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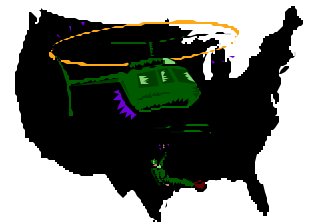
The Controversial Statute on the Use of the Military as a Civilian Police Force ...

More Relevant Now than at Any Point During the Last 125 Years ...

THE POSSE COMITATUS ACT of 1878: A Documentary History

Compiled by
Stephen Young

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*Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both. - **The Posse Comitatus Act of 1878***

Exceptions to the Posse Comitatus Act?

the war on drugs • the search for the D.C. snipers • the Elián Gonzalez seizure

The Posse Comitatus Act of 1878 was enacted as a direct response to the increased use of the military for civilian purposes in the Reconstruction period following the Civil War. During this time, Union troops were frequently used to quell civil disturbances, help form governments in the southern states, and enforce civil laws.

The government's adherence to the Act has come into question several times in recent years - in its "war on drugs" campaign, in its invasion of the Branch Davidian compound, and in its seizing of Elián Gonzalez. Then, during the fall 2002 sniper attacks in Washington, D.C., an Army RC-7 aircraft manned by military personnel was used in an effort to track down the individuals responsible, once again arousing charges that the government had ignored Posse Comitatus.

Stephen Young's *The Posse Comitatus Act of 1878: A Documentary History* compiles 50 key documents tracing the history and application of the Posse Comitatus Act of 1878. This timely work includes important Congressional reports, regulations, Executive Orders of the President, Department of Defense directives, opinions of the Attorney General, armed forces regulations, opinions from the 1970's "Wounded Knee" cases, and other valuable material.



In addition to the controversy involving the sniper shootings in Washington, D.C., the Act also is gaining attention for its possible effect on ensuring homeland security and suppressing terrorism on the domestic front.

While U.S. Homeland Security Director Tom Ridge and former Senator Joseph Biden have expressed concern about the limitations Posse Comitatus imposes in combating terrorism within the country, others argue that the Act already has too much leeway and that amending or replacing it could allow for the possibility of militarism.

Young addresses these issues in his historical introduction to the book and also includes a selected bibliography for those interested in further researching the Act. *The Posse Comitatus Act of 1878: A Documentary History* is an extremely valuable title at a time when the United States is trying to maintain the delicate balance between optimal national security and a free State.

The Differing Views on Posse Comitatus . . .

"We need to be talking about military assets in anticipation of a crisis event. And clearly, if you're talking about using the military, then you should have a discussion about Posse Comitatus."

- U.S. Homeland Security Director Tom Ridge, *Fox New Sunday*, 7/21/02,
Suggesting the need to review the provisions set forth by Posse Comitatus

"The military isn't trained to be a police force, so it should stick to the skills for which it is trained: surveillance, information gathering, logistical support."

- Dennis Corrigan, retired colonel and law teacher (Army JAG)

To read Stephen Young's original article on Posse Comitatus, please visit
<http://www.llrx.com/features/posse.htm>

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