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## Crafting the Rules of Engagement for Haiti

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There was a lot of pressure on the SJA to come up with the right ROE—not only working with the local staff—but in this case, working directly with the Department of Defense. But the real burden that falls on the SJA is advising the commander and providing the means for the commander to translate ROE for that Marine on the ground.

— Lieutenant General Anthony Zinni  
*Marine Corps Gazette*  
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**D**URING THE COURSE OF A MILITARY CAREER, most of us have at least one occasion to stand at a crossroad of history—to participate directly in shaping an event that might someday be studied in tenth grade history books. My turn came in 1994. The event was Haiti.

By lucky timing, my tour as Staff Judge Advocate (SJA) for the U.S. Atlantic Command (USACOM), which then included the Caribbean in its geographic area of responsibility, began in the spring of 1994—about the same time when serious planning had begun for military intervention in Haiti. Aside from good timing, I was fortunate in two other ways.

First, the USACOM Commander-in-Chief, Admiral Paul Miller, believed in using his legal staff in a proactive mode. As a result, the SJA became a charter member of the inner circle tasked with developing the campaign plan. This early entrée was useful when it became time to craft rules of engagement (ROE) embodying the commander's intent. What could not be foreseen, however, was that the ROE for Haiti would require rapid retooling as the mission shifted from a nonpermissive, forcible entry to a permissive administrative walk-on involving cooperation with Haitian forces. This initial phase of the Haiti campaign proved to be a harbinger of some of the ROE conundrums that were encountered during the later UN withdrawal from Somalia and the problems currently being encountered in Bosnia.

My second slice of good fortune was in having Professor Jack Grunawalt as an ROE mentor—both during my time as a student at the Naval War College, and, since then, on an informal basis for aid when difficult questions of interpretation and precedent arise. He has long been my “pragmatics” teacher, especially adept at blending ROE theory with practical solutions for real-world challenges. His thousands of hours of teaching ROE issues have influenced several generations of operational lawyers involved in military campaigns.

Those who have read this far will recognize that my essay differs in tone and content from other materials in this *liber amicorum*. It is part homage to Jack Grunawalt, part analysis of selected ROE issues, and part reportage of what took place behind the scenery during the initial phase of the Haiti campaign. Several excellent synopses of the Haiti ROE have already been written.<sup>1</sup> My goal is to complement these studies by digging deeper along unmined veins. About 90 percent of the internal DoD deliberations over the final language of the Haiti rules—a dialogue often more spirited than commentators realize—arose from 10 percent of the draft text.

Every ROE package has a handful of clauses that serve as tone-setters and fulcrums for an operation. In essence, ROE become the umbilical cord connecting the National Command Authorities (NCA) to the lowliest Private in harm's way. ROE also serve as a reliable barometer, especially in military operations other than war, for gauging whether political goals and military means are properly synchronized. If Clausewitz were reviewing recent operations in Somalia, Haiti, and Bosnia, he would likely be astonished by the finicky degree to which the U.S. military calibrates its ROE.<sup>2</sup> What follows are two vignettes illustrating what happened behind the planning curtain when lawyers, operators, and policy makers sought to conjure up optimal ROE for the beginning of the Haiti campaign.

## Friend, Foe, or Freelance?

In the spring of 1994, USACOM activated Joint Task Force (JTF)180, spearheaded by the XVIII Airborne Corps, to develop an operational plan (OPLAN 2370) for *forced entry* into Haiti. It was unclear how much armed opposition could be expected from the military junta then running the country, but the JTF 180 plan relied on surprise and overwhelming force to reduce U.S. casualties<sup>3</sup> by minimizing the period of actual engagement. A draft of the ROE annex for this plan was ready by mid-June.

One cornerstone of the proposed ROE was designation of the armed forces of Haiti as “hostile”—i.e., they were subject to attack on recognition without first having to commit a hostile act or demonstrate hostile intent against U.S. forces. The troublesome phrase underlying this concept turned out to be “on recognition.” It was relatively easy to categorize Haiti’s armed forces. They consisted of the Forces Armées D’Haiti (FADH) and its auxiliary, the well-armed National Police, known as the FRAPH. For ROE purposes, all other Haitians were deemed noncombatants.

As the summer of 1994 wore on, however, this distinction between Haitian armed forces and civilians began to blur. By August, U.S. intelligence reports noted that many members of the FADH had begun wearing civilian clothes under their uniforms, and almost all of the FRAPH had discarded their police uniforms in favor of mufti while on duty. Reports also identified the formation of a civilian militia loosely organized by the FADH. This militia had no uniforms or distinctive badges, but was expected to be issued weapons in advance of perceived hostilities and to function as a kind of Haitian *Volksturm* to defend the country.

In reaction to this development, ROE planners at USACOM began to draft clarifying language to identify “hostile” Haitian forces—now running the gamut from regulars (FADH) to paramilitary (FRAPH) to civil militia—in terms of weaponry rather than apparel. This attempted refinement also proved to be problematic. In mid-August, the U.S. Defense Attaché at Port au Prince estimated that Haitian civilians possessed at least 40,000 firearms.<sup>4</sup> Given the chronic violence and vigilantism that plagued the country, most Haitians who could afford to do so had armed themselves. The typical family arsenal consisted of machetes, a shotgun or rifle, several handguns, and sometimes automatic weapons and grenades. Another factor fueling the potential for violence was continuing antagonism between the Haitian upper classes, which supported the military junta, and the followers of exiled President

Jean-Bertrand Aristide, who thirsted to settle their grievances with the small clique in economic and political power.

Thus, U.S. planners had to anticipate that the initial stages of a forcible entry might encounter armed elements of the Haitian populace pursuing different goals: some ready to engage American forces; some eager to take advantage of a chaotic situation to carry out acts of political revenge or looting; and some trying to defend families and property. All were likely to be armed, and most would be in civilian attire.

In such a confused environment, choice of ROE serves to allocate risk. *Status*-based ROE, in which pre-declared enemy forces are declared hostile and may be shot on sight, minimize the risk to U.S. troops but may lead to significant civilian casualties if enemy forces are not readily distinguishable from the general populace. Conversely, *conduct*-based ROE, which typically authorize force only in response to hostile acts or intentions, tend to reduce civilian casualties while increasing the risk to U.S. forces. Given the domestic political controversy swirling around the proposed military intervention in Haiti, the United States could ill afford American casualties; but neither could it permit a humanitarian intervention, only reluctantly sanctioned by the United Nations, to result in a bloodbath for Haitians.

In early September, the legal staffs at USACOM and in the Chairman of the Joint Chiefs of Staff's office continued work on ways to bridge the gap between status-based and conduct-based ROE for Haiti. The challenge was to develop a basic engagement criterion that balanced the risk of casualties and had clear meaning for the troops involved. The two legal staffs began at opposite ends of the ROE spectrum but eventually converged to a shared solution.

USACOM continued to press for declaration of Haitian armed forces as hostile (i.e., status-based ROE) but recommended that identification of adversary forces be pegged to weapons rather than to uniforms, badges, or other customary indicia. The operative sentence of our recommendation was couched in terms of a presumption:

You may presume that civilians in public armed with crew-served weapons, automatic weapons, rifles or shotguns are members of the FADH or National Police, and therefore may be treated as hostile.<sup>5</sup>

The Joint Staff favored conduct-based ROE even for the initial hostilities phase and proposed that the final phrase in the USACOM draft be modified to read: ". . . and therefore should be treated as potentially hostile and dealt with accordingly using all measures short of force if possible."<sup>6</sup> In essence, this was a self-defense regimen dressed up with some extra adjectives and adverbs to convey a more assertive tone. USACOM continued to press the issue.

The Joint Staff then offered other modifications to stiffen the self-defense language:

. . . and therefore should be treated as potentially hostile.

A. Where hostile acts or intent are observed, deadly force is authorized.

B. Where no hostile intent or acts are observed, all measures short of deadly force, consistent with mission accomplishment and security of the force, may be employed.<sup>7</sup>

Albeit self-defense with an attitude, on the whole this was still self-defense.<sup>8</sup> USACOM continued to press.

As a contingency measure, discussion shifted to refining USACOM's proposal for a weapon-based rule. Since it was known that a sizable portion of the Haitian populace lawfully owned and openly carried firearms, it was clearly overreaching to declare all armed civilians encountered in public areas as hostile. At the same time, it was equally clear that persons armed with crew-served or automatic weapons could reasonably be presumed to be members of the Haitian armed forces. The real debate arose over how to treat Haitians armed with shotguns and rifles.

This became known in joint legal circles as the "long-gun" dispute. USACOM's original position had been to include both rifles and shotguns in the adversary identification matrix. The Joint Staff concluded, with some justification, that range rather than length of weapon should be the determining factor. USACOM planners yielded, but fretted that U.S. troops would be hard-pressed to distinguish rifles from shotguns in time to apply hostilities ROE to the former and self-defense ROE to the latter, especially in the uncertain light of the first hours of a pre-dawn assault.

Three days before the scheduled attack date on 19 September, the NCA approved the final ROE package for a nonpermissive entry. The relevant rule is a hybrid of options debated during the preceding fortnight:

You may presume that civilians in public armed with crew-served weapons, automatic weapons, or rifles are members of the FADH, National Police, or paramilitary groups, and therefore may treat them as hostile. Civilians in public armed with shotguns or pistols are presumed to be potentially hostile, but deadly force is not authorized unless such persons use or threaten to use armed force against U.S. troops, U.S. citizens, or designated foreign nationals.<sup>9</sup>

In retrospect, it is probably fortunate that a last-minute agreement with the Haitian leaders eliminated the need to use these ROE.<sup>10</sup> To be effective, such rules need to model real-world activities and choices. Despite weeks of discussion, the judge advocates involved in crafting the ROE for a pre-dawn airborne assault on Haiti were never fully satisfied that they had captured the fractal messiness of what lay ahead. The tradeoffs built into the final package strongly supported mission accomplishment—rapid elimination of armed resistance in Haiti—while fixing a reasonable, if somewhat artificial, breakpoint to distinguish noncombatants. Although OPLAN 2370 belongs to the dustbin of history, the ROE issues that surfaced during its construction were not unique and continue to challenge U.S. planners in current operations.

### The Specter of Mission Creep

On 18 September 1994, U.S. forces were primed for a nonpermissive, forced entry into Haiti using hostilities ROE. The following day, pursuant to the Carter Agreement, they entered Haiti permissively under peacetime ROE. Their basic mission was to preserve essential civic order and establish a secure environment for the restoration of Haiti's legitimate government.<sup>11</sup>

In this effort to maintain public order, U.S. forces had an unlikely partner, their erstwhile adversary of the previous day, the FADH. The Carter Agreement had reserved a significant role for the FADH to continue routine police duties during the transition period. Direct involvement in foreign law enforcement was a task that U.S. military planners were loathe to tackle. Recent experience with "mission creep" in Somalia reinforced the notion that law enforcement responsibilities in a shattered country often become an operational tar baby for military units.

On the eve of the American entry into Haiti, it appeared that U.S. policy makers were comfortable treating "essential civic order" as a macro requirement to prevent widespread chaos and loss of life within the indigenous population rather than as a guarantee of U.S. protection for individual citizens. On 20 September, however, one of the more notorious incidents of the Haiti campaign ended up trumping, at least temporarily, DoD's deep-rooted anxiety about mission creep. Using brute force, Haitian police dispersed a crowd of pro-Aristide demonstrators which had gathered in a festive mood at the edge of a marshalling area for arriving U.S. units. Also on hand were numerous representatives from the media, who videotaped a street vendor being clubbed to death while U.S. troops stood by passively. Newspapers and television networks reported the incident extensively, lambasting policy makers and

military planners for crippling troop effectiveness with inadequate ROE.<sup>12</sup> When new ROE cards appeared the next day, authorizing U.S. forces to intervene to prevent death or serious injury to Haitians, news reports understandably attributed this modification to the media uproar of the day before.<sup>13</sup>

The irony is that this “change” in ROE had already been set into motion on 18 September, before the first soldier set foot in Haiti, and had anticipated the sort of incident that actually happened. Unfortunately, staffing delays held up execution of the policy shift and dissemination of the change in ROE until a day after the fatal beating. In part, this delay was procedural—stemming from the laborious nature of the review process for modifying engagement rules of national importance. In part, the delay was substantive—a by-product of an ongoing debate about the role of the FADH during the interregnum period and the need to disarm Haitian society. To understand how all these variables interacted to create the new ROE card that appeared on 20 September, it is worth a short tour inside the ROE “sausage factory” that existed at the time.

From the beginning, military planners had recognized that the issue of Haitian-on-Haitian crime would be crucial. By June 1994, the ROE cards designed for both the hostilities and post-hostilities phases of the nonpermissive, forcible entry plan, Operation Uphold Democracy (OPLAN 2370 for JTF 180), contained explicit guidance for the troops:

Detain persons suspected of committing a serious criminal act (any act committed after H-hour that would constitute the offense of homicide, aggravated assault, arson, rape, robbery, burglary, or larceny if committed in the United States). Use the minimum force necessary, up to and including deadly force. Use only non-deadly force to detain civilians suspected of committing a serious criminal act that does not pose a serious threat to human life (e.g., larceny).<sup>14</sup>

The analogous card for the permissive entry plan, Operation Maintain Democracy (OPLAN 2380 for JTF 190), contained no such guidance, which explains why U.S. forces looked on passively as the Haitian police administered a five-minute fatal beating to the vendor on 20 September. The closest approximation was a rule allowing intervention in a defensive mode.

You may use necessary force to stop, disarm, and detain members of the Haitian military, police, other armed persons, or other persons committing hostile acts or showing hostile intent. Stop and detain other persons who interfere with your mission.<sup>15</sup>

In this context, the range of what could be protected was set out in a prefatory note to the soldier card:

Nothing in the ROE limits your right to use necessary force to defend yourself, your fellow servicemembers, your unit, other JTF personnel, key facilities, and property designated by your commander.<sup>16</sup>

Armed with these ROE, it would have taken a bold commander to interpret them on D+1 as including protection of Haitian nationals.

So, how did the disconnect arise between OPLAN 2370 and OPLAN 2380? It is misleading to suggest that OPLAN 2370 was more bellicose due to its primary focus as a forced entry plan; the same intervention rule showed up in the 2370 *post-hostilities* card, which covered a range of civil-military operations equivalent to those being dealt with in OPLAN 2380. Part of the answer lies in the rigorous compartmentalization of OPLAN 2370. Although the two plans were developed in parallel, the JTF 180 team fleshing out OPLAN 2370 could not share ROE with its JTF 190 counterparts preparing OPLAN 2380 until a few days before the execution date.<sup>17</sup> USACOM had visibility over both plans as they developed, but overlooked the ROE difference until about two weeks before the expected D-Day. First realization of the difference in early September did not set off alarm bells within the USACOM staff, since the working expectation at that time was that OPLAN 2370/JTF 180 ROE would control during the first stages of any incursion. Nonetheless, the ROE team at USACOM began to draft a request to the Joint Staff to crosswalk relevant JTF 180 rules into JTF 190.

At this point, approximately 10 September, matters bogged down. USACOM and JTF 190 quickly agreed on the need for authority to intervene in Haitian-on-Haitian violence. Both sides concurred that deadly force was appropriate, if necessary, to prevent death or serious physical injury. CJTF 190 wanted to go a step further, however, and suggested that the original formulation, allowing only non-deadly force to detain Haitians committing property crimes, might be too weak to control looting. After further discussion, a distinction was made between fleeing looters (who could not be engaged with deadly force) and looters who posed a threat to U.S. personnel seeking to detain them (deadly force authorized in self-defense, if necessary). In essence, neither side was eager to push for a rule of engagement permitting thieves to be shot in the back.<sup>18</sup>

A similar question arose regarding disarmament. USACOM directed JTF 190 to develop an assertive weapons control program to reduce the potential for street violence. Haitian law generally allowed its citizens to be armed in public,

but JTF 190's approved ROE specified that a soldier "may use necessary force to stop [and] disarm . . . armed persons."<sup>19</sup> On 10 September, the Staff Judge Advocate for JTF 190 sent me a fax seeking clarification on the degree of force that could be used to execute a disarmament policy.

This command [JTF 190] is highly concerned about possible limitations on its ability to disarm the population. Specifically, may deadly force be used, if necessary, when an armed civilian flees during our attempt to disarm?<sup>20</sup>

This question revisits in another guise the fleeing looter scenario discussed above. By suggesting that continued possession of a weapon might *per se* be a threat to either the security or mission of the force, JTF 190 was seeking a return to status-based ROE for a limited category of individuals. A few days later, the CJTF 190 raised this same issue with the USACOM Deputy CINC, arguing the existence of an ROE-mission mismatch:

For instance, if a small patrol comes around a corner in Port-au-Prince and there is a Haitian ten yards away with a rifle who then runs, the patrol cannot use deadly force to stop him. Thereafter, all Haitians with weapons will run, and the disarmament mission cannot be accomplished.<sup>21</sup>

For several days more, discussion continued over the best way to calibrate the ROE to critical sub-tasks such as disarmament, curfew enforcement, and deterrence of looting, all of which supported the main mission of establishing a secure and stable environment. By D-2, 17 September, USACOM sent the Joint Staff its package of recommended ROE changes to "insure a seamless hand-over between CJTF 180 and CJTF 190."<sup>22</sup> The Chairman, serving as interlocutor for the Secretary of Defense,<sup>23</sup> messaged USACOM on D-Day, 19 September, that the changes had been approved as submitted.<sup>24</sup> In a nutshell, deadly force was authorized to detain persons observed committing crimes involving death or serious injury; non-deadly force was available to control property crimes, enforce curfews, stop looting, and disarm Haitians.<sup>25</sup> Hours later, USACOM signaled approval to JTF 180 and JTF 190 headquarters,<sup>26</sup> and dissemination to troops in the field took place during the next 24 hours, but not in time to prevent the beating death on D+1.

On first reflection, this one-day dissemination period may seem to be slow, but the implementation process involved training deployed troops to cope with an expanded set of responsibilities. Explaining whether robbery, which is a crime involving the taking of property from someone by force, authorized a deadly or non-deadly intervention response was one of several adventures that

the JTF 190 legal advisors faced in sorting out the new ROE for their commander and troops.<sup>27</sup> This overall episode aptly illustrates the 50 percent rule that can plague ROE development—on controversial issues, each successive review level tends to use up half of the remaining time before D-Day. As a result, most of the available time gets absorbed in policy deliberations, often creating a frantic scramble when it comes time for dissemination to the trigger-puller in the field.

In retrospect, it also seems that the long debate about mission creep led to compromises that were more lawyer-friendly than troop-friendly. As Jack Grunawalt always hammered home in his lectures, ROE should be written for field use, not CNN consumption. Before Haiti, I had always believed that the primary function of ROE was to guide the behavior of the mythical Private Smudlap in the field. I realize now that draft ROE also exert pressure on the other end of the chain of command by forcing senior commanders and the NCA to come to closure regarding their policy for use of force.

The two vignettes described in this essay reflect the tensions that typically arise when crafting ROE for a highly visible, contentious operation. For example, at what point does the push for thoroughness and certainty in the rules end up undercutting an on-scene commander's flexibility to deal with unexpected situations? Conversely, when does too much flexibility become unwelcome ambiguity?<sup>28</sup>

These tradeoffs are especially challenging in the murky world of peace operations. ROE is both art and science. There can be no universal recipe, since the rules always need to be tailored to a specific context; even so, the basic ROE themes and ingredients transcend geopolitical atmospherics. The lessons learned in Somalia served as a useful head start for those of us working up the Haiti ROE. Similarly, the choices made for Haiti, both successful and unsuccessful, have added to the accumulation of experience available for future planners.

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#### Notes

1. See Army Center for Law and Military Operations, *Law and Military Operations in Haiti, 1994-95: Lessons Learned for Judge Advocates 29-38* (Oct. 3, 1995 draft) [hereinafter CLAMO Study]. See also Office of the Staff Judge Advocate, 10th Mountain Division (Light Infantry), *Operation Uphold Democracy, Multinational Force Haiti After-Action Report, 29 July 1994 to 13 January 1995*, at 5-6 (May 1995) [hereinafter 10th Mountain AAR].

2. Karl von Clausewitz's classic precept of war as a continuation of politics by other means was coined in an era when nations treated war as a reasonable and even noble attribute of sovereignty. In one sense, the elaborate attention which the United States gives to formulating detailed rules of engagement for its military forces is the full flowering of Clausewitz's principle.

At the same time, Clausewitz might view our preoccupation with the rule of law as excessive and sympathize with the pungent conclusion of one recent commentator that “[a]ttempts to bring our wonderful, comfortable, painstakingly humane laws and rules to bear on broken countries drunk with blood and anarchy constitute the ass end of imperialism.” Ralph Peters, *After The Revolution*, PARAMETERS, Summer 1995, at 13.

3. For the record, it should be noted that all the intervention plans for Haiti called for a multinational force. Eventually, more than 3,000 personnel from 32 other countries joined the U.S. effort in Haiti. During the crucial period from April-September 1994, however, the military planning and initial execution phase of the intervention were almost exclusively a U.S. project.

4. Message, U.S. Defense Attaché Office, Port au Prince, Haiti, Subj: Weapons Commonly Held by Civilians (161839Z Aug 94).

5. Fax Memorandum from Staff Judge Advocate, U.S. Atlantic Command, to Legal Advisor for Chairman, Joint Chiefs of Staff (Sept. 6, 1994).

6. Fax Memorandum from Legal Advisor for Chairman, Joint Chiefs of Staff to Staff Judge Advocate, U.S. Atlantic Command (Sept. 7, 1994).

7. Notes taken by Staff Judge Advocate, U.S. Atlantic Command, of telephone call from Legal Advisor for Chairman, Joint Chiefs of Staff (Sept. 6, 1994).

8. The phrase “consistent with mission accomplishment and security of the force” is the kind of equivocation that gives commanders a headache. Seen in the best light, such qualifiers provide flexibility to deal with unforeseen contingencies. Seen in the worst light, they seem to be weasel words cueing the commander that his judgment will be questioned if matters go badly—e.g., if there had been substantial U.S. or Haitian casualties.

9. See CLAMO Study, *supra* note 1, at app. G for the text of the JTF 180 ROE card for nonpermissive entry.

10. *Id.* at 11 (discussion of the agreement signed on Sept 19, 1994, by former President Carter and Emile Jonaissant, the military-appointed president of Haiti) [Carter Agreement].

11. See U.S. Atlantic Command, Operation Uphold Democracy: U.S. Forces in Haiti (May 1997) (monograph prepared by USACOM command historian as after-action report of Haiti operations 1994-96), at 16-19.

12. See, e.g., *Haitian Police Attack Crowd: U.S. Troops Watch*, WASH. POST, Sept. 21, 1994, at A1; *Haitian Police Savagely Club Demonstrators; Man Beaten to Death at Port; Disgusted G.I.'s Forced to Watch*, HOUSTON CHRON., Sept. 21, 1994, at A1.

13. See, e.g., *U.S. Troops Cleared for Deadly Force*, HOUSTON CHRON., Sept 22, 1994, at A1; *The G.I.'s and the “Rules of Engagement,”* N.Y. TIMES, Sept. 22, 1994, at A13.

14. Headquarters, Joint Task Force 180, Tab F (draft ROE card for hostilities phase) and Tab G (draft ROE card for civil-military operations) to Appendix 8 to Annex C to JTF 180 OPLAN (June 13, 1994).

15. See CLAMO Study, *supra* note 1, at app. I.

16. *Id.* The entire ROE card was reprinted on 23 Sept. 1994 in THE WASH. TIMES at A20.

17. See 10th Mountain AAR, *supra* note 1, at 5.

18. The one exception to this rule was “mission-essential property” designated by the commander, which could be protected with deadly force. The definition of mission-essential property usually encompassed weapons, explosives, cryptological equipment, classified material, etc.

19. See CLAMO Study, *supra* note 1, at app. I.

20. Fax Memorandum from Staff Judge Advocate, JTF 190 to Staff Judge Advocate, USACOM, at 1 (Sept. 10, 1994).

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21. Fax Memorandum from Commanding General, JTF 190 to Deputy Commander in Chief, USACOM, at 3 (13 Sept. 1994).

22. Message, Commander-in-Chief, USACOM, Subj: ROE Request Serial One (170008Z Sep 94).

23. Technically, the chain of command for approval of national-level ROE runs from a geographic commander-in-chief, such as CINCUSACOM, directly to the Secretary of Defense. In practice, the Chairman of the Joint Chiefs and his staff serve as a coordinating filter for operational matters between the CINCs and the Secretary.

24. Message, Chairman, Joint Chiefs of Staff, Subj: Approval of ROE Request Serial One (190450Z Sep 94).

25. ROE modifications were only one aspect of the larger debate over mission creep. In early September, USACOM developed the following matrix of activities to summarize the level of military involvement in various police functions, during the period before the legitimate government of Haiti was scheduled to return:

Police Activity	Current Haitian Police Involvement	U.S. Military Involvement
(Apolitical)		
Traffic control	Yes	Only to support military mission
Domestic disputes	Yes	No
Minor crime (Shoplifting)	Yes	No
Major property crime (larceny, burglary)	Yes	Only when observed, <i>non-deadly</i> force authorized to detain perpetrator
Personal violence crime (homicide, aggravated assault, arson, robbery)	Yes	Only when observed, <i>deadly</i> force authorized to detain perpetrator
(Civil Disorders)		
Peaceful demonstrations	Yes	No
Violent demonstrations	Yes	Yes, if required for force protection or mission accomplishment
Major civil disorder (riots, looting)	Yes	Yes
(Special Situations)		
Hostage rescue	Yes	Yes, if subject is on protected persons list
Detention	Yes	Yes
Forensic investigations	Yes	No
Prisons/jails	Yes	No

26. Message, Commander-in-Chief, USACOM, Subj: ROE Change Serial One (190821Z Sep 94).

27. In addition to the obvious training challenge, the physical act of printing and distributing new ROE cards to every service member in the JTF during the first day in a foreign country was, by itself, a feat requiring considerable energy and coordination. See CLAMO Study, *supra* note 1, at 33.

28. ROE have multiple “users”—policy makers, military commanders, troops, and curious onlookers such as the media. Ideally, the troops want clear, simple rules stacked like commandments on a 3"x5" card. Commanders want a well-equipped ROE tool kit inside a flexible framework. Operational lawyers want the ROE package to be a thorough, seamless whole without loose ends or gaps—i.e., a product not requiring intricate glosses. The NCA wants all of the above, plus rules that translate into useful sound bites for the inevitable media grillings.