AVOIDING THE BLOODY CONFRONTATION:  
THE KANSAS NATIONAL GUARD’S EXPERIENCE  
WITH CIVIL DISTURBANCES  
by  
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The Kansas Militia/National Guard has dealt successfully with civil disturbances, actual or potential since 1880. Fortunately, the Guard has not had to fire a shot in anger. When compared to the record of many other states, this represents a significant achievement. This has been partially due to the lack of industry within Kansas for most of its history—a significant focus for labor-related disturbances—and the fact that until 1950, this state has been more rural than urban.

Despite those two positive factors, significant confrontations did occur both in the nineteenth and twentieth centuries. Although technological advances increased the speed at which mobilization took place, gubernatorial and Guard response to crises have been remarkably similar in many different administrations.

In general, governors and guardsmen have been very cautious in the suppression of civil disturbances. Success in quelling civil disturbances was most often due to a reluctance to commit troops hastily, lessons of prior experience, competent leadership, and, to a lesser degree, historical circumstances.

The above combination of factors was demonstrated as recently as 1970 in Kansas. Governors of Kansas, as a rule, have been wary about committing guardsmen even in a steadily deteriorating situation. Governor Robert B. Docking, for example, acted judiciously in late 1968 and early 1969 at the height of student unrest over the Vietnam War in connection with incidents on the campuses of Kansas State University and Kansas University. Usually, the governor preferred to let authorities on the scene handle the problems while Kansas Bureau of Investigation agents monitored the situation.

Even actual intervention in Lawrence on 21 April 1970 occurred in response to an ever-increasing cycle of bomb scares, nuisance fires, and vandalism throughout April. The catalytic events, apparently, happened on 20 April when several arson incidents culminated in the burning of the University of Kansas Student Union. Reports of sniper fire directed at firemen who answered the alarms worsened an already complicated situation.

Given these circumstances, Governor Docking proclaimed a 7:00 p.m. to 6:00 a.m. curfew on 21 April in Lawrence and called in the National Guard. Their period of service went through 25 April. The soldiers, working in three-to-four-man detachments, helped local law enforcement officers and the
Kansas Highway Patrol enforce the curfew. Docking usually used the Highway Patrol as auxiliary policemen.

The National Guard was better equipped to deal with such circumstances as a result of practices instituted in the wake of the Detroit Riots in July 1967. Following those riots, President Johnson ordered all Guardsmen to receive 12 additional hours of riot training during August and September. This involved training in riot tactics, coordination of effort between military authorities and state and local police, preparation of detailed plans for troop use in potential areas of disturbance, and apprehension and arrest of rioters, looters, and arsonists amidst innocent bystanders. The Kansas Legislature supplemented these measures by creating the Military Support of Civil Authority, Army Guard Section, with legal provisions which would enable the Guard to restore order within a secure legal framework.

However, theory is not fact or experience; and, fortunately, the Guard acquired both before 1970. During the riots in Kansas City, Missouri, April 1968, about 1000 Kansas Guardsmen mobilized for potential trouble in Kansas City, Kansas within a targeted time-limit of six hours. As it was, the activation became no more than a precautionary measure.

Secondly, both civilian and military authorities received significant experience during the Wichita disturbances of 20-24 August 1968. Although the racial difficulties there including vandalism, arson, and sniping, required the activation of 450 citizen-soldiers on 22 August, the employment of three-to-four-man groups attached to two-man police cars at 19 posts throughout the affected area in downtown Wichita sufficed to bring the problem under control.

More importantly, though, the post-mortem assessment revealed deficiencies in civil-military communication procedures in addition to the normal reluctance of civil authorities to confront a civil disturbance as it unfolded. As a result, the procedures for providing and receiving assistance from the Kansas Highway Patrol and National Guard became standardized. Additionally, the Guard made clear what its own capabilities and limitations were to civil authorities.

The final ingredient for success was quality of leadership. Superintendent William Albott (KHP) and Colonels DeGraw and Tice, who supervised the operation, exercised police authority in a non-provocative manner. In fact, the triumvirate refused to employ large bodies of armed troops to "sweep the streets clean" so to speak despite such requests from the civilian authorities in Lawrence. The main
curfew. Deciding usually by policemen, equipped to deal with such instances as were instituted in the wake of those riots, Guardsmen to receive 32 during August and September, in coordination of effort between state and local police, troop use in potential areas of arrest of rioters, and bystanders. The Kansas measures by creating the 1 Army Guard Section, with the Guard to restore order to the state or experience; and, thence before 1970. During the fall of 1968, about 1000 Kansas disturbances in Kansas City, of six hours. As it was, a precautionary measure, military authorities received notice of disturbances of 20-30, of six hours. As it was, a precautionary measure, military authorities received notice of disturbances of 20-such difficulties there were to two-man mobiles, out the affected area in the problem under control. These were (1) incidents for the Kansas City area which had few small crowds rather than any authority dealt solely in arson, rock-throwing, and rioting.

The post-mortem assessment of the Lawrence confrontation was that civil disturbances meant restraining the natural tendency to overreact in such circumstances, as happened a scant two weeks later at Kent State.

Thus, the Lawrence confrontation demonstrated the necessity for training and experience in the handling of civil disturbances. It also illustrated that such occurrences do not happen in a vacuum, that they tend to "cluster" within a certain space of time; and, that state as well as national authorities have to rethink or reexamine procedures and methods that may not have been employed for many years.

There were similar precedents earlier in Kansas history. Comparable "cluster periods" were 1878-1889, 1919-1923, and 1933-1935. These periods echoed for more violent and bloody events on the national scene. Guard handling of these events reflected similar procedures and, indeed, set the pattern for the successful operations at Lawrence.

For example, the period 1878-1889 confronted Kansas with railroad strikes and county seat wars (disputes over the sitting of county seats which sometimes provoked violence). Although 1877 saw massive and violent railroad disputes in the country, they were not duplicated in Kansas. But, Governor George T. Anthony did mobilize the militia in connection with a train slowdown on the Atchison, Topeka, and Santa Fe in April 1878. Briefly described, the operation placed soldiers in Topeka and Emporia and it turned into a political disaster for Anthony. He had been too quick to listen to railroad officials' pleas for help and had overridden objections to troop use by Emporia's city officials. Worse, the intervention resulted in the accidental death of a civilian while a militiaman cleaned his rifle. Consequently, Governor Anthony lost his party's renomination and was consigned to the political wilderness.

By both overreacting and blatantly favoring the railroad, Governor Anthony provided his successors a lesson to ponder. Governor John P. St. John, for instance, responded in April to a coal miner's strike in Cherokee County by placing militia companies on alert, while dispatching Adjutant General Peter S. Noble to the area to mediate. A like occurrence there in 1893 was resolved in the same manner. Similarly, Governor John A. Martin in 1885 averted another rail strike by employing his Adjutant General, Alexander B. Campbell, as a mediator. Campbell also reported to the governor on the actual problem rather than taking the Missouri Pacific officials' work on the matter. Thus, there was no confrontation and an equitable settlement was reached between workers and management.

However, another disagreement involving the same protagonists in March and April of 1886 necessitated Guard use, but only after Martin had exhausted every other possibility. When the attempt to reach a wage and worker rehiring agreement failed, Martin delegated the power to arrest strikers on Federal and State courts' writs of injunction to civil authorities. Despite this pressure, strikers still prevented the trains from running. So, the
Governor again sent Campbell to Parsons to mediate. Only after that measure, too, had failed, did Martin mobilize and send the entire 1st Regiment, saying that a small force might provoke violence, while a large one might have to use little force. This proved to be the case; the bulk of the forces served only three days.

Governor Martin continued to use this strategy also to handle county seat wars during the remainder of his terms. In other words, the process of identifying the problem, negotiating, and as a last resort, using the Kansas National Guard to intimidate and forestall violence firmly. This approach worked well in four out of seven county seat scuffles between 1886 and 1889. Only three required the use of citizen-soldiers to overcome the opposition.

The Guard appeared twice in Stevens County during the dispute between Woodsdale and Hugoton in June and August of 1888. The first intervention which was successful followed an on-site inspection by Campbell and it prevented violence during the canvass of a railroad bond election. The second occurred after the murder of four Woodsdale partisans by Hugotonian residents. In that instance, the Guard occupied Hugoton and conducted a house-to-house search for weapons while the U.S. Marshal who accompanied them arrested the murder suspects.

Similarly, a killing in Gray County in January 1889 was the last county seat war incident that required the state’s use of troops. Response was swift, soldiers being sent as soon as news reached Topeka. Duty lasted for twelve days before the soldiers withdrew, and violence did not reoccur.

Thereafter, aside from a few limited uses of citizen-soldiers to prevent Lynchings and the Legislative War of 1893 which does not properly fit the civil disturbance classification due to its unique circumstances, there was little need for the Guard until 1919-1923. During this time span, Governor Henry J. Allen activated the Kansas National Guard for one railroad and two coal strikes; the organization performed effectively though not without controversy.

Random factors materially contributed to success in the coal strikes of 1919 and 1921-1922. For example, intensely cold weather in 1919 deterred strikers from disrupting coal shipments from Cherokee and Crawford Counties far more effectively than the 2,273 soldiers who protected the volunteer miners.

Because the 1919 strike confronted Kansas with a potentially life-threatening coal shortage at the onset of winter, Allen established the Kansas Court of Industrial Relations. It was a three-man board (public-service commission) which could arbitrate differences between management and labor where the public interest was concerned, such as those industries producing food, fuel, and clothing or dealing with transportation and utilities. Combined with existing vagrancy ordinances in Crawford and Cherokee Counties so that any striker might receive a jail sentence, the net effect ensured legal suppression of labor disputes.
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The railroad shopmen's strike which was part of a national strike in July 1922 contrasted sharply with the coal strikes. Allen mobilized guardsmen in to keep open key shops at Parsons, Wasington, and Hoisington. Unlike the previous duty, intervention proved both more necessary and controversial. The substitutes workers imported from the outside by the railroads were mostly blacks and latinos. The strikes were mostly black and latinos. Since the potential for severe disturbances existed, citizens-soldiers imposed martial law upon Parsons and Hoisington to forestall more serious trouble.

More specifically, the xenophobia generated by World War I and the "Red Scare" of the early 1920s conditioned Kansas indifference to labor unrest in the counties. Both had been the focus of renewed and large-scale immigration to the state between 1895 and 1918. The Slav and Italian immigrants who came were similar to others coming to the U.S. at the same time, and worked in industries with a high probability of labor disputes. Unfortunately for them, the fear of "red revolution" became entwined with many Kansas' anti-labor biases. Further complicating the matter was these immigrants' cultural background which accepted alcoholic beverages as normal in a strongly prohibitionist state.

Thus, liquor raids on the coal-mining camps were accompanied by actual intervention between 14 December 1922 and 22 February 1922. According to an Arthur Capper editorial in the Topeka Daily Capital of the time, the "alien" who worked the mines were not sufficiently "Americanized" and such activity was justified. Given the prevailing atmosphere, the lack of violent incidents might be surprising. Perhaps, though, in situations where the "tyranny of the majority" holds sway, minority groups prefer discretion as the better part of valor.

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Only quick thinking on the part of Colonel Charles S. Browne, Sr. and a junior officer, prevented imposition of martial law in Wasington. Following a shooting incident on 23 August, the junior officer rushed a wounded fireman to a hospital while arresting the Rock Island guard responsible, and then transferring him to the county jail in Atchison. Rumors spread quickly about the shooting and shop workers walked off their jobs at midnight in protest. Negotiations the next day brought the workmen back by 6:30 p.m., but a drunken brakeman who struck an unarmed guard and insulted soldiers on the depot platform threatened stability again. Colonel Browne arrested the brakeman on the spot, thus preventing any further trouble.

As these incidents occurred close to Labor Day and in a Kansas election year, Browne instigated another preventive measure. He agitated the right of free speech of a Democratic candidate for Congress. He specifically forbade the candidate to mention anything about the Industrial Court, Governor Allen or issues involved in the strike in a speech to the Woodmen Lodge. Although the man protested, he complied. It was necessary considering the circumstances.


The overall legacy of this strike duty served the Kansas National Guard well. The lessons learned were (1) rapid and secret, if necessary, mobilization of the most mobile troops available, (2) swift removal of sources of trouble from the scene with backup readily available, (3) possible curtailment of free speech, (4) maintaining as low a profile as possible consistent with public order and no fraternization with locals, (5) avoiding the use of local units, (6) gradual resumption of law enforcement by civilians.

These mobilizations provided the organization and its individuals with enough experience to meet the challenges of the 1930s, the Wichita Relief Riots of 10-13 May 1934 and the Cherokee County Miners' Strike of June-August 1935. Both instances were major in import but only one turned serious in event.

As with the period immediately before the Lawrence trouble in 1970, thought preceded action, yet action stimulated refinement in policy. For example, the Kansas Guardsman magazine expressed concern in 1931 over a possible societal breakdown as a result of the Depression, recommending a fresh look at riot-duty training. However, that concern only took on urgency because Governor Landon employed the Guard as auxiliary police to reduce the rash of bank robberies in Kansas that occurred in 1933 and 1934.

Although this service may not have been responsible for the decrease in the number of bank robberies in 1934, the ripple effects were quite important. First, it spurred Adjutant General Milton McLean to compile a Manual for Riot Duty which was published in late 1933. Second, this duty field-tested the trucks then just being introduced into artillery units. Third, the planning for apprehending fleeing bank robbers and the actual experience, which on the average occurred three times a month between June 1933 and June 1934, proved invaluable. Finally, McLean's Manual had emphasized the importance of test mobilizations and exercises. These started in the fall of 1933 and the largest one occurred in Wichita on 31 October 1933 and involved over 400 men.

From the Wichita test, officers concluded that units should have city and street guides with them, that riot sticks were more effective than rifles, that more automobiles were needed to increase mobility, and that those who donated such vehicles should be reimbursed for gas and oil. Also, a combined jail and command-post was deemed unsatisfactory; the command could not operate well amid such noise and confusion.

Proof of troop effectiveness became evident the next year. During the Wichita Relief Riots many of the participants in the test were mobilized to face a mob of about 400 people around county buildings. The key confrontation took place on 10 May 1934 when a force of 250 citizen-soldiers quickly dispersed the mob by means of tear gas and an advance with bayonets. The remaining service consisted of patrolling county buildings. The effect of this service was immediate. Even though it was successful, those units which had not taken riot training seriously began to train. It was none too soon,
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Citizen-soldiers intervened twice in and around Baxter
Springs and Galena between 7-27 June and 29 June--6 August
1935. Both times Colonel Browne imposed martial law.
However, violence erupted right after the Kansas National
Guard left the first time. Apparently, it sprang from the
activity of outside agitators and local law enforcement
merely heightened the tension. At that time, the deputy sheriffs
were appointed by the mine owners—an obvious conflict of
interest that made an explosive situation worse.

Colonel Browne and Governor Landon defused the crisis on
their respective levels. The former arrested the disturbers
of the peace and tried them in provost court while
confiscating some 600 weapons during house to house searches.
The latter pressed the sheriff's office to pay for the
deputies, and Landon pushed the matter so vigorously that the
sheriff resigned. This action cleared the way and the mine
guards were then disarmed and dismissed. That ended the
confrontation.21

As should be readily apparent, the Cherokee County
trouble illustrated once more the importance of quick,
decisive action in preserving civil peace. It also conformed
to previous patterns in that its results were the sum total
of previous experience during the "cluster period" of 1933-1935.
It only differed from previous instances in that Landon
introduced martial law from the beginning and, despite
misgivings on his part, events proved him correct.

After all, Guard use has always been and should always be
a last resort in civil disturbances. With few exceptions,
this has been the case in Kansas. Both governors and
guardsmen have employed their powers judiciously, carefully
graduating measures to forestall a civil disturbance from
developing or worsening. The usual procedure has been
mediation (perhaps by the Adjutant General if it was serious
enough), court action, use of auxiliary police (either newly
appointed deputies and the Kansas Highway Patrol), placing
National Guard companies on alert, and then lastly, direct
intervention.

Once troops were actually present the Guard itself
applied graduated pressure. In many cases, the mere presence
of armed force was sufficient to intimidate potential
opposition. When that has not worked, Guardsmen have
subordinated themselves to and cooperated closely with police
authority. The establishment of the Kansas Highway Patrol in
1934 removed the citizen-soldier one step further from direct
contact with civilians and this added another intermediate
rung to the ladder until full-scale confrontation was reached.
In most of the cases considered here, this step was usually
adequate—sometimes with martial law provisions—to intimidate
the opposition. In only one case, the Wichita Relief Riots,
have whole units been deployed en masse to face a mob on the
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Key to the success of the National Guard in dealing with civil disturbances in Kansas has been the mastery of lessons learned over the years. Even though there were only a few disturbances, and massive interventions were the exceptions rather than the rule. Yet, that minor experience allowed the Guard to test, analyze and adjust the procedures and processes of mobilization. Generally, written procedures have followed after the fact.

Finally, Kansas has had excellent leaders. Most have exercised their authority cautiously and competently in handling crises. Collectively, they have generally avoided the pitfalls of overreaction and have been careful to be perceived as being impartial in disputes with but slight variation. Also, and most important, Guard leaders have performed their civil disturbance duties in a professional manner despite prevailing currents of opinion and their own prejudices.

NOTES

1. Relevant material on student disturbances in Kansas and at Kansas University in particular are based on Kansas Highway Patrol Intelligence reports, Kansas Bureau of Investigation reports, and summaries in Box 41 of the Docking Papers, Spencer Library, Kansas University, under the heading "Civil Disorders (K.U. Campus), 1970" and "Civil Disorders--Correspondence, January-June 1970." For the Guard's role the various after-action reports, summaries, and documents are in "Lawrence Disturbance Reports," Manuscript, Kansas State Defense Building (Topeka). See also the Lawrence Journal World and the Topeka Daily Capital for the period in addition to Ralph Sago, "Kansas University: It was a Very Active Year," Lawrence Journal World, 30 May 1970.


National Guard in dealing with the problems of disorders among the states; there were only a few situations in which the procedures and processes on the ground were followed by competent leaders. Most have been mistakenly and incompetently in the view of the public. In 1966, the Guard leaders have duties in a professional organization.

5. Interview, Adjutant General Ralph Tice with Author, 9 August 1962.


7. Kansas-Adjutant General, Second Biennial Report of the Adjutant General, Covering the Years 1875 and 1876 (Topeka, 1877), 49-54. Letter, Governor John A. Martin to the Board of Railroad Commissioners, 10 March 1885; Letter, Governor John A. Martin to Adjutant General Alexander Campbell, 10 March 1885; Letter, Adjutant General Campbell to Governor John A. Martin, 17 May 1885; Missouri Pacific Circular, 15 March 1885; Governor's Correspondence, 1885-1889, Strike-Missouri Pacific Railroad, Box 26, Archives, Kansas State Historical Society. See also Kansas-Adjutant General, Ninth Biennial Report of the Adjutant General of the State of Kansas, 1899-1900 (Topeka, 1901), 40-47.


13. Gagliardo, Kansas Industrial Court, 144-145, 201. See also Topeka Daily Capital, 17, 18 December 1921.


16. Kansas Guardsman, 7 (December 1931), 1-3.


