuade Clackamas County officials that McIver Park represented the best available alternative.

Given that McIver Park is a state park and state regulations prohibit concessions, no admission charges were allowed for this festival. This coincided with the aims of The Family.

Tuesday, August 11

PAJ-City Government Contacts. Five PAJ spokesmen met with the City Commissioner of Public Affairs at his office in City Hall. Once again, PAJ representatives pressed for permission to use Washington Park during the week of the Legion convention. At this meeting, PAJ spokesmen were more insistent than they had previously been. They now claimed to expect 50,000 people to be in Portland during this time. PAJ spokesmen were presenting the Commissioner with a fait accompli. "They're coming into town. There has to be a place to stay--whether you like it or not." The request for Washington Park was made to obtain a location close to the downtown area for the protesters to stay. The PAJ considered Washington Park to be large enough to handle their expected numbers and close enough to be within walking distance of Portland's central business district. Also, the PAJ spokesmen argued that a group this size would be easier for them to control if they could be assembled in one site such as Washington Park: "We need Washington Park. We want to be close to the

downtown area. If our people are diffused throughout the city so that we have to call them together, there could be confusion and confrontations. With small groups wandering around there could be violence."

The Commissioner refused to accept this second PAJ request for Washington Park: "The city of Portland is not in the hotel business. We're not interested in setting up a national pad for people to come here and confront the Legion. Our park system is not designed for that kind of activity. Washington Park is a garden park and has no overnight facilities." 7/

City Council Announces "Peace Pamphlet." Portland's City Council (composed of the Mayor and the city's four Commissioners) announced that it would authorize an initial printing of 20,000 brochures entitled: "Peace Has Its Price in Portland." The pamphlet, largely influenced by the Commissioner of Public Affairs, read in part:

So you have time on your hands and all kinds of ideas what to do with it. And where. Which is why you're here in Portland. And that's fine by us. There's plenty of all the good Portland things to go around. We hope your stay here is as great as you want it to be. The thing is, though, that we have rules and regulations just like any other place. Not because we want to lean on you, but because the only way a whole lot of people in a town this size can make it together is to keep the other guy in mind.

What's more, sometimes you can run into trouble because of some law or something you didn't even know about. We don't want that to happen. We don't think you do, either.

So. This is what you should know about us. The rules that keep the peace in Portland.

This opening statement and the remaining copy made it clear that the pamphlet was directed specifically at young visitors to Portland. The brochure went on to detail laws pertaining to curfew, littering, use of the streets, hitchhiking, gambling, smoking, etc. Demonstrations and police were specifically mentioned as well:

Want to parade? You need a permit. Apply at City Hall.

Organized activities (entertainments, demonstrations, assemblies, and speeches) also need a permit if a park is to be used. To avoid problems apply at City Hall.

When 3 or more of you are getting a mite more fractious or disorderly than necessary, you will probably be told by a police officer to disperse. He is not doing that just to hear his good, rich baritone; nor yours.

By the way, if you are poking around somewhere and a police officer thinks you look suspicious, he might stop you and ask a few questions. It's all right. The law says he can. (City Code Section 14.92-045)

The pamphlet concluded:

So there they are. The rules and regulations that keep people and things comfortable in Portland. Nothing unreasonable, really. Just common sense. Just thinking about the other guy as well as yourself. You keep them in mind; you'll enjoy your stay here a lot more. And so will we.

When the pamphlet was printed, it received wide distribution at locations where young visitors were coming into the city.

Black Panther-McDonald's Restaurant Dispute. Black Panthers and a few white sympathizers began picketing a McDonald's drive-in restaurant located in Portland's black Albina district. A spokesman for the Panthers leveled six charges against the restaurant chain:

1. McDonald's has a national policy of practicing racism toward minority groups in awarding franchises.
2. The number of blacks working in McDonald's should be proportionate to the number of black customers.
3. McDonald's systematically excludes black employees from supervisory or managing positions.
4. McDonald's refuses to aid the community's self-help programs.
5. McDonald's is one of the businesses that is responsible for police harassment and brutality in the black community (i. e., Portland Police use the drive-in parking lot as a command post or gathering spot in instances of racial unrest).

6. The owner of the restaurant must realize that business in the black community means more than making a profit--any profit must in some manner be used to better the black community.

Specifically, the Panthers demanded that the restaurant contribute \$100 per month to each of three Panther programs (the Panther Children's Breakfast Program, the Malcolm X Dental Clinic, and the Fred Hampton People's Medical Clinic). Alternatively, the Panthers would accept one cent for every dollar of business done by the restaurant. After the first four days of picketing, the general manager of McDonald's in Portland claimed that the boycott had cost the drive-in 75% of its daily business.<sup>8/</sup>

Wednesday, August 12

Free People's Pop Festival Denied Park Request. A group of local Portland youth calling themselves the "Free People's Pop Festival" requested permission from the Portland City Council to use East and West Delta Parks from August 20 through August 25 for a rock festival. This group was not associated with the PAJ; the plans of the Free People's Pop Festival to hold a rock festival were not coordinated with the efforts of the PAJ to hold a "non-violent philosophical" confrontation with the Legion during the convention week.

Organizers of the Free People's Pop Festival explained to the Council that they had distributed 20,000 handbills in California, Washington, and neighboring states. The handbill read:

Free People's Pop Festival starts August 26, held outside of Portland, Oregon, FREE! to everyone. Dedicated towards the enjoyment of our new culture, and to form a Union of Peace and Brotherhood for All Mankind.

One of the organizers of the Free People's Pop Festival explained to the Council that the group had been planning the festival and looking for a suitable location since May. The group expected from 50,000 to 100,000 youth to be in Portland during the convention and that of these their festival would attract 10,000 to 50,000 and would require parking space for as many as 10,000 vehicles.

The City Council referred the request to the Commissioner of Public Affairs. He in turn quickly told the group that he would not grant their request. He quoted a report by the Park Superintendent which (using 12,500 to 25,000 persons as an estimated attendance figure) calculated an expected cost of \$57,000 to the city for land clearing, restroom facilities, garbage collection and hauling, and

patrol of the perimeter of the West Delta Park golf course adjoining the proposed festival site. The Commissioner utilized this report from the Park Superintendent to continue his argument that "our city parks are not equipped to handle multitudes of people on a sustained basis."<sup>9/</sup>

Mid-August

Local Law Enforcement Preparation. Throughout July and into August, the Multnomah County District Attorney's office was formulating detailed law enforcement procedures for use in the anticipated confrontation and designing a series of steps aimed at producing County and City Government coordination during the forthcoming convention days. By mid-August, meetings between the Mayor, the Chairman of the County Board of Commissioners, and the County District Attorney had resulted in a number of substantive agreements concerning these matters. (For a more detailed discussion of the efforts of the County District Attorney's office, see Chapter VII).

Thursday, August 13

PAJ-City Government Contacts. Portland's City Council (composed of the Mayor and the four City Commissioners) has the authority to overrule the decision of any one Council member in his area of responsibility. A motion to reconsider the action of the Mayor or any Commissioner can be brought before the Council by a party wishing a changed decision. A majority vote of the five-man Council overrules the previous action.

PAJ members, availing themselves of this City Charter "appeal" process, brought their request for permission to use Washington Park before the City Council in the hope of overturning the Commissioner of Public Affairs' refusal to grant a park permit to the group.

Following a long session, including testimony from PAJ members, citizens (such as a PSU chaplain who had organized a Life Support Coalition to help youth coming to Portland during the Legion convention) supporting the PAJ, and citizens against the PAJ, the Council voted 4-0 to uphold the Commissioner's decision (one Commissioner was absent, on vacation.)

The Council, however, did not rule on the possibility of granting the PAJ permission to use other city parks. The Mayor, in an effort to reach agreement with the PAJ, appointed an eight-man committee to work on the problem of finding a place for the young people expected to be in Portland. Members of the committee were the Mayor's Assistant; the Director of the Metropolitan Human Relations Commission; the Director of the Metropolitan Youth Commission; a member of the



Emergency Life Support Coalition; the Project Director of Portland Action Committees Together; a member of People for Portland; and two representatives of the PAJ. <sup>10/</sup>

Saturday, August 15

Black Panther-McDonald's Restaurant Dispute. In a 12-month injunction granted to McDonald's restaurant chain, Circuit Judge Robert E. Jones restrained pickets from encroaching on the restaurant's property and from "harassing, threatening bodily harm, or discouraging patrons" from entering or leaving the premises. He said, however, that pickets could engage in informational picketing and either distribute leaflets or orally argue their position as long as they remained off the restaurant's premises and refrained from physical coercion of patrons. <sup>11/</sup>

Monday, August 17

PAJ-City Government Contacts. The eight-man committee appointed by the Mayor assembled at City Hall for their first meeting. When the committee assembled, committee members felt it would be best if no one but themselves were present at this first meeting. The Chief Deputy District Attorney and the Deputy District Attorney came to observe but were turned away. The Mayor's Assistant told newsmen they would have to wait until the meeting was over for any comment. He explained to newsmen why they were not going to be allowed to sit in on the meeting.

This is our first meeting, and it's fragile. One of the first things on the agenda is, how do we work with the press. My feeling is I'd like for this to be successful. I'd like for it to be a free exchange and get some trust and straight thinking across--talk between ourselves. I think there's some distrust.

Following the closed committee session, newsmen who had waited three hours for the meeting to end questioned the Mayor's Assistant and the two PAJ representatives on the committee. As a result of this "press conference," reporters got the impression that the committee had reached the following points of agreement: PAJ was to have daytime use of Washington Park between August 28 and September 3; and was to have daytime use of the South Park Blocks near PSU for dissemination of information, feeding people, and small workshops. Furthermore, the Mayor's Assistant and the two PAJ spokesmen indicated to reporters that in future meetings the committee would explore the possibility of PAJ overnight use of Lair Hill, Duniway, and

Willamette Parks. Commenting on the two points of supposed committee agreement, the Mayor's Assistant told reporters: "Daytime gatherings are a normal use of parks." He and the two PAJ spokesmen also indicated to reporters that the Mayor had briefly attended the meeting toward its completion and that he had agreed with the committee's conclusions.

Upon being contacted by reporters, the Mayor and the Commissioner of Public Affairs objected to the statements made by the Mayor's Assistant and the two PAJ representatives. The Mayor told reporters: "I was at the latter part of the meeting. I concurred in nothing. Except I indicated I would be perfectly willing to explore any of their proposals. I asked [my Assistant and the Director of the MHRC] to put down their recommendations, and I would talk with the Council tomorrow. I raised real serious objections to any use for overnight of Duniway and Lair Hill Park."

The Commissioner took a dim view. In his opinion, this committee had no authority to grant park permits; its purpose was strictly to make recommendations to the Council. He told reporters: "They seem to think that they got it all in the bag. I haven't seen any park permit request on my desk. The Park Superintendent will have to take each as they come." He also strongly objected to closed session meetings: "I assumed this meeting was open to the public and the press. I think this is the only way that citizens are going to comprehend the quality of people we are dealing with here. I am for free and open meetings, not secondhand talk and comments after something has taken place in a star chamber." <sup>12/</sup>

Tuesday, August 18

PAJ-City Government Contacts. The Portland City Council met in an informal session. The Mayor reaffirmed his statement that the eight-man committee had made no "commitments" and that it was still his intent to "keep dialogue open for reasonable alternatives."

The Commissioner urged that "a public hearing" be held before the City Council the following day to "settle the matter once and for all." He further recommended the Rivergate Industrial Park area for a possible PAJ site, although the Industrial Park area contains only 100 acres suitable for gatherings and is accessible only by boat.

The Mayor did not want the Council to consider the question of PAJ permits during its meeting on Wednesday as recommended by the Commissioner. Rather, he hoped that a second meeting of the eight-man committee scheduled for 10:00 A.M. on Wednesday could pursue negotiations. However, the Mayor indicated that in view of the adverse comments resulting from Monday's closed committee session, the Wednesday committee meeting would be open to the public.

While no consideration of PAJ permits was placed on Wednesday's Council agenda, the Council was scheduled to consider an appeal from the Free People's Pop Festival to overrule the Commissioner's refusal to grant use of Delta Park for their rock festival. <sup>13/</sup>

Meanwhile, PAJ spokesmen contacted by newsmen reaffirmed their understanding that the Monday committee meeting had reached a firm decision and that the Wednesday meeting would also be a closed session. <sup>14/</sup>

National Guard Preparation. The Governor's Executive Assistant made an inspection tour of Oregon National Guardsmen training at Ft. Lewis. After his inspection, he told reporters that he was "extremely impressed by the progress the men are making in their new training mission." He further commented upon the extensive crowd control training the Guardsmen were receiving: "We feel we will be better prepared than any state has ever been to handle crowd problems of all kinds. We will be equipped based upon the situation, and in every situation so far in Oregon it has been necessary to use firearms. We don't foresee a need for bayonets and loaded rifles, but if the situation calls for them, we are prepared. If snipers are firing at you, you must be prepared to take whatever action is called for." <sup>15/</sup> (For a more complete discussion of the National Guard preparation, see Chapter VIII.)

Wednesday, August 19

PAJ-City Government Contacts. The scheduled eight-man committee meeting was not held. Instead, agreement was reached that the PAJ requests for park permits would be considered in the afternoon's open meeting of the City Council.

Park Permit Discussion at the Meeting of City Council. The City Council meeting began with the understanding that it would not consider any decision on PAJ park permit requests until after the eight-man committee had met. Thus, when the Council began its business, it considered the Free People's Pop Festival request for the use of Delta Park. In a 3-2 vote, the Council overruled the Public Affairs Commissioner's decision to deny the request.

However, when the Council realized that it would have to consider PAJ requests because the eight-man committee meeting had been canceled, Council members voted to reconsider their decision to grant Delta Park to the Free People's Pop Festival. In a second vote on the issue, the Council unanimously agreed to support the Commissioner's refusal to grant the group use of Delta Park.

The Council then heard testimony on the PAJ park requests. PAJ spokesmen argued that young people were coming to Portland not for a

festival but to make a political statement. According to PAJ spokesmen, these youth needed a site within walking distance to Portland's core area, "in a place where they'll be seen and heard."

The Governor's Executive Assistant attended the Council session and told the Council that the Rivergate site proposed by Commissioner of Public Affairs was "inadequate."

The Council voted unanimously to reaffirm its denial of any PAJ use of Washington Park and to deny any overnight or extended day use of Lair Hill, Duniway, or Willamette Parks. The possibility of granting the PAJ permission to use Delta Park was kept open. The Mayor expressed his hope that a final decision could be reached at the Council meeting of the following day. The opening of the Legion convention was only nine days away.

The Council also passed a two-point policy statement introduced by the Mayor. The first of its provisions stipulated that a park permit must be obtained for any use of downtown or other city parks for group purposes. No park permit for use of Washington Park between August 19 and September 3 would be issued. Any park permit issued would be limited to a specific brief time period, on written application at least 24 hours before the period requested. The second provision announced that for emergency administrative decisions during the period from August 19 through September 3, the Governor, the Mayor of Portland, and the Chairman of the Board of County Commissioners (or their appointed representatives) would be authorized to speak for their respective jurisdictions.

Before the completion of the Council meeting, PAJ spokesmen walked out in disgust. Spokesmen of the Free People's Pop Festival stated that they were not willing to consider sharing a site with the PAJ (a move the Free People's Pop Festival and the PAJ had previously both strongly opposed). <sup>16/</sup>

Thursday, August 20

Further Park Permit Discussion. For the second day in a row, the City Council met to discuss the issuance of park permits.

The Governor's Executive Assistant also attended this second meeting. He told the Council members, "If you don't act definitively today, you increase the chance of violence." He also reminded the Council members that the Governor had accepted some of the responsibility by designating McIver State Park for the Vortex I festival.

Following a report from health and safety agencies that the Rivergate Industrial Park Area posed serious health and access problems, the Commissioner of Public Affairs maintained his opposition to granting the PAJ permission to use Delta Park. Instead, he suggested a

citizens' car pool be formed to supplement transfer of PAJ members to McIver Park where they could camp overnight during the convention.

The Council then considered motions by another Commissioner to designate East Delta Park for overnight use for "all young people" between August 28 and September 3 and to designate the former Oregon Journal Building site in the southeast portion of the city along the Willamette River as a staging area for downtown marches. Both motions were passed by a 4-1 vote, with the Commissioner of Public Affairs registering his vigorous opposition. 17/

Saturday, August 22

McDonald's Restaurant Dispute. An early morning dynamite explosion shattered windows and caused minor damage to the McDonald's drive-in restaurant where picketing continued. The explosion caused sufficient damage to close the restaurant for business on Saturday. No suspects were immediately apprehended by police. 18/

Protest over the U. S. Attorney General's Speech. The U. S. Attorney General was in Portland to address a National District Attorney's Convention being held at the Hilton Hotel. Approximately 200 demonstrators, including many identified as PAJ members, marched around the Hilton while the Attorney General was speaking. From this demonstration, protesters marched to movie theatres across the street from the Hilton. The Broadway and Off-Broadway Theatres in Portland had been engaged in a labor dispute during which members of the local projectionists' union had been locked out. Demonstrators marched into the lobbies of the theatres to show sympathy for the locked-out projectionists.

Police carefully observed and photographed demonstrators. However, no arrests were made. Both demonstrations ended without serious incident.

Sunday, August 23

PAJ Reaction to City Council's August 20 Decision. PAJ spokesmen told reporters that they planned to use Lair Hill and Duniway Parks for overnight camping during the Legion convention "with or without city permission." Spokesmen explained that the PAJ would again apply for permission to use the parks, that an application would be written and mailed to the Council, that the PAJ would be in effect letting the city know what it was going to do.

These spokesmen rejected the use of East Delta Park--the very accommodation that the Council was willing to offer. "There is no way," said PAJ, "we can get 20,000 people from Delta Park to town

and back again effectively. The city has never conducted serious negotiations with us in this area."

PAJ spokesmen were openly angry. "...At this point the only ones who seem to be provoking violence are the City Council and state government, by their actions." Further, "It seems that somewhere along the line somebody is setting Portland up for problems. We're not planning any kind of physical confrontation with the Legion. In fact, we've done a lot of planning to minimize it. We hope to draw anybody who might be getting into trouble away from the [Legion] parade [on August 31] because the Legion parade would be a stupid place to be-- you'd get wiped out. This is a very hot town about all this, and it's not going to get any cooler next week. There already have been indications of vigilante action [by townspeople]."

Also at this time, the PAJ announced plans to march through downtown Portland immediately following the Legion parade on August 31. "We want to march over the same route, but in the opposite direction, the Legion used earlier in the day. The Legion marches for military victory in Vietnam. We march for a victory for the Vietnamese people." 19/

## V. THE CONFRONTATION TAKES SHAPE: FINAL NEGOTIATIONS

Monday, August 24

Mayor Invokes Emergency Powers. Utilizing the authority vested in him by the City Charter, the Mayor announced that he was invoking emergency powers to consolidate the control of all bureaus and divisions of city government into his hands. This was the first such complete consolidation of departments ordered since the City Charter was adopted in 1913.

In a detailed statement issued to explain action, the Mayor included his evaluation of the forthcoming confrontation:

Shortly after the Portland State incident, information did come to my attention that a group of individuals were solicited by letter and press releases to underground newspapers to come to Portland during the American Legion Convention for a confrontation with the Legion. Various spokesmen for the People's Army Jamboree publicly have stated that they only want a confrontation of ideas and to publicly express their disagreement with the American Legion. All of us hope and pray this is the actual intent of the People's Army Jamboree and any other protesting group that might come to Portland. Other information indicates at least some individuals, both now in the area and proposing to come, have other ideas involving actual physical confrontation with both the Legion and the community and harassment and intimidation of the so-called "establishment."

The Mayor discussed the decisions of the Council on Thursday, August 20, to grant park permits to the PAJ. He expressed his feelings on provision of accommodation to the youths expected to be in Portland during the Legion convention.

I further realize that some of our citizens are definitely opposed to making any park facility available to these young people who are coming to this area. I also recognize that there is a strong

feeling among many taxpayers that they should not be called upon to have any undue costs imposed upon them by these visitors. It is my considered judgment that there must be such a place available if we are to avoid dispersions of large numbers of young people throughout the downtown core area where there are inadequate facilities and space and where there is a great danger of physical confrontation and violence and even destruction of property. In making available such a facility, we know it does not guarantee that there will not be illegal activities or even violence, but like Vortex I at McIver Park, provided by the Governor, it does provide a relief valve and a location where those that desire can gather, hold workshops, debate, and fraternize.

The Mayor was the first to publicly announce the establishment of a City-County-State "steering committee" to coordinate the official response to the forthcoming days of confrontation. His statement included the following:

For Emergency Administrative decisions during this period, the Governor, the Chairman of the Board of County Commissioners, and the Mayor or their appointed representatives are authorized to speak for their respective jurisdictions.

[The County Board Chairman, the District Attorney] and myself are working closely together on all local problems.

I have appointed [the Commissioner of Public Works] as my representative to act as Chairman of a state-wide committee consisting of the Executive Assistant to the Governor, the Executive Assistant to the Chairman of the Board of County Commissioners, and the Chief Deputy District Attorney... This group will continue to coordinate their activities with Federal Authorities.

It was within this context that the Mayor presented his decision to invoke the emergency powers given him by the City Charter:

In order for the City to promptly respond and make decisions in a similar manner as the State and County, I am hereby transferring all operating

Bureaus and Divisions of City Government to the Mayor's office under the Department of Finance and Administration. I will expect all Commissioners to work with the Mayor in the day to day activities and operation of the Bureaus and Divisions formerly under their complete control.

The Mayor spoke directly to the citizens of Portland, urging them to remain calm during the following days:

It is my hope that the citizens of Portland will keep their cool and not commit overt acts in anger because of this so-called invasion. May I remind you that an act of violence towards one of these visitors could be the spark that sets off a chain reaction that I do not want to see happen to the city I love. I would expect young visitors and the members of the Legion to also refrain from any such acts or confrontation.

I plead with the people of Portland--Refrain from any show of hostility! Use your power of persuasion, when necessary, on strangers and residents alike to KEEP IT COOL! Nothing will be gained by exciting hostility or by fanning the flames of antagonism. You may not agree with the life styles of many young people, but you really have no moral right to use open criticism if their behavior does not transgress upon your rights.

The Mayor ended his statement on the following note:

The eyes of the nation, in fact the world, are on what we are doing and how we handle ourselves in light of such a tense situation. Let us be collectively proud when the convention is over that we knew how to plan and behave when the winds of rumor, tension, and outside forces tried to divide us.

Rest assured, law enforcement in whatever strength required will move against those who violate these principles. Working together and keeping our cool, we can and must, and with the grace of God, will endure as a great city. 1/

The Commissioner of Public Affairs made a statement to the press on the same day:

Personally, I believe the Mayor and his advisors may be over-reacting to the situation and are playing into the hands of those who have threatened to disrupt this city. This is, however, the Mayor's prerogative. Having made that decision, I will give him every assistance I can.

I will be in my office every day, available to do my job and to advise the Mayor, if called upon. I will give him every assistance I can, up to the point that I feel his decision is in violation of the rights of the citizens of Portland. As an elected official, I reserve the right to inform the public and to speak out against decisions which I know are not consistent with the wishes and rights of the people of Portland.

Personally, I am very distressed by the current trend of permissive lawlessness. For example, I read in this morning's Oregonian an article which said, "Drugs, while plentiful, have not been conspicuously for sale. Users seem to bring their own and are sharing generously. State police are keeping a close eye out, but seemingly hands off." I do not intend to have Portland Parks set up as designated compounds where laws can be violated. I think this is a very dangerous precedent and may have far-reaching implications. 2/

Free People's Pop Festival Again Requests a Park Permit. The Commissioner of Public Affairs received a letter from the Free People's Pop Festival requesting the use of Delta Park between August 24 and September 3. The letter read in part:

A festival at Delta Park will attract many of the young visitors and will provide a place for them to stay outside of the beautiful downtown parks.

We represent a large group of concerned Portland young people who have been working vigorously all summer striving to create this free event. We now have the entire operation ready to be used by our city, to provide feasible accommodations for the large influx of young people who are arriving. Our

request is for a specific permit in an effort to avoid any foreseeable misunderstandings. We agree that there are some very valid questions concerning the way Delta Park will be used. This report is designed to provide responsible and meaningful solutions to these questions.

This letter discussed what the group was capable of providing: entertainers, "time and energies of hundreds of people, medical tents and volunteer medical personnel, a day-care center, information centers, etc." The group informed the Commissioner that it would need assistance in "finding solutions to the remaining problems" of sanitation, electrical power, water distribution, garbage removal, emergency evacuation capabilities. The letter ended:

Persons arriving now for activities other than those scheduled by the American Legion will, in most cases, establish permanent personal headquarters as quickly as possible. It would be our wish that McIver Park be a choice of many, but recognizing that this will frequently not be the case and since East Delta Park will be the only other legal alternative for many of them, we recognize the need to urge your prompt approval. For without it we may find ourselves in a position of being physically unable to organize this complex and interdependent activity; an activity of extreme importance to the peace and safety of our city.<sup>3/</sup>

After the Mayor invoked the emergency powers and consolidated all functions of city government under his control, the Commissioner submitted this request he had received to the Mayor for the Mayor's consideration and decision.

PAJ Contacts Commissioner of Public Works. The Commissioner of Public Works received a letter from the PAJ discussing PAJ intentions to use Lair Hill and Duniway Parks. The letter read in full:

After long and considered deliberation, the Coordinating Council of the People's Army Jamboree has reached a conclusion with regard to the use of city facilities. It is the consensus of this committee that there is no responsible alternative to the use of Lair Hill and Duniway Parks.

Accordingly, PAJ is continuing with preparations for a political response to the American Legion Convention--preparations designed to minimize the potential for violent confrontation. As has been repeatedly expressed by PAJ, it is our sincere and overriding concern that the activities planned for the week of August 28-September 3 be peaceful. To that end the present decision has been reached.

Tuesday, August 25

Mayor Refuses Permit to Free People's Festival. The Mayor after considering the letter from the Free People's Pop Festival that the Commissioner of Public Affairs had forwarded to him, denied the request of the group for a permit to use East Delta Park for a rock festival. The Mayor indicated: "I feel that any pop festival scheduled at East Delta Park at this time would conflict with and detract from the opening of McIver Park to use by Vortex I. . . . I hope that you and your associates (i. e., the Free People's Pop Festival) can use your equipment, talent and effort to strengthen Vortex I." He urged the Free People's Pop Festival to consult with the PAJ to see whether the two groups couldn't share the site at East Delta Park. The Mayor noted that he did not want to give any group, including the Free People's Pop Festival, exclusive use of East Delta Park: "[I hope] any and all groups coming to the city will use East Delta Park as an overnight campsite if they choose not to attend Vortex I." He also noted his reservations over holding a rock festival at East Delta Park, commenting that there is a big difference between an advertised pop festival and "casual music" provided by "people with their guitars." Thus, even if the Free People's Pop Festival and the PAJ agreed to share the site at East Delta Park, the Mayor had reservations concerning the type of pop festival which would be permitted.<sup>4/</sup>

PAJ Again Requests Permits. The Commissioner of Public Works received another letter from the PAJ discussing park and parade permits. With regard to East Delta Park, the PAJ letter commented:

We understand that East Delta Park is available for both day and night use from August 26 through September 3. The Peoples' Army Jamboree plans to use this park as its main overnight area as well as for some daytime activity. We assume that, as offered, the City and State will provide sanitary facilities, electric power, water, staging, field kitchens, and clear and free access to and from Portland. The above is based on the understanding that People for

Portland have arranged transportation to and from Delta Park for Peoples' Army Jamboree workshops, rallies, and marches to be held in downtown Portland.

The letter also requested permission to use Lair Hill and Duniway Parks from Friday, August 28 through Wednesday, September 2. These requests were for 2:00 P. M. to 6:00 P. M. each day except Sunday, August 30, when a rally was planned for noon, with a march to follow the rally and end at this park at approximately 6:00 P. M. The letter requested loudspeaker permits for these times and stated that the PAJ intended to erect a stage, medical tents, and feeding stations for use during the hours specified. The PAJ requested that these few structures be allowed to remain overnight with "police protection for this equipment after participants leave." Finally, the letter requested permits for parades on Sunday and Tuesday. The letter noted: "There may be several additional smaller demonstrations and marches, permits for which will be applied for at least twenty-four hours before they are scheduled." 5/

Governor's Command Post. The Governor's office established a command post on the 20th floor of the Hilton Hotel. Members of the Governor's staff chose the hotel because of its central location in downtown Portland and the observation possibilities offered by the 20th floor suite.

The suite included several meeting rooms and a larger central room that was equipped for communications. Telephone and radio link-ups were established with Portland Police Headquarters, the Portland Police high-frequency radio broadcasts, the State Police, and the National Guard. These facilities were designed so that those in the command center at the Hilton could broadcast directly over police frequencies should the need arise. Direct phone lines were also established with People for Portland and the PAJ headquarters in downtown Portland. The PAJ radio communications were monitored. A telephone hook-up was arranged such that the Governor could broadcast directly over radio and television networks should the need arise.

A tactical command post consisting of the Chief of the Portland Police and other law enforcement officers was established at Portland Police Department Headquarters. The tactical command post was to be responsible for the implementation of all law enforcement decisions made by the steering committee at the Hilton command post. Thus, for instance, if the steering committee were to decide that Portland police involvement was called for in situation x, the tactical command post would then decide which units of the Portland Police Department would carry out that order to fit the situation.

Governor's Statewide Address. On Tuesday evening the Governor made a statewide radio and television address. He emphasized the preparedness of the various levels of government involved to deal with potential violence. In this regard, the Governor announced that he was activating units of the Guard:

... I am activating units of the Oregon National Guard in sufficient strength to safeguard life and property. It is my hope that this will be an insurance policy-- that this action, along with others already taken, will dissuade those who would come to Portland to incite violence. If they come in spite of our preparedness, we have the ability to act quickly and decisively to uphold the laws of our state. We cannot afford the risk of after-the-fact activation.

At the same time, the speech stressed the efforts taken to provide an alternative to violence:

While we are prepared to deal with violence, keep it clear that our first priority is to avoid violence.

It is within this framework--avoiding violence-- and upon the strong urging of local, state and federal law enforcement officers that Vortex I emerged....

Law enforcement officials advise me of the danger of thousands of young people roaming in bands through the residential areas of Portland at all hours of the day and night--restless, without a home base, without planned activity.

Vortex was a conscious and direct response to the problem of suddenly trying to absorb these thousands of young people into the City of Portland --young people without a place to stay.

The Governor wanted to make it clear that he was prepared to act swiftly against violence in Portland. Vortex was identified as his strongly recommended alternative:

The State of Oregon, the City of Portland, and the surrounding counties do not want violence; but we are fully prepared to protect our citizens. We have prepared the resources necessary to fulfill

this commitment. This is not the rattling of swords; this is a statement of fact. The laws of this state and this community will be upheld.

To those who understand this statement, alternatives are available. To those who choose to ignore this statement, less peaceful alternatives are in store.

Vortex was authorized as a safety valve--as a defusing mechanism for reducing the numbers we may have to deal with in Portland.

We can say to those young who are truly dedicated to peaceful disagreement: go to McIver Park or Delta Park, which the City of Portland has approved for overnight occupancy.

These are your alternatives to milling madness.

The Governor had outlined the City and State plans to provide for demonstrations and protest. He emphasized the state and local law enforcement preparedness to deal with potential violence. The statement was firm; the options were set:

Speaking for the citizens of Oregon--and with the solemn resolve to maintain the peace--I want you to know we are willing to accept honest dissent and peaceful demonstrations.

I am just as firmly resolved that we will not tolerate violence to any person--harm to any property. 6/

Wednesday, August 26

Free People's Pop Festival Tries To Get Going. The exact status of the Free People's Pop Festival remained unclear. The Mayor had encouraged the group to explore the possibility of sharing East Delta Park with PAJ. However, the Mayor also made it clear he was opposed to the group's setting up a major rock festival with "advertised, name bands."

Despite the confusion, organizers of the Free People's Pop Festival began constructing a stage and placing amplifiers and loudspeakers in East Delta Park. At about 10:00 P. M. Wednesday, the Commissioner

of Public Works went to East Delta Park after receiving complaints from local residents about the noise being transmitted over the sound system by a San Francisco rock group. He explained to those present that the sound system would have to be dismantled until the size of the crowd (then only about 300 persons) justified such an elaborate system. The Commissioner also informed those present that the construction of this equipment was in violation of the agreement with the City on the use of this Park. City officials, Portland police, and a number of youths assisted in peacefully removing the constructed stage and sound equipment. 7/

PAJ Steering Committee Contacts. Later on Wednesday night, members of the newly formed steering committee met privately with representatives of PAJ and discussed park and parade permits for the PAJ during the Legion convention. Agreement was reached. A joint press conference to announce the decision was scheduled for the following day.

Thursday, August 27

PAJ-Steering Committee Contacts. Following a morning meeting between PAJ spokesmen and members of the steering committee to agree upon final details of their joint press release, the Commissioner of Public Works and a PAJ representative held a joint press conference. Their statement began:

Several weeks ago, People's Army Jamboree made a number of specific permit requests from the Portland City Council. The Council, in response, established guidelines regarding the use of Portland parks, including overnight use of Delta Park and limited day use of downtown parks. Since that time, a coordinating committee, selected by the governor, the mayor, the county commission chairman, and the district attorney, have been meeting with a representative group of the People's Army Jamboree.

The announced agreement of the steering committee and PAJ representatives included the following points: (1) PAJ would be issued permits for the use of Lair Hill and Duniway Parks from 2:00 to 6:00 P. M., on Saturday, August 29; Sunday, August 30; Tuesday, September 1; and Wednesday, September 2. These locations would be available at these times for workshops, speeches, and to serve as staging areas for two marches. (2) Parade permits would be issued for Sunday from 2:30 to 5:30 P. M. and for Tuesday from 5:30 to 7:30 P. M.



The steering committee reaffirmed the Council's position that Delta Park could be used for overnight occupancy and for workshops. A permit would be issued to PAJ for these purposes. However, use of the site would not be allowed for a pop festival. <sup>8/</sup>

Emergency Proclamation. The Chairman of the Multnomah County Board of Commissioners, after consultation with the Mayor and the Governor, invoked County Ordinance 18 to exercise control over certain designated areas within Multnomah County. This ordinance (adopted in 1968) authorizes the designation of emergency areas within which the Sheriff may regulate the movement of private citizens and vehicles. Implementation of Ordinance 18, however, in no way alters normal law enforcement in non-designated areas throughout the county.

The nineteen areas covered by the emergency proclamation included several Portland police precinct stations, several fire houses, the Portland International Airport, several city high schools, areas including city reservoirs, armories and other staging areas for the Oregon National Guard, Portland City Hall, Multnomah County Courthouse, the Memorial Coliseum (where Legion delegates were to meet), and the Hilton Hotel (headquarters of both the Legion convention and the command center established by the Governor). <sup>9/</sup> Intelligence reports had indicated that these locations might be the targets of political demonstrations, or possibly arson and/or bombing attempts.

Vortex I Festival. Although the Vortex I Festival at McIver Park was not scheduled to open until Friday (August 28), by late Thursday a reported 10,000 persons were at McIver Park, and serious traffic jams were developing along the roads leading to the Park. <sup>10/</sup>

Sky River Festival. The Hydra Collective, a "socio-cultural organization" within the Seattle Liberation Front, had organized the "Third Annual Sky River Rock Festival and Lighter Than Air Fair" to be held at Sky River, a 160-acre farm near Washougal, Washington, and located approximately 20 miles northeast of Portland. The Hydra Collective had reportedly negotiated purchase of this area with the farm's owner and had deposited at \$10,000 check to a real estate escrow firm to bind the sale.

The Seattle Liberation Front advertised the rock festival and fair for August 29-30 and September 5-7. Intervening days were for political workshops, camping, or other types of individual and small group activity. Participants were asked to pay an \$11.00 fee entitling them to admission and a "deed" for a "limited partnership" in the "Sky River Community."

The Seattle Liberation Front was estimating that 100,000 persons would attend the festival and fair. Advertisements in the underground press listed several nationally known rock groups supposedly under contract to perform at the festival. By Thursday, an estimated advance-team of 90 persons was at Sky River preparing for the opening of the festival and fair. <sup>11/</sup>

Final Permit Plea by Free People's Pop Festival. Organizers of the Free People's Pop Festival appeared before the Thursday meeting of the City Council to once again request permission to use East Delta Park for a rock festival.

During the course of their presentation of the Council, Portland Police arrested one of the organizers for a probation violation. (The arrested organizer had been placed on probation following a hearing on the charge of illegal possession of narcotics. Conditions of probation were that he either obtain steady employment or attend school and that he live with his parents.)

Following the arrest, a hearing was held. A Probation Officer told the court that the defendant had not been living at home and that he did not appear to be attempting to locate steady employment. The judge ruled after a half-hour hearing that although the defendant had technically violated terms of his probation, the probation would be continued provided he live with his parents. <sup>12/</sup>

The presentation of the Free People's Pop Festival to the Council and the subsequent discussion between the group and the Mayor produced no permit for the group to hold a rock festival.

In reaction to the arrest by Portland police, the Multnomah County District Attorney's office at the direction of the Governor's steering committee established a "clearing house" on all outstanding warrants for any individuals involved in dissident activity in and around Portland. In the future, the steering committee would whenever feasible be responsible for making a decision whether or not to arrest any dissident.

## VI. THE CONVENTION AND THE DEMONSTRATIONS

Friday, August 28

Legion Activities. The American Legion Fifty-Second Annual National Convention officially opened on August 28. The National Commander of the Legion held a press conference where he stated: "If there is to be a confrontation, it will be the fault of other visitors to Portland who selected this city as the site of a happening at this time and with this specific purpose in mind."

In response to a question concerning his plans to meet with representatives of PAJ, the Commander responded: "I don't have the time to meet with the Portland People's Army Jamboree to discuss their political program. I am busy with a convention that may attract 50,000 or 60,000 people." Later he told newsmen: "There would be no purpose in conferring with those who want to confront us."

The Commander confirmed an earlier statement that if National Guardsmen should be called out, "then for God's sake put bullets in their weapons." He felt that if those causing a disturbance knew the Guardsmen did not have loaded rifles, the disorder could become much worse. He added that those causing a disturbance "take a different perspective" when they know the rifles are loaded. He said he supported the Governor's sponsoring of Vortex I and that he thought the Governor's Tuesday statewide address was "tremendous." 13/

PAJ Receives Permits as Agreed. The Mayor sent a letter formally granting the PAJ permits, as agreed and announced to the public the day before. In addition to specifying the terms of the permits (times and places; types of structures permitted; city agreement to provide water, sanitation facilities, electric power; etc.), the letter reminded the PAJ that "The City of Portland is proud of its fine parks and is pleased to have them used by our citizens." PAJ, like all groups granted permits, would be liable for damage or injury while the parks were being used. A copy of regulations concerning the use of the flag was also included with the permits. 14/

Free People's Pop Festival Joins Vortex I. Members of the Free People's Pop Festival, disgusted at the resistance shown by the city government in their efforts to hold a rock festival at East Delta Park, packed their equipment and moved off to join up with the Vortex I Festival at McIver State Park.

Vortex I. The Governor's command center at the Hilton Hotel estimated the crowd at McIver State Park to be 9000 on Friday, the opening day of the festival. This figure was based upon a vehicle count. Vortex headquarters estimated that 15,000 to 20,000 were in attendance on Friday. Reporters on the scene felt that the Vortex estimate was more accurate. At one point on Friday night, the Clackamas Sheriff's office reported cars backed up for 12 miles from the park. 15/

Saturday, August 29

Federal Agents Raid White Panther Group. Federal agents conducted a raid on the local headquarters of the White Panther Party, a white radical group modeled after the Black Panthers. A search warrant had been obtained upon the statement of a federal undercover agent that he had purchased a sawed-off shotgun from members of this group. Agents confiscated a cache of weapons, gas masks, and several radio receiver-transmitter units. Two youths were held on federal firearms charges. The White Panthers were under observation because of their past history of violence.

PAJ Tries To Recruit Marchers. PAJ members traveled to McIver State Park, site of Vortex I, and to Sky River, site of the Sky River Rock Festival, to try to convince festival participants to come to Portland and participate in PAJ's scheduled Sunday parade. PAJ members met with only limited success.

Sunday, August 30

First PAJ Parade. Beginning at about 1:00 P.M., PAJ held a rally at the Lair Hill-Duniway location. Speeches were given on the theme "Victory to the Vietnamese," also the theme for the subsequent march. By the 2:30 P.M. starting time for the march, between 1000 to 1500 persons had gathered to participate in the parade.

Before the parade began, a group of youths burned an American flag that they had tied to the goalposts on Duniway Park's football field. A spokesman from PAJ claimed no PAJ association with those burning the flag and termed the incident "regrettable."

Also before the parade began, demonstrators spotted a Portland police photographer and a Portland vice and narcotics officer serving as an undercover agent mingling with the crowd at Duniway Park. They were circled by about 50 people who danced around them and shouted: "Off the pigs." Demonstrators escorted them from the park.

Just as marchers were about to leave the rally area to assemble for the march, PAJ spokesmen took the microphone and reminded the crowd not to begin any violence, that they "were marching into an

armed camp," that trashing" would be senseless, that anyone who started any violence was more likely to be a "pig undercover agent" than a PAJ sympathizer.

Mingled among those listening to the speeches were many "straight" types. Obviously some People for Portland monitors were there to follow the parade (and line its side as a buffer). Some curious citizens were there to see what was going on. A number of plain-clothesmen and observers from the city government were present. PAJ speakers were candid about the likelihood that there were undercover agents among them and that they were going to be carefully watched during the parade.

The march began without incident on this very hot and sunny afternoon. Demonstrators carried about 30 Vietcong flags and shouted slogans as they marched. Generally the tone of the march was cheerful, with marchers urging onlookers to join them. Twice the march was confronted by hecklers. However, both times monitors from People for Portland and PAJ marshals quieted the situation.

On the return march to Duniway Park, several demonstrators began calling for the march to head onto a ramp leading to a freeway below. However, as the march approached the ramp, PAJ marshals joined hands and formed a line in front of the ramp. Marchers re-turned to Duniway Park without further difficulty. Buses were quickly brought to Duniway to transport those who wished to return to East Delta Park.

The march lasted approximately an hour and a half. 16/

Vortex I and Sky River. On Sunday, both Vortex I and the Sky River Rock Festival reached their peak attendance. The high reported for Vortex I was 30,000 persons present; for Sky River, 25,000 persons. By Sunday evening, crowds at both festivals began to dwindle as participants left. 17/

Legion Convention Activity. On Sunday, registration at the Legion convention was reported to be approximately 11,500 (not counting wives and children). 18/ On Sunday evening, the Legion held its "Parade of Champions" and a drum and bugle corps competition in Portland's Civic Stadium. A large crowd of spectators attended the event. There was no incident involving any dissidents present at this event.

Monday, August 31

Legion Parade. At 11:00 A.M., the American Legion parade began at Memorial Coliseum and marched through downtown Portland and passed before the reviewing stand in front of the Hilton Hotel. The four-hour parade passed almost without incident.

At one point late in the parade, a group of about 30 youthful protesters joined the march near the reviewing stand. The protesters, carrying a Vietcong flag, marched with the Legion for about one block before being escorted from the parade by police officers. No fights began, although at one point a detachment of police carrying riot batons wanted to roust these demonstrators from the parade. A member of the People for Portland group persuaded the lieutenant commanding the group that their entrance at this point would be unnecessarily provocative.

A contingent of militants described by a San Francisco newsmen as the "Red Rockets" from Berkeley carried two Vietcong flags and wandered up and down Broadway along the route of the Legion parade. Monitors from the People for Portland escorted these demonstrators to prevent friction between them and those watching or participating in the parade.

At several other points along the parade route, demonstrators (often with Vietcong flags) watching the parade almost got into fights with other spectators. However, in every instance police or People for Portland monitors stepped in to maintain calm.

Crowds watching the parade were light, reaching an estimated noon high of 10,000. An equal number of people participated in the parade itself. 19/

Confrontation at McDonald's Restaurant. On Monday evening, about 150 PAJ members were in North Portland park discussing plans for Tuesday's march and listening to addresses from Black Panther spokesmen. About 8:00 P.M., half the group drove in cars and pickup trucks to the McDonald's restaurant which had previously been picketed by Portland Black Panther members. The PAJ group began handing out leaflets protesting the company's policy. A group of people opposing this protest also gathered at the restaurant. Some people in this group were reportedly armed with chains. Police and city officials went quickly to the scene. PAJ spokesmen assured these officials that the demonstrators did not want to block the drive-in's entrances and exits and that they would not interfere with restaurant patrons. The demonstration ended quietly and without serious incident as the demonstrators dispersed a short while later. 20/

Vortex I and Sky River. By Monday evening, the crowd at Vortex I was estimated at approximately 6000. The crowd at Sky River was estimated at between 7000 and 9000 persons. 21/ There was no indication that more people would attend either festival.

Tuesday, September 1

PAJ Requests Another Parade Permit. A handwritten note, dated 11:25 A.M., September 1, 1970, was given to the Commissioner of

Public Works by PAJ representatives. This note requested a "street march permit" for Wednesday, September 2, between the hours of 11:00 A.M. and 3:00 P.M. This march was to proceed from the North Park Blocks, along the route the Legion parade had taken on Monday, to end at Memorial Coliseum.

The Commissioner considered the request and quickly responded with the following letter:

This letter is in response to your request for a parade permit for September 2, 1970. Your request is turned down.

The location of the parade is inconsistent with the objectives stated both by the People's Army Jamboree and ourselves: namely, to allow peaceful demonstration and at the same time minimizing the possibilities of direct physical confrontation.

We have been very pleased with the cooperation we have had so far and are sorry that the request must be turned down. 22/

Second PAJ Parade. At approximately 4:00 P.M., PAJ members and sympathizers gathered at Duniway Park to hear several addresses before beginning the scheduled 5:30 march. The theme of the speeches and the march was to "stop racism." Tuesday afternoon was cold and overcast. The change in weather was matched by a change in the marchers' mood. The speeches were considerably more angry and the protesters more tense than had been the case before the first march on Sunday. Some demonstrators who assembled at the park held large sticks that they carried with them on the march. This march, approximately the same size as the Sunday march (1000-1500 participants) proceeded, however, in about the same manner as the Sunday march had. There were chants, yelling, and occasional banter with onlookers who lined the parade route.

When the marchers reached the point in downtown Portland where they were scheduled to turn around the block and head back to Duniway Park, several march participants (including some who had carried the sticks with them) stopped and urged the demonstrators to stray from the parade route and march further into Portland's downtown.

In the tense moments that followed, PAJ marshals attempted to persuade these demonstrators of the futility of this tactic. Monitors from People for Portland joined hands around the intersection, leaving open only the path back toward Duniway Park.

At one point, several motorcycle policemen who had stayed a considerable distance behind the parade, drove into the crowd between

the demonstrators and the People for Portland. This action further provoked those who wanted to stray from the parade route. However, the police quickly left this position, and the PAJ marshals were once again able to engage these demonstrators in a loud discussion.

After several minutes, the demonstrators abandoned their attempt to march downtown. Several of these more radical protesters left the parade at this point in disgust. Others once again moved forward to re-join the large body of marchers who had stopped further up the street to watch the outcome.

A few minutes later, one of the demonstrators at the end of the march column fainted. This incident caused concern among many nearby marchers who did not at first know what had happened. However, a PAJ Volkswagen bus following the march as an "ambulance" and medic unit moved in to aid the fainted marcher.

A further point of tension arose a few moments later when demonstrators noticed four city buses following them. Several people in the parade immediately concluded that the buses were filled with National Guardsmen. The buses in fact were those chartered to take demonstrators back to East Delta Park and were empty at this time. Nevertheless, some of the marchers were convinced that the buses did contain Guardsmen. PAJ marshals urged the march to keep moving. While the main body of marchers moved ahead, a second smaller group of marchers joined hands and formed their own line across the width of the street. This line then slowly marched backward along the parade route. This tactic reassured those marchers who felt the buses contained Guardsmen.

As the main body of the march moved ahead, a gap formed between the marchers and the line of demonstrators facing the slowly moving buses. Once back at Duniway Park, the demonstrators dispersed, with the buses taking those back to East Delta Park who wished to return.

During the march, one or two smoke bombs were thrown into the area between the marchers and onlookers. Whether the bombs were thrown by marchers or spectators remained in dispute. Several firecrackers went off during the march. Shortly after those who had wanted to turn the march downtown left the parade in disgust, a window at PSU was broken. However, the window was reportedly broken from the inside. The firecrackers and the sound of the broken window drew applause from the marchers. 23/

Vortex I and Sky River. State police estimated the crowd at McIver Park now to number fewer than 2000 persons. 24/ At Sky River, those remaining were estimated at about 3000. 25/

Legion Convention. Delegate sessions of the Legion convention were held at the Memorial Coliseum. There were no disruptions of normal convention business.

Tuesday, September 2

Vice President Addresses the Legion Convention. Throughout the Legion convention there had been rumors that the President would deliver a speech to the delegates on Tuesday, September 2. The "Western White House" where the President had been staying during the convention had consistently denied these reports. Instead, the Attorney General was scheduled to appear. On Tuesday morning, rumors shifted to the possibility of a speech by the Vice President. These rumors were shortly validated.

The Vice President had just returned from an Asian trip. That morning he had been in San Clemente briefing the President. Immediately after speaking in Portland, he was scheduled to fly to Texas to brief former President Lyndon Johnson.

The Vice President's speech stressed the positive values of the American system:

We know the country has faults, but we also know it has great and enduring strengths--and one of those strengths is the best system yet devised for correcting our faults.

Or, again:

The American system is the greatest engine of change and progress the world has ever seen. It has produced more goods, more widely distributed, than any other system, any time, any place. It has given more people more true freedom--in the sense not only of political freedom, but also freedom to work at jobs of their own choosing, to live lives of their own choosing--than any other system, any time any place. And it provides the best means yet devised by man of directing progress not toward the ends that some arbitrary authority might choose but toward the ends that the people themselves choose.

He elaborated on this theme:

In preserving the American system, we are defending the ideal of freedom. We also are preserving a process of change--a process that gives each person the right to be heard and lets no one voice dominate.

Ours is a system rooted in law. It is based on respect of law. It is based on respect for respect--and also on respect for those who have the responsibility for upholding the law.

At the very heart of the American system is respect for the rights of others--and we have built a body of law designed to protect those rights. That's precisely what the great bulk of our laws are all about.

We don't brand murder and arson and rape crimes just as an excuse to put people in jail. We do it to protect the right of the ordinary citizen--the non-criminal--not to be killed, not to have his house burned down, not to be assaulted.

By the same token, we have laws that have the effect of limiting the way in which opinions can be expressed. We have a First Amendment that guarantees the right of free speech and free assembly--but smashing windows, burning offices, assaulting people in the streets, are not acts of speech or assembly. Those are trespasses on the equally sacred rights of others to be safe in their lives and property and in the free enjoyment of their liberty. 26/

Demonstration Against the Vice President. A group of about 100 demonstrators marched outside the Memorial Coliseum while the Vice President spoke. After the speech, there were no serious confrontations with the Legionnaires. The demonstrators merely shouted at the Vice President as he boarded a helicopter to Portland's airport, and they marched again for another few moments. Then the demonstrators once again boarded buses and returned to East Delta Park.

Vortex I and Sky River. By Wednesday night, only about 500 people remained at McIver Park, site of Vortex I. 27/

A restraining order against the Sky River Festival had been issued by a Clark County Superior Court Judge. The order citing the festival as a public nuisance and ordering that the festival be dispersed had been served Tuesday afternoon. However, on Wednesday about 2000 persons remained at Sky River, and a slow influx of youth was noticeable at the rock festival site. Sponsors of the festival were hoping for a large weekend crowd. 28/

Wednesday, September 3

Vortex I came to an official close, and those remaining left McIver Park.

The American Legion's Fifty-second Annual Convention came to an official close.

The command center established in the Hilton Hotel was abandoned. Remaining National Guard contingents stationed in the city left.

## VII. ATTITUDES OF OFFICIALS AND PROTESTERS

The more or less peaceful outcome of the People's Army Jamboree may have been largely the result of the extraordinary precautions taken by government at every level. That question deserves to be explored. There is the prior question, however, of why authorities felt such apprehension and made such elaborate preparations in the first place for what turned out to be a mild encounter. This question is best answered in terms of attitudes and presuppositions.

In early June, literature distributed Nation-wide announced a Revolutionary Festival of Life to occur in Portland simultaneously with the Legion convention. For instance, in a letter addressed and sent to college student body presidents, a group calling itself the Festival of Life issued the following statement:

Portland, Oregon will be the scene of a Revolutionary Festival of life this summer, August 23 thru September 3. Music, ecology, and political action will be the main focus of the Festival which is coming at the same time as the National Convention of the American Legion.

Contacts are being made now to bring nationally famous music groups to Portland. From August 28 to September 3, Portland will be a free city with free food, music, and housing.

Also in June, the underground press began printing stories on the proposed festival. For instance, the Los Angeles Free Press printed the following item on the festival and the Legion convention:

Plans include antiwar GI's and radical contingents joining their parade and outnumbering them, radicals entering their drum and bugle contest, radicals joining their parties, and mass action in conjunction with the Nixon address. Also planned are rock concerts, speakers from the Chicago Conspiracy, and lots of people grooving on beautiful Oregon.

The Revolutionary Festival of Life was a group largely spear-headed by the Veterans United against the War, a group composed of Korean War and Vietnam veterans organized in opposition to continued American involvement in Indochina. Beginning as early as February 1970, this group had planned for some counter-rally and festival to occur during the Legion Convention in Portland. Following the Portland State University strike, the Veterans United against the War were joined by various student strikers, community workers, draft resisters, former Peace Corps and Vista workers, etc. This aggregation developed into the People's Army Jamboree.

By the beginning of July 1970, PAJ had formulated more specific plans for a festival during the Legion convention. The Jamboree rented office space near downtown Portland, began making statements of its plans, and started contacting City officials for the permits required for certain of its planned activities.

At this point, PAJ articulated six issues it wished to identify itself with: (1) stop racism; (2) stop armed U.S. exploitation of underdeveloped countries; (3) support the struggles of women for equal rights; (4) support the struggles of working people to maintain a decent standard of living; (5) support the struggles of GI's for equal rights; and (6) stop the repression against those working for political and cultural changes.

The Jamboree's organization consisted of nine planning committees: public relations, demonstrations and rallies, marshals, fun and music, food and housings, security, medics, workshops, and legal defense. Leadership was not formally designated within the People's Army Jamboree. Most Jamboree members disdained the "artificiality" of an individual assuming a specific leadership post. Rather, Jamboree members attempted to work in various capacities with the hope that their combined efforts would accomplish what needed to be done. Decisions were to be made collectively, and various leadership roles were to be rotated.

While PAJ consistently argued that its intent was strictly non-violent, the tone of literature distributed by the Festival of Life and later by the Jamboree made it seem to public officials that the group sought a confrontation with the Legion. PAJ considered the main impact of this potential confrontation to be "philosophical." Federal, State, and City officials were concerned that even if the intent of PAJ were non-violent, the mere massing of large numbers of youths in Portland during the convention would constitute an extremely volatile situation.

A Portland newspaper report following the convention explained that as early as May 1970 Department of Justice officials had contacted the Governor of Oregon to warn him of the potential danger in Portland during the Legion convention. These officials reportedly informed the Governor that the Department of Justice considered that Portland had

the "highest risk of violence in the nation this summer." Department of Justice officials explained their concern that known violent political militants from Eugene, Oregon, Berkeley, and Los Angeles were planning to be in Portland during the convention. Intelligence reports mentioned the possibility that Portland would experience a series of violent incidents during the convention and stated that there had been assassination threats made upon a number of public officials for this period of time.

In addition, Oregon government officials on various levels were receiving similar intelligence reports from U.S. Postal authorities, the U.S. Army, and state and local police agencies throughout the nation. Against such intelligence reports, PAJ statements that the PAJ planned a "philosophical" and non-violent confrontation held little weight with public officials.

Beginning in July, while these intelligence reports were being gathered, PAJ representatives began contacting Portland officials to obtain various park and parade permits for their planned activities. Throughout July, the reaction of the City Administration was largely negative. PAJ spokesmen were continually denied requests for use of City parks near the downtown area. (For a more detailed description of these early negotiations, see Chapter IV.)

Throughout July and into August, the Multnomah County District Attorney's office was formulating detailed law enforcement procedures for use in the anticipated confrontation and designing a series of steps aimed at producing County and City coordination during the forthcoming convention days. By the middle of August, a series of meetings between the Mayor of Portland, the Chairman of the County Board of Commissioners, and the County District Attorney had resulted in a number of substantive agreements providing for joint County-City participation in the governmental decision-making process established for the convention days. (For a more detailed discussion of the efforts of the Multnomah County District Attorney's Office planning and the County-City coordination efforts, see Chapter VIII.)

Early in August, the Multnomah County District Attorney's Office also began efforts to coordinate and evaluate all available intelligence on the projected confrontation. Further efforts of this office included an attempt to contact other district attorneys across the country to determine whether or not there would be a large movement of youths to Portland during the convention.

By the middle of August, these efforts by the Multnomah County District Attorney's Office served to deflate some of the initial intelligence expectations. The reports received from the other district attorneys contacted were universally negative. From Milwaukee to Phoenix and all along the West Coast the response was the same. For instance:

As of this writing, we are unable to determine movements of any kind from our area towards your city by radical types. Even our local hippies seem to be settled in for the summer. However, we shall continue to inquire and provide your office with any information pertinent to your problem as it comes to light.

Over-all, however, intelligence reports were by no means in agreement. As late as August 21, intelligence units of the Oregon State Police were estimating that 10,000 to 12,000 dissidents would be in Portland during the week of the Legion convention. Throughout the pre-convention and convention period, Portland police officials remained extremely apprehensive over statements and activities that their intelligence units attributed to PAJ members and other dissidents. Although the intelligence information provided by the Multnomah County District Attorney's Office caused some officials to recognize that estimates of Jamboree aggressiveness were exaggerated, many public officials continued to believe and act upon those extreme estimates.

#### Perceptions of PAJ Members and Public Officials

From the beginning, the PAJ and public officials were reacting in almost diametrically opposed fashion. The following observations highlight areas of disagreement between them.

PAJ Intent. PAJ organizers felt they were merely exercising their constitutional right to dissent. They argued that this right included the right to assemble. The PAJ claimed as much justification for calling a Jamboree and inviting youths from all over the country to protest the Legion to participate in the protest as did the City in inviting the Legion in the first place.

Many public officials, by contrast, drew a line between the Legionnaires whom the City had officially invited to Portland and the dissidents who were self-invited. These public officials further insisted that, while the Legionnaires would pay for their visit, the dissidents would be a total burden on Oregon taxpayers. They resented PAJ efforts to embarrass Portland while it hosted the Legion convention.

Other public officials were more willing to recognize that the PAJ had a right to assemble in Portland for a protest against the Legion. However, these officials argued that the PAJ right to assemble did not exist in a vacuum. The PAJ could well infringe upon the rights of others in its attempt to organize a mass demonstration against the Legion. These officials were unwilling to permit PAJ to utilize disruptive tactics or endanger the general order and security of Portland.

Violence. PAJ argued that it wished merely a philosophical and non-violent confrontation with the Legion. PAJ spokesmen acknowledged that they could not exercise total control over all those who might come to Portland during the convention. However, they pledged to do as much as possible to keep the confrontation on a non-physical basis. PAJ also felt that although some individuals (or groups) might come to Portland with the intent of committing acts of violence, these individuals (or groups) might as easily come to Portland during the convention even if there were no PAJ. Thus PAJ argued that the possibility of such violence should not be used to infringe upon their (PAJ) right to peaceful dissent.

Many public officials felt that PAJ was not being sincere in its expressed desire for a non-violent, philosophical confrontation with the Legion. Rather, these officials assumed that the "real" intent of the PAJ was to design, if not participate in, an explosive situation.

Other public officials were willing to accept the possibility that the PAJ itself was planning a non-violent protest. However, such officials remained concerned that the mere presence of large numbers of young dissenters in Portland during the Legion convention would produce an extremely volatile situation. Nor were these officials universally willing to accept the disclaimer that the PAJ was not responsible for those who might come to Portland with a violent intent.

Intelligence Gathering. Although PAJ members did not know the content of intelligence reports, they knew of and suspected intelligence-gathering efforts. These efforts created an atmosphere of apprehension for PAJ members and a feeling that they were constantly being observed. Furthermore, PAJ members felt that these intelligence efforts were a deliberate government effort to distort their aims, to gather false information which could later be used to "frame" them, and to produce a fearful over-reaction on the part of public officials receiving the intelligence.

Yet public officials looked upon intelligence gathering operations as a necessary effort to obtain accurate information on PAJ activities. This information was considered vital to any attempt to design an effective response to dissident activity.

The Impact of the PSU Strike. The PSU strike in May 1970 had been a traumatic experience for dissidents and public officials alike. Each group had felt that the "other side" had not acted in good faith during the strike. Dissidents after the strike tended to view City officials as deceitful, difficult if not impossible to negotiate with, and anxious to suppress any of their activities. City officials tended to view the dissidents as capable of creating a situation in which all governmental options were undesirable, incapable of preventing their own members from unlawful acts, and determined to embarrass public officials while undermining public authority.



These attitudes continued to influence the manner with which each side approached the other in the pre-convention negotiation period and during the convention itself.

Summary. Throughout the period of negotiations and during the convention itself, PAJ attempted to mount a massive demonstration against the Legion despite what it considered to be the determined opposition of public officials.

During this same period City, County, and State officials continued to be apprehensive. Available intelligence reports did produce concern that the PAJ would include (or would be joined by) extreme radical elements.

Given available intelligence information (even after attempts to deflate and re-evaluate initial reports), public officials felt it prudent to prepare for the "worst possible case." To these officials, unused plans seemed far less risky than lack of preparation for all contingencies.

Throughout the pre-convention and convention periods, each side continued to view the other with suspicion. While public officials felt they were merely taking precautions to maintain security in Portland, PAJ felt official steps were antagonistic if not provocative. PAJ members felt public officials had not given them the benefit of the doubt in their statements of a sincere wish to dissent peacefully; public officials felt they could not reasonably afford to assume that the forthcoming PAJ-Legion confrontation would remain peaceful.

#### Intelligence Operations

The pre-convention intelligence-gathering operation emphasizes the extent to which governmental intelligence gathering can be disparate, segmented, and uncoordinated. Many different agencies, with various degrees of sophistication, resources, and training were funneling information to various public officials. A public official tended to believe information from an intelligence unit directly responsible to him in preference to information provided by other units. Moreover, a public official had little way of checking the reliability of the intelligence information or of receiving information from alternative sources.

Even after the efforts of the Multnomah County District Attorney's Office to coordinate and evaluate all available intelligence, individual intelligence units continued to conduct their own operations and to file their own reports. This process, besides constituting needless duplication of effort, continued to produce conflicting information that left each agency of government tending to believe its own reports.

This pre-convention situation in Portland emphasizes the necessity for public officials to have accurate intelligence information and reliable methods for weighing the various items of information. When so much of the official response to an event is necessarily based upon intelligence work, intelligence information may affect the event itself.

### VIII. LOCAL LAW ENFORCEMENT PREPARATION

As noted earlier, the Municipal Court system hears cases involving violations of Portland ordinances and conducts preliminary hearings involving felony matters. However, the Multnomah District Attorney actually prosecutes all felony cases committed in the County, and such cases are tried in the Circuit Court. Thus, the Multnomah County District Attorney's Office has considerable influence in Portland's law enforcement efforts.

The Portland Police Department has the primary responsibility for investigating crimes committed within Portland and for apprehending suspects. While the County maintains a Sheriff's office, this force is small and of secondary importance (compared with the Portland Police Department) in criminal matters within Portland. This situation, combined with the authority exercised by the Multnomah County District Attorney over felonies committed within Portland, necessitates close cooperation between the Portland Police Department and the Multnomah County District Attorney's office.

#### LOCAL LAW ENFORCEMENT PREPARATION FOR THE CONFRONTATION:

Following the PSU strike and subsequent police-student confrontation (for a more detailed discussion of these events, see Chapter III), the Multnomah County District Attorney's Office concluded that the police response to the May 11 clearing of the Park Blocks area indicated a lack of advance planning and preparation on the part of local public and law enforcement officials. The district attorney's office felt that public officials had legal authority to take measures other than utilizing the tactical squad to clear the area. For instance, the technique of mass arrest rather than merely clearing the area would in the opinion of the District Attorney's office have been more efficient and less provocative. Utilization of this technique would have required tactical provision by local police of sufficient forces to carry out the technique; and communication and coordination between public officials, law enforcement officials at police headquarters, and police commanders on the field. The district attorney's office felt that the action taken was not a professional police decision and operation but rather (1) a response to political pressure on the Mayor's office to restore order

in the Park Blocks and (2) an act of frustration on the part of public officials and law enforcement personnel who had been subjected to several days of student disorder.

As a result, the Multnomah County District Attorney's office prepared a document in May entitled "Disorder Contingency Plans." This document detailed the City, County, and State law enforcement ordinances and laws available for use during a situation of civil disorder. This document included the text of these ordinances and laws as well as sample proclamations.

In early July, as it became clear that a confrontation between protesters and Legionnaires was very possible, the District Attorney's office produced a second document, entitled "Confrontation in Portland." This second document outlined goals and a six-point plan to serve as the basis for discussion and further advance planning.

The stated goals of this document included short-term "practical" goals and long-term "political" goals: the fundamental civil liberties of all people should be protected; physical injury to individuals must be avoided; a favorable image of government must be created by taking all reasonable steps to avoid violent confrontation and by using proper law enforcement and legal procession (following standards as established in the Kerner Commission Report); injury to property must be deterred.

The six basic headings of the plan were as follows: (1) provide necessary facilities for the youth; (2) immobilize the violent leadership; (3) control violence with preventive force; (4) administer justice from the time of arrest to the time of trial; (5) collect and disseminate information; and (6) administer and staff operations efficiently. This second document established the tone that the Multnomah County District Attorney's Office was to take in dealing with the potential confrontation: Individuals have a right to assemble and dissent, but City, County, and State laws must be enforced as strictly as possible. Enforcement officers were cautioned not to provoke wider disturbances. Public and law enforcement officials were reminded not to go beyond the law in their attempt to maintain peace and apprehend suspected lawbreakers.

Following the dissemination of this second document to various City and County officials, a series of meetings were held between the Mayor, the Chairman of the County Board of Commissioners, and the County District Attorney. By the second week in August, these meetings resulted in considerable contingency planning for the forthcoming confrontation.

Specifically, these meetings produced the following points of agreement:

1. During the emergency (beginning on approximately August 28 and continuing through September 5), a joint executive committee consisting of the above-mentioned officials would be formed. This committee was to meet in the executive suite of the Mayor's chambers and be responsible for making basic policy decisions for local government during the emergency.

2. The Portland Police Department and the Oregon National Guard were to work together during the emergency. In the event of an arrest, however, the actual taking into custody would be under the authority of a Portland Police Officer, even though he might be accompanied and assisted by Guardsmen. Guardsmen were to receive instructions that they should make an arrest only if a Portland Police Officer were not available.

3. In the event that mass arrests should be necessary, the Portland Police Department was to establish a "Command Central" located in the vicinity of the office of the Chief of Police. Teams would then be sent into the field to establish "staging areas" where needed. These staging areas would be located no further than two blocks from any confrontation between police and demonstrators. Personnel at the staging area were to include three deputy district attorneys, one deputy city attorney, one police detective who was a notary and sworn as a deputy municipal court clerk, and a three-man Portland police identification team. Four such teams were established and put on call. Others were authorized should the need arise. "Staging" operations would proceed as follows:

A. The police were to bring an arrested person to the staging area as soon as he was arrested.

B. A deputy district attorney and the city attorney at the staging area were to screen the complaint as soon as the arresting officer brought a defendant to the area. The deputy district attorney and the city attorney would decide whether to issue a complaint and, if so, under which ordinance or state code.

C. The arresting officer and the defendant were to be photographed together after the arrestee was assigned an identification number (written on cardboard with Magic Marker and held by the arresting officer in front of the arrestee). Two photographs were to be taken: one with Polaroid, one with a 35 mm. camera.

D. A defendant would then be fingerprinted (with the fingerprints placed on the back of the Polaroid picture).

E. Any evidence received from the arresting officer would be tagged with the defendant's ID number and deposited into a "property room."

F. The arresting officer would then dictate a report into a dictation machine operated by one of the deputy district attorneys.

G. A deputy district attorney or a city attorney (depending upon the complaint issued) would then write out a complaint in ballpoint pen, using standard complaint forms.

H. The complaint would be signed and sworn to by the arresting officer, or other complainant should there be one, before the Portland detective who would be acting as a deputy municipal court clerk as well as a notary.

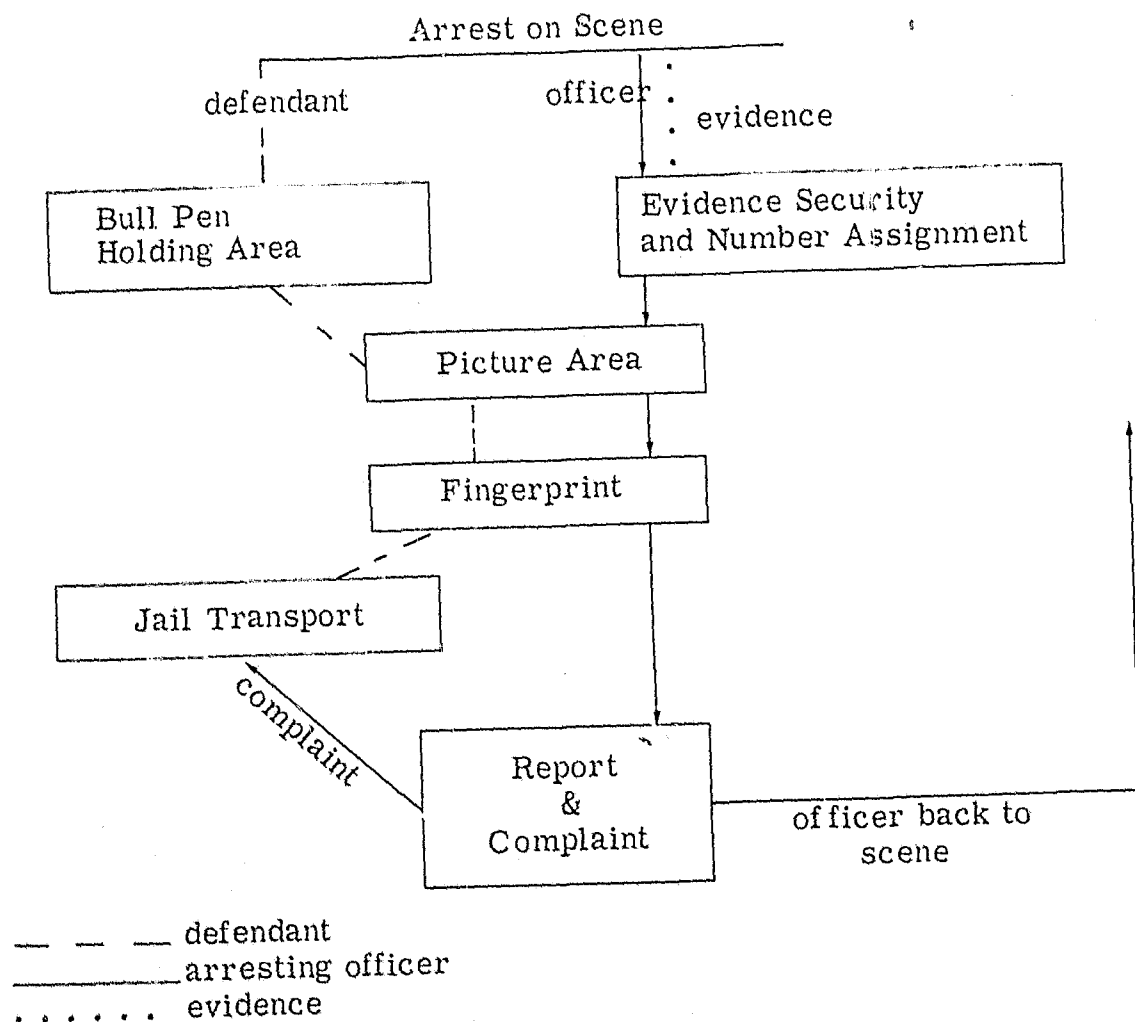
I. The Polaroid photograph would be stapled to the complaint.

J. The defendant would be placed into the transporting vehicle.

K. The complaint form would be given to the police transporting vehicle driver, with instructions that the complaint be delivered to the District Attorney at the Municipal Court facility.

Each team captain (one of the three deputy district attorneys in each team) would be assigned a Multnomah County car. A police car would be provided to the Portland detective assigned to each staging team. Besides providing rapid transportation for the staging team, one car would serve as the location for dictation of the arresting officer's report and the filling out of the complaint. The other car would be used as the "property room" for holding evidence collected at the site. The guarding and regulation of the staging area was to be provided by the Portland Police Bureau prior to the activation of the National Guard. Upon activation of the National Guard, the Guard was to provide a minimum of 40 men at each staging area.

The staging area concept was represented diagrammatically as follows:



Each staging area was estimated to be capable of processing 200 defendants per hour.

In summary, City Hall, the County Commissioner's office, and the County District Attorney's Office agreed on the following issues: establishment of an executive committee should an emergency situation develop as expected, coordination between the Guard and Portland Police, and utilization of the staging area concept in case of mass arrest. These early negotiations produced detailed thinking on a number of specific problems. Locations for detaining prisoners in case of arrest were explored and agreed upon. Measures were put into motion to have on call a team of local lawyers to serve as court-appointed defense counsel. Arrangements were made to give to these lawyers the complaints filed by the staging teams and to provide an opportunity for a conference with the defendant before arraignment. Special emergency orders were drawn up and approved that permitted officers in an emergency to treat juveniles temporarily as adults in arrest and detention and to apply the special juvenile rules only after the crisis atmosphere of the mass arrest situation had calmed down.

In addition to preparing for mass arrest situations, the Multnomah County District Attorney's Office explored alternative approaches. The concept of delayed arrest was developed in detail. Teams of photographers (National Guard, County Sheriff's teams, Portland Police units) were trained to form into a semi-circular formation with each photographer assigned a vector along which to take pictures in rapid succession. This would permit photographers to obtain a continuous picture of activity in a wide range of action. These pictures could later be used as evidence for indictment and subsequent prosecution.

The County District Attorney's Office considered a delayed-arrest concept to provide law enforcement personnel with an option other than the confrontation of arrest in a volatile situation. This technique would provide further discretion to law enforcement officers in the field. If a situation was judged not sufficiently serious to justify mass arrest, or if the number of law enforcement personnel in the field were sufficient to contain a situation but not to make mass arrests, the delayed arrest concept would not preclude possible prosecution of an observed law-breaker.

Other techniques short of mass arrest were also considered. For instance, the County District Attorney's Office gave serious thought to using the citation in lieu of arrest. This procedure is much the same as issuance of a traffic ticket. An individual observed breaking a law is not arrested. Instead, an officer issues him a citation demanding his appearance the following morning in court. This technique was considered an alternative to mass arrest in the dispersing of large illegal gatherings. Hopefully, a few officers moving through a crowd and issuing these citations would soon induce the crowd to disperse without producing the same emotional climate of a mass arrest situation.

A further technique considered was the preventive issuance of an injunction against a specific person to enjoin him from the commission of a specific act. County District Attorney personnel had carefully considered the constitutionality of this technique and had prepared sample pleadings. Such injunctions had to be presented to a judge. The district attorney's office would then argue the existence of a clear and present danger of violence should individual X be permitted to commit act Y. Under this consideration, individual X would be removed from the protection of the First Amendment and could be so enjoined by the action of the judge. The district attorney's office considered this technique to be potentially more precise and less inflammatory than establishing martial law or a curfew should a dangerous situation arise. Furthermore, this technique could be used to isolate potentially violent dissident individuals should intelligence units report them to be present in the vicinity and should the District Attorney's office foresee situations where these individuals could be dangerous.

The County District Attorney's Office also tried to gather and coordinate intelligence. Throughout the pre-confrontation period and during the convention, separate intelligence units of the Portland Police Department, the County Sheriff's office, and the Federal Bureau of Investigation were in the field. Although both the Portland Police Department and the Sheriff's office operated on limited budgets, their field personnel together with the FBI meant that many intelligence units were in simultaneous operation, and it could not be assumed that any of these separate offices would exchange intelligence they gathered on their own. Thus, although the County District Attorney's Office could not coordinate the efforts of these individual offices or limit the number of intelligence teams in the field, it did attempt to begin exchanges of information with intelligence units in operation in Portland.

Furthermore, the County District Attorney's Office contacted district attorney's offices on the West Coast and as far east as Chicago to obtain information about dissidents planning to travel to Portland during the Legion convention. Especially on the West Coast, this measure gave impetus to an ongoing effort by West Coast district attorneys to develop files on various known dissidents. (For a further discussion of these intelligence efforts, see Chapter VII). Thus, the Multnomah County District Attorney's Office attempted to consolidate information being developed in Portland, nationwide information on the flow of dissidents to Portland, and information of specific dissident individuals.

Some of the intelligence operations conducted by the Portland Police Department (in conjunction with the Multnomah County District Attorney's Office) resulted in arrests prior to and during the convention.

Portland police were instructed to make field interrogation reports on all out-of-state license plates attached to cars driven by hippie types. These reports consisted of recording the name, address, birth

date, and any other personal information about an individual obtainable without making an arrest. This field interrogation procedure was also used to question all hippie types seen at or around the August 22 demonstration against the U. S. Attorney General's speech in Portland.

In one case, a Portland police intelligence officer coordinated information gathered in a field interrogation report with his observations of photographs taken during the demonstration against the Attorney General to identify a certain individual active in the protest. When this individual's name and other personal information were placed through the National Crime Information Center, Portland officers were able to identify this suspect as an individual charged with bombing a police academy in Kansas.

A second procedure put into use during the convention week was the Portland Police "Black Operation." This operation utilized a "look" team and a "spotting" team. The look team was composed of photographers; the spotting team consisted of individuals from the Portland Police Department Detective Unit, the Seattle Police Department, and the Eugene Police Department. It was the responsibility of the spotting team to point out individuals in demonstrations, marches, etc., so that the look team could photograph them. When photographs were developed and ready for viewing, the Black Operation team was then assembled to identify individuals photographed.

As a result of Black Operation efforts, an individual attempting to cause disturbances in both the first PAJ parade (August 30) and during the Legion parade (August 31) was identified. The Black Operation provided this information to members of the Portland Police Department. On the evening of August 31, Portland police arrested this individual and those accompanying him on charges of jaywalking and operating a vehicle without a license.

When these suspects were brought to the station and informed of their rights, they spoke openly with the police. They explained they were members of the Red Rockets from California and that the group had traveled to Portland to disrupt the Legion parade. Following this interrogation, those arrested were photographed and released. The group departed immediately for California and were not seen again in the Portland area.

Portland police also arrested two individuals wanted on bombing charges (one involved in the bombing of the Bank of California in Santa Barbara, Calif., the other wanted in Ann Arbor, Mich.). Both of these suspects were arrested on the basis of information provided to the Portland Police Intelligence Unit by informants.

These arrests made through the operation of the Portland Police Department (and the Intelligence Unit of the Department) were a part of the effort to "immobilize the violent leadership" of the dissidents--a goal of the plan developed by the Multnomah County District Attorney's Office in the July document, "Confrontation in Portland."

## Conclusions

The role taken by the County District Attorney's Office in preparation for the PAJ-Legion confrontation was quite significant. Much of the District Attorney's planning later became the basis of law enforcement response to the confrontation. Moreover, this planning was adapted to circumstances that developed. From the first documents in May to the final contingency plans of mid-August, the District Attorney's office made considerable refinements. Initial plans, such as the decision to maintain a joint executive committee of the Mayor, the Chairman of the County Commissioners, and the County District Attorney, were at times altered as situations changed. Yet even in these circumstances, the planning for the joint executive committee, for instance, served as the basis for the ultimate establishment of the steering committee including the Governor's Executive Assistant.

These initiatives taken by the County District Attorney's Office also reflected differences of opinion existing among the various governmental agencies involved. The initial steps taken by the County District Attorney's Office originated in that office's dissatisfaction with the manner in which Portland officials and Portland police responded to the PSU strike. Furthermore, the County District Attorney's Office felt that several of the operations it was planning (for instance, arrest techniques) should have been more properly the responsibility of the Portland police, but felt that the Portland police might not sufficiently plan in advance. Consequently, the District Attorney's office assumed the responsibility. Moreover, because the Multnomah County District Attorney's Office prosecutes all felony cases tried in the County, the responsibility that office took in planning for disorders in general and the upcoming confrontation in particular merely reflects the general authority the County District Attorney's office assumes in Portland. In this context, it is quite understandable that the District Attorney, not the City Attorney of Portland, was to be a member of the initial joint executive committee and the later steering committee monitoring and directing the governmental response to the PAJ-Legion confrontation.

Most techniques developed by the district attorney's office were not actually used during the PAJ-Legion confrontation. Thus their effectiveness was not tested. At the same time, however, the district attorney's office was aware that some of these techniques might lead to difficulties.

With regard to the staging areas, the following difficulties were considered:

A. The efficient operation of the staging areas required that security be maintained within these areas. In a situation of disturbance, the staging areas might well become a target of attack.

B. Should a staging team have to relocate because of an inability to maintain security, the type of smooth-flowing operation envisioned might not have a chance to become established.

C. Police officers would have to remove themselves from the field to bring a suspect to the staging area. It was uncertain whether this removal of officers from the field would seriously deplete law enforcement personnel trying to cope with a disorder situation.

D. It was uncertain whether the officer returning to the field would have difficulty re-orienting himself to the action that had transpired after he made the arrest and processed his arrestee through the staging area.

E. Problems C and D would be intensified if it took more than one officer to subdue each suspect and bring him to the staging area.

F. Given problems C, D, and E, it might take two or three officers per arrestee for the staging area to function.

G. There was some question over defendant cooperation in the staging area (i. e., willingness to be photographed, fingerprinted; willingness to give a name for the complaint to be issued).

H. Police officers themselves would probably be excited from the emotion of a disorder situation and the process of arrest. There could be some difficulty with these officers giving verbal reports immediately on the scene (dictated reports) and providing information to the deputy attorneys for use in filing complaints.

I. Night conditions and the noise of a disorder might inhibit the smooth operation of the staging area.

Still, the district attorney's office was confident that problems of staging could be worked out in the field if the security of the areas could be maintained by Portland Police Department and/or National Guard units.

This technique seemed to the County District Attorney's Office to be far superior to merely herding all apprehended suspects onto buses and transporting them around the city or to local jails before any of the processing information was obtained. The staging area method would increase the opportunity to collect information on subjects and to retain evidence, thus increasing the possibility for subsequent conviction. Hopefully, the technique would also prevent indiscriminate arrests by providing for immediate screening of suspects on the field and immediate decisions on whether or not to issue a complaint.

Other techniques were thought to have potential problems as well. Photographer teams used in the delayed arrest technique might also become an object of dissident attack. At the least, they would increase the suspicion of dissident elements. This latter effect was considered advantageous if it served as a deterrent to dissidents or at least as a deterrent to unlawful action by dissidents.

The issuance of citations in lieu of arrest might also serve as a provocation. This procedure would be a delicate technique to implement

and would require a law enforcement officer of special calm and confidence to carry it out properly.

Finally, the issuance of an injunction against a specific person for a specific act might be refused or overturned in court. However, these questions would not arise until after the fact, and the district attorney's office did not design the technique without first giving attention to such questions.

## IX. STATE AND FEDERAL LAW ENFORCEMENT PREPARATION

### Training

Between the middle of July and the third week in August, units of the Oregon State Police, the Oregon National Guard, and the U. S. Sixth Army received special instructions and training on crowd-control techniques. (The U. S. Army is responsible under specific circumstances for providing military assistance to State and local authorities during civil disturbances.)

The 41st Brigade of the Oregon National Guard was selected to carry the main weight of National Guard operations in Portland during the confrontation. The Commander of the 41st Brigade decided to devote the entire summer camp of his outfit to crowd control instead of merely the 16 hours prescribed by Army regulations.

Guardsmen of the 41st Brigade received instruction in the wedge, line, echelon, and diamond formations. They were trained to use batons or rifles, adding bayonets with and without scabbards as situations required. The 3700 men of the 41st Brigade were divided into 7 platoons (54 officers and men) for each of the Brigade's 6 battalions. These platoons were the units to be utilized in crowd control. The Brigade's remaining men were slated for use as security guards.

Each platoon included a special ten-man squad. This squad was composed of chemical experts equipped with small fire extinguishers filled with CS gas (teargas), a bigger dispenser mounted on a Guardsman's back, plus an M-79 grenade launcher and two types of hand grenades. The squads also included anti-sniper experts, two of whom were marksmen equipped with M-14 rifles.

County deputy district attorneys spoke during training sessions for the State Police, the National Guard, and the Army. For purposes of instruction and later reference, the Multnomah County District Attorney's office published a Law Enforcement Handbook for Civil Disorders which was distributed to the personnel of these units in training. This handbook detailed the fundamental legal authority of a law enforcement officer (arrest, interrogation, search procedures, the handling of juveniles); the legislation relevant to, and offenses likely to occur in, a civil disorder; the court system in Multnomah County; the procedure for processing an arrested defendant.

The most concentrated instruction from the deputy district attorneys was given to the 41st Brigade. The Brigade was divided into groups of

100 men who met for two hours with a deputy district attorney. In this manner, all the Guardsmen of the 41st Brigade received this instruction.

The deputy district attorneys emphasized that the Guardsmen would be dealing with "insurgents." "Insurgency is an advanced form of dis-sidence that seeks changes in social order and destruction of govern-ment by extra-legal methods," they said. In responding to insurgency, the deputy district attorneys maintained that the "government must show the people that it has a program superior to that of the insurgents." This approach includes a policy of insisting that law enforcement offi-cials themselves operate "within the system."

Guardsmen were thoroughly familiar with section 399.225 of the Oregon Codes, which reads in part:

Members of the organized militia ordered into active service of the state pursuant to this chapter shall not be liable civilly or criminally for any act or acts done by them in the performance of their duty.

Following one of the briefings given in early August to one of the National Guard units, a deputy district attorney reported:

As a result of my experience at Camp \_\_\_\_\_, I believe that our lectures at \_\_\_\_\_ should stress procedure for the initiation of prosecution by the Guard and the proper limits for force that may be used by them under all conceivable circumstances, as well as the certainty that criminal prosecution will result if these limits are exceeded. If the \_\_\_\_\_ group is representative of the National Guard, I fear that the majority of its membership is eager to use the anonymity of a uniform to escape criminal responsi-bility for brutality."

Consequently, all subsequent lectures included specific reference to the limitations of the law enforcement officer's authority. Concerning deadly force (defined as the use of that force which may result in death or serious bodily injury), the deputy district attorneys were quite speci-fic: "The use of deadly force is subject to review by the Grand Jury; any use of such force by dissidents, Legionnaires, Guardsmen, or policemen will result in indictment if found to be unreasonable." The deputy district attorneys further included that deadly force could be inflicted by weapons such as bayonets and riot batons as well as fire-arms. The instruction was meant to emphasize utilization of the mini-mum amount of required force and to drive home the point that "deadly force is not acceptable unless there are extraordinary circumstances."

On August 20, near the completion of the 41st Brigade's summer camp, representatives of the Portland news media were invited to Ft. Lewis to view the preparations the Guard had made for its forthcoming "Operation Tranquility" during the expected PAJ-Legion confrontation. Reporters were briefed by the Brigade's commanders and were per-mitted to view and film drills and demonstrations of riot control techniques.

On August 26, PAJ spokesmen released to the press a document they claimed was a diary kept by one of the Guardsmen while he was receiving summer training on crowd control. This document claimed that the Guardsmen were being trained to resent the "hippies" coming to Portland and were being instructed in a number of brutal tactics to use in crowd-control situations. Included in this document was the statement that Guardsmen were being instructed in "a method of elimi-nating hippies by cornering them in McIver Park and shooting them with .50 caliber machine guns"; that Guardsmen were being taught to "in-flict pain on passives" by utilizing methods of "maximum pain with minimum marks," for instance, "a steel jacketed ball point pen stuck in the mastoid or to penetrate a nose."

This document described the instructions given by several speci-fic Guard commanders. Allegedly, Guardsmen were taken aside and told that "the Assistant D. A. was young, ideal, book learned, and not worth a damn in a riot," that "the men (i. e., the Guardsmen) were not going to be held individually responsible--they would be responsible only to their unit commander," that "they had sent the Assistant D. A.'s home and there would be no more of that nonsense around to demoralize the men." The document also stated that many of the Guardsmen were young and sympathetic to the dissidents, that many Guardsmen did not wish to participate in crowd-control maneuvers against such dissidents. However, for such Guardsmen, the document claimed, it was made clear that the maintenance of such an attitude would only insure that "you would be in the Regular Army the next day."

#### Availability of the National Guard

On August 3, the Governor issued instructions to call units of the Oregon National Guard (including the entire 41st Brigade) to duty during August 28 through September 3 (the dates of the Legion convention) for "extra training" periods. During this time, the Guard was scheduled to report to the Portland Air Base and various Portland armories where they would be available on short notice if needed. Other units of the Guard were put "on alert" for this period of time.

## Availability of U. S. Armed Forces

Prior to the beginning of the Legion convention, a special six-man civil disturbance squad from the U. S. Department of Justice was sent to Portland to prepare for the possibility of any Army callup. All necessary forms and procedures were studied and prepared in the event they should be needed. The U. S. Sixth Army deployed men in Portland to set up a special command center to use during such a callup.

During the convention, about 400 men of the Sixth Army were scheduled to march in the Legion parade. These men were brought into Portland two days early and stayed two days longer in case they were needed for civil disturbance duty.

## Protection vs. Brutality

Situations of civilian crowd control have recently become one of the most difficult and controversial assignments of such units as the State Police, the National Guard, and the Regular Army. In Portland, as has generally been the case across the nation, the controversy mainly centered upon the National Guard, which bears the heaviest burden of such civilian disorder control situations.

Commanders of the Guard are concerned for the well-being of the Guardsmen under their command. Commanders justifiably feel responsible to the families of the men as well as to State authorities should injury to a Guardsman result from a crowd control situation. Consequently, commanders attempt to instill their men with a feeling of confidence--that their safety is being carefully considered, that their training will prepare them for the situations they may face. Such procedures as providing Guard units with face helmets and body armor or equipping a jeep with a barbed wire roll on the front bumper and heavy wire mesh around the seating compartment are seen by commanders as steps to protect Guardsmen rather than steps to provide the Guard with physical immunity and a license for brutality.

It is unlikely that commanders will feel a great deal of sympathy for young dissidents. Commanders and dissidents are likely to feel the reciprocal hostility that results from a gap in age as well as life style and attitudes. Furthermore, young dissidents present commanders with unwelcomed stress and concern by "creating" disorder situation the Guard must control.

Finally, the Guard itself is likely to be composed of older as well as younger Guardsmen, either sympathetic or diametrically opposed to the philosophy and life styles of dissidents. These differing views can only lead to varying intents and approaches in dealing with dissidents as well as varying interpretations of instructions and training given.

The deputy district attorneys instructing the Guard were extremely concerned that all law enforcement steps taken to control any disorder

be within the strict scope of the law. To violate the law while attempting to "impose law" upon dissidents seemed to these attorneys precisely the type of contradiction the dissidents were trying to expose. Such an exposure, in their view, could only demonstrate "the weakness of the system" not that "the system works."

The document released by the PAJ as the diary of a Guardsman is most likely a statement of one point of view of the training actually given the Guard. This judgment is not to indicate that all information contained within the report is verifiable. The document probably represents a possible overreaction to training received by a Guardsman sympathetic to the dissidents. The document also underlines the essential difference of approach taken by various Guard instructors and the deputy district attorneys.

On this last point, it is unfortunate that one officer of the Guard indicated that the two hours of instruction given by the deputy district attorneys managed to "demoralize two weeks of training." The attention of Guard instructors to protection of individual Guardsmen and the position of the deputy district attorneys that Guardsmen bear responsibility for their use of deadly force need not be cast as antithetical positions.

The steps taken by the Governor's office and the Guard commanders to open one of the final days of the 41st Brigade's training to the press served an important pre-confrontation objective. By demonstrating to those in Portland (including the dissidents) that the Guard was armed and prepared for crowd control, State and Guard officials were able to imply threat. State and Guard officials calculated that such a "show of force" might well serve a cautioning and preventive function.

The Governor's ordering of the Guard to appear for extra training sessions during the convention period served a number of purposes. The Guardsmen would be available--at Federal expense for the extra training sessions--should the need for quick activation arise. Furthermore, announcing the presence of the Guard in and around Portland during the convention served an additional cautioning and preventive function.

One last point that deserves comment is the characterization by the deputy district attorneys of dissident elements as insurgents. This distinction, if meant to convey the impression that dissidents are unlike the "typical criminal" in that their behavior is political, can be seen to be a valid distinction. However, if the characterization of dissidents as insurgents implies that such dissidents are on the verge of "revolution" with the intent to destroy the government, such an implication may be rash and prejudicial. While this extreme implication is probably justified in some cases, it must be made clear that revolutionaries are not typical of all the dissenters. Classifying dissidents as insurgents could well judge the intentions of the dissidents prior to any action on their part and without any judicial determination of the issue. While



it is probably prudent for law enforcement officers to be concerned that dissidents might well be insurgents intending to destroy the government, this view can by no means become a foregone conclusion if the rights of free speech and assembly are to be kept alive.

## X. CITIZEN PREPARATION

Following some initial meetings at the end of June and the beginning of July, several individuals began organizing a citizen group called People for Portland. On July 15, they issued a "statement of purpose" for the group. In part, this statement read:

We recognize that both the American Legion and dissenters to government policy plan to hold meetings in Portland this summer, and we support their right to hold their meetings independently and free from violence.

We abhor violence and maintain that neither visitors nor residents have any right to engage in any unlawful or destructive acts. We support the efforts of all state, county, and city officials to protect the rights of all persons and to keep the peace.

This statement contained three "suggestions" the group endorsed in the hope that "Portland will remain a peaceful city." (1) Expect the best from everyone. (2) Treat each visitor as you would wish to be treated. (3) Make "Keep it Cool" your theme.

A July 23 meeting of People for Portland organizers, business leaders, the President of Lewis and Clark College, the Executive Director of Portland Action Committee Together and two U. S. Department of Justice representatives produced a document entitled "Portland Summer 1970." This document outlined suggested steps for government leaders to take in the hope of averting violence during the forthcoming confrontation.

The document urged the following: On approximately August 26, the Mayor, the Chairman of the Board of County Commissioners, and/or the Governor ought to appear on prime-time radio and television to inform Portland residents of the situation in the city and to assure the public that "the rights of all people will be protected." This broadcast was conceived as a statement of steps taken to "accommodate" the people in the area and an appeal for all to "cool" their rhetoric. The document further urged that prior to this broadcast communication between the young, the Legion, and the community should be encouraged.

The training of volunteer citizen marshals was recommended. Cooperation with PAJ was urged along the following lines: the granting of reasonable parade routes, the making available of a park facility (namely, East Delta Park) for housing the young people coming to Portland; and the scheduling of a rock concert during the convention as an "alternate event" to attract young people who were "not politically motivated." McIver State Park was recommended as a possible site for such a rock concert.

The tone of this approach was designed to be "preventative in nature." It was hoped that by realizing some of the objectives of each of the involved parties and by encouraging development of leadership among each of the interested parties, the chance of maintaining the peace would be vastly improved.

After a series of further organizational meetings involving interested citizens, clergy, various public officials, and several business leaders, People for Portland decided to direct its efforts in the following activities:

A Rumor Control Center. This center was staffed by nearly 100 volunteers who operated this telephone service on a 24-hour-a-day basis for the three weeks prior to the start of the Legion convention and during the week of the convention itself. The Center drew from many sources of information to verify or correct telephone inquiries. To monitor events, the Rumor Control Center relied upon a People-for-Portland observer operating in a car in touch with the Center. An effort was made to recruit Rumor Control Center volunteers from many age groups, political persuasions, and life styles. During its operation, the Rumor Control Center answered over 5000 calls, providing information to citizens as well as various public officials and PAJ members.

A Speakers Bureau. People-for-Portland organizers recognized that one of the primary difficulties in the forthcoming PAJ-Legion confrontations would be citizen antagonism to dissident objectives. The Speakers Bureau was designed to overcome this problem by providing speakers who emphasized that people should relate to one another without regard to modes of dress or life style. Furthermore, People-for-Portland organizers argued that one of the primary needs of dissidents was to have a forum in which to present their viewpoints. In this regard, People for Portland encouraged the City Club to devote one of its luncheon meetings to a representative of both PAJ and The Family (the group that organized Vortex I at McIver Park). The organization also encouraged and assisted the Oregon Educational Broadcasting Station in Portland, which on Friday night, August 28, broadcast a two-hour television show featuring members of PAJ,

interested citizens, and a pre-filmed statement by an American Legion spokesman. Viewers were able to phone in questions during the course of this program's discussion.

Crowd Monitors. Beginning on August 21, People for Portland held a nightly, two-hour "involvement session" at a local high school. During this period, over 1000 persons were instructed in techniques of crowd control. Volunteers were instructed on what to expect when facing youthful dissenters. In small groups, they were confronted with the possibility of facing a Vietcong flag or being exposed to strong language. People-for-Portland monitors were present at all the PAJ marches, the Legion march, and every possible confrontation situation. These monitors worked alongside marches, serving as a buffer between marchers and onlookers, and integrated themselves within the marches as well. Monitors also attended Vortex I in McIver Park, attempting to keep the situation peaceful and providing information to authorities whenever possible.

By the beginning of the Legion convention, People for Portland had over 2000 people working out of four locations. Members of the Portland business community gave the group over \$12,000; these funds went for food and medical supplies for Vortex and food and bus transportation for PAJ as well as for the group's main functions.

#### Constructive Approach

The organizers of People for Portland began by asking themselves two questions: "(1) Was it possible for dissent to occur in America in 1970 on an issue as emotional and controversial as war and peace without violence? (2) Could the citizen, uninvolved, frustrated, frequently angry, though not necessarily sharing the views of the American Legion or the People's Army Jamboree, become involved in a way that could create a climate designed to head off the possibility of violence?"

The document prepared as a result of the July 23 meeting contained many specific recommendations as well as the general approach that later became the basis for much of the governmental response to the confrontation. According to the Co-Chairman of People for Portland who drafted the document: "Upon reflection and pursuant to conversations with the Governor and other governmental personnel this document appears to have been the model for much of government's planning." Certainly the constructive approach taken by this document served to reinforce those in government who wished to pursue a similar course of action.

The program designed by these organizers provided a constructive approach for interested citizens. Needed functions were designed. People for Portland effectively carried out operations that the government could not implement on its own. While People-for-Portland

volunteers were by no means solely responsible for preventing violence in Portland during the Legion convention. The organization did demonstrate that "people can make a difference and [ that ] those who are committed to keeping the peace can be equally as effective as those who are committed to violence."

## XI. LAW ENFORCEMENT PRESENCE DURING THE CONVENTION

Prior to the convention the combined State, County, and City steering committee agreed with the heads of the law enforcement agencies involved on two principles: (1) Sufficient law enforcement personnel should be available for duty in Portland to handle a serious civil disturbance. However, these law enforcement personnel should maintain a posture of low visibility in the absence of any civil disturbance. (2) In the handling of any disorder, the lowest level of force sufficient to contain the conflict should be deployed.

In accordance with these principles, National Guard units were stationed discreetly in locations in and near downtown Portland. These units were not openly deployed; they were brought into the city during morning and evening hours. However, at times, Guard units were posted in locations visible to PAJ rally and camping areas. The presence of the Guard, though not obvious, was known.

Nearly all locations designated as emergency areas by the proclamation of the Chairman of the Board of County Commissioners were patrolled by Guardsmen. Only the Hilton Hotel was patrolled by State Policemen. Both patrolling forces reserved the right to question anyone entering these locations.

Guard units bivouacked near McIver State Park (site of Vortex I) and near East Delta Park (site of overnight camping for PAJ). Two reasons were given for this deployment: (1) availability in the event of a disturbance; (2) prevention of conflict between visitors in these park areas and surrounding residents. The Guard units stationed near the parks were, for the most part, kept out of the sight of those using the park areas.

Uniformed policemen and Guardsmen generally kept out of the park areas in a move to ease tension and prevent confrontations. This fact, of course, meant laws could not actively be enforced within the park areas. Undercover agents were used, however, in an effort to produce at least delayed arrests. As a result, 34 individuals were arrested for their activities during Vortex I. Most of these arrests were for "pushing" drugs.

For all parades held in Portland during convention week, units of the Portland Police Department, the State Police, and the Guard were alerted and ready for deployment on command. However, no uniformed law enforcement personnel were visible along the parade routes. Units

held in reserve on street locations (and not in their reserve stations) were kept at least one block from the parade route.

During the parades, plainclothesmen (with radio communication to the command center in the Hilton Hotel) were stationed at locations along the parade route. During the PAJ parades (August 30 and September 1), plainclothesmen (with radio communication to the command center) marched alongside and behind the parade, and were stationed at points along the parade route as well. At several points during the PAJ parades, members of the steering committee marched alongside or behind the parades (again maintaining contact with the command center by radio).

Besides monitoring various police and Guard radios during the marches, those people in the command center at the Hilton had an excellent vantage point from their 20th-floor suite for watching most of the parade activity. At all times during the operation of the command center, an armed State Policeman sat at a desk in front of the entrance to the command center's suite of rooms. This guard permitted only authorized personnel to enter the center and kept a log of all those present.

Approximately 400 men of the Sixth Army were scheduled to march in the Legion parade (August 31). These men were brought into Portland two days early and stayed two days after the parade in case they were needed for civil disturbance duty.

During the convention, the Portland Police Department maintained regular assignments in addition to special PAJ-Legion duty.

### Deterrence

The presence of large numbers of law enforcement forces in Portland was well known during the convention week. Steps were taken to make the public, the Legionnaires, and the dissenters aware of the authorities' readiness for trouble. The Governor's letter to Guardsmen on August 3, permission for newsmen to observe Guard training on August 20, the tone of the Governor's statewide address on August 25, and the occasional driving of Guard units through the city during the week of the convention were all designed to signal firmness.

Following the week of the convention, many public officials attributed the low turnout of dissenters to the deterrent effect of this law enforcement presence. Many members of the PAJ agreed, charging that such preparedness was a "deliberate over-reaction" designed to scare people away and to suppress protest.

Steps to maintain a profile of low visibility for law enforcement personnel did prevent possible points of tension and confrontation. Given that the presence of these law enforcement personnel was known, a deterrent effect on violent and disruptive activities was achieved without displaying these forces in the open. Before the PAJ marches,

PAJ representatives told those assembled that they were "marching into an armed camp" and that, in view of this, any acts of violence would be "suicidal."

The decision to keep uniformed law enforcement officials out of the parks while youths gathered there was an essential decision in the effort to minimize the opportunities for confrontation and disruption. However, this decision was a political risk for the Governor. Charges were leveled by many citizens that, for instance, Vortex I was a "Governor's Ball" for all kinds of lawbreakers. Many citizens were enraged that laws enforced for them were suspended for youths, many of whom were residents of other states. Several law enforcement groups (such as those in the Multnomah County District Attorney's Office) disapproved of this decision on the basis that public officials cannot deal with potential lawbreakers by suspending the operation of law in any way.

To some extent, the operation of the delayed arrest tactic in apprehending 34 suspects for activities in the Vortex I festival blunted criticism of the decision to keep uniformed law enforcement personnel out of the parks. Yet this procedure raises a further question: Would the Vortex I festival have been such an attraction to youth if the presence of undercover agents had been known beforehand? A related question concerns the effective use of such a technique again: Would a rock festival such as Vortex I remain peaceful now that youth know delayed arrest techniques can be employed?

Guardsmen stationed around McIver State Park and East Delta Park were not needed to cope with any disturbances within the parks or to intervene in conflict situations between those using the park areas and surrounding residents. No serious incidents occurred. Once again, the presence of the Guardsmen served a deterrent function.

PAJ members who went to McIver State Park in an attempt to recruit participation in PAJ activities argued to Vortex I participants that the presence of the Guardsmen made McIver Park a "concentration camp." These PAJ members argued that should any disturbance occur in Portland, the Guard could easily close off roads leading from McIver Park and hold festival participants in the park until the disturbance had ended.

The guards stationed to protect the emergency areas (as specified in the proclamation by the Chairman of the County Board) used discretion in deciding whom to stop from entering these areas and question. For instance, the State Policemen stationed outside the Hilton Hotel did not stop Legionnaires or men in business suits. These same guards, did however, stop hippie types and youths without business suits. Such a procedure would not stop, for instance, a man wearing a business suit (or a Legionnaire's cap) and carrying an attaché case filled with explosives.

The assignment of various members of the government steering committee to march alongside or behind the parades (while maintaining contact with the command center by radio) was an effort to provide those in the command center with additional first-hand information to supplement information supplied to the center by law enforcement officials on the scene.

Closing the command center to all but those directly involved in the governmental response to the activities of convention week obviously limited the possibility for outside observation and evaluation. Those in the command center felt that the presence of observers would interfere with the type of committee exchange necessary if an effective response to situations were to be designed and put into operation. Briefings by members of the command center during the event were arranged to supply information to observers.

The period of waiting in reserve stations put a strain on the police and Guardsmen on duty in Portland. This time away from their families, spent in a combination of tension and boredom while waiting for possible civil disturbance duty, was quite frustrating for those involved. Although this case study provides no information for analysis (since police and Guardsmen were not in fact called upon to quell a disturbance), the possibility remains that this frustration could have been taken out on protesters had a civil disturbance occurred. Many public officials in Portland were concerned about this possibility.

## SUMMARY AND CONCLUSION

The events in Portland leading up to the simultaneous occurrence of the American Legion Convention and the Peoples Army Jamboree represent a major dilemma being faced by public officials throughout the country. Briefly, this dilemma is the result of the potential conflict between the dual responsibility of governmental officials to preserve the public peace and their obligation to protect and insure the rights of citizens to organize and participate in dissident activities.

In theory this dilemma is not new. Nor are we without examples of this problem from other periods in our history. (The relationships of civil authorities to both the labor and civil rights movements are two obvious examples.) However, the recent upsurge in dissident activities has intensified the social significance of the dilemma by increasing the number of situations in which these alternative values are actually brought into direct conflict.

In previous chapters we have attempted to present a factual account of the events leading up to and during the week of Aug. 29 - Sept. 3 in Portland. This account has focused attention on the behavior of public officials and their response to the dilemma created by the Peoples Army Jamboree. We believe this emphasis to be appropriate because it is public officials (not dissidents) who are faced with the dilemma and who must develop responses designed to preserve both values. It is our expectation that the reader will use this account to arrive at his own evaluation of the events in Portland. However, in this final chapter we have addressed ourselves to the problems of analysis.

The purpose of this chapter is to highlight certain aspects of the confrontation which we feel deserve attention because of their special character and/or their influence on the final outcome.

### Basic Characteristics

There were certain characteristics of the Portland incident that must be emphasized because of their significance for the development of later events.

First, Portland and Oregon public officials were aware of the possibility of a dissident-American Legion confrontation nearly four months in

advance of the Legion's Convention opening date. Few confrontation situations (the Chicago Convention in 1968 being a notable exception) have had this much advance notice. More often, the type of public disorder situation officials have had to deal with have developed rapidly. . . .

This four-month advance notice provided public officials with the opportunity to develop detailed plans for their response to a variety of situations. It also provided the opportunity for local citizen groups to emerge and attempt to influence events. On the negative side it provided the opportunity for the development of a variety of rumors concerning possible dissident activities.

Second, public officials (or police) were not the target of the intended dissident activities. Instead, as with the 1968 Chicago Convention, dissident activities were focused on a third party - in this case the American Legion Convention. Had the Legion decided to hold its convention in another city, Portland might have avoided major dissident activity for the entire summer of 1970. Given their third party status, Portland officials were placed in a position that emphasized their conflicting responsibilities to preserve the public peace and allow dissent.

Third, the leaders of the PAJ were primarily persons who resided in and had no status outside of the greater Portland area. Despite efforts

to attract national participation, the Jamboree remained local rather than national in character. This is in direct contrast to the Chicago Convention of 1968 in which dissident activities were initiated by national organizations and/or individuals with national reputations and where large numbers of the participants came from outside the Chicago area.

Fourth, from the beginning it was clear that the interests of dissident groups were varied:

1. The Free People's Pop Festival merely sought to promote a rock festival during the period of the American Legion Convention;
2. "The Family" planned the Vortex I festival as an experiment in life-styles and as a protest against traditional American values;
3. The People's Army Jamboree were the only group primarily interested in direct political activity.

Moreover, the PAJ itself represented a coalition whose issues ranged from domestic racism to international exploitation of underdeveloped countries. During the course of the event these variations in interests resulted in the failure of dissident groups to agree and present a united front to public officials.

Finally, dissident activities were planned to coincide with the previously scheduled American Legion Convention rather than to maximize the recruiting poten-

tial of the "Jamboree." Thus it must be recognized that attendance might have been greater at some other time - for example, earlier in the summer.

#### The Nature of the Confrontation

Political confrontation has come to signify any interaction between groups of opposing philosophies. In Portland, several different types of confrontations were discussed: "physical confrontation," involving direct physical juxtaposition of opposing groups; "violent confrontation," involving direct physical clashes between the opposing groups; and, "philosophical confrontation," involving the mere presence within a given locale of groups with opposing philosophies even though these groups might never come into direct contact.

Also, the term "confrontation" has been used in this report (as had been the case in Portland itself) to refer to those events surrounding the PAJ-American Legion Convention. More specifically, a number of confrontation situations besides the PAJ-Legion activities were evident. The PAJ-City Administration contacts before the opening of the Convention can be seen as a type of physical (and certainly philosophical) confrontation. A similar situation of confrontation often existed between the various dissident groups. The Family planning the Vortex I festival as an experiment in life-styles, The Free People's Pop Festival wanting rock music during the Convention days, and the PAJ mainly interested in direct political activity in Portland during the Convention often clashed verbally about the proper nature of dissident activity. There were also confrontation situations (only some of which were behind the scene) between various City and State officials who argued among one another concerning the proper public response to the dissident activity.

All these levels of confrontation placed a premium upon discussion and "ideological" consideration of normative positions. We have attempted to describe the attitudinal positions taken by the various groups involved as well as the negotiation and discussion processes between various groups. Any "physical confrontation" activities (such as the PAJ marches or the protest against the Vice President's speech) were subsequent to and derived from the ideological stances taken and the discussions which ensued.

#### Character of Governmental Response

Throughout its dealings with the PAJ (both before and after the formation of the joint steering committee), governmental officials faced the choice of playing the role of mediator or combatant in the confrontation process. If public officials had taken the position that

the PAJ was not to be permitted within Portland, they would have aligned themselves against the dissidents in the confrontation situation. To the extent that public officials sought to allow the PAJ "reasonable" dissent and attempted to construct a compromise between peaceful dissent and public safety, they assumed the role of mediators.

It is our conclusion that Portland City officials initially tended to assume a combative role in the confrontation.

As convention week drew closer (and particularly after the joint steering committee began to function), governmental policy began to change. Basically, this change represented a greater degree of accommodation of dissent than the initial PAJ-city government contacts had produced. In fact, this change can be characterized as a shift from the role of combatant to the role of mediator.

The initial response of Portland city officials to PAJ plans was by no means enthusiastic. In fact, the early period of PAJ-city contacts saw continual attempts by city officials to completely discourage any dissident activities during the American Legion Convention. Some city officials clearly expressed the feelings that:

1. the PAJ had not been invited to Portland, therefore, the city had no obligations to the group;
2. any attempts to accommodate the PAJ would represent an imposition on the taxpayers of Portland;
3. demonstrations directed against the American Legion, invited guests, could only embarrass the city and hurt its status as a convention city;
4. according to existing intelligence reports the potential for disruption and violence was great and represented a serious threat to the city and its citizens.

PAJ members viewed such attitudes as symbolic of a conscious effort by city officials to subvert their rights. Specifically, the refusal to grant park permits was interpreted as a direct attempt to prevent the advance planning and publicity needed for the Jamboree. When the PAJ persisted in its plans to hold a Jamboree, claiming it wished merely to exercise its rights to assembly and free speech, some city officials continued their resistance.

Due to the efforts of several citizens (notably the organizers of People for Portland), the office of the Governor, the Multnomah County District Attorney's Office, and several Portland City officials, a strategy for dealing with the forthcoming PAJ-Legion confrontation

was developed. This strategy included a larger element of accommodation of the dissidents than the initial response of city officials.

#### Analysis of Governmental Response

The strategy ultimately adopted by public officials was based on the following principles:

1. governmental acceptance of its dual responsibility to protect the public peace and the right of dissent;
2. coordinated governmental response to all confrontation events;
3. emphasis on violence prevention techniques rather than after-the-fact steps to contain violence once it began.

The enactment of this strategy was a long and involved process. The series of July and August meetings between the Mayor, the Chairman of the Board of County Commissioners, and the County District Attorney resulted in considerable agreement on specific steps. The Governor joined in these plans as the final governmental planning was completed the week before the Convention began.

#### Governmental Acceptance

Despite their initial response, in the final PAJ-government negotiations city officials allowed dissidents the use of East Delta Park for overnight facilities. In addition, agreements were reached on acceptable forms of PAJ protest activities during the convention week. Both steps were manifestations of governmental efforts to accommodate some degree of dissident activity.

Furthermore, the instructions issued to law enforcement officials (at all levels of government) emphasized the right of dissent and cautioned that officers would be held responsible for their conduct, particularly the excessive use of "deadly force." These instructions were necessary to insure that law enforcement officers would act in a manner consistent with the policy established by the responsible government officials.

A number of specific steps were necessary before a coordinated governmental response was possible. Important here was the assumption of emergency powers by the Mayor on August 24, concentrating all functions of city government in his office. This step facilitated establishment on the same day of the joint City-County-State steering committee, which was able to negotiate with the PAJ and make unified decisions with the full authority of all levels of government involved. All decisions then reached in PAJ-steering committee discussions could be considered final from the government's point of view.

This procedure eliminated the difficulty in early discussions with the PAJ where government representatives could only recommend action to the governmental units that had the authority to act. As indicated above, PAJ representatives had viewed this difficulty as an indication of the government's failure to negotiate in good faith. Conversely however, public officials were never sure that PAJ representatives could enforce negotiated terms among the various dissident groups. Furthermore, the establishment of the steering committee provided a mechanism whereby the different levels of government could work in unison and not at cross-purposes.

It is not to be assumed that this coordinated governmental response was a "necessary" development or a "politically easy" step to take. Steering committee members assumed full responsibility for the outcome of the confrontation situation. Critics (within the city government and candidates for the many offices open for re-election in November, 1970) would be free to place blame on the steering committee should any disturbance occur.

The steering committee recognized these liabilities. They reasoned, however, that their optimum chance of dealing with the confrontation lay in their unity and in avoiding the possibility of infighting among the various levels of government during the confrontation.

The closed command center facilitated an open exchange of views among the various government officials present in the command center. Such an open exchange was necessary if effective responses to on-going situations were to be designed and put into effect.

Maintaining a closed command center also contains potential difficulties. Such a technique, to be effective, requires that public officials be sensitive to the need to maintain the right to dissent as well as the necessity of maintaining order and security. A closed command center staffed by public officials determined to play a combative role would most probably stifle dissent and quite possibly utilize directly provocative law enforcement techniques.

#### Violence Prevention

The extensive training given the National Guard, the preparation for the possibility of a call-up of U. S. Army forces, contingency planning for various uses of city police, State police, and the Guard all contributed to the establishment of a large reserve of readily available law enforcement personnel. The publicity given the Guard training and the strong statement of the Governor on August 24 emphasized this preparedness.

While governmental officials emphasized having sufficient law enforcement presence to deter violence, they were also aware of the necessity to utilize discretion in law enforcement decisions. A conscious governmental decision was made to utilize delayed arrest



techniques when an arrest might well have exacerbated a given situation. At several points before and during the Convention, dissidents could have been arrested (for instance, the August 22 protest over the Attorney General's speech and the minor disruption of the Legion Parade on August 31). However, in these instances, public officials felt it more prudent to photograph suspects for later law enforcement action.

Such "political" restraints were not always easy for law enforcement personnel to accept. To ignore, even temporarily, an observed offense contradicts normal law enforcement training and practice. Following the arrest of one of the Free People's Pop Festival organizers on August 27, the steering committee established a clearing house on all warrants outstanding against dissidents in order to insure even tighter political control over the law enforcement arrest processes.

The procedures designed by the Multnomah County District Attorney's Office for handling a disturbance were not needed during the convention week. It is thus impossible to make any conclusions as to their effectiveness. We have noted potential problems with the various techniques above in Chapter VIII.

The Vortex I Festival at McIver Park represented the main effort to provide an alternative to political confrontation within Portland. Government officials hoped that this Festival would serve as a "safety valve" to draw dissenters from Portland during the Legion Convention. It seems reasonable to conclude that the Festival had this effect for at least some dissenters. It should be pointed out, however, that it probably attracted others who never would have come to the Portland area to participate in political activities.

A number of circumstances could have made the crowd at McIver Park a law enforcement problem. For instance, had it rained during the Festival, people may have left the Park and come to the City. Had it been known that there were undercover law enforcement agents at McIver Park, some might have left the park and come to Portland. Furthermore, the technique could not be expected to divert individuals who were truly politically motivated.

#### Citizen Participation

In the PAJ-Legion confrontation, the role played by the People for Portland deserves comment. The activities of People for Portland demonstrated that citizens can also play an active mediative role in a confrontation situation. It is all too easy for citizens to feel there is "nothing we can do," or possibly (and more dangerously) to align themselves (actively or passively) with one side or the other. The People for Portland effectively mobilized citizen participation and assumed critical and calming functions in a troubled environment.

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# 1 OF 2

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Our only hesitation with regard to the role played by the People for Portland concerns their use of "undercover" personnel at McIver Park and during the PAJ parades. To the extent that these individuals provided information to government officials, they more closely aligned People for Portland with government efforts. While the government in a confrontation situation can play a mediative role between differing contingents, an organization such as the People for Portland can add an additional element to such mediative efforts by also serving as a buffer between factions in the confrontation and the government itself.

Throughout the Legion Convention, the PAJ did not mass a major demonstration or protest. To some extent, government preparation deterred potential Jamboree participants. To a larger extent, the PAJ program lacked any emotion or major drawing attraction. The Legion proved to be a poor symbol of attack. The convention was held at the very end of summer when many youths were preparing to return to campus for the fall semester.

The confrontation, however, did have the potential of drawing massive numbers of dissidents. If there had been a law enforcement-dissident clash, the attraction might have been greater. We must also note that either of these eventualities could very possibly have drawn youths from McIver Park to Portland.

It has been suggested that a "Portland Plan" based upon the action of public officials in Portland during the convention might well provide a course of action to be used in other cities facing confrontation situations. We are doubtful that such a transferable "Portland Plan" was actually developed.

Public officials in Portland generally admitted they had devoted little study to the methods used in other cities to handle disorder situations. While most public officials had some knowledge of other situations (the techniques used and problems faced), their knowledge was not extensive. Instead, Portland officials designed their response to the confrontation situation on the basis of their analysis of conditions facing them. Any "Portland Plan" was tailored to meet conditions specifically in Portland between August 28 and September 3, 1970.

This is not to argue that there are not aspects of the governmental response which are applicable to other cities. We have tried to comment favorably on those aspects which we consider to be of possible assistance in other situations: joint government planning, specific law enforcement techniques, government assumption of a mediative role, etc. We have also tried to emphasize those aspects of the situation which we feel need improvement (e. g., intelligence operations).

Furthermore, as the Portland response was tailored to meet specific conditions, the altering of those conditions (even in a slight manner) might well have reduced the effectiveness of the Portland response or demanded different governmental steps.

Throughout this report we have emphasized the responsibility of public officials to maintain the public peace and insure the security of their citizens. Serious threats to the maintenance of order and security justify governmental efforts to curtail the activities of the persons or organizations responsible for such threats. However, concern over order and security can be abused by exaggerating the degree of threat. In such cases the right of peaceful assembly and dissent is stripped of any practical value.

Likewise, political dissenters face a serious responsibility. The right to dissent does not exist in a vacuum. Public officials must be willing to accommodate political protest covering a wide variety of activities. Dissenters, however, must accept the responsibility of designing protest situations which minimize the potential for violence while maximizing their right to dissent.

## NOTES

## III. The Portland State University Strike

1. This account is based upon Metropolitan Human Relations Commission, "Report and Recommendations Concerning Campus Disorders at Portland State University on May 11, 1970," August 19, 1970 (hereafter referred to as MHRC Report); newspaper accounts of the incident; viewing of the "Seventh Day" film prepared by the Center for Moving Image, Portland State University; and conversations with those involved in various aspects of the strike.
2. MHRC Report, p. 2.
3. Ibid.
4. John Guernsey, "War, Nerve Gas Protesters Arrested," Oregonian, May 7, 1970.
5. Ibid.
6. Cited in MHRC Report, p. 2.
7. Reported in John Guernsey, "Longshoremen Ignore Student Strike Plea," Oregonian, May 9, 1970.
8. "Protesters Still Occupy PSU Center," Oregon Journal, May 9, 1970.
9. John Painter, Jr., "PSU Strikers Air Illegal 'Radio Free Portland' to Propagandize," Oregonian, May 11, 1970.
10. See Wallie Schneider, "War Protesters at PSU Believe Strike Made 'Good Impression,'" Oregon Journal, May 9, 1970.
11. The account of this meeting and the activities of Monday, May 11, are principally drawn from the MHRC Report, the most accurate and reliable source on these activities.
12. MHRC Report, p. 5.

13. Ibid., p. 8.
14. Ibid., p. 5.
15. Ibid., p. 9.
16. Ibid., p. 7.
17. Estimate included in Rob Boley and James Long, "Officers, Dissidents Battle Over 'Hospital Tent,'" Oregon Journal, May 12, 1970. For an excellent newspaper interview with Police Chief Donald McNamara and Deputy Chief Patrick Carr, see Andrew Mershon and John Painter, Jr., "Portland's Top Police Officials Explain Tactics at PSU Clash," Oregonian, May 14, 1970.
18. See John Guernsey, "PSU Faculty Censures Police for Attacking Instead of Arresting Students," Oregonian, May 13, 1970.
19. "Protesters Demand Full Probe of Park Clash," Oregonian, May 13, 1970.
20. Reported in John Guernsey, "PSU Calm, Class Attendance Near Normal; Wolfe Improving," Oregonian, May 14, 1970.
21. Walli Schneider, "2,500 Backing Plan to Cool Protesters," Oregon Journal, May 19, 1970.
22. Protest described in "PSU Antiwar Demonstrators Stage Nerve Gas 'Die-In,' Mock Police Trial," Oregonian, May 21, 1970.
23. John Painter, Jr., "Both Sides See Broken Promises behind Violent Confrontation between Police, Protesters," Oregonian, May 14, 1970.
24. MHRC Report, pp. 9-11.
25. On this point, see Judson Randall, "City Officials Chide Hindsight Criticism," Oregonian, September 9, 1970.
26. Ibid.

#### IV. Early Negotiations

1. Clarence Zaitz, "Risk of Violence Here Highest in Nation, U. S. Warns," Oregon Journal, September 5, 1970.
2. Letter from Peter Fornara, Office Manager of the PAJ, to Park Superintendent Harry Buckley.
3. Letter from City Commissioner Frank Ivancie to Peter Fornara, Office Manager of the PAJ, July 8, 1970.
4. Governor McCall's letter quoted in "Guard Put on 'Ready' for Legion," Oregon Journal, August 3, 1970.
5. From "VORTEX I: Statement of Purpose," a document enclosed with the August 4 letter of The Family.
6. From the statement of Ed Westerdal to the press, August 8, 1970.
7. This meeting is recorded in Jack Ostergren, "Ivancie Balks Again at Park Permit for People's Army," Oregon Journal, August 12, 1970; and "People's Army Expects 50,000," Oregonian, August 12, 1970.
8. Incident discussed in Keith Tillstrom and Jeff Wohler, "Hearing Held Here on Black Pickets," Oregon Journal, August 15, 1970; Early Deane, "Manager Says Panthers Ask \$300 Monthly Contributions," Oregonian, August 16, 1970.
9. City Council meeting reported in "Delta Park Festival Banned," Oregonian, August 12, 1970; Ann Sullivan, "Portland City Council Hears Plea To Permit Pop Festival in Delta Park," Oregonian, August 12, 1970.
10. Ann Sullivan, "Washington Park Use Denied for People's Army Jamboree," Oregonian, August 14, 1970; "Portland City Council Refuses Park Use to Protest Group," Oregonian, August 14, 1970.
11. Deane, "Manager Says . . .," loc. cit.
12. The meeting of the 8-man committee is reported in Ann Sullivan, "Jamboree Claims Park Use Granted by Study Committee," Oregonian, August 18, 1970; "Jamboree Spokesmen Elated At 'Victory'; Schrunk Denies Reported Park Agreement," Oregonian, August 18, 1970.

13. "Council Rejects Ivancie's Plan for Jamboree Site," Oregon Journal, August 18, 1970.

14. "Position of People's Army Jamboree Still Unchanged Despite Conflicts," Oregonian, August 19, 1970.

15. Reported in "Troops Train in Mob Control," Oregonian, August 19, 1970.

16. Wednesday's Council meeting reported in Jim Hill, "Council Still Studying Decision on Jamboree," Oregonian, August 20, 1970; "Jamboree Spokesmen Stick to Request for Campsite Near Core Area," Oregonian, August 20, 1970.

17. Thursday's Council meeting reported in Jim Hill, "City Opens East Delta Park to Overnight Use," Oregonian, August 20, 1970.

18. "Picketed Hamburger Stand Here Bombed," Oregon Journal, August 22, 1970.

19. PAJ reaction reported in Steve Erickson, "Jamboree Defies City on Park Issue," Oregonian, August 24, 1970.

#### V. Final Negotiations

1. Mayor Terry D. Schrunk, "Press Statement to the Press and People of Portland," August 24, 1970.

2. Francis J. Ivancie, "Press Release," August 24, 1970.

3. Letter from the Free People's Pop Festival to Commissioner Francis J. Ivancie, August 24, 1970.

4. James Hill, "Pop Festival Planners Lose 2nd Delta Park Bid; Vortex Support Urged," Oregonian, August 26, 1970.

5. Letter from the People's Army Jamboree to Commissioner Lloyd Anderson, August 25, 1970.

6. Text of the Governor's address released as Office of the Governor, "Oregon Governor Tom McCall's Statewide Radio & Television Address to the People of Oregon on Tensions in Portland," August 25, 1970.

7. "City Tunes Down Delta Park Music," Oregon Journal, August 27, 1970; "Delta Park People's Pop Festival Still Planned Despite Rebuff by Mayor," Oregonian, August 27, 1970.

8. Agreement announced in the joint release of Commissioner Lloyd Anderson and Bob Wollheim of PAJ, "People's Army Jamboree Permits," August 27, 1970.

9. Locations specified in Multnomah County Board of Commissioners, Emergency Proclamation, August 27, 1970.

10. "10,000 Travelers Make Way to Bustling Vortex I Festival at McIver Park," Oregon Journal, August 28, 1970.

11. For accounts of the Sky River Festival, "Way Clear for Festival at Sky River," Oregon Journal, August 27, 1970; "Sky River Rock Festival Expected to Draw 100,000," Oregonian, August 27, 1970; Web Ruble, "Washougal Area Residents 'On Edge' As Rock Festival Vanguard Arrives," Oregonian, August 28, 1970. For an example of the underground press advertising for the event, see Willamette Bridge, August 28-September 3 Issue, p. 10.

12. "Youth Stays on Probation," Oregonian, August 29, 1970.

13. Patrick quoted in Doug McKean, "Legion 'Has Faith' in Portland," Oregon Journal, August 29, 1970.

14. Letter from Mayor Schrunk to Robert Wollheim of PAJ, August 28, 1970.

15. Crowd estimates reported in Bill Keller, "Crowds Growing at McIver Park As Rock Festival Starts Activities," Oregonian, August 29, 1970. See also Wallie Schneider, "Police Say Vortex I 'Great,'" Oregon Journal, August 29, 1970.

16. Sunday march described in: "1000 March in Peaceful Antiwar Protest," Oregonian, August 31, 1970; Dean Smith, Jim Long, and Keith Tillstrom, "Parade by PAJ's Peaceful," Oregon Journal, August 31, 1970; Larry McCarten, "Portland Peaceful: Taunts Traded, But No Clashes," Seattle Post-Intelligencer, August 31, 1970. Account in text based on author's observation.

17. "Rock Festival Crowds Dwindle," Oregon Journal, August 31, 1970.

18. Reported in "1000 March . . .," Oregonian, August 31, 1970.

19. Legion Parade described in Wayne Thompson, "Vets of 4 Wars Pass in Review," Oregonian, September 1, 1970; Wallie Schneider, "Patriotic Theme Prevails during Long March," Oregon Journal, September 1, 1970; Larry McCarten, "Cong Flag Interrupts Legion Parade," Seattle Post-Intelligencer, September 1, 1970; Morton Spence, "People for Portland Play Parade Peace-Keeper Role," Oregon Journal, September 1, 1970. Account in text also based on author's observation.

20. Reported in "Black Panthers Address People's Army Jamboree," Oregonian, September 1, 1970. Account also based on author's conversations with city and state officials.

21. Estimate from Associated Press release, September 1, 1970.

22. Both the PAJ letter and Commissioner Anderson's reply are included in the press release: "Statement by Portland City Councilman Lloyd Anderson," September 1, 1970.

23. Second PAJ Parade reported in Robert Landauer, "PAJ Protest Parade Peacefully Conducted," Oregonian, September 2, 1970; "2nd Jamboree Parade Noisy But Nonviolent," Oregon Journal, September 2, 1970; Don Hannula, "Antiwar March Tense," Seattle Times, September 2, 1970. Account also based on author's observation.

24. Leonard Bacon, "Vortex I Inhabitants Break Camp, Hit Road," Oregonian, September 2, 1970.

25. "Festival Still Rocks Despite Injunction," Oregon Journal, September 2, 1970.

26. Vice President Agnew's speech printed in its entirety in "Agnew Urges Just Peace, Thanks Legion for Nixon Support," Oregonian, September 3, 1970.

27. Reported in: Don Hannula, "Tension Eases in Rose City," The Seattle Times, September 3, 1970.

28. Bill Keeler, "Judge Upholds Restraining Order Against Sky River," Oregonian, September 3, 1970.

**END**