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Secretary of Defense Robert S. McNamara today released the attached report from Cyrus R. Vance, who served as his special assistant during the Detroit riots:

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FINAL REPORT

of

CYRUS R. VANCE

SPECIAL ASSISTANT TO THE SECRETARY OF DEFENSE

CONCERNING

THE DETROIT RIOTS

July 23 through August 2, 1967

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I. Introduction

This report covers the Federal activities connected with the riots in Detroit, Michigan, during the period 23 July through 2 August 1967. Its purpose is to recount the sequence of events, to summarize the experience gained, and to focus upon the problems encountered, both resolved and unresolved, for consideration in planning for or conducting future operations of a similar nature. This report does not treat with the underlying causes of the loss of law and order in Detroit, which required Federal intervention.

My participation commenced shortly after 1100 on Monday, 24 July. The facts with respect to the period prior to my participation have been taken from the records of the Department of Justice and the Department of Defense.

II. Narrative of Events

The first contact between city and state officials in Detroit and Attorney General Clark occurred Sunday night, 23 July at 2355. Mayor Cavanagh, who was with Governor Romney at the time, called the Attorney General at his home and said a very dangerous situation existed in the city. The Attorney General promptly relayed this information to Secretary of the Army Resor.

At 0240 on Monday, Governor Romney called the Attorney General at his home and said he thought he might need Army troops to

quell the rioting. Mr. Clark said he would begin the alert so that the Army could make preparations and be ready promptly if needed. Immediately upon the completion of this conversation, the Attorney General again called Secretary Resor to inform him of the situation and of the need for the Army to commence preparations.

The Attorney General called the President, at about 0300, to advise him of the disorders in Detroit.

At 0340 the Attorney General called Governor Romney, who reported that the situation was about the same and that he still might need help from the Army. The Attorney General said the Army could be present by late morning, if necessary.

At this point, the Attorney General proceeded to his office, where he called Secretary Resor at 0420. The Army Secretary stated that General Moore, of the Michigan National Guard, believed the Guard could handle the situation. Secretary Resor also said that the Army could place troops in Detroit before noon, if necessary.

The Attorney General called Secretary Resor at 0450 to review the situation and again at 0500. On this latter occasion, Secretary Resor said General Simmons, the Commanding General of the 46th Infantry Division, Michigan National Guard, had toured the riot area and believed that the Guard could handle the situation. Secretary Resor said he was informed that 2,000 Guardsmen were in the area, 3,000 more would be there by

noon and another 3,000 were not yet called from a reserve force. The Secretary also reported again that General Moore believed the Guard could handle the situation. He reported that Inspector Gage of the Detroit Police was of the same view.

Attorney General Clark called Governor Romney at 0515 and relayed the information that General Simmons, General Moore and Inspector Gage felt the situation was under control and could be handled locally. The Governor replied that rather than take any chance, he should get Federal help. He said he had just told the press that Federal troops were requested. The Attorney General said that a written request for Federal troops would be desirable before their commitment. He advised the Governor that he would have to exhaust his resources and be prepared to say that there was a state of insurrection in Michigan or that there was domestic violence he was unable to suppress. The Governor replied that he would talk to General Simmons and advise the Attorney General later of his decision. He said the situation at that time was not as bad as it had been in Watts or Newark. He also said he appreciated the assistance he had been given.

The Attorney General called Secretary Resor at 0535 to report this conversation with Governor Romney. At 0550 Secretary Resor called the Attorney General to say that 2,400 troops from Fort Bragg, North Carolina, and 2,400 from Fort Campbell, Kentucky, were in a position to

move into Selfridge Air Base, Michigan, by noon, if ordered to do so within the next 10 or 15 minutes. At 0640 the Secretary informed Mr. Clark that 2,190 National Guardsmen were in Detroit and it was estimated 5,000 would be there by noon.

Governor Romney called the Attorney General at 0650 to say that major looting continued and new fires were breaking out. He stated that no one could say whether the situation was contained or not. He said he was going out to look the situation over and would call back in an hour. The Attorney General told Governor Romney that if Federal troops were used, it would probably be necessary to Federalize the National Guard. The Attorney General went on to say that the Governor should not ask for the troops unless they were needed. He also stated that the Army had troops in a state of readiness to move and that the Governor would need to decide within three hours to ask for the troops if they were to arrive in daylight.

Mr. Clark called Secretary Resor at 0700 to report his conversation with Governor Romney.

At 0855 the Governor called the Attorney General and read a statement recommending the use of Federal troops. Mr. Clark replied that, under the Constitution and other laws, it would be necessary for the Governor to request the use of Federal troops, and to give assurances that a full commitment of State resources had been made and that he was unable

to suppress the violence. Governor Romney answered that he understood and would get in touch with the Attorney General as soon as he could.

At 0915 Secretary Resor informed Mr. Clark that General Throckmorton would be in command of the Army troops if they were to be used.

At 0935 the Attorney General briefed the President.

At 0945 Governor Romney called the Attorney General and read a draft of a telegram to the President requesting troops. The Attorney General said the telegram was adequate and that if the Governor decided to send it, he should do so quickly. The Governor said a decision would be made promptly.

Mr. Clark relayed the gist of this conversation first to Secretary Resor at 1000 and then to the President at 1010. The President instructed the Attorney General to tell Secretary Resor to move full speed ahead. Mr. Clark did so at 1015.

At 1046 Governor Romney sent the President the telegram he had read to the Attorney General. The telegram was received by the President at 1056 and he replied at 1105 with a wire informing Governor Romney that he was dispatching Federal troops.

At 1155 the Attorney General, then at the White House, reached Governor Romney and read the President's telegram to him. The Governor said it was very helpful. The Attorney General informed him that I would

be in charge of the Federal operations. Thereupon I took the phone and talked briefly with the Governor.

At approximately 1100 I had received a telephone call at home from Secretary McNamara who said that he was at the White House with the President and wished to know whether it would be possible for me to go to Detroit in connection with the riots which had started on Sunday. I replied affirmatively, and told him that I would come to the White House as soon as possible.

I arrived at the White House at about 1150 and went to the Cabinet Room where a meeting was in progress. Among those present at the meeting were the President, Secretary McNamara, Attorney General Clark, Deputy Attorney General Christopher, Assistant Attorney General Doar and Mr. Wilkins, the Director of the Department of Justice Community Relations Service.

Secretary McNamara summarized the situation and gave me two telegrams to read. One was from Governor Romney; the second was the response from the President. (Copies of these telegrams are attached as Appendices A and B.) Governor Romney's telegram stated that as Governor of the State of Michigan he was officially requesting the immediate deployment of Federal troops into Michigan to assist state and local authorities in re-establishing law and order in the City of Detroit. His telegram stated "there is reasonable doubt that we can suppress the existing looting, arson

and sniping without the assistance of Federal troops. Time could be of the essence." The President's telegram stated that he had directed the troops, which had been requested by the Governor, to proceed at once to Selfridge Air Force Base. The President's telegram further stated that these troops would be available for immediate deployment as required to support and assist city and state police and Michigan National Guard forces. The telegram also stated that I was being sent as Special Assistant to the Secretary of Defense to confer with Governor Romney and Mayor Cavanagh and to make specific plans for providing such support and assistance as might be necessary.

At 1155, as reported above, Attorney General Clark read to Governor Romney over the telephone the text of the telegram from the President which had been dispatched. I spoke briefly to Governor Romney and told him I would be catching a special military aircraft as soon as possible, and hoped to be in Detroit within 1-1/2 to 2 hours. I asked if he could have a car available at Selfridge Air Force Base to take me to downtown Detroit immediately to meet with him and Mayor Cavanagh. He said he would arrange this.

The President made it very clear to me that he was delegating to me all the responsibility which he could under the Constitution and laws enacted by the Congress and that I should take such action as I believed necessary after I evaluated the situation in Detroit. He asked that I keep

Secretary McNamara informed. Secretary McNamara then asked me to designate the individuals whom I wished to take with me to Detroit. I designated Mr. Christopher, Mr. Doar, Mr. Wilkins, Mr. Fitt, General Counsel of the Army; Mr. Henkin, Deputy Assistant Secretary of Defense for Public Affairs; and Colonel Elder.

At approximately 1220 I reached General Throckmorton by telephone at Fort Bragg, and told him to commence as soon as possible the deployment of the already alerted and waiting troops from Fort Bragg, and Fort Campbell, to Selfridge Air Force Base, approximately 25 miles outside of Detroit. I asked General Throckmorton to meet me at Selfridge, and told him we would then proceed together to meet with the Governor and Mayor and their staffs in downtown Detroit.

At 1335, as soon as we could assemble our team, the other members and I departed National Airport for Selfridge. On the plane, we reviewed the facts which were then available and the mission that had been assigned to us. Specific assignments were made to each member of the team for the collection of detailed information which would be needed to form the basis of an objective, comprehensive and independent appraisal of the situation in Detroit and of the Federal support and assistance which might be required. Members of my team present at this time included Mr. Christopher, Mr. Doar, Mr. Wilkins, Mr. Henkin, Mr. Fitt, and Colonel Elder.

I arrived at Selfridge at 1510 and was met by General Throckmorton, who had arrived shortly before from Fort Bragg. We conferred briefly and agreed to put all incoming troops on a 30-minute alert so they would be able to move instantly into Detroit if required. We also confirmed that the necessary transportation was being assembled to move the troops rapidly into the city should they be needed. This transportation consisted primarily of city buses which had been hired by Fifth Army. We placed a telephone call to find out where Governor Romney and Mayor Cavanagh were located. I was informed that they were at the Detroit Police Headquarters in downtown Detroit. General Throckmorton changed into civilian clothes and we immediately proceeded by police car to that building, arriving at about 1625.

We met at Police Headquarters with Governor Romney and Mayor Cavanagh; Detroit Commissioner of Police Girardin; Colonel Davids of the Michigan State Police; Major General Simmons, Commanding General of the 46th National Guard Division; and Major General Schnippke, Adjutant General of the State of Michigan, and other members of the Governor's and Mayor's staffs.

Mayor Cavanagh reported that there had been 483 fires with 23 still burning on the west side and 6 on the east side; that 1800 arrests had been made and that detention facilities were being strained. He said that between 800 and 900 Detroit policemen were on the streets at that time (3000 of the

Detroit Police Force normally being assigned to street duty, all shifts). Mayor Cavanagh further stated that he believed local forces were inadequate to cope with the situation, and that there had been intelligence reports that there would be attacks on Monday night on the homes of middle-class Negroes, and that they, in turn, were arming themselves.

Governor Romney asked General Simmons to brief me on the deployment of the Michigan National Guard. General Simmons reported that a substantial number of Guardsmen had not been deployed into the streets and that they were awaiting instructions. I asked him what they were waiting for, and was informed that they were waiting for us. General Throckmorton and I recommended that they immediately deploy additional Guard units into the streets. General Simmons left the room to take such action.

Governor Romney further indicated there were 730 State Police available in Detroit. He said that he felt Federal troops would be necessary to quell the riots. I asked Governor Romney whether he was stating that there was a condition of insurrection or domestic violence which state and local law enforcement forces could not control. Governor Romney replied that he was not prepared to so state but had said "there was reasonable doubt" as to whether the situation could be controlled by state and local law enforcement agencies. He said that he did not wish to state that there was an insurrection because he had been advised that such action might result in the voiding of insurance policies. I pointed out that the commitment

of Federal troops to the streets presented grave legal issues and that it was necessary, under the law, to have a finding that a condition of insurrection or domestic violence existed and that local law enforcement agencies could not control the situation prior to the commitment of Federal troops. He did not state that either of those conditions existed.

I then requested that space be made available for our headquarters and that it be as close as possible to offices being used by the Mayor and the Police Commissioner. This request was filled immediately.

Governor Romney and Mayor Cavanagh suggested that we take a tour of the city with them to assess the situation. I concurred in this suggestion and said that I wished to make a personal evaluation of the situation on the ground in the riot-torn areas of the city.

At about 1730, Governor Romney, Mayor Cavanagh, General Throckmorton, Mr. Christopher, Mr. Doar and I departed on an automobile tour of the areas of the city which had suffered the most from the rioting, looting and burning. This tour covered a period of about an hour and three-quarters. Our tour took us through all the hardest-hit areas. In a few areas, fires were burning but they appeared to be coming under the control of fire fighting equipment on the scene. Furthermore, there were large areas of the city where only an occasional window was broken or store burned out. In the downtown business district there was no evidence of lawlessness. The only incident during our tour of the city was a flat tire.

Upon our return to Police Headquarters, I received preliminary reports from the local Federal agencies (i. e., the FBI, the U. S. Attorney's Office and the Community Relations Service) and the members of my party. These reports indicated that the situation was much quieter than the preceding day. The information available at this time was fragmentary and in oral form, and left much to be desired. Colonel Elder soon thereafter began to assemble data from all sources--principally the local police--on the number of incidents, both current and for the period prior to our arrival, in order to provide a sounder basis for our subsequent assessments of the situation. This compilation proved invaluable.

I was informed that there was a delegation of community leaders who wished to meet with Governor Romney, Mayor Cavanagh and me. We met with this group at about 1930. The group consisted of approximately 15 community leaders, including Congressman Diggs and Congressman Conyers. The meeting was chaired by Mr. Damon Keith, a lawyer and Chairman of the Michigan Civil Rights Commission. Mr. Keith stated at the outset of the meeting that time was short and that the fundamental issue on which the community leaders wished to express their views was the question of whether Federal troops should be deployed in the city. To the best of my recollection, about eight of those present spoke. Congressman Diggs was the first to speak, stating he believed the situation demanded immediate deployment of Federal troops into the city. Congressman Conyers

then spoke, saying he did not believe the situation was sufficiently critical to justify the deployment of Federal troops at that time, and that he felt the deployment of Federal troops into the city might inflame rather than quiet the situation. He also said that he believed the rioting had passed its peak and was on the downturn. Of those who spoke, the majority were in favor of the immediate deployment of troops and the remainder were opposed. I closed the meeting by thanking the community leaders for the expression of their views on this critical question and stated that while I tended to agree with Congressman Conyers, I had not finally made up my mind and wished to meet briefly with my staff to review all available evidence prior to making a decision.

General Throckmorton and I and the members of my staff, after reviewing the available evidence, concluded unanimously that there was an insufficient basis at that time to justify the deployment of Federal troops into the city. We gave special weight to two points. First, the incident rate as reflected in the figures now available was about one-third of what it had been the previous day and was holding approximately level. (See Appendix C). Second, there were now three times as many National Guard troops in the city as on the previous day and it was not clear that law and order could not be re-established with this additional force.^{1/}

^{1/} Some uncertainty now exists regarding the deployment status of the Michigan National Guard during the afternoon of Monday, 24 July. There are several accounts.

First is the account given to us at the initial conference at about 1625 by General Simmons, the Commander of the 46th National Guard Infantry Division. His report stated that approximately half of the Guard units were not deployed at that time. Governor Romney stated that these deployments were being held up pending arrival of the Federal troops.

Second is the report given to Colonel Elder by Colonel Phillips, Chief of Staff of the 46th National Guard Infantry Division, at about 1915. According to this account, the division had about 7000 troops then in the Detroit area with another 700 (2 tank battalions and a Signal unit) enroute from Camp Grayling. Of the 7000 in Detroit, 2240 were in the Central High School area and 1810 were in the Southeast High School area; 85% of both groups were reported deployed. Of the approximately 2950 remaining, 300 were beginning to be sent out to accompany the fire department to provide security and the remainder were overhead, in reserve, resting or feeding.

Other accounts are based on a reconstruction of events after the fact. One was developed between the staffs of Task Force Detroit and the 46th Division on 31 July and 1 August through a detailed survey of journals, morning reports and other available documents. According to this account, there were 2725 troops deployed under the 2d Bde, 46th Div (headquarters at Central High School), 1319 deployed under the 3d Bde, 46th Div (headquarters at Central High School), 905 allocated or functioning as guards to accompany fire trucks, 392 involved in command and support tasks, 1900 in reserve or being prepared for commitment, 713 in rear detachments at Camp Grayling, and 243 enroute (at Flint). (See Appendix D).

It is clear from the above accounts that at 1630 on 24 July there were between 2,000 and 3,000 additional Army National Guard troops available for deployment into Detroit's streets. In addition, none of the Air National Guard units were being used to control the riots. The total strength of the Michigan Air National Guard was 2137 of which 660 were deployed after the National Guard was federalized.

At approximately 2015 Governor Romney, Mayor Cavanagh and I held a joint press conference. I stated publicly that I had just met with a group of community leaders and also had completed a tour of the city with Governor Romney and Mayor Cavanagh. I said with respect to the evening we hoped very much that the situation would quiet down and that by tomorrow morning people would be able to return to work. I told the newsmen that Federal troops were moving into Selfridge Air Force Base and that we hoped it would not be necessary for them to be used. I said that the City of Detroit and the State of Michigan had an excellent police force and National Guard. I noted that these forces were on the streets at the present time, and said I was hopeful that it would be possible to contain the situation during the night without the necessity of using Federal troops. I further said the Governor, the Mayor and I would continue to follow the situation throughout the entire night and that I would take whatever action might be required.

Governor Romney then stated that he thought the situation was more hopeful that night as a result of these basic facts -- number one, the Army was at Selfridge and available to give assistance if necessary; number two, the effort throughout the community, including the police and National Guard, was better organized than the night before; number three, about three times as many National Guardsmen were available for duty in the streets as the night before; and, number four, the fire fighting organization,

including units from adjacent communities, unlike the preceding night, was in being and available to deal with that aspect of the situation. He also cited a rising desire on the part of people throughout the community to see the disorder and lawlessness ended. The Governor urged everyone in the community to work for the restoration of law and order and the re-establishment of community life on a peaceful basis, and suggested it might be possible the next day to lift the emergency bans. Mayor Cavanagh stated that although he saw some hopeful signs that didn't exist yesterday, he would still like to see the Federal troops committed at this point.

Following the news conference, we returned to our headquarters room, which was located immediately adjacent to the Press Room and to the Police Commissioner's office, from which Mayor Cavanagh was operating. Governor Romney had an office a few doors away on the same floor. Shortly after the press conference at about 2030, Governor Romney came into my office and stated privately that it would soon be dark and that he felt strongly that Federal troops should be deployed into the city before nightfall. I told him that I was still not satisfied that the situation could not be controlled by the local law enforcement agencies but that we would follow the matter on a continuous basis as the evening developed. General Throckmorton and I continued to follow the reports of incidents, both by type and number, on a one-half hour basis as reports were received from the police and other sources. Between this time and 2100, the incident rate data began to climb. (This and subsequent incident rate data are reflected

in Appendix C.)^{2/} Most of the incidents, as reported over the police net, were cases of arson or looting.

As the incident rate continued to increase, General Throckmorton and I decided at about 2130 that we should move three battalions of paratroopers to the Fairgrounds within the Metropolitan area of Detroit so they might be more readily available in case they should have to be deployed into the streets. General Throckmorton gave the necessary orders to implement this decision. During the next hour and one-half the incidents throughout the city, as reported over police radio, continued a steady rise. Just before 2300, General Throckmorton and I, after further consultation with Governor Romney and Mayor Cavanagh, determined that the local law enforcement agencies could not control the situation. The Governor and the Mayor both now informed me that they had committed all available police and National Guard forces. At approximately 2310, I recommended to the President, with the concurrence of all of the members

^{2/} The incident rate data must be used with caution. Although an incident was at all times described as "an event requiring police action," a review of the specific incidents logged reveals a wide range of variation and apparent validity. Substantial numbers of individual incidents which were surveyed did not bear any relation to the riot. Hence, these data may be useful to identify trends, and were used in that way, but should not be considered an absolute indicator.

of my team, that Federal troops be deployed into the streets.

At 2320, the President signed the Proclamation and Executive Order authorizing the use of Federal troops in the City of Detroit and Federalizing the Army and Air National Guard of the State of Michigan (See Exhibit BB). I made a public statement at a news conference about 2325 announcing the action which was being taken.

General Throckmorton immediately took command of all the military forces. He ordered the deployment of Regular U. S. Army forces into the eastern half of the city, with the responsibility for the western half assigned to the Michigan National Guard. The rules of engagement issued to all troops under Federal control were to use the minimum force necessary to restore law and order. Specifically the troop commanders were instructed to apply force in the following order of priority:

- a) Unloaded rifles with bayonets fixed and sheathed
- b) Unloaded rifles with bare bayonets fixed
- c) Riot control agent CS - tear gas
- d) Loaded rifles with bare bayonets fixed

Immediately after the President signed the Executive Order, General Throckmorton called Major General Simmons to inform him that he was under General Throckmorton's command and requested him to stand by at his headquarters for a visit, and to send a liaison officer to General Throckmorton's office at Police Headquarters. General Throckmorton then drove

to the Fairgrounds where he contacted Major General Seitz, Commander of the Federal troops (Task Force 82) and instructed him to assume responsibility from the 46th Division (National Guard) for the restoration of law and order in the eastern half of the city--- east of Woodward Avenue. The time of changeover would be mutually agreed upon by the commanders concerned.

From the Fairgrounds, General Throckmorton preceded to the 46th Division CP at the Artillery Guard Armory where he issued instructions to General Simmons, relieving him of responsibility for the east side of town and charged him with retaining responsibility for the west side. Prior to General Throckmorton's departure from the 46th Division CP, General Seitz arrived to coordinate with General Simmons.

During the inspection tour which we had taken with the Mayor and Governor commencing at 1730, we visited three areas which had been harder hit by the disturbances than any others. These were in the 2d Precinct along Grand River Avenue, the area around 12th Street north of Grand River Avenue in the 10th Precinct and the area around Mack Avenue in the 5th Precinct in the eastern part of the city (a city map is at Appendix E). Of the three areas, 12th Street had been the hardest hit; however, as it became dark the incidents in the eastern half of the city began to increase over those in the western part of the city. Thus, at the time the decision was made to assign TF 82 to the eastern portion of the city, it appeared that the Regular troops were taking over the most active sector. Other factors influencing the decision to assign the eastern portion to TF 82 were the closer proximity of eastern Detroit to Selfridge and the proximity of the 46th Division CP to western Detroit.

At 0410 on Tuesday, 25 July, TF 82 completed relief of the 46th National Guard Division elements in that portion of the city east of Woodward Avenue,

and the remainder of the Federal troops were moved from Selfridge to the Fairgrounds. These and subsequent troop deployments are reflected in Appendix D.

At 0225, General Throckmorton and I made a statement to the press outlining the situation and delineating the areas of responsibility of the Federal and National Guard troop units. General Throckmorton and I made another tour of the city beginning at 0330. On our return we held another press conference at 0520 at Police Headquarters. Our objective was to keep the public fully informed of all developments connected with the restoration of law and order to Detroit.

Based on the situation as I saw it then, I proposed to Governor Romney and Mayor Cavanagh that a joint announcement be made to the effect that Detroit industrial plants, businesses and offices should be reopened that day. They concurred and such a statement was released at 0703.

Throughout the morning of Tuesday, 25 July, the members of my group and I participated in a series of discussions with state and city officials and community leaders concerning health and medical problems; food distribution; emergency shelter needs, processing, confinement and disposition of persons in arrest; and other matters which required consideration at once in order to begin and expedite the return to normal.

Early Tuesday morning, on the basis of a deteriorating situation in other parts of Michigan, Governor Romney requested the release of

250 National Guard troops for use outside of the Detroit area. He said he also wanted to remove 250 State Police for use elsewhere in the State. These actions were taken. Throughout Tuesday and Wednesday further releases of National Guard and police to State control were made. Adjustments also were made in troop dispositions within the city to take account of changes in the situation in Detroit and nearby areas.

The incident rate on Tuesday during daylight hours ran at about half the rate for Monday. Although it rose sharply again in the evening, the peak rate at 2300 was only 166 per hour versus 231 at the same hour on Monday. There were 11 deaths between noon on Tuesday and daylight Wednesday and about 60 fires were reported between 2100 and midnight, a rate well above normal.

On Wednesday night, Mayor Cavanagh, Governor Romney and I all agreed that it was essential that we assure the leadership of the city that law and order was being re-established and that we urge the leadership to mobilize to take the necessary steps to begin to rebuild the city. A list of those to be invited to attend a meeting on Thursday was prepared by the staffs of the Mayor and the Governor and telegrams were sent out asking them to attend a meeting on Thursday at 1500.

In view of the improved situation which existed early Thursday morning, the first steps of restoring full responsibility for the maintenance of law and order to the state and local authorities were initiated. As an initial step,

General Throckmorton and I agreed that an order should be issued that bayonets be sheathed and ammunition removed from the weapons of the Regular Army and National Guard troops. This was done. An announcement of the lifting of the curfew and the easing of gasoline restrictions was made by the Governor at 1000 Thursday, 27 July. The lifting of curfew, however, was withdrawn later that day by the Governor because of the congestion caused by "spectators, gawkers and photographers" in the damaged areas.

On Thursday, additional attention was given to the definition of the tasks that needed to be performed to get the stricken city moving again. The meeting of several hundred community leaders was held at 1615 that day for the purpose of discussing how best to organize to meet this challenge. General Throckmorton and I gave brief situation reports on the status of law and order and on Federal actions being taken to provide for emergency food, health and safety needs. Following remarks made by a number of participants, Governor Romney announced the appointment of Mr. Joseph L. Hudson, Jr. to head a broadly based committee of community leaders to proceed with the development of recovery plans for the city.

By Friday morning, the situation had improved sufficiently so that, after coordination with Governor Romney and Mayor Cavanagh, the first steps could be taken in the withdrawal of Federal troops from Detroit. Units of TF 82 were withdrawn from the First, Seventh and Thirteenth Precincts and were assembled at City Airport and the Fairgrounds. Their sectors were taken over by National Guard troops of the 46th Infantry

Division. The 5th precinct remained under the responsibility of the Regular U. S. Army forces.

I met with Governor Romney and Mayor Cavanagh on Friday morning, in accordance with the President's telegram of 27 July to discuss further the emergency health, food and safety needs of the citizens of Detroit. At 1200 we announced results of these discussions at a joint press conference. These matters are discussed further in a later section of the report.

At 1230, Mr. Christopher, Mr. Doar and I met with Governor Romney, Mayor Cavanagh and state, city and county legal and judicial authorities to review the problems associated with the large numbers of persons in custody and awaiting disposition. These matters are discussed in some detail later in the report.

On Saturday morning, 29 July, I returned to Washington to report to the President and to attend the first meeting of the President's National Advisory Commission on Civil Disorders.

Following my meeting with the Commission, a news conference was held at which I announced the Small Business Administration's declaration of Detroit as a disaster area. This declaration had the effect of authorizing low interest (3%) long-term (30 year) loans for repairing or replacing small businesses, homes and personal property destroyed or damaged by the riots.

I returned to Detroit at 2040 that night and met with my group to discuss further plans. Deputy Attorney General Christopher returned to Washington upon my arrival in Detroit.

On Sunday, I met with Mr. Phillips, Regional Director of the SBA with responsibility for the Detroit area, to discuss the actions needed to carry out the previous day's SBA declaration of Detroit as a disaster area. Mr. Phillips agreed to open a temporary office in the riot-torn 12th Street area, to consider opening an additional office in the most heavily damaged area on the east side, to supplement his personnel in the Detroit area, and to hold a press conference with me in Police Headquarters on Monday morning to announce the special arrangements which had been made. These arrangements were completed on Sunday and an announcement was made at 0935 on Monday morning. On Wednesday, 2 August, Mr. Moot, Administrator designate of the SBA, visited Detroit with members of his staff for further discussions of the SBA program and its potential contribution to the city's recovery.

During Monday, Tuesday and Wednesday, Federal troops were withdrawn progressively from the Detroit area and the TF 82 sectors were taken over by the 46th Division. On Monday, the last units of TF 82 were withdrawn from the streets of Detroit and three battalions were moved to Selfridge Air Force Base with the remaining four held in assembly areas at the City Airport and the Fairgrounds. On Tuesday, four battalions were airlifted to their home stations at Fort Campbell and all remaining battalions were assembled at Selfridge Air Force Base from which they were airlifted to Fort Bragg on Wednesday. The 46th National Guard Division was de-Federalized and returned to the control of the State of Michigan (to operate under the State

Police Director) at 1200 on Wednesday, 2 August, as the last units of TF 82 were being returned home.

The curfew was relaxed concurrently with the withdrawal of Federal troops; the effective period was 2400 to 0530 on Monday night -- Tuesday morning and it was discontinued entirely on Wednesday. Liquor sales, which had been suspended, were resumed outside curfew hours beginning on Monday. The return of the control of the city to the National Guard and local authorities, and the relaxation of curfew and the restriction on liquor sales, did not result in any increase in incident rates. These rates had lessened each day, reaching a low of 280 incidents in 24 hours on Tuesday, 1 August.

On Monday, 31 July, I met with Mr. Crook, Director of Volunteers in Service to America (VISTA) and Mr. Brabson, VISTA Program Officer to review the VISTA program in support of Detroit's recovery. A subsequent report of VISTA's activity, submitted to me by Deputy Director Kennedy on Wednesday, 2 August is at Appendix F.

My principal activities and those of my staff on Monday, Tuesday, and Wednesday, 31 July-2 August, were to meet and talk with as wide a segment of the citizens of Detroit as possible in order to gain additional insights into the problems which had caused the riots and those which had grown from them. Although these meetings proved highly productive, they did not lead me to any simple conclusions with respect to the problems which Detroit

must meet and overcome; they convinced me anew of the tangled economic, sociological, and psychological origins of the riots and of the enormity of the related tasks to be performed.

At 0935 on Wednesday, 2 August, General Throckmorton and I held a final press conference in the Police Headquarters press room. At that time we announced that "law and order have been restored to Detroit. . . . responsibility for maintaining law and order in Detroit will be returned at noon to state authorities."

At 2110 I departed from Detroit, arriving in Washington with my mission completed at 2310.

A more detailed chronology of the events relating to this narrative is at Appendix G.

III. The Law and Tradition Governing the Use of Federal Troops in Cases of Domestic Violence

The actions of the President in dealing with the Detroit riots and the resulting loss of law and order were authorized by the Constitution and statutes, and were in keeping with traditional restraints that are older than the Republic itself.

Article IV, Section 4 of the Constitution provides that the United States shall protect each of the States against invasion, "and on the application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence." To implement this clause, and in the exercise of its powers to provide for calling forth the militia (Art. I, Sec. 8, Cl. 15), the Second Congress in 1792 enacted the statutory provisions that now appear (with minor amendments) as 10 U.S.C. 331, 334.

In essence, these sections authorize the President, at the request of a State and after issuing a proclamation commanding "the insurgents to disperse and retire peaceably," to use such of the armed forces as he considers necessary to suppress an "insurrection" or domestic violence in that State. While the statute uses only the word "insurrection", it derives from Article IV, Section 4 of the Constitution, under which the United States is pledged to protect a State, on its

application, "against domestic Violence." Reflecting this Constitutional origin, the statute has in practice been invoked in varied situations of violence which extend well beyond "insurrection" in the narrow sense of a political uprising. As shown in the annexed Appendix H setting forth a chronology of major State requests for Federal military aid under this statute, the situations have included contested claims to State office, attempts by private groups to take over law enforcement, episodes of violence erupting from labor disputes and urban rioting.

These Sections of Title 10 of the United States Code were the statutory authority under which the President acted in the Detroit situation. It was under Section 331 that the President, after issuing the proclamation required by Section 334, honored Governor Romney's request for Federal troops. ^{1/}

Implementing his decision, the President invoked all of his Constitutional and statutory powers, including his authority to remove obstructions caused by the rioting to the execution of Federal laws. Thus, he followed up his proclamation with an Executive Order ^{2/} authorizing federalization of the Michigan National Guard, as well as employment of Regular Armed Forces of the United States, all under

^{1/} By historic precedent as well as practical necessity, when the legislature of the affected State cannot be convened in time to deal with a rapidly developing emergency, a request from the Governor is sufficient under this section.

^{2/} Proclamation No. 3795 (July 24, 1967), 32 Fed. Reg. 10905; Executive Order No. 11364 (July 24, 1967), 32 Fed. Reg. 10907.

the unified command of the Secretary of Defense. The Secretary was directed to take all necessary actions to restore law and order. These steps were also taken pursuant to law.^{3/}

The President did not order the troops into action until an actual request for Federal troops had been received and it had become clear that the rioting was beyond the capacity of State and local authorities to control. In observing these conditions, the President adhered both to the fundamental Constitutional policy of restraint in the use of Federal military force to suppress local domestic disorders -- a policy clearly expressed in the legislative debates on the Act of 1792 -- and to the traditional practice of Presidents under the statute on the various occasions in which its use has been sought by governors over the past century and more. It is appropriate to review, in brief, the history of that policy and practice.

The records of the debate in the House of Representatives on the 1792 enactment reveal that the legislators intended to preserve, so far as practicable, the primacy of civil over military force, and of State over national responsibility, in putting down domestic disorders. Thus Congressman Murray, referring to the British experience, pointed out that although "a prompt and energetic execution of the law is

^{3/} E.g., 10 U.S.C. 332, 3 U.S.C. 301.

considered of first importance . . . at the same time the military is never called in but in the last extremity." 3 Annals of Cong. 575. In comparing the civil and military powers, Congressman Mercer noted that the civil power is deliberative, but the military "cannot deliberate; and therefore in no free country can the latter be called forth, nor martial law proclaimed but under great restrictions." *Ibid.* Congressman Baldwin observed that it is not only the Federal Government which "possesses the power to suppress insurrections . . . the States individually certainly possess this power; they can suppress insurrections, and will do it; their interest is involved in supporting the laws, and they are fully competent to do it." *Id.* at 574.

The Presidents have responded to State appeals for Federal troops in a manner consistent with the policies expressed in the legislative history summarized above. The major theme running throughout the history of presidential practice under this section was first sounded by President Van Buren in 1838, when the provisions of the 1792 Act were invoked for the first time. Explaining his refusal to send Federal troops into Pennsylvania at the request of Governor Ritner, President Van Buren observed that the intervention of Federal troops was justified only when "the domestic violence . . . is of such a character that the State authorities, civil and military, after having been called upon, have proved inadequate to suppress it."

The dominant theme was sounded again when Section 331 was last used in connection with the Detroit race riots of 1943. President Roosevelt's proclamation on that occasion began by reciting the representation of the Michigan Governor "that domestic violence exists in said State which the authorities of said State are unable to suppress." ^{4/}

In the same tradition, the proclamation which President Johnson issued on July 24, 1967, recited information received from Governor Romney to the effect that "domestic violence and disorder exist in the City of Detroit . . . and . . . the law enforcement resources available to the City and State . . . have been unable to suppress such acts of violence and to restore law and order." These facts, together with the request from Governor Romney, were essential preconditions to the use of Federal troops in Detroit, as such facts and request have been on all comparable occasions in the past.

The nature and the timing of the President's reactions to the situation in Detroit thus were in conformity with law and with long-standing tradition. As an historian on this subject has wisely observed:

"Whenever any dispute has reached a point where consideration is being given to the use of the military forces of the nation, there is need for an unusually high degree of

^{4/} Proclamation 2588 (June 21, 1943), 3 C.F.R. p. 2 (1943-1948 Compilation). A chronology of Presidential practice under this statute, including the occasions mentioned above, appears in the annexed Appendix.

vigilance on the part of the Chief Executive. Unless there is some special reason which seems to make imperative the immediate use of troops, or until all efforts to effect a peaceful settlement have failed and violence threatens of a nature beyond the ability of the local and state governments to control, the President is wise to avoid recourse to force. To use the troops only when no other solution seems possible has been the most frequent Presidential practice - a practice the value of which is attested by the fact that it has met with complete success." ^{5/}

^{5/} B. M. Rich, The Presidents and Civil Disorder 219 (Brookings Institution 1941).

IV. Economic and Social Assistance

One of the early problems encountered in a riot situation in a large city is the need to provide emergency economic and social assistance to the community. This problem was tackled soon after the arrival of the Federal team. To head up the Federal work in this area, the Bureau of the Budget made available Mr. William Cannon, whose assistance was invaluable.

Beginning on Tuesday, 25 July, we met with city and state officials to discuss emergency requirements in the area of food, health and safety. We emphasized from the beginning that our approach would be to set priorities; i. e., handle emergency items first, and then move to the medium and long-range problems in which Federal assistance might be appropriate. This was done.

On Thursday, 27 July, Mayor Cavanagh and Governor Romney sent a telegram to the President requesting him to designate Detroit as disaster area under P. L. 875. (See Appendix I). Such a Presidential declaration would have made Detroit eligible for additional but limited Federal assistance -- a point which was not understood by local and State officials. There was an erroneous impression that a disaster declaration under P. L. 875 would solve all the city's problems. The

assistance which can be provided under P. L. 875 is limited and much of such assistance is available under other statutes.

This request was promptly responded to on 27 July by a telegram from the President. (See Appendix J). As was stated in the President's telegram, Federal assistance would be provided "to help meet the emergency health, food and safety needs of the citizens of Detroit that cannot be met by state and local resources." The telegram further stated that Mr. Christopher and I were prepared to review with the Governor and the Mayor the city's needs in these areas.

On Friday morning, 28 July, Mr. Christopher and I met with the Governor and the Mayor to discuss the city's needs and the exchange of telegrams. The Governor and the Mayor were informed by Mr. Christopher and me that the Federal Government was:

- (1) Providing food -- the Department of Agriculture supplied a substantial amount of surplus food supplies to the city.
- (2) Providing medicine and drugs as required. The Commissioner of Health was asked to submit a list of needs.
- (3) Providing emergency shelter for riot victims. The use of Federal Housing Administration homes (acquired through foreclosure on defaulted FHA insured loans) was arranged.

(4) Aiding in the demolition of riot-damaged hazardous buildings. Funds for this purpose were specified to come from either a pre-existing Department of Housing and Urban Development contract for spot demolition, or, if required, additional funds would be sought.

(5) Providing essential equipment to law enforcement agencies if needed; e. g. , ammunition, helmets, etc.

We also specified that all requests should be submitted through us rather than the city contacts directing the various Federal agencies involved. This was necessary to assure that priorities were established and effective coordination of Federal assistance was achieved.

Food was not a major problem. While no exact survey of needs was made by the city, it was clear that a substantial number of people were suffering temporary shortages. However, between food supplies available from the Department of Agriculture surpluses and the voluntary activities of the inter-faith church groups and the Salvation Army, there was enough to meet the city's needs. Thought should be given in future cases to the location and method of food distribution, including the use of mobile distribution centers.

No immediate action was required on medicine and drugs because no specific requests were made by the city and because the city had its own supply of emergency stocks.

With respect to emergency shelter, about 600 residential units and 3,000 individuals were said to be involved. These figures were reported as preliminary estimates and of questionable validity. 68 houses were immediately offered by the Federal Government at a \$1.00 per month charge. FHA had another 200 houses in reserve, but no request was made for them.

Demolition of dangerous buildings involved extensive discussion with the city, particularly to determine the facts of damage and then to identify what could be done under the pre-existing HUD contract. A review of the situation indicated that riot damage probably could be taken care of without funds over and above the HUD contract.

Although specific emergency aid was provided, as requested, there was continuing pressure for the additional limited aid that would be forthcoming if Detroit was declared to be a disaster area.

This led to an investigation of what might be done under the disaster authority of the Small Business Administration (not to be confused with the disaster authority of P. L. 875, discussed hereafter^{1/}). Under the SBA authority, long term (30 years), low interest (3%), low down payment loans could be made to take care of personal property damaged or destroyed by the riots. There appeared to be a legal question. Did the

^{1/} A substantial legal problem was involved in declaring Detroit a disaster area under P. L. 875 as explained hereafter.

SBA authority apply to a riot situation? It was determined that it did. There was also a question as to whether applying the authority in Detroit would set an unwise precedent? It was decided it would not.

On Saturday, 29 July, I announced at a White House news conference that at the direction of the President, SBA disaster loans would be available to the riot areas. As reported earlier, I consulted on Sunday in Detroit with the local SBA official, Mr. Phillips, and worked out procedures to establish SBA operations and offices, including a temporary office on both the West and East of Woodward Avenues in the most heavily damaged areas. On Monday, 31 July, SBA was in business processing inquiries and applications. SBA's performance throughout was outstanding.

Attached as Appendix K is a list of the actions taken by the Federal Government as of 10 August 1967 to meet the city's emergency and short-term needs.

In addition to taking immediate emergency actions and initiating SBA disaster loans, the Federal team handled a long list of requests which the Mayor transmitted on 28 July. A copy is attached as Appendix L. The request included the following items:

Dangerous building demolition	\$ 1.3 Million
Public housing and Urban renewal projects	120.0 Million
Community, action anti-poverty projects	21.4 Million
Job and training programs	7.0 Million
Emergency food supplies	1.0 Million
Health services	1.0 Million
Law enforcement equipment	3.2 Million
Mass transportation (buses, etc.)	1.6 Million
Commercial rebuilding	10.0 Million
Street lighting	7.8 Million
Model planning project	0.5 Million
Open spaces project	0.3 Million
Urban beautification project	<u>0.7 Million</u>
Total	\$175.8 Million

The Mayor's list as submitted contained little in the way of justification. Our next move was to work with the city to amplify the justification and evaluate the city's needs. We did this through Mr. Roselle, the Mayor's Executive Assistant, and the City Budget Officer. Our preliminary review revealed:

(a) The new projects requested by the Mayor in the field of public housing and urban renewal needed more local development before further Federal action or considerations could be given.

(b) Additional anti-poverty funds would be very difficult to obtain until Congress acted on OEO's fiscal year 1968 budget request. Even when action was completed and although the city might receive funds in the amounts it requested, the city might not be able to use funds for the purposes it wanted.

(c) There was a good possibility that the city would get a renewal of its basic job-training grant from the Department of Labor. However, additional or new job programs were questionable because there were so many unfilled job spots under the existing program.

(d) The Health Commissioner was not at all clear on the specifics of the city's health needs. At the same time, he said he was certain that no major health threats existed.

(e) With respect to the equipment needs of police and fire department as well as the need for street lights repair, there was no Federal program which could help, unless a P. L. 875 disaster was declared. Such a declaration presented serious difficulties from the standpoint of both precedent and the fact that the legislative history indicated that

P. L. 875 was not intended to cover riot situations. We concluded that it would appear necessary to have clarifying action by the Congress before the statute could be applied to a riot situation.

(f) Although our survey showed that action had taken care of the emergency food problem, the city still wanted the money requested. A satisfactory justification for such request was not provided.

The city's request for assistance has since been supplemented twice. (See Appendices M and N). Notwithstanding this amplification, much remains to be done in clarifying the city's requests and needs and in ascertaining whether there is justification for favorable action on the various requests.

To this end, on the departure of the Federal team, Mr. Cannon remained for a short while to continue to work with city officials. Thereafter Mr. Cannon returned to Washington and was replaced by Mr. Alex Greene and later by Mr. Mark Alger of the Bureau of the Budget. Officials from other federal departments have also been available to confer with Detroit officials regarding their requests and needs. Responsibility for coordinating all Federal assistance for Detroit in Washington has been assigned to Deputy Attorney General Christopher.

V. Administration of Justice.

Criminal justice is administered in Detroit by four local institutions -- the Detroit Police Department, the Wayne County Prosecutor's Office, the Wayne County Recorder's Court, and the Wayne County Sheriff's Office. All four of these institutions had critical responsibilities in administering justice during the emergency period of the riot.

Operationally, the Detroit Police Department is divided into thirteen police precincts. Each precinct has its own headquarters which includes booking and detention facilities and independent investigative facilities operated by detectives assigned to the precinct. Under ordinary circumstances, prisoners arrested are brought to the precinct station for booking, fingerprinting and interrogation. The prisoners on felony charges and serious misdemeanor charges are then held at the precinct while the case, assigned to a detective, is investigated. Once the investigation and paper work is completed, the detective will confer with the prosecutor to determine whether the prosecutor will authorize the issuance of a warrant. The prosecutor's office handles all criminal prosecutions before the Recorder's Court -- a separate court handling all Detroit criminal cases. It is made up of a prosecutor, his chief assistant, and about 20 additional prosecutors who handle the criminal cases in court. If the prosecutor's office authorizes a warrant, the prisoner's file goes to the warrant clerk's

office in the Recorder's Court. At the warrant clerk's office, two technical legal documents are prepared -- a complaint and an affidavit. Once this is completed, the prisoner is brought from the precinct to a bull-pen in the Recorder's Court. In due course, he is brought before one of the thirteen judges of the Recorder's Court for arraignment and the setting of bond. At that time, the prosecutor will have, as part of his file, the prior record, if any, of the prisoner. After bond is set, the prisoner is turned over to the county sheriff who retains custody of the prisoner in the county jail until he is released on bond.

During the period 23 July to 27 July, over 5000 persons were arrested in Detroit for law violations in connection with the riot. A majority of the prisoners were charged with commission of felonies. The prosecutor's office processed more prisoners through the Recorder's Court in this four day period than it would ordinarily process in three months.

As the looting and rioting continued out of control on Sunday afternoon, police, prosecutors and court officials who were on duty began to confer as to the best practical way to meet the emergency. Governor Romney put his staff to work on an emergency proclamation so that he could issue an executive order closing liquor stores and instituting a curfew. This proclamation and executive order were issued Sunday night

and required people to be off the street between the hours of 2100 and 0530, except in an emergency. Under Michigan law, violation of the executive order is a misdemeanor.

Early Sunday evening the Recorder's Court and the prosecutor's office announced that it would operate on a 24-hour per day basis. Early Sunday evening the prosecutor's office decided that it would ask for high bond -- \$10,000 and up -- on all persons arrested. According to a public statement by Prosecutor William Cahalan, this was done "so that even though they had not been adjudged guilty, we would eliminate the danger of returning some of those who had caused the riot to the street during the time of stress." Apparently, the judge who was on duty Sunday night and the additional judges who came on during the night followed this recommendation to the letter.

By Monday morning, twelve of the thirteen judges in the Recorder's Court had begun to uniformly follow the recommendation of the prosecutor and set extremely high bail on each of the prisoners arrested.

By the time the federal officials arrived in Detroit, over 1800 arrests were recorded (an unknown number of others were arrested but not yet processed) and all persons arrested remained in confinement. This load, plus the normal load of prisoners in the county jail, made it a certainty that if the numbers continued to mount the various places of confinement of prisoners in Detroit would be terribly overcrowded. Almost as soon

as the federal officials arrived, a request was made that federal facilities be secured to permit the temporary confinement of some of the persons arrested.

The administration of criminal justice was placed under great strain during the four-day period of the riot. The mechanical and paper work required in the processing of a prisoner under ordinary circumstances is cumbersome. Fingerprint records are checked, interviews, investigative reports and recommendations are prepared, technical affidavits and complaints are drawn and thereafter the paper and the prisoner must be brought together before the court for a hearing on the bond. By Tuesday morning, the system, as well as the facilities, were severely strained. Long delays occurred in the processing of prisoners at the precinct stations where conditions were particularly bad. Further long delays occurred while the prisoners waited in bull-pens or temporary facilities at the Recorder's Court without food, water or latrine facilities while they were processed through the bond hearing. Temporary facilities included the police garage and a number of separate busses parked outside the Recorder's Court.

There was no formal change in the policy of high bail. However, beginning on Tuesday morning the prosecutor's office, at the urging of a number of persons including federal officials, began to think in terms of releasing prisoners on personal bond or on reasonable bond. Officials also considered whether a new policy should be adopted of initially setting

reasonable bonds so that the Recorder's Court would not have to undertake bond review proceedings. A new policy was never formally adopted, although beginning on Tuesday or Wednesday, and continuing through Thursday, Friday and Saturday, some of the individual judges abandoned the policy of arbitrary high bond and considered each individual case on the merits. This, however, resulted in only a trickle of releases for persons who were arrested, and by Wednesday night over 5000 were confined, including 700 juveniles and a considerable number of women. On Wednesday night, about 1800, the prosecutor's office decided to resubmit individual files to the court for release of prisoners on their own recognizance. The standard the prosecutor's office followed was a lack of any prior conviction. The emphasis was placed on the release of women. The files were reviewed without the usual bond information, but with the prisoner's prior record, if any, contained therein. If the prosecutor's office determined that the prisoner should be released on his own recognizance, his file was then sent to the Recorder's Court in groups of 50, 100 and in one instance 500. This step by the prosecutor's office met with some initial resistance by some individual judges and again was slowed by the mechanical and paper aspects of the system. The court file had to be brought together with the prosecutor's recommendation and his file. This took time.

To give some idea of the number of cases involved, the following lists prepared by the Recorder's Court reflect the number of felony and misdemeanor cases processed during the riot.

	No. of Felony Cases	No. of Felony Defendants	No. of Misdemeanor Cases	No. of Misdemeanor Defendants
23 July	113	248	2	7
24 July	317	801	51	131
25 July	316	720	68	145
26 July	260	644	66	128
27 July	263	570	202	346
28 July	60	87	81	125
29 July	21	32	53	85
30 July	24	27	21	36
31 July	25	37	8	11
Totals	1399	3166	362	1014

Thus, the total number of defendants processed in a nine-day period was 4180. By 1100, Tuesday, the prosecutor estimated that they were eight hours behind in arraignments. Early Wednesday morning, a police survey of the precincts indicated that 2200 prisoners had not been recorded. At 1100, Thursday, there were still 1500 prisoners in precinct stations according to the prosecutor.

By Friday night or early Saturday morning, orders had been entered by the Recorder's Court providing for the release on their own recognizance of over 1000, and perhaps 1500, prisoners. From that time on, the total number of prisoners in confinement turned down. However, the actual

release of the prisoners was very slow even after the court had ordered their release. The reason for this appears to be that the Sheriff's Office could not cope with developing a system which could locate a prisoner in the various places of confinement in short order.

In addition, some prisoners were being released after posting bond and the court was following a very liberal policy of setting bond for those persons brought before the court for arraignment on Friday or Saturday. By Monday of the second week approximately 2200 riot prisoners were still in confinement. By 4 August the number was down to 1200.

Examinations began on 1 August. The examination is a substitute for a grand jury proceeding in Michigan. At that time the court hears a part of the prosecutor's case and decides whether to hold the prisoner over for trial. Again, the number of cases and the amount of paper resulted in major confusion in Recorder's Court and the proceedings moved slowly. The local bar association, the newly designated public defender's office, and the Neighborhood Legal Service, all worked together to provide representation for the prisoners.

Several suggestions concerning problems encountered in the administration of justice in riot situations are included in subsection "o" of Section VI. of this report.

VI. Lessons Learned

Because this is a country which cherishes law and order, all responsible citizens must hope that the lawlessness and violence which occurred in Detroit will not be repeated in other communities. It does not appear, however, that this hope will soon be realized. It is probable that other cities will suffer from riots, looting and burning. Therefore, I believe it is necessary to review the principal lessons learned in Detroit. I am pleased that action already has been taken in some of the areas covered below.

a. Rumors. At a time of rioting, rumors are rampant and tend to grow as exhaustion sets in. Tensions rise and incidents tend to be exaggerated by overreaction. These rumors can have serious effects.

Authoritative sources of information must be identified quickly, developed on a priority basis and maintained, with full reliance placed on them. Regular news conferences must be held by senior civilian and military officials; if they are not, the press will follow the sensational reports and fan the rumors. Members of the press, as feasible, should be permitted to accompany senior officials on tours of the riot areas, and to share in their evaluations in order to provide the facts to the public quickly and authoritatively. Regular formal contact with the press should be augmented by frequent background briefings for community leaders because rumors flourish at all levels.

b. Access to and Evaluation of Data. To be able to make sound decisions, particularly in the initial phases of the riot, a method of identifying the volume of riot-connected activity, the trends in such activity, the critical areas, and the deviations from normal patterns must be established. I cannot overemphasize the importance of such information, particularly when the Federal team has to make a determination as to whether the situation is beyond the control of local and state law enforcement agencies. In Detroit, the best immediately available indicator was the log of incidents requiring police action which was maintained at police headquarters. This information was acquired by monitoring the police radio, cataloging transmissions by precinct, recording separately shooting incidents and total incidents, and producing a spot summary on a half-hourly basis.

Such indicators, however, have serious deficiencies. First, it is necessary to have a "normal incident level" curve as a base of reference. If this is not available, there is the danger of a distorted picture of the riot activity. Second, in the case of sniping, a single incident may be reported 8 to 10 times or more by different sources who heard a shot fired, and it appears on the police log as multiple incidents. A warning shot or the shooting out of a street light often may be reported as a sniping incident. Further study should be given to methods of culling out such distortions.

Despite the problem of distortions the most valuable aspect of an indicator curve is the disclosure of a trend.

c. Activity Patterns: The Detroit disorders developed a typical pattern. Activity began to build up at about 1900, rose sharply to a peak at about 2300, fell off somewhat more sharply than the rate at which it rose, reached a nominal rate just before dawn, continued at a very low level for about 2 or 3 hours, and rose gradually again until the break upward at about 1900. The assembly and analysis of data with respect to activity patterns is needed. I believe it would be useful to assemble and analyze such data for Detroit, Newark, Milwaukee, Watts, etc. There may be "indicator" incidents; there may be typical pattern of spread; there may be a natural sequence in the order in which the several types of incidents occur. All of these should be studied.

d. Fatigue Factors. This riot began on Sunday. Although the total number of incidents never rose again to Sunday's level, Tuesday night's incidents seemed to be the most vicious of the entire period. Police had been working long hours and were tired, and rumors had spread. There is evidence that there was over-reaction in this period, and perhaps a reduction in the regard given to the rights of citizens. This situation seemed to right itself somewhat; in the light of the following morning, better and more normal behavior appeared, perhaps as a result of the experiences of the night before. This area, too, deserves more analysis.

e. Discipline in National Guard Troops. At the outset, the troops of the National Guard were far below the standards of the active Army in appearance, bearing, courtesy, and general behavior; discipline was not adequate and command and control down into the ranks were poor. The National Guard improved markedly in all these areas as they gained experience and confidence and were held to a high standard of performance. Discussions with numerous community leaders and individual citizens revealed that these facts were readily apparent to the citizens of the riot-affected sections of the city. These initial deficiencies were primarily in the area of basic military discipline. In light of these facts, I recommend that a review be made by Federal and State officials of the qualification and performance of all officers in the Army National Guard and the Air National Guard to insure that the officer personnel are fully qualified to discharge their responsibilities and to provide the required leadership. I wish to make it very clear that I am not suggesting that the caliber of National Guard officers is generally unsatisfactory. This is not the case. I am certain that the vast majority are competent and dedicated men. However, I can state from my own observation that there are substandard officers who must be weeded out. This will not be an easy task. It will require the best efforts and skill of both the Department of Defense and the cognizant State authorities. It is also clear that riot control training for

the Army National Guard and the Air National Guard should be improved and expanded.

f. Negro Personnel. Neither the Detroit Police, the Michigan State Police, nor the Michigan National Guard had representative numbers of Negro personnel in their ranks. I believe that this fact inhibited communication, and, since the majority of the rioters were Negro, tended to exaggerate the racial nature of the conflict. Whether the substantially larger percentage of Negro personnel in the airborne units from the active Army was a major factor in their greater success in the maintenance of law and order cannot be precisely determined. However, a sampling of informed opinion throughout the riot-torn areas of Detroit revealed a strong conviction that a greater degree of integration of the police and National Guard would be of major importance in controlling future disorders. I believe strongly that steps should be taken immediately to increase the recruitment of Negroes into the Army National Guard and the Air National Guard. This is a difficult problem and will require the combined efforts of the Department of Defense, State officials, and the Negro community.

g. National Guard Reorganization. Some of the National Guard units called to duty in the Detroit riot were "low priority units" at 50%

or less strength in both personnel and equipment. The lack of adequate manpower and equipment interfered with the efficient functioning of these units. This situation underscores the urgent need to carry out the proposed Army Reserve reorganization which will provide units manned at not less than 90% of TO&E strength with full equipment.

h. Use of Military, Police and Fire Fighting Personnel. Experience in Detroit highlighted several command and control, communication and other problems which are likely to arise in future riots in the event the local police are unable to control the outbreak of violence.

1. There is a requirement to co-locate the command and control elements of both local and State police as soon as the latter are called in to assist in the restoration of law and order. Co-location is absolutely essential at the top echelon of control. For maximum effectiveness, co-location should be extended as far down as possible; i. e., to the precinct level. In the event military forces should be required to supplement police forces, the same principle applies.

2. There is a requirement that communications between local and State police should be compatible. This was not the case in Detroit with the result that on numerous occasions both local and State police units were dispatched to the same trouble spot where only one was required. This resulted in a misallocation of assets. If military forces are required, the problem of compatible communications can be handled

satisfactorily by attaching local police officers to military units. I do not believe it is practical to attempt to have military units using the same frequency as police forces.

3. Ideally, there should be a single commander for all law enforcement personnel--federal, state, and local--involved in quelling a riot. As a practical matter, however, it does not appear to be feasible effectively to place all forces under a single command during the course of a riot. In addition, to do so would raise grave legal questions unless martial law is declared. The declaration of martial law, however, would itself raise severe problems. Such action results in the abolition of the normal functioning of the courts, but also places soldiers in the position of having to act as arresting officers, which is neither desirable nor feasible. Accordingly, it is necessary to have the closest integration of command as recommended above to provide a viable substitute for a single command. In this connection it would appear desirable to place both State and local police under a single police official.

4. The furnishing of proper protection to local fire departments so that the firemen may carry out their task when exposed to sniper fire is another requirement. In this connection, it would be desirable to familiarize National Guard forces with fire fighting techniques so that they can assist in the event firemen are injured or become exhausted.

5. Orders must be simple, direct and not subject to interpretation. Orders must be written or confirmed in writing as soon as possible. Certain orders should be issued in writing to every soldier, i. e.

rules of engagement and the handling of civilians. Such orders could be printed on a small pocket-sized card. It would be most desirable if written orders were issued to all law enforcement personnel.

6. The general instruction with respect to civil disturbance rules of engagement and degree of force described for the military commander as guidance in these areas requires clarification and change to provide more latitude and flexibility in their use. The general policy behind these instructions, which is to use the minimum force necessary to restore law and order, is proper and needs no revision or amplification. However, that portion of the letter of instruction issued to the Task Force Commander which prescribes the normal priorities to be used in the application of force should be studied with a view to provide the commander concerned with more flexibility, particularly with respect to the use of riot control chemical agents. The letter of instruction stipulates that normally the application of force will follow this priority:

- a. Unloaded rifles with bayonets fixed and sheathed.
- b. Unloaded rifles with bare bayonets fixed.
- c. Riot control agent CS.
- d. Loaded rifles with bare bayonets fixed.

It is believed that the use of riot control chemical agents should be permitted at any time at the discretion of the senior commander, who should have the authority to delegate its use as far down the chain of command as

the company commander level. Further, it is suggested that there is one other degree of force which should be included in the priority listing above: Namely, unloaded rifles with bare bayonets fixed, with ammunition available on the person of the individual soldier, with a restriction that he may load his weapon and fire it only upon the authority from a commissioned officer. If this degree of force is prescribed, commanders must insure, through appropriate orientation, that their troops understand that there is considerable flexibility inherent in this instruction in that, where necessary in specific situations, officers may delegate in advance the authority to give orders to load and fire to senior noncommissioned officers.

7. Illumination must be provided for all areas in which rioting is occurring. In Detroit, particularly on 12th Street, many blocks were totally without illumination, the street lights having been shot out on the theory that this would provide greater protection against snipers. This is an incorrect theory. In areas without illumination a sense of fear, and sometimes panic, pervaded. This led to unnecessary and excessive firing of weapons with consequent danger to innocent civilians. When street lights were restored, the calming effect on both law enforcement officials and the local citizens was immediately apparent.

8. During the riots, it became normal practice for both police and some National Guardsmen to conduct patrols with weapons always at

the ready, and in the case of mounted⁵⁷ patrols with weapons protruding from every window of the patrol vehicle, often with sirens going. While maximum readiness of this type may be appropriate in areas of extreme riot activity, its widespread use is not conducive to dispelling fears and encouraging a return to normal activity.

9. Tear gas was not employed during the first two days of the Detroit riots. Although the effect of its use must remain speculative, it appears likely that the use of tear gas on Sunday or even Monday would have dispersed the looters and rioters and perhaps have prevented the creation of the circumstances in which the sniping occurred. In the case of snipers, tear gas would have been more effective and less dangerous to use than regular ammunition. Neither the Detroit Police nor the Michigan National Guard had tear gas available for use. Provision for its use should be made. For military personnel, authority to use tear gas in a riot situation should be delegated immediately to the company commander level. Further, there is an urgent need to provide a fairly accurate method for an individual soldier to project a gas grenade. The Army has such a weapon under development.

i. Rebuilding. Detroit, during the violence of the riots, was heavily preoccupied with its pain and was seemingly not ready, by itself, to look to the problems ahead. Plans must be pushed from the beginning to take the necessary actions to meet emergency needs, and early steps

must be taken to find and to energize⁵⁸ community leadership for the long road back. There is also a clear need for a single coordinator of the many and complex Federal programs which may be applicable during the rebuilding process.

j. Composition of Federal Team. Experience in the Detroit riots confirms the need for the following key personnel on any Federal team sent into a riot occurring in a large city.

1. A Special Representative of the Secretary of Defense or the President to be in overall charge of Federal activities.

2. A senior Department of Justice representative to act as the alter ego of the Special Representative and to advise on the many legal questions which will arise.

3. A military commander with an appropriate staff to assume command of all Federal military forces.

4. The Assistant Attorney General, Civil Rights Division.

5. The Director of the Community Relations Service.

6. A senior Public Affairs officer.

7. A representative of the Director of the Bureau of the Budget to handle all requests for economic and social assistance to the city.

8. A Military Assistant to the Special Representative.

9. At least one individual who is familiar with the city.

k. Prior Planning. In order to overcome the initial unfamiliarity of the Federal troops with the area of operations, it would be desirable if the several Continental Armies were tasked with reconnoitering the major cities of the United States in which it appears possible that riots may occur. Folders could then be prepared for those cities listing bivouac sites and possible headquarters locations, and providing police data, and other information needed to make an intelligent assessment of the optimum employment of Federal troops when committed.

1. Curfew. Curfew hours during the Detroit riots were from 2100 to 0530. With a few exceptions, no limitations were imposed on movements of local citizens except during these hours. The fact that riot activity recurred over several days in both Detroit and Newark leads to the conclusion that better control of the situation might be achieved if a 24-hour curfew were imposed at the outset in the local areas of major violence. However, such action raises two major problems -

1. The movement to and from work of essential operating personnel needed to keep the city functioning, and
2. The distribution of food.

The first problem might be ameliorated by the issuance of special passes, or pre-arranged official bus pickup of designated personnel. The second problem could be handled for limited periods of

time by emergency food delivery in those areas where the 24-hour curfew had been imposed. The magnitude of such tasks, however, is likely to be such as to make a 24-hour curfew impracticable for more than a very limited time; i.e., 48 hours.

m. Requirements for Federal Intervention. The legal provisions whereby the President may order the use of Federal troops within a state were not understood by the officials of the State of Michigan. These provisions are Article IV, Section 4 of the Constitution and Chapter 15 of Title 10 of the United States Code. It is necessary that all governors fully understand the legal requirements for use of Federal troops in situations of domestic violence or insurrection. I was pleased to see that the Attorney General on August 7, 1967 wrote each of the governors setting forth the requirements for the use of Federal troops in such situations and advising as to the procedures to obtain their assistance (See Appendix O). I believe it would be desirable to follow up on this letter and receive confirmation from the states that the procedure is clearly understood.

n. Economic and Social Assistance.

1. Economic and social assistance problems arise early and acutely. Future teams should include a person responsible for this task from the beginning. Such a person should -- as did Mr. William Cannon -- have a broad knowledge of the Federal Government economic and social programs, and know how to get prompt action at the Washington level.

2. As soon as the immediate military crisis subsides, all Federal agencies should clear their major decisions through the Federal team; indeed, it is desirable to continue this through a single Federal representative after the Federal team leaves. If this is not done, there will be a tendency for the various Federal agencies to rush in with offers to help, and this can confuse an already confused situation.

3. From the beginning, requests for assistance should be classified in order of priority: 1) those which require immediate action, i. e., meeting food, health and safety needs; 2) those which require action in the near future, i. e., furnishing SBA assistance to owners of damaged property; and 3) those which are long term in nature, i. e., action on model cities applications, job and training programs, etc. In short, it is desirable that specific objectives be spelled out quickly and that priorities and time schedules be assigned to specific individuals for action.

4. When applicable, make sure that Federal actions involve participation by the local community, city officials and the local neighborhood people, and that Federal operations are located, when possible, close to the people being served; e. g., the opening of SBA temporary offices in the riot-torn areas.

o. Administration of Justice. A riot such as occurred in Detroit places an enormous burden on every aspect of the machinery for the administration of justice. The following aspects require particular attention: I wish to make it clear that the following suggestions should not be taken as a criticism of the cognizant officials in Detroit who made a determined effort, working around the clock, to cope with an unexpected and overwhelming problem.

1. The identification of suspects and the recordation of their alleged unlawful acts presents special problems in a riot situation where as many as a thousand people may be arrested in a given sector of the city in a 24-hour period. Law enforcement agencies should consider the means by which they can improve their techniques and procedures in such emergency situations, so that the innocent are protected and so that the guilty do not go free because of the inadequacy of arrest and procedures.
2. Every major riot can require detention facilities which far outruns a city's normal capability. In Detroit, the city had to accommodate 5,000 prisoners in a

period of five days. This overtaxed the city and required the use of state and Federal facilities for detention purposes. Even these additional facilities proved inadequate. Consideration should be given in advance by metropolitan areas to means by which they can most effectively expand their detention facilities in such emergency situations.

3. Arraignment of suspects apprehended during the course of a riot should be promptly undertaken, both as a matter of fairness and because of the overstrained detention facilities. The Detroit experience indicates that unless special procedures are put into effect, arraignment may be substantially slowed due to the absence of necessary records and the shortage of judges and other necessary court personnel. A study of this problem in advance by local courts may enable them to develop techniques, such as the use of judges from other courts, to accomplish a speedier arraignment.
4. Bail procedures during a time of riot deserve special consideration. There is an understandable tendency during such a period for very high bails to be set to

to assure that persons apprehended are not back on the street and in a position to resume unlawful activities. Such a procedure, however, may be not only inequitable but somewhat self-defeating in that it tends to overtax the detention facilities and create undue apprehension and hardship among community residents whose relatives are in custody. Unless a city is prepared to take prompt action at the time of arraignment to set reasonable bail or to permit release on recognizance in appropriate cases, it may become necessary in the latter stages of a riot for the courts to repeat the procedure so as to make the necessary arrangements for the release of those in custody. In Detroit, this problem was severely aggravated by the fact that the relatives of those in custody were unable to get accurate information about their location, the charges placed against them, and in a number of cases whether they were in custody.

5. Another problem encountered in Detroit was the need to provide counsel for the thousands of individuals

arrested. Bar associations in metropolitan areas should give consideration to a program which would make counsel available in such situations.

6. Public confidence in the administration of justice requires that those charged with unlawful activities during the course of riots be given prompt and fair trials. Those involved in the administration of justice will have a heavy and burdensome responsibility but this responsibility must be met promptly and effectively.

7. Finally, those involved in the administration of justice, especially high law enforcement officials, must be cognizant of the fact that tension, fear and fatigue create a danger that individuals involved in administering justice may act rashly or unwisely. Those in supervisory positions must be continually conscious of this danger and take every step to minimize it.

APPENDICES

- Appendix A - Telegram from Governor Romney to The President, July 24, 1967.
- Appendix B - Telegram from The President to Governor Romney, July 24, 1967.
- Appendix BB - Proclamation and Executive Order, July 24, 1967.
- Appendix C1 - Police Incident Summary.
- C2 - Graph of Incidents
- C3 - Graph of Incidents - Total by Day
- C4 - Graph of Riot Deaths by Hour
- C5 - Graph of Riot Injuries by Hour
- C6 - Graph of Riot Fires by Hour
- Appendix D - Strength and Deployment Status (12 sheets).
- Appendix E - Police Map of Detroit.
- Appendix F - Report from Pat Kennedy, Deputy Director, VISTA
- Appendix G - Chronology of Major Events, July 24 - August 2, 1967.
- Appendix H - Chronology of Major Occasions on which States have Requested Federal Assistance in Suppressing Domestic Violence.
- Appendix I - Telegram from Governor Romney and Mayor Cavanagh to The President, July 27, 1967.
- Appendix J - Telegram from The President to Governor Romney and Mayor Cavanagh, July 27, 1967.
- Appendix K - List of Emergency Actions taken by Federal Government to Assist City of Detroit.
- Appendix L - Memorandum from Mayor Cavanagh to Mr. Vance, July 28, 1967.
- Appendix M - Supplement to Mayor Cavanagh's Memorandum of July 28, 1967.
- Appendix N - Second Supplement to Mayor Cavanagh's Memorandum of July 28, 1967.
- Appendix O - Letter from the Attorney General to the Fifty Governors with attached material.

VWA026 RX PD

1967 JUL 24 AM 10 56

FAX DETROIT MICH 24 1046A EDT

THE PRESIDENT

THE WHITE HOUSE

WITH FURTHER REFERENCE TO PRESENT DETROIT PROBLEM COVERED
IN MY EARLIER TELEGRAM TO THE ATTORNEY GENERAL.

AS GOVERNOR OF THE STATE OF MICHIGAN, I DO HEREBY
OFFICIALLY REQUEST THE IMMEDIATE EMPLOYMENT OF
FEDERAL TROOPS INTO MICHIGAN TO ASSIST STATE AND LOCAL
AUTHORITIES IN REESTABLISHING LAW AND ORDER IN THE CITY OF

DETROIT. I AM JOINED IN THIS REQUEST BY JEROME P.
CAVANAGH; MAYOR OF THE CITY OF DETROIT. THERE IS REASONABLE
DOUBT THAT WE CAN SUPPRESS THE EXISTING LOOTING, ARSON AND
SNIPING WITHOUT THE ASSISTANCE OF FEDERAL TROOPS. TIME
COULD BE OF THE ESSENCE

GEORGE ROMNEY GOVERNOR OF MICHIGAN.

APPENDIX A

68

1142 A. M. EDT

July 24, 1967

The Honorable
George Romney
Governor of Michigan
Lansing, Michigan

In response to your official request, joined by Mayor
Cavanagh, that federal troops be sent to assist local and state
police and the 8000 Michigan National Guardsmen under your
command, and on the basis of your representation that there
is reasonable doubt that you can maintain law and order in Detroit,
I have directed the troops you requested to proceed at once to
Selfridge Air Force Base, Michigan. There they will be avail-
able for immediate deployment as required to support and assist
police and the Michigan National Guard forces. These troops
will arrive at Selfridge this afternoon. Immediately, I have
instructed Cyrus Vance, Special Assistant to Secretary of
Defense McNamara, to proceed to Detroit for conferences with
you and to make specific plans for providing you with such sup-
port and assistance as may be necessary.

Lyndon B. Johnson

APPENDIX B

69

LAW AND ORDER IN THE STATE OF MICHIGAN

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the Governor of the State of Michigan has informed me that conditions of domestic violence and disorder exist in the City of Detroit in that State, obstructing the execution and enforcement of the laws, and that the law enforcement resources available to the City and State, including the National Guard, have been unable to suppress such acts of violence and to restore law and order; and

WHEREAS the Governor has requested me to use such of the armed forces of the United States as may be necessary for those purposes; and

WHEREAS such domestic violence and disorder are also obstructing the execution of the laws of the United States, including the protection of federal property in the City of Detroit:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code, do command all persons engaged in such acts of violence to cease and desist therefrom and to disperse and retire peaceably forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of July, in the year of our Lord nineteen hundred and sixty-seven, and the Independence of the United States of America the one hundred and ninety-second.

APPENDIX BB

EXECUTIVE ORDER

PROVIDING FOR THE RESTORATION OF LAW AND ORDER

IN THE STATE OF MICHIGAN

WHEREAS on July 24, 1967, I issued Proclamation No. _____, pursuant in part to the provisions of Chapter 15 of Title 10 of the United States Code; and

WHEREAS the conditions of domestic violence and disorder described therein continue, and the persons engaging in such acts of violence have not dispersed;

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and Commander in Chief of the Armed Forces by the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code, and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense is authorized and directed to take all appropriate steps to disperse all persons engaged in the acts of violence described in the proclamation and to restore law and order.

SECTION 2. In carrying out the provisions of Section 1, the Secretary of Defense is authorized to use such of the Armed Forces of the United States as he may deem necessary.

SECTION 3. The Secretary of Defense is hereby authorized and directed to call into the active military service of the United States, as he may deem appropriate to carry out the purposes of this order, any or all of the units of the Army

National Guard and of the Air National Guard of the State of Michigan to serve in the active military service of the United States for an indefinite period and until relieved by appropriate orders. Units, or members thereof, may be relieved subject to recall at the discretion of the Secretary of Defense. In carrying out the provisions of Section 1, the Secretary of Defense is authorized to use units, and members thereof, called or recalled into the active military service of the United States pursuant to this section.

SECTION 4. The Secretary of Defense is authorized to delegate to the Secretary of the Army or the Secretary of the Air Force, or both, any of the authority conferred upon him by this order.

THE WHITE HOUSE,

July 24, 1967.

	Sun*	Mon*	Tues	Wed	Thurs	Fri	Sat	Sun	Mon	Tues	
	23	24	25	26	27	28	29	30	31	1	
2400-0100	285	259	180	116	60	63	52	52	27	42	18
0100-0200	236	152	134	90	47	41	36	33	15	24	26
0200-0300	165	163	82	80	31	33	19	17	8	14	14
0300-0400	172	89	47	41	18	24	13	7	5	7	9
0400-0500	158	64	17	12	5	5	2	10	4	3	6
0500-0600	98	40	11	3	17	9	7	5	4	3	3
0600-0700	98	31	12	14	4	2	7	3	5	1	1
0700-0800	136	**	21	14	2	9	4	5	7	2	0
0800-0900	133	71	24	8	8	7	6	9	5	2	3
0900-1000	213	71	45	28	12	8	12	11	13	0	2
1000-1100	112	119	56	23	16	9	7	9	8	2	2
1100-1200	154	89	45	43	23	9	15	12	8	4	4
1200-1300	141	98	51	25	15	14	7	10	8	9	
1300-1400	219	90	68	44	25	23	23	14	11	3	
1400-1500	203	90	61	39	28	16	11	11	8	12	
1500-1600	235	83	52	63	25	30	14	17	16	3	
1600-1700	319	100	34	46	21	20	13	11	9	27	
1700-1800	507	106	68	39	27	19	25	14	15	18	
1800-1900	626	102	50		26	15	23	11	10	21	
1900-2000	334	108	66	52	41	30	38	19	23	19	
2000-2100	531	147	81	69	63	43	44	30	28	11	
2100-2200	429	194	131	94	76	62	66	34	50	16	
2200-2300	326	231	166	127	78	62	57	40	45	19	
2300-2400	456	199	93	130	56	43	38	34	36	17	
TOTAL	6286	2556	1595	1433	735	594	539	418	356	280	

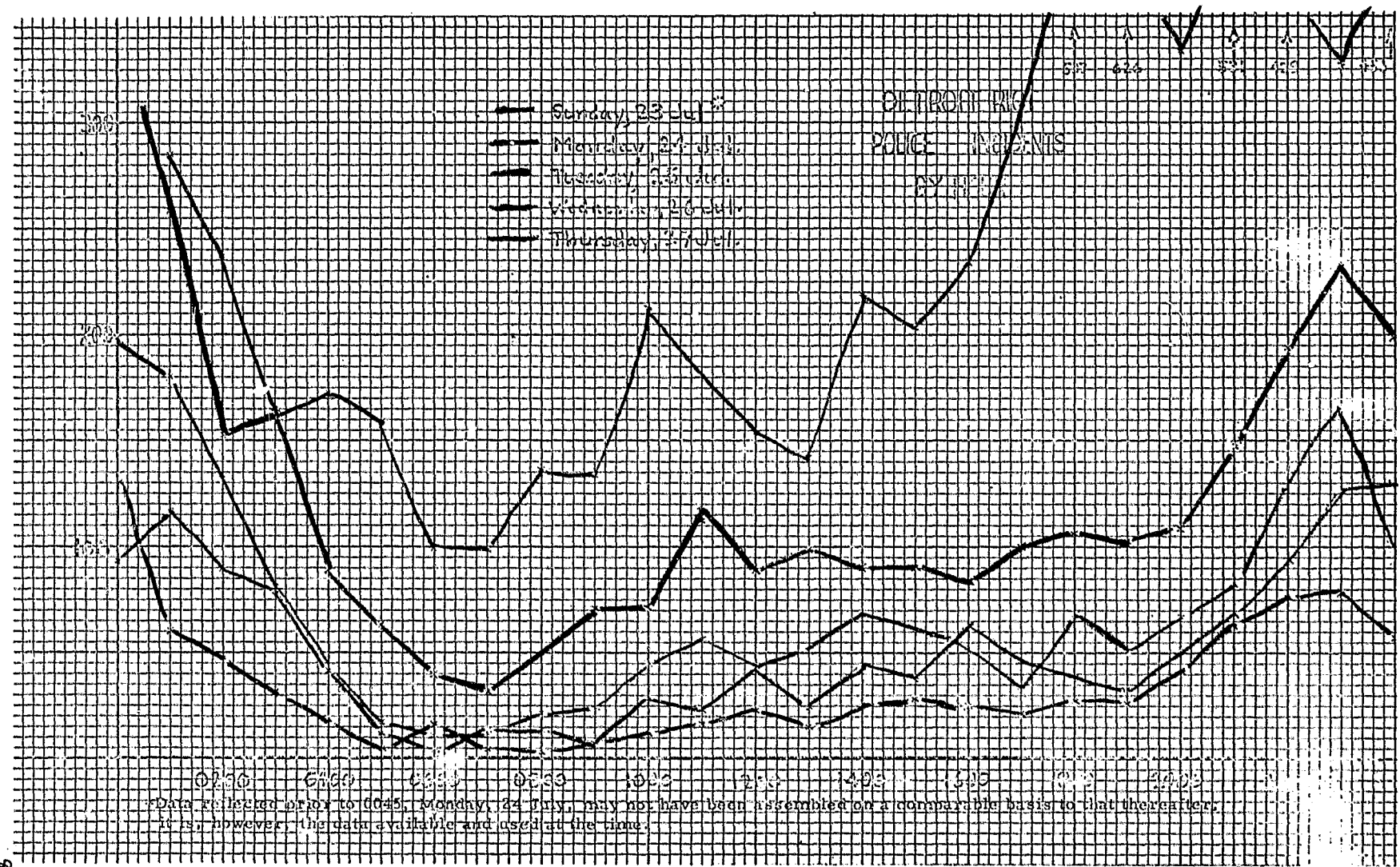
*. Data reflected prior to 0045, Monday, 24 July, may not have been assembled on a comparable basis to that thereafter; it is, however, the data which was made available to us and used at the time.

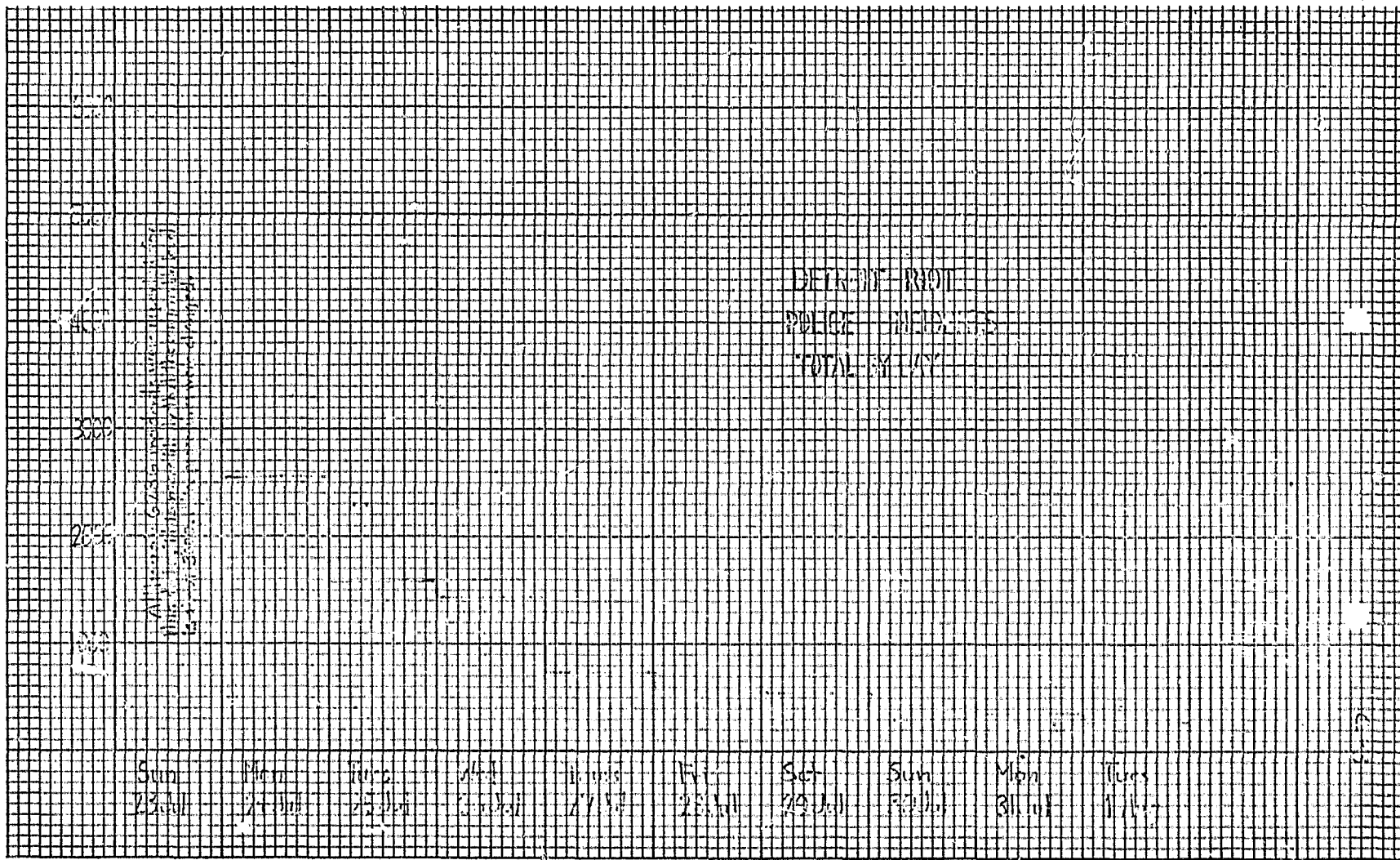
** Change in reporting periods - adjustment.

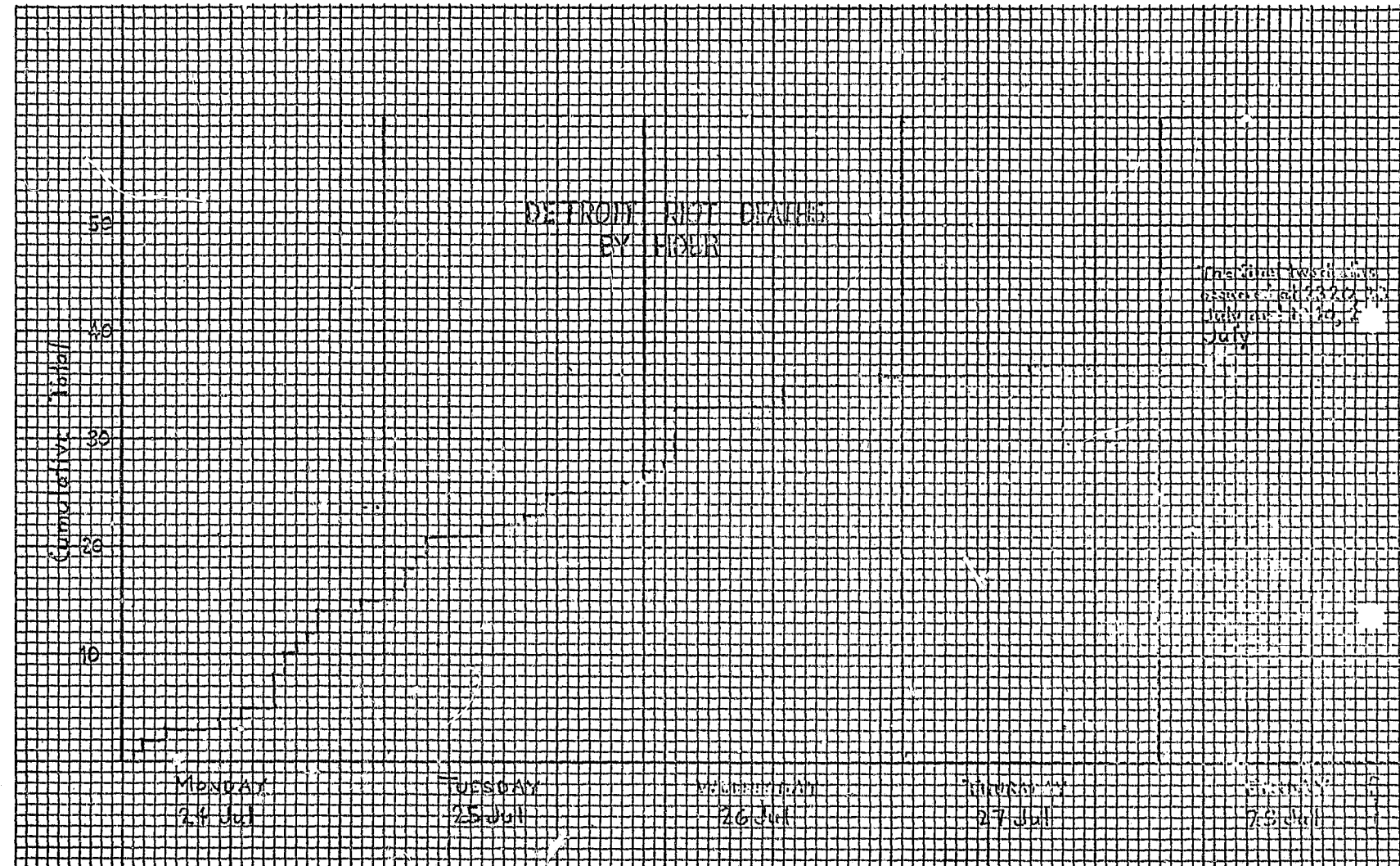
APPENDIX C

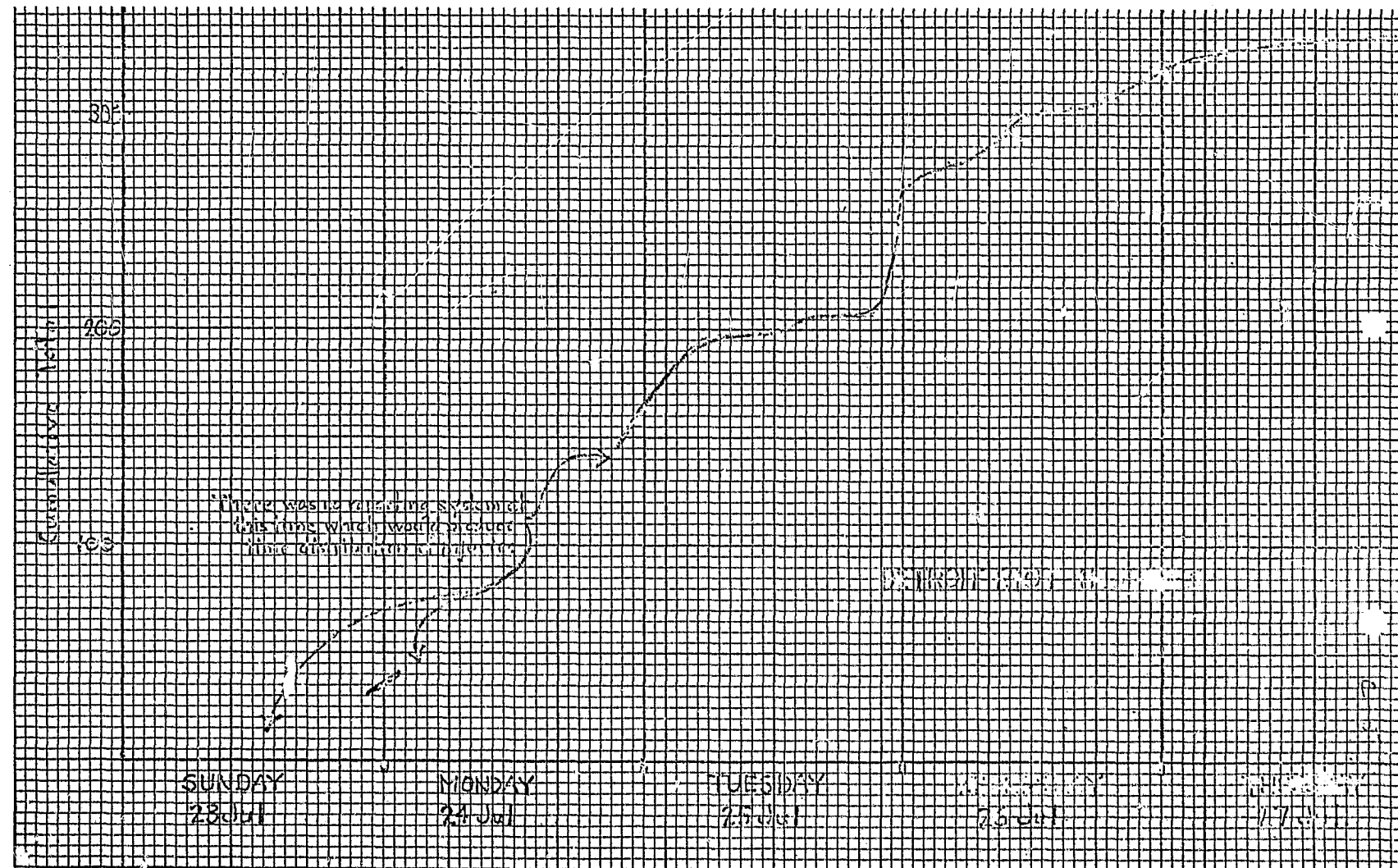


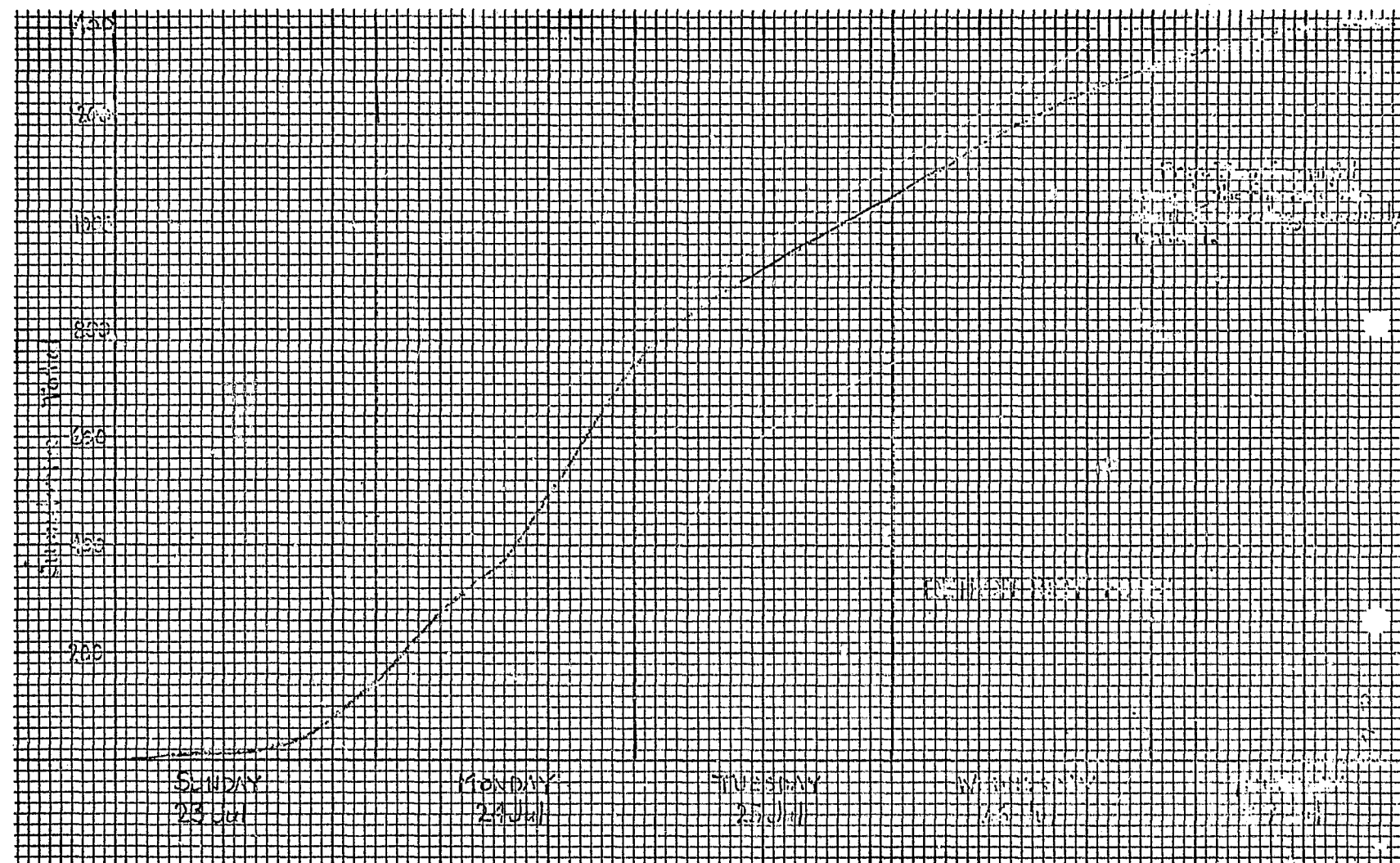
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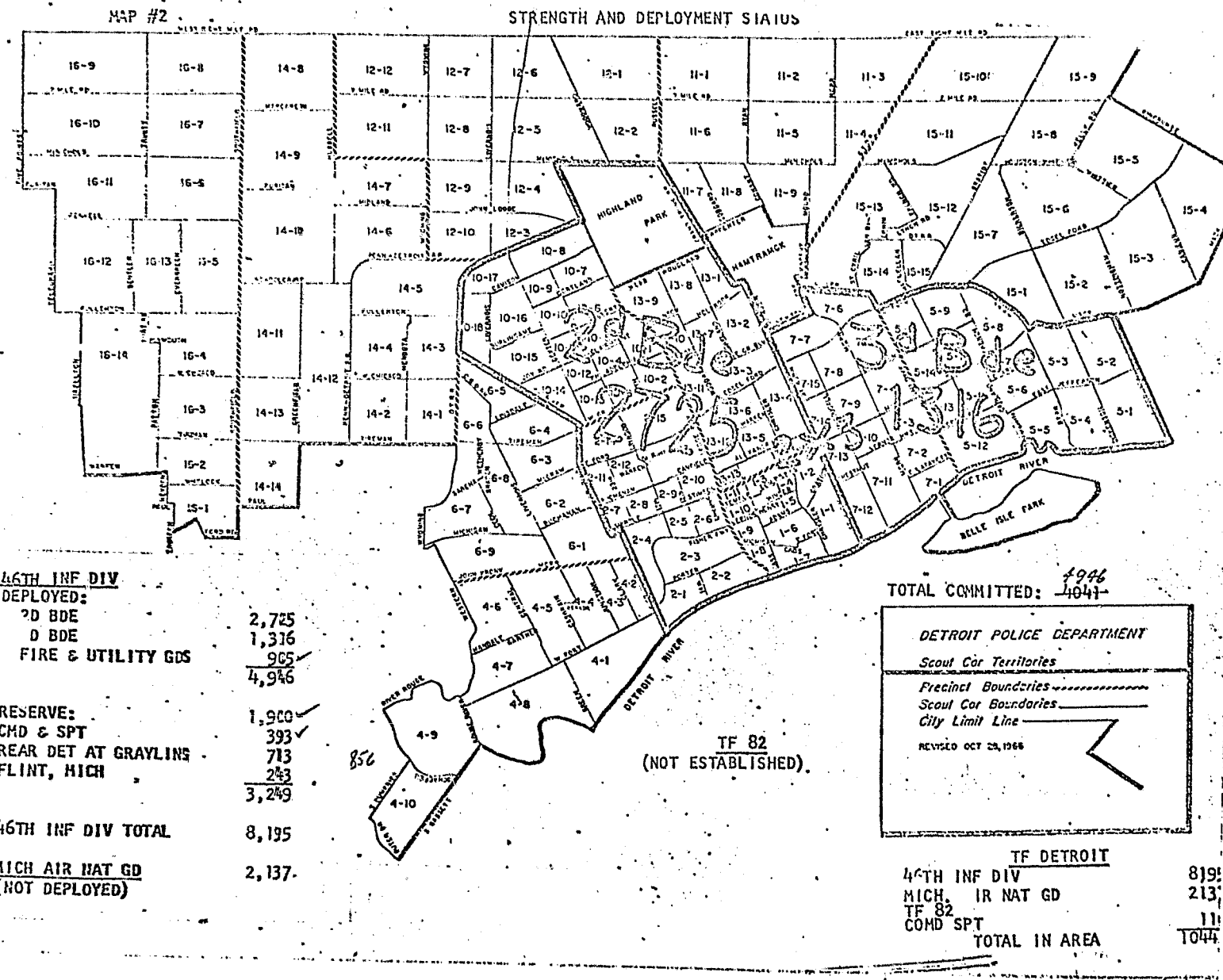


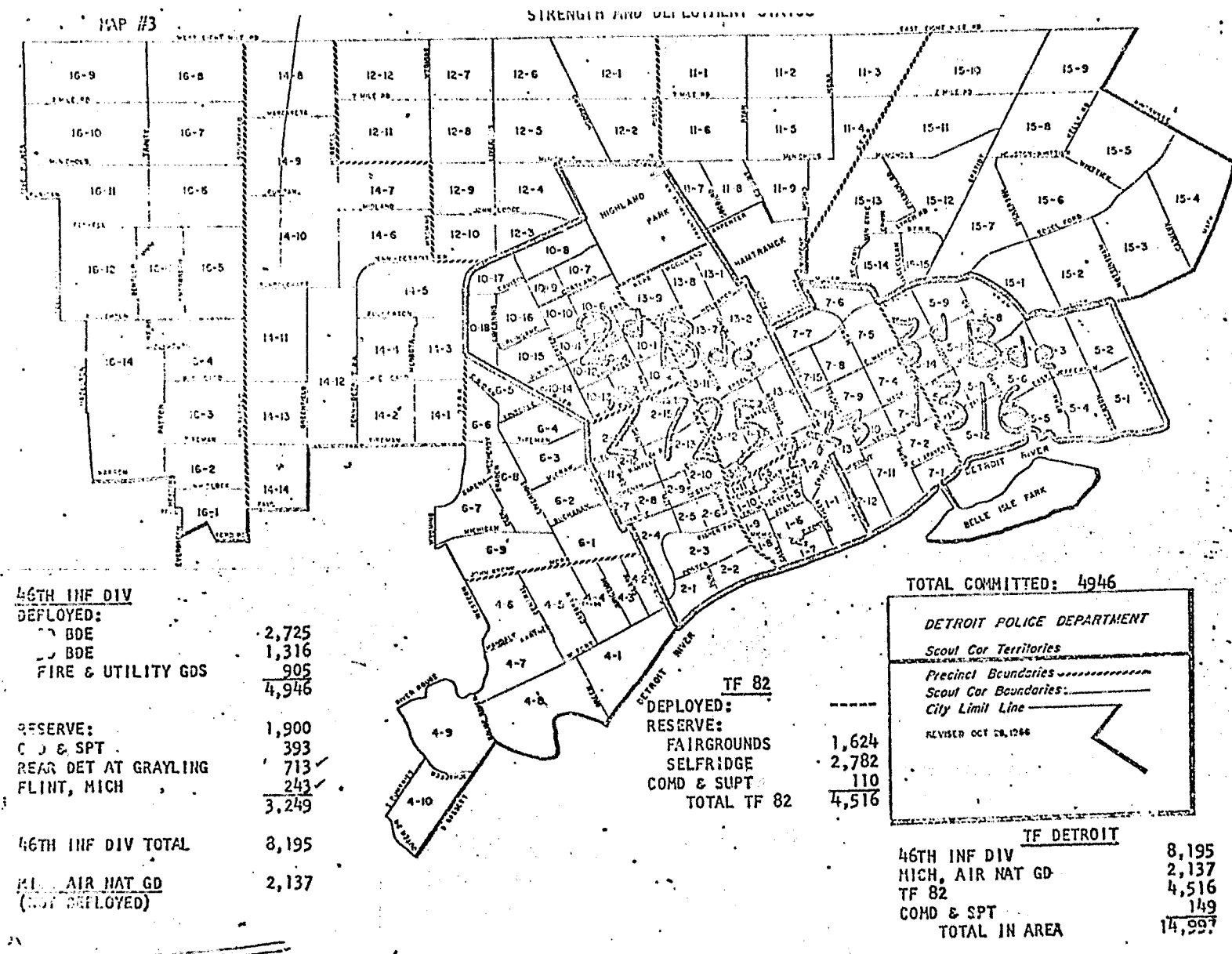






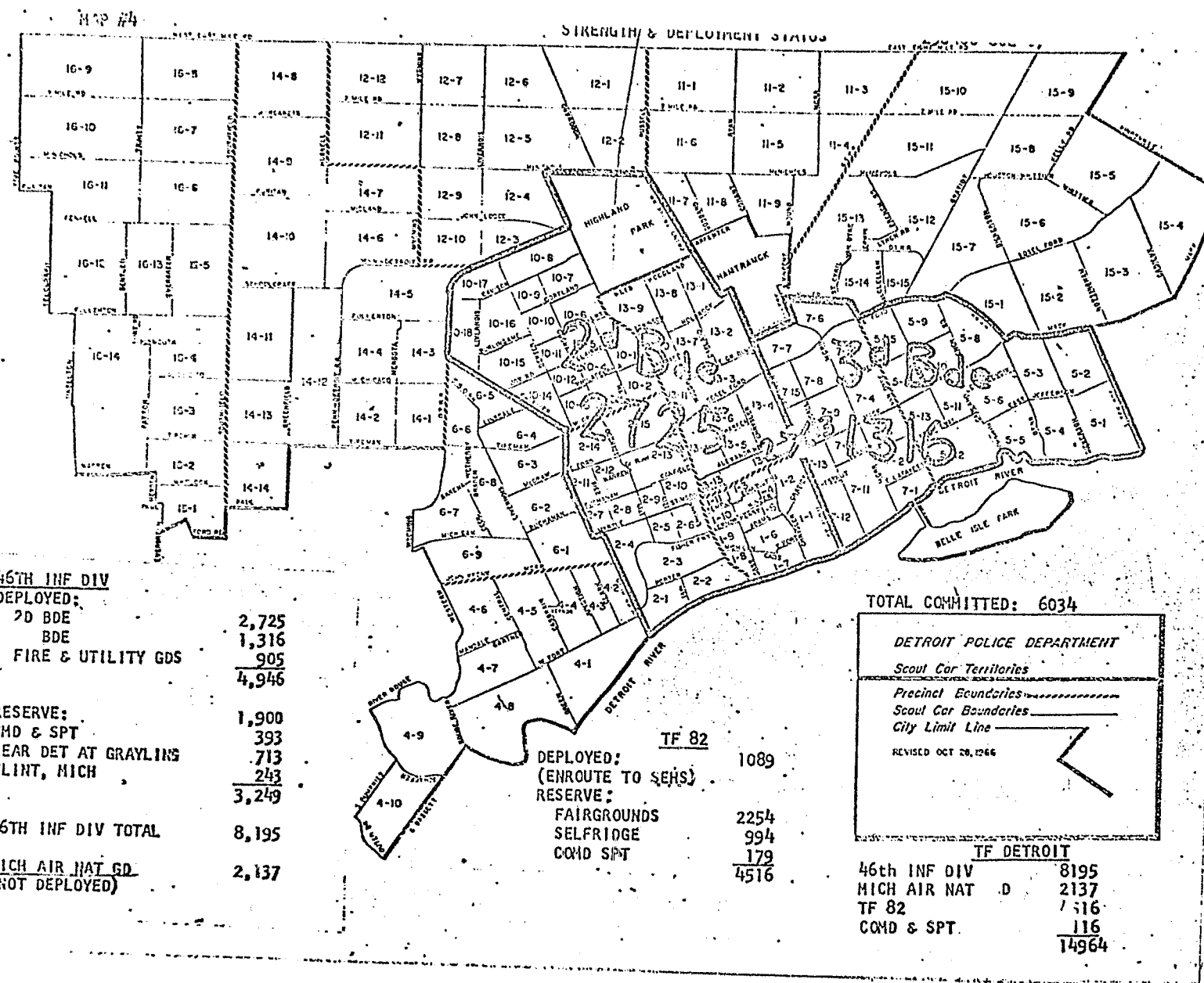


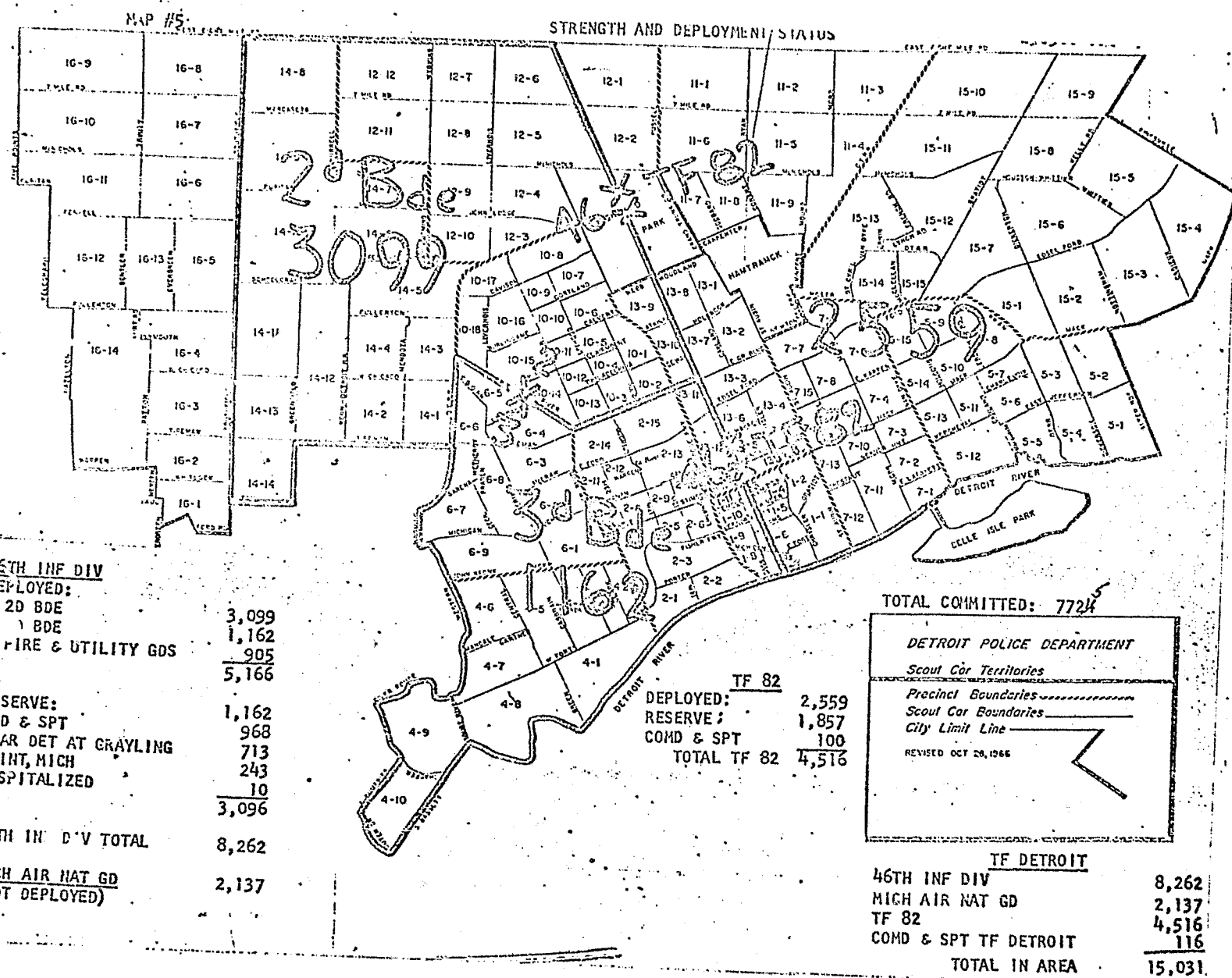


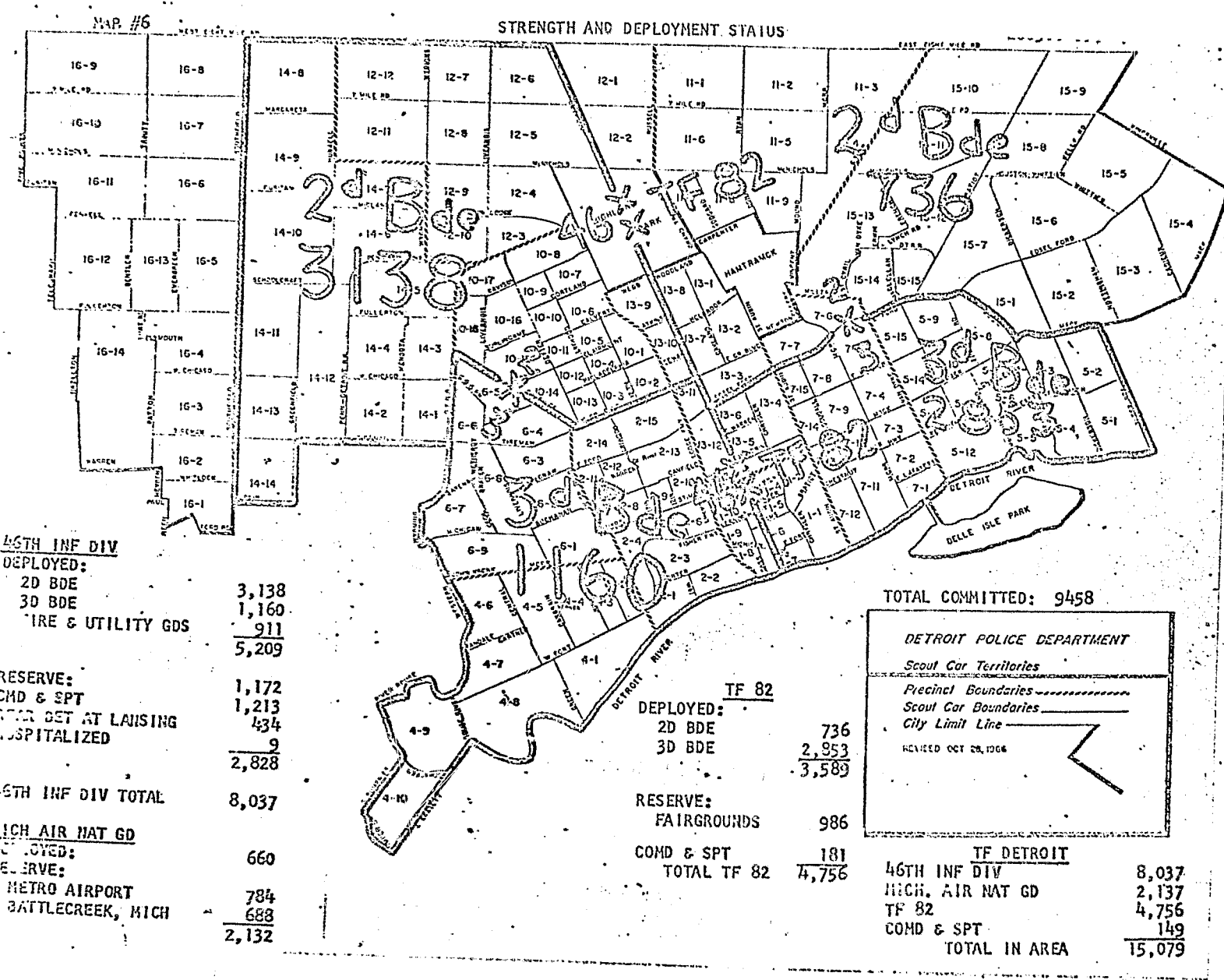


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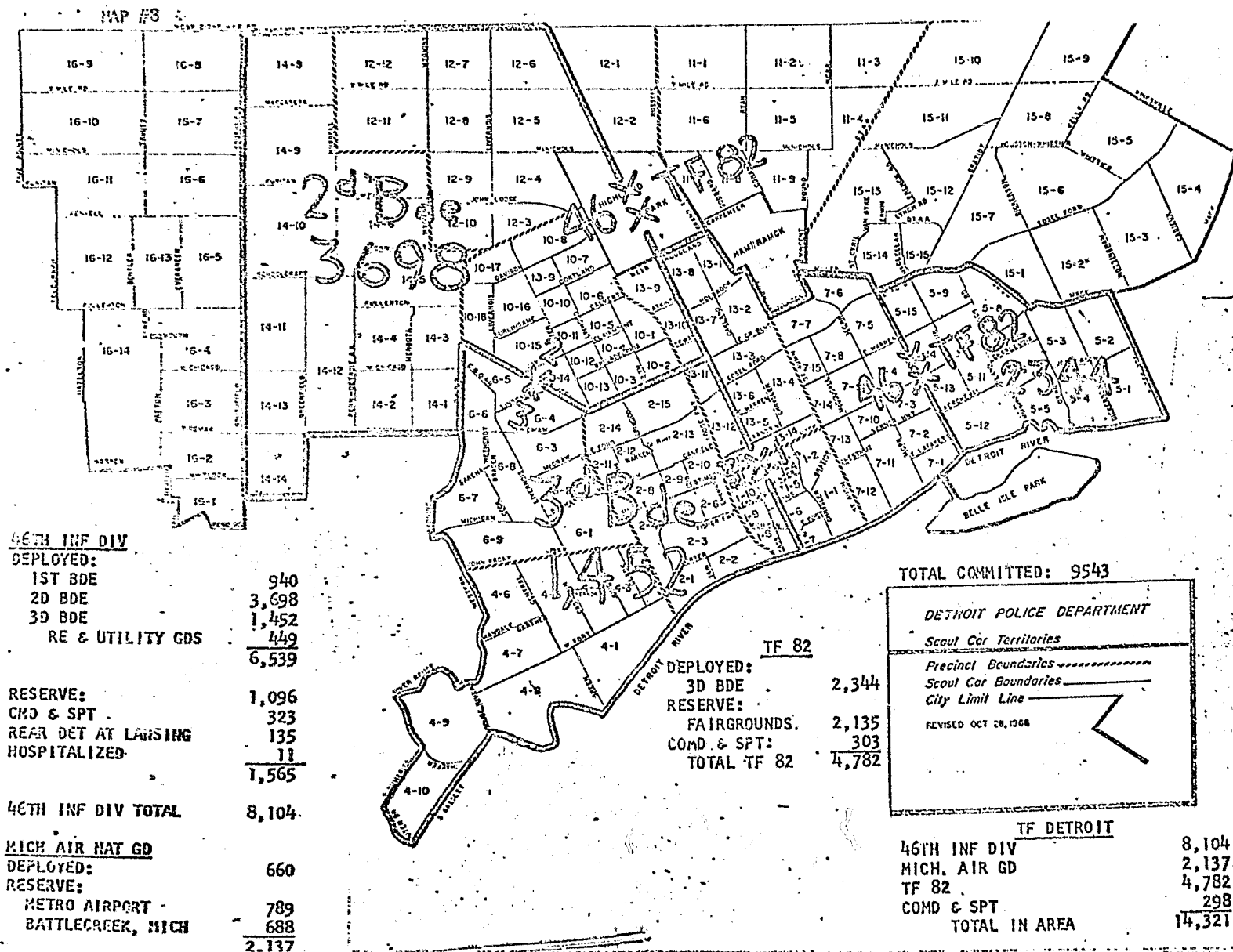
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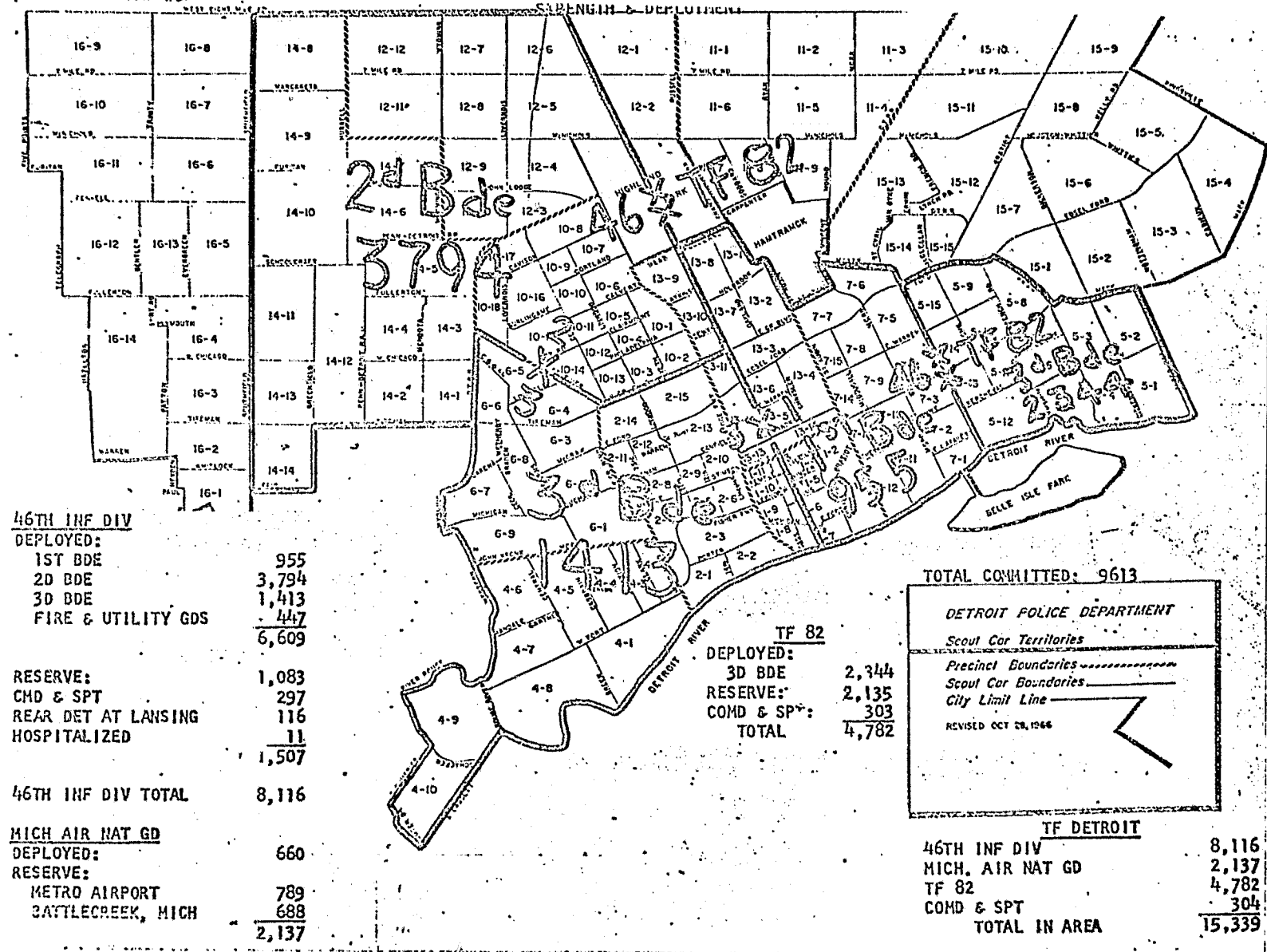


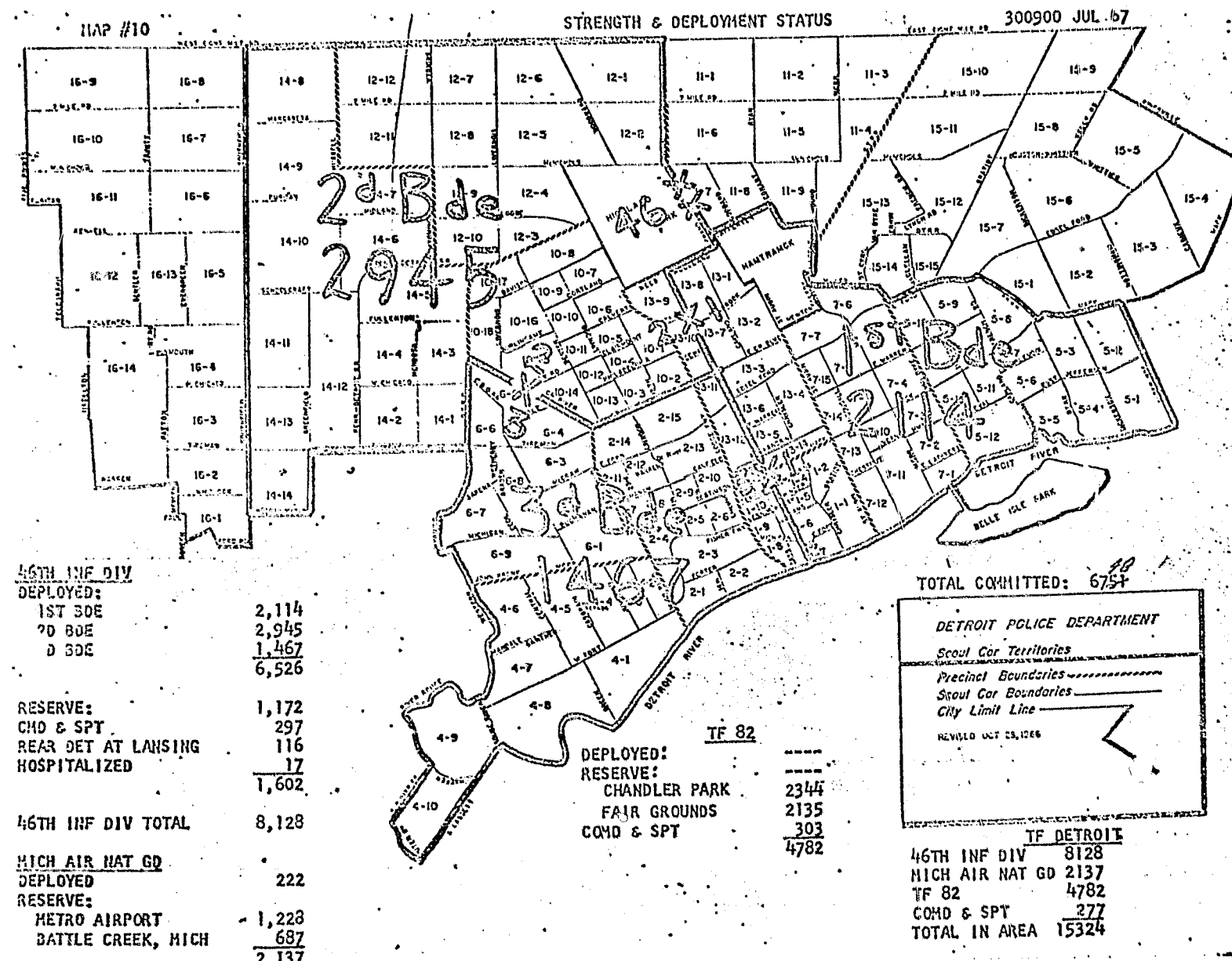


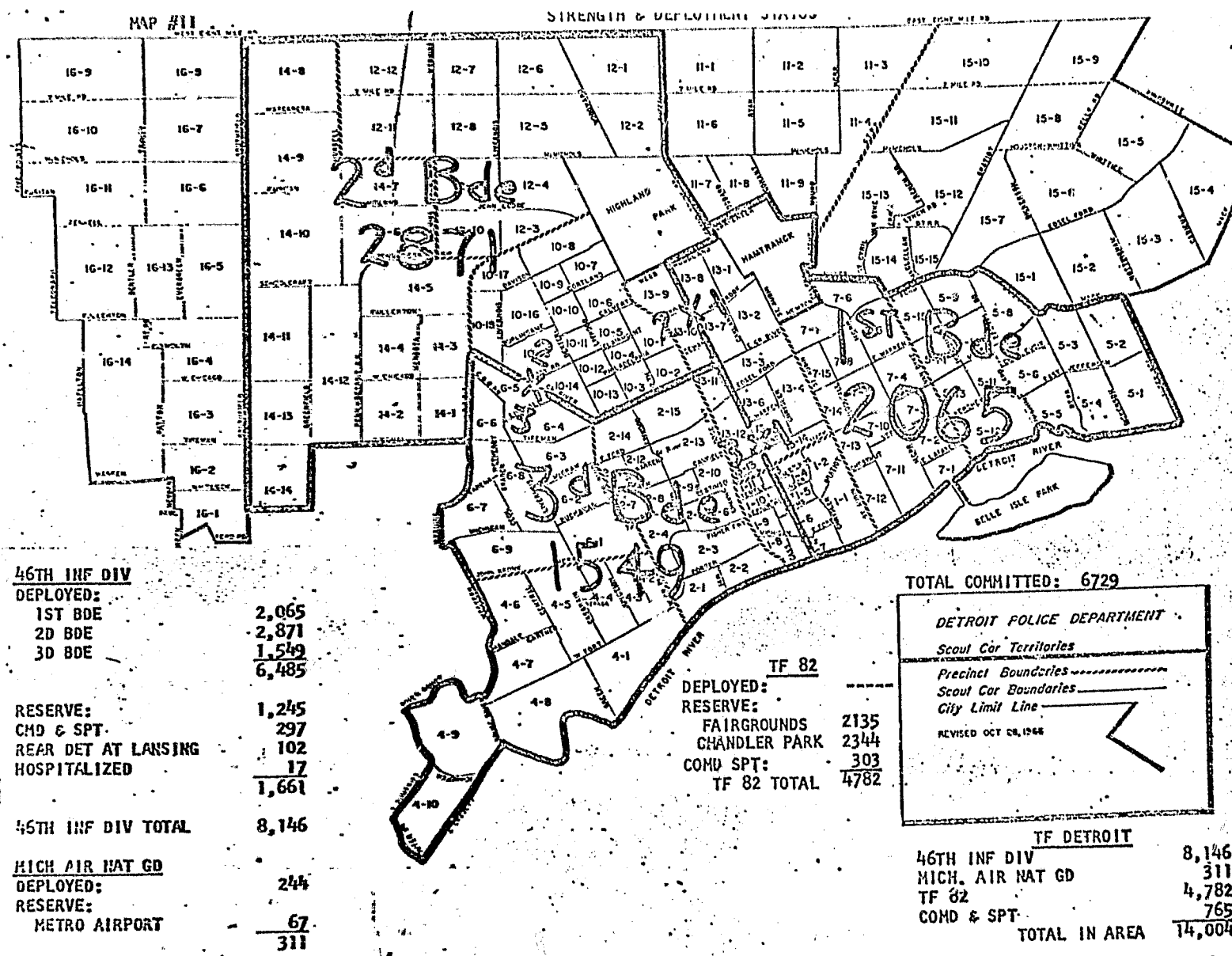


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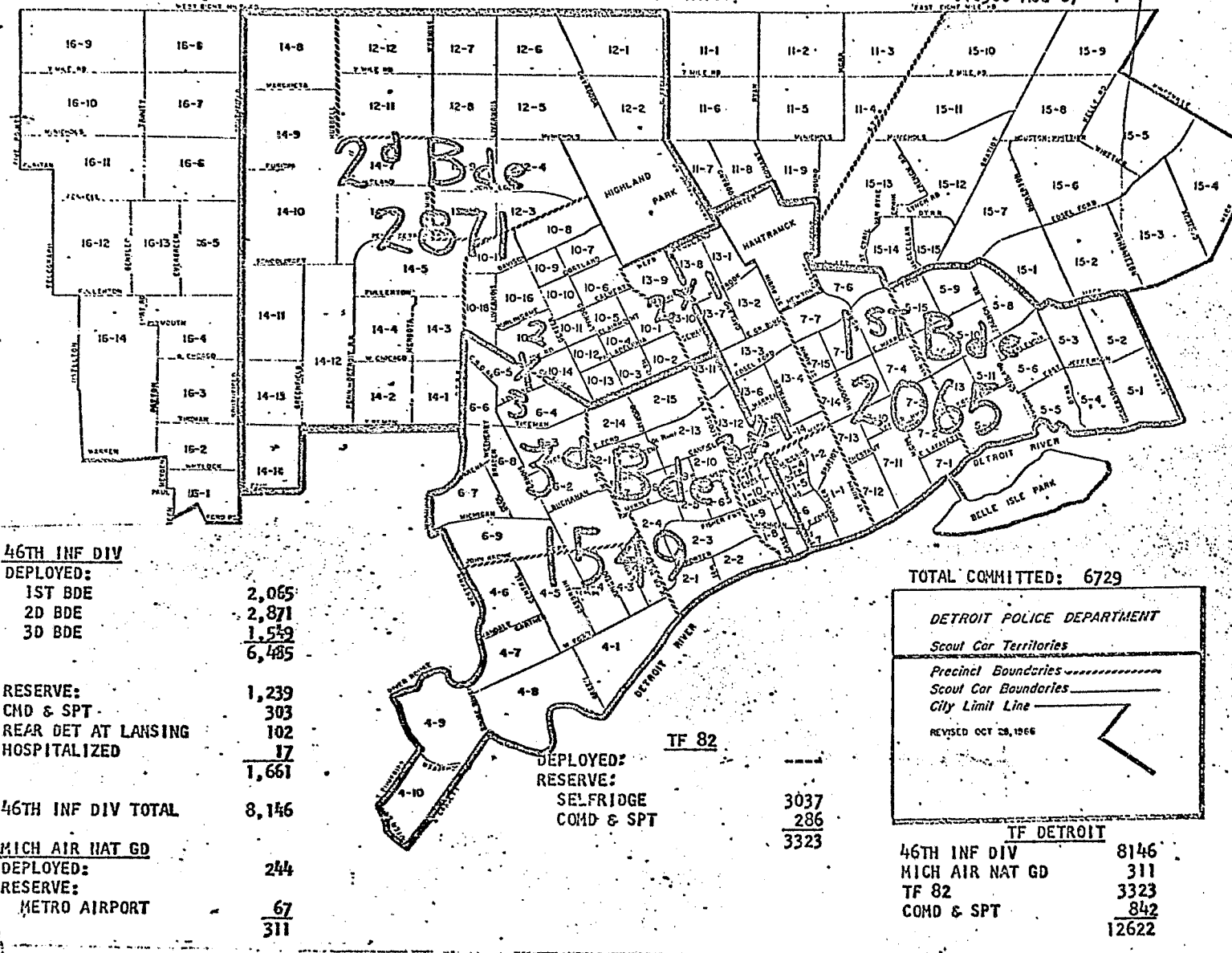






MAP #12

STRENGTH & DEPLOYMENT STATUS



46TH INF DIV
DEPLOYED:
1ST BDE 2,065
2D BDE 2,871
3D BDE 1,549
6,485

RESERVE:
CMD & SPT 303
REAR DET AT LANSING 102
HOSPITALIZED 17
1,661

46TH INF DIV TOTAL 8,146

MICH AIR NAT GD
DEPLOYED: 244
RESERVE:
METRO AIRPORT 67
311

TF 82
DEPLOYED:
RESERVE:
SELF RIDGE
CMD & SPT 3037
286
3323

TOTAL COMMITTED: 6729

DETROIT POLICE DEPARTMENT

Scout Car Territories

Precinct Boundaries

Scout Car Boundaries

City Limit Line

REVISED OCT 28, 1966

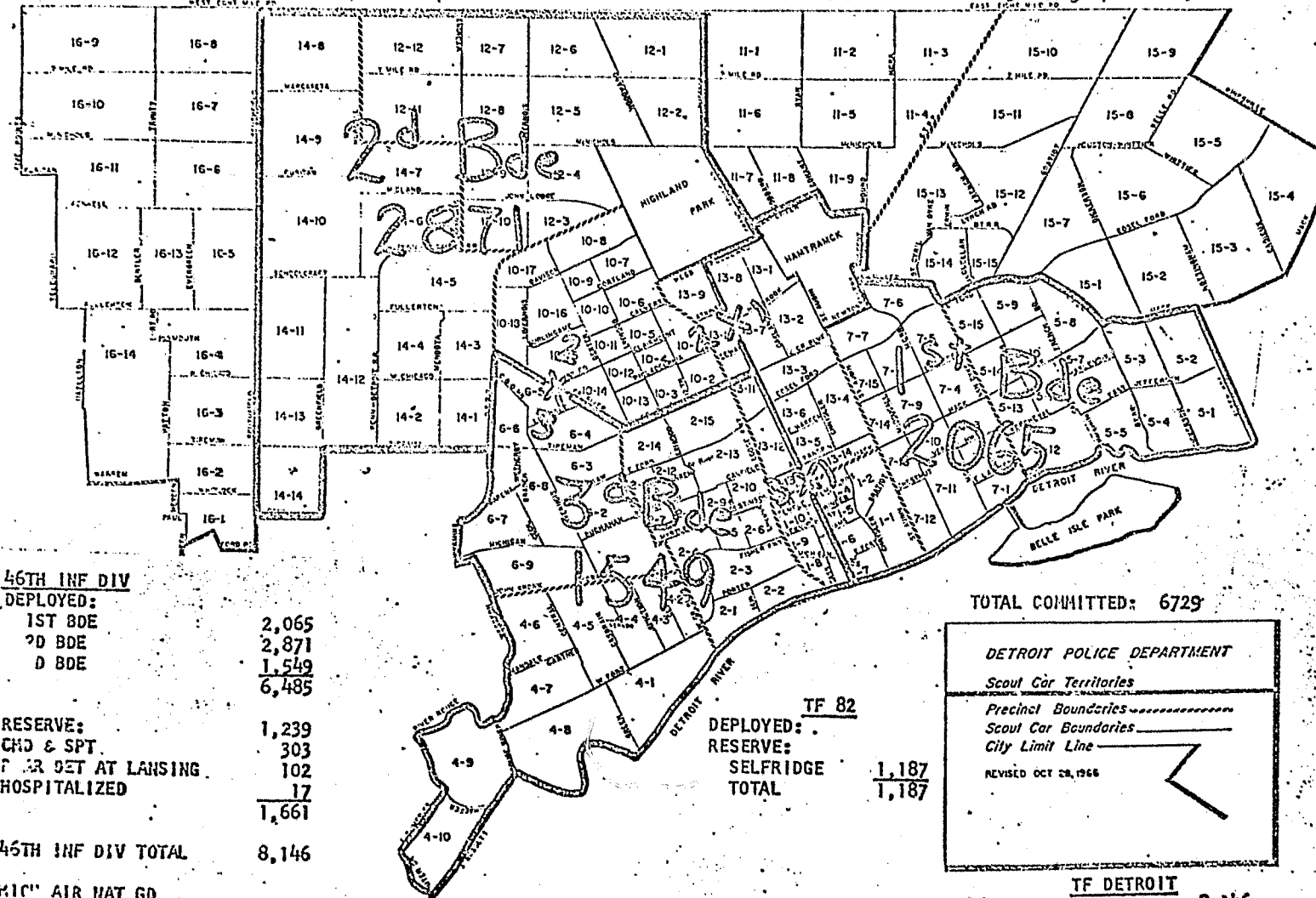
TF DETROIT

46TH INF DIV 8146
MICH AIR NAT GD 311
TF 82 3323
CMD & SPT 842
12622

MAP #13

STRENGTH & DEPLOYMENT STATUS

020900 Aug 67



46TH INF DIV
 DEPLOYED:
 1ST BDE 2,065
 2D BDE 2,871
 D BDE 1,549
 6,485

RESERVE: 1,239
 CMD & SPT 303
 1 AR DET AT LANSING 102
 HOSPITALIZED 17
 1,661

46TH INF DIV TOTAL 8,146

MICH AIR NAT GD
 DEPLOYED: 244
 RESERVE:
 METRO AIRPORT 67
 311

TF 82
 DEPLOYED:
 RESERVE:
 SELFPRIDGE 1,187
 TOTAL 1,187

TOTAL COMMITTED: 6729

DETROIT POLICE DEPARTMENT
 Scout Car Territories
 Precinct Boundaries
 Scout Car Boundaries
 City Limit Line
 REVISED OCT 28, 1966

TF DETROIT
 46TH INF DIV 8,146
 MICH AIR NAT GD 34
 TF 82 1,187
 CMD & SPT 842
 10,486

PRESENT STRENGTH OF 46TH INFANTRY DIVISION WHEN CALLED
TO ACTIVE FEDERAL DUTY AT 242320 JULY 1967

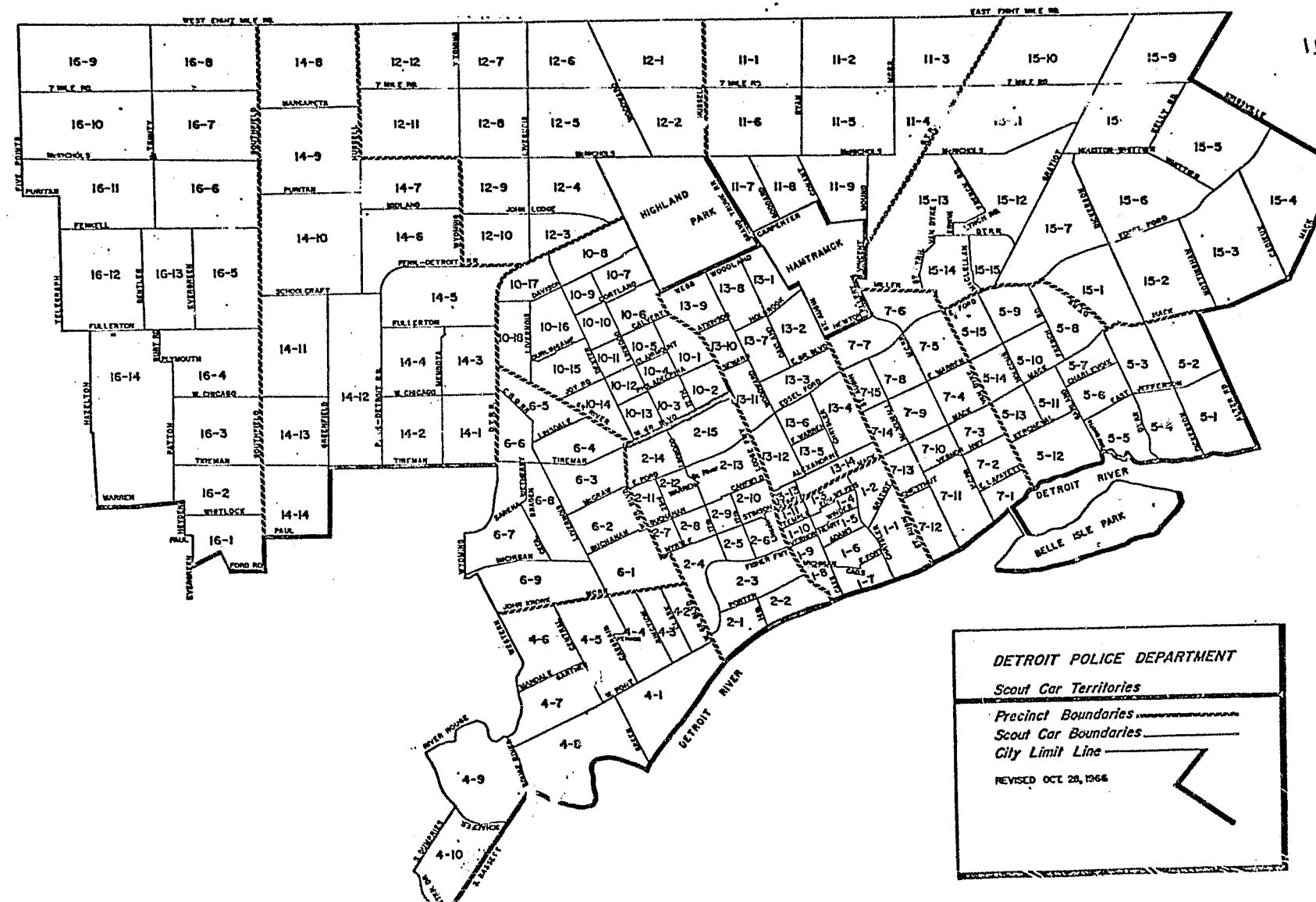
ORGANIZATION	LOCATION			TOTAL
	DETROIT	CAMP GRAYLING	FLINT	
HHC, 1st Bde, 46th Inf Div	65	-	-	65
1st Sqdn 146th Cav	342	-	-	342
2d Bn 246th Armor	257	-	-	257
3d Bn 246th Armor	258	2	-	260
156th Signal Bn	613	-	-	613
HHC, 2d Bde, 46th Inf Div (SRF)	114	-	-	114
1st Bn 125th Inf (SRF)	719	-	-	719
1st Bn (Abn) 225th Inf (SRF) (-)	519	-	-	519
Co C, 1st Bn (Abn) 225th Inf (SRF)	173	-	-	173
3d Bn 126th Inf (SRF)	728	-	-	728
2d Bn 182d Arty (SRF)	425	-	-	425
HHC, 3rd Bde, 46th Inf Div	64	-	-	64
1st Bn 126th Inf	250	13	-	263
2d Bn 126th Inf	299	1	-	300
2d Bn 125th Inf	242	41	-	283
HHC, 46th Inf Div Arty	97	4	-	101
1st Bn 119th Arty	175	41	-	216
2d Bn 119th Arty	205	13	-	218
1st Bn 182d Arty	226	28	-	254
3d Bn 182d Arty	119	10	-	129
HHC, 46th Inf Div Spt Comd and Band	17	37	-	54
107th Medical Bn (-)	143	-	-	143
Co D, 107th Medical Bn	-	36	-	36
107th Maint Bn (-)	15	101	-	116
Cos B, C, D, and E, 107th Maint Bn	193	27	-	220
46th Sup & Trans Bn	148	72	-	220
HHC, 46th Inf Div	98	10	-	108
46th Administration Co (Inf Div)	6	111	-	117
46th MP Co (Inf Div)	-	85	-	85
46th Aviation Bn (-)	32	-	-	32
Co A (AM), 46th Avn Bn (SRF)	84	13	-	97
107th Engineer Bn	361	37	-	398
107th Signal Bn (-)	-	-	194	194
Co C, 107th Signal Bn	-	31	49	80
1437th Engr Co (FB) (SRF)	209	-	-	209
126th PI Det (Team)	3	-	-	3
TOTALS	7199	713	243	8155

Source: Consolidated from Morning Reports, DA Form 1 (Item 13. f.), for
24 July 1967

NOTE:

The above figures do not include Michigan Army National Guard personnel who were in the following status categories at the time of call to Active Federal Duty.

- a. At REP 63 Training
- b. On leave
- c. TDY to Service School
- d. Hospitalized during AFT



To: The Honorable Cyrus Vance
From: Pat Kennedy, Deputy Director, VISTA
Date: August 2, 1967

Last Friday afternoon at 5:00 p.m. the VISTA headquarters received a telegram from Governor George Romney approving the assignment of 200 VISTA Volunteers to assist in Detroit's rehabilitation efforts. The Volunteers were requested by the Governor and the Mayor's Committee for Human Resources Development.

VISTA staff members were on the ground in Detroit in a matter of hours. And VISTA'S Director, Bill Crook, arrived in the city Saturday morning to take personal charge of launching VISTA'S emergency task force.

Less than 24 hours after Governor Romney's request for Volunteers, the first Volunteers were in Detroit and additional contingents arrived in the city over the next three days. The schedule of their arrival for emergency duty was as follows:

Friday	32 VISTA'S already in Detroit
Saturday	45 VISTA Volunteers
Sunday	20 VISTA Volunteers
Monday	55 VISTA Volunteers
Tuesday	48 VISTA Volunteers
Wednesday	15 VISTA Associates

215 Volunteer Total

Volunteers were lodged in the Tuller and Strathmore Hotels near the target areas and moved immediately into special VISTA briefing sessions on the purpose of VISTA'S mission in Detroit and the special discipline and curfews required in light of the disturbances. All Volunteers also received a special three hour briefing by the Mayor's Committee on the immediate problems and needs in target areas and on services available.

- VISTA Volunteers then moved out and went to work. They helped reinforce CAP neighborhood staffs in the four Administrative Centers and eighteen Local Subcenters. They went to the city's major emergency receiving hospital, Detroit General, to supplement overtaxed and exhausted staff. They moved into the Neighborhood Legal Services headquarters and the City Prosecutor's office in police headquarters to assist in interviewing and processing that week's staggering 4,000 arrests. (Normally, felony arrests in Detroit run around 8,000 a year.) Their goal was both to relieve massive clerical and legal problems and to facilitate release of bond of citizens so they could return to their jobs and families. VISTA Volunteers manned an emergency rat control project and worked out on Rochdodese Headstart Centers locating children absent since the riots began. And VISTA Volunteers boarded donated dump trucks for clean up campaigns.

APPENDIX F

Cyrus Vance
August 2, 1967
Page 2

During the crisis itself, some VISTA Volunteers repeatedly exposed themselves to sniper fire in order to assist refugees, report disasters and help direct relief agencies to areas of greatest need. Others performed small and sometimes menial tasks that took some of the burden off overworked local staff.

The Volunteers were supervised by 20 VISTA staff members who came from the VISTA office and VISTA Regional Training Centers. Their work was at all times closely coordinated with Mr. Vance's office and with the Mayor's Committee for Human Resources Development. They gave valuable guidance and direction every step of the way.

One of the most important efforts now is to put the community in a position to help rebuild itself. To further this objective, VISTA has just launched a campaign to recruit ghetto residents to serve as VISTA Associates. On Wednesday, the first fifteen VISTA Associates were selected. Additional Associates will be added in the coming days. VISTA regards the recruitment of local people to carry on work begun on an emergency basis by VISTA'S themselves as a high priority endeavor. The staff is also now beginning to work with local authorities to plan an orderly phase out of the VISTA emergency force in Detroit.

CHRONOLOGY OF
MAJOR EVENTS, 24 JULY - 2 AUGUST 1967

Mon., 24 July 1335: Departed Washington for Selfridge AFB.

1510: Arrived Selfridge AFB; joined by Gen. Throckmorton.

1600: Departed Selfridge AFB by car to Detroit Police Headquarters to meet Governor Romney and Mayor Cavanagh.

1625: Met with Gov. Romney and Mayor Cavanagh; recommended deployment of additional National Guard troops.

1730: Tour of city with Gov. Romney, Mayor Cavanagh, Gen. Throckmorton, Mr. Christopher, Mr. Doar.

1930: Met with Gov. Romney, Mayor Cavanagh, Reps. Diggs and Conyers, and community leaders.

2000: Consultation with Secretary of Defense.

2015: Joint press conference with Gov. Romney and Mayor Cavanagh.

2030: Gov. Romney came to my office and requested immediate commitment of Federal troops.

2035: Staff discussions and review of situation.

2130: Review of situation in city; made decision to move TF Detroit troops from Selfridge AFB to State Fairgrounds.

2135: Consultation with Secretary of Defense.

2230: Review of situation in City; staff discussions.

2245: Consultation with Secretary of Defense.

2310: Decision made to deploy TF Detroit troops into the city streets and to federalize the Michigan Army and Air National Guard.

2320: Executive Order signed.

2330: Press statement.

Tues., 25 July 0130: Relief of 46th ARNG Div. troops east of Woodward Ave. by TF Detroit elements in process.

0221: Press statement.

0330: Tour of City with Gen. Throckmorton.

0520: Press statement.

0630: Proposed to Mayor Cavanagh a joint announcement that business, plants and offices should be opened.

0645: Mayor Cavanagh concurred.

APPENDIX G

Tues., 25 July 0702: Gov. Romney came to discuss joint announcement and concurred.

0703: Press session for joint statement.

0705: Discussion with Gov. Romney of need to assess requirements for and plan actions to return city to normal.

1000: Meeting with Gov. Romney, Mayor Cavanagh, Rep. Conyers and other state and city officials to discuss health and medical problems, food distribution, shelter, detection and justice problems, insurance needs, motor fuel controls. Gov. Romney expressed view that Federal Disaster Area declaration should be made to cover Detroit area.

1155: Gov. Romney requested 250 National Guard troops for possible use in Flint, Grand Rapids, or elsewhere, and stated he wished to redeploy 250 State Police from Detroit. Concurred in State Police redeployment and agreed to reply shortly as to defederalization of National Guard troops.

1200: Agreed to defederalize one NG bn for use elsewhere by Gov. Romney.

1645: Gov. Romney expressed concern over situation outside metropolitan Detroit, and urged that President's proclamation be interpreted as applying to "Greater Detroit" metropolitan area. He was assured that a broad interpretation would be given to Executive Order so as to include "Greater Detroit."

1835: Press conference.

1853: At request of Gov. Romney, put "string" on police unit of 100 men which might be withdrawn from Detroit for use in Pontiac, and authorized contingency planning for release of an additional NG bn to Gov. Romney for use in Pontiac. Gov. Romney expressed concern over situation in Pontiac and statements made by extremists there.

2135: Gov. Romney and Col David (State Police Director) reported inflammatory statements by "a Black Power leader," and concern over possible attacks on utility systems to paralyze Detroit and reported movement of 70 car convoy into Detroit; asked guards for key utility installations and agreed to identify specific locations to XVIII Corps staff. Action taken to provide for these contingencies, should they arise.

2245: Met with Mayor Cavanagh.

2305: Tour of City with Gen. Throckmorton.

Tues., 25 July 0702: Gov. Romney came to discuss joint announcement and concurred.

0703: Press session for joint statement.

0705: Discussion with Gov. Romney of need to assess requirements for and plan actions to return city to normal.

1000: Meeting with Gov. Romney, Mayor Cavanagh, Rep. Conyers and other state and city officials to discuss health and medical problems, food distribution, shelter, detection and justice problems, insurance needs, motor fuel controls. Gov. Romney expressed view that Federal Disaster Area declaration should be made to cover Detroit area.

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2245: Met with Mayor Cavanagh.

2305: Tour of City with Gen. Throckmorton.

Wed., 26 July 0120: Staff discussion.

0150: Press conference.

0210: Meeting with Gov. Romney and Mayor Cavanagh.

0920: Staff discussion.

0945: Comm. Girardin submitted formal request for 1500 troops for relief of police.

Wed., 26 July 1325: Gov. Romney requested release from Federal service of police on duty with National Guard units; he agreed to furnish names of individuals.

1440: Gov. Romney requested that a representative designated by him be given current appreciation of situation at hourly intervals. This was done.

1500: Tour of city.

1815: Staff discussion.

1830: Col. Davids provided names of the 2 police on duty with NG who were then released from Federal service.

1850: Press conference.

2215: Staff discussion.

2330: Met with Mayor Cavanagh to recommend meeting of community leaders on recovery problem.

Thurs., 27 July 0035: Tour of city.

0200: Staff discussion.

0920: Staff discussion of troop "phaseback" plan.

1000: Press announcement on removing ammunition from weapons and sheathing bayonets, lifting of curfew and gasoline restrictions.

1010: Met with Gov. Romney and Mayor Cavanagh.

1110: Press conference.

1345: Meeting with Gov. Romney and Mayor Cavanagh.

1610: Community Leadership meeting in City-County Bldg.

1840: Gov. Romney stated that reimposition of curfew would be announced at once.

2350: Tour of city.

Fri., 28 July 0140: Staff discussions.

Fri., 28 July 0855: Gov. Romney and Mayor Cavanagh met with Mr. Vance to discuss Federal Assistance in accordance with the President's telegram of 27 July. Topics included food, medicine, safety, munitions, applicability of Federal funding programs and other matters of local or state scope and competence. Specific requirements to be identified and provided.

1158: Joint press conference

1230: Met with Gov. Romney, Mayor Cavanagh and state and local judicial and legal authorities to discuss problems associated with large numbers now in custody and awaiting disposition.

1445: Gov. Romney advised his intent to continue curfew in effect until Sunday and to review the situation at that time. Will contact for discussion 0930 Sunday, 30 July.

1645: Visited Mayor Cavanagh who requested 24 hour delay in further withdrawal of Regular troops (Precincts 5, 11, 12, 15)

2300: Met with Rep. Conyers

Sat., 29 July 0100: Tour of city.

0750: Departed enroute to Washington

1005: Washington

1100: Report to President
Meeting with Presidential Commission
Press Session

1720: Returned to Pentagon; discussions with ASD Goulding, UnderSec. Army McGiffert

1830: Departed Washington

2010: Arrived Selfridge; met briefly with Mr. Christopher who was returning to Washington

2040: Arrived in Detroit

2300: Staff discussion, status reports, appraisal of situation.

Sun., 30 July 0936: Gov. Romney called and stated he proposed no change in curfew or liquor sales rules at this time. He also agreed to announcement that all Regular Army troops had now been

Sun., 30 July 0936: withdrawn from the streets to Assembly areas at Fairgrounds and City Airport. Discussed future planning for withdrawal of TF Detroit elements to Selfridge AFB.

1015: Press conference on posture of TF Detroit.

1030: Attended church services with TF Detroit.

1445: Mayor Cavanagh agreed to movement of 3 bns to Selfridge on Monday after rush hour.

1740: Meeting with Mr. Phillips, Regional Director of SBA regarding requirements and plans to support SBA disaster area declaration.

2155: Discussed further plans for withdrawal of Federal troops with Gen. Throckmorton. Tentative schedule agreed upon involved movement of three bns from Selfridge to Ft. Campbell, four bns from the City to Selfridge on Tuesday; movement of remaining four bns to Ft. Campbell and Ft. Bragg, and de-Federalization of the National Guard on Wednesday.

Mon., 31 July 0915: Received copy of message from Col. Davids, State Police Director, announcing curfew 2400-0530 Monday night and resumption of liquor sales, except during curfew. Not previously coordinated with either Mr. Vance, Mayor Cavanagh, or Gen. Throckmorton.

0926: Gov. Romney agreed to Federal troops withdrawal schedule which had been developed Sunday night. He stated that upon defederalization, National Guard troops would be placed under command of State Police Director. Reported curfew and liquor sales changes previously announced.

0935: Press conference with Mr. Phillips to announce SBA plans for administration of its programs, and that 3 bns were being located to Selfridge AFB.

1000: Mr. Crook and Mr. Branson, VISTA, called to discuss support plans and programs.

1045: Mayor Cavanagh agreed to projected troop movements for Tuesday. Said he would discuss remainder of troop withdrawal plan later.

1138: Discussion with Rep. Conyers concerning support plans and general situation.

Mon., 31 July 1200: Telephone discussion with Rep. Nedzi concerning support plans and general situation.

1230: Lunch at Detroit Club with Mr. Hayden, Editor of Detroit News.

1440: Discussion with Sen. Hart concerning support plans and general situation

1730: Discussion with Rep. Diggs concerning support plans and general situation.

1900: Dinner at Detroit Club with Messrs. Cisler, George Brucker, Bixby, Fischer, and Keyes

2145: Staff discussions.

Tues., 1 Aug 0915: Press and radio report that curfew is ended.

0935: Press conference to announce movement of 4 battalions from Selfridge AFB to Ft. Campbell, 3 battalions from Detroit to Selfridge AFB.

1030: Mayor Cavanagh agreed to remainder of troop withdrawal schedule and to de-Federalization of the National Guard at 1200 on Wed., 2 Aug.

1100: Meeting with Greater Detroit Board of Commerce

1515: Tour through riot-damaged neighborhoods

2250: Staff meeting

2400: Meeting with Congressman Conyers.

Wed., 2 Aug 0920: Meeting with Governor Romney to discuss troop withdrawals

0935: Press conference on withdrawal of the remainder of Federal troops, and de-Federalization of the National Guard

1200: Command of the Michigan National Guard passed to State authorities.

1200: Meeting with Mr. Kennedy, Dep. Dir. of VISTA; Mr. Babson, Chicago Office of VISTA; and Mr. Henderson, Regional Director, VISTA, to discuss status of VISTA operations.

Wed., 2 Aug 1330 Meeting with Mr. Moot, Div. - designate of SBA; Mr. Phillips, Mr. Turpin and Mr. Cowles to discuss SBA program status and expectations.

1415: Meeting with Detroit Negro leadership to discuss the riot and riot-related problems.

1715: Meeting with Mayor Cavanagh

1840: Met Vice President Humphrey at City Airport and accompanied him to hotel for review of events and problems

2110: Departed Detroit

2130: Departed Selfridge AFB for Washington, D. C.

2310: Arrived Washington, D. C.

APPENDIX H*

A CHRONOLOGY OF MAJOR OCCASIONS
ON WHICH STATES HAVE REQUESTED FEDERAL ASSISTANCE
IN SUPPRESSING DOMESTIC VIOLENCE

1838--Buckshot War. Governor Ritner of Pennsylvania asked President Van Buren for Federal troops to put down violence resulting from contested elections to the Pennsylvania legislature. The President replied that the intervention of Federal troops was justified only where "domestic violence . . . is of such a character that the State authorities, civil and military, after having been called upon, have proved inadequate to suppress it." The disorder was settled locally without the aid of Federal troops.

1842--Dorr Rebellion. Governor King of Rhode Island appealed to President Tyler for assistance in stopping the attempt of Thomas Dorr and his followers to take over the government of that State. President Tyler replied that the time for Federal interference had not arrived since no actual insurrection was in progress when the request was made. Thereafter, with Governor King's approval, the Rhode Island legislature passed a resolution declaring the existence of an insurrection and calling for the interposition of Federal authority to suppress it. President Tyler sent no troops, although he assured the Governor that Federal aid would be forthcoming when

* Most of the incidents listed in this Appendix are discussed in B.M. Rich, The Presidents and Civil Disorder (The Brookings Institution, 1941). Others are described in S. Doc. No. 263, 67th Cong., 2d Sess. (1922).

the civil authorities had proved unable to put down the insurrection. Thereafter, the President continued to maintain the position that he would not intervene unless it became absolutely necessary to do so. Dorr's rebellion ended bloodlessly. No Federal troops were used.

1856--San Francisco Vigilance Committee. Governor Johnson of California requested President Pierce for aid in stopping the Committee from usurping the powers of the State. Attorney General Cushing advised the President that the circumstances did not afford sufficient legal justification for Federal assistance, since there had been no "actual shock of arms" between the insurgents and the State, and since the State had not exhausted its powers to deal with the situation. (8 Op. A.G. 8, 14-15). The President did not send in troops. The Vigilance Committee soon thereafter ceased to function.

1873--New Orleans Unrest. Racial problems of the Reconstruction period and political uncertainties as to proper occupants of political office resulted in violence throughout the State of Louisiana. Unable to suppress the increasing disorders, Governor Kellogg appealed to President Grant for aid. The President issued a proclamation on May 22 ordering the insurgents to disperse. Failure to heed the proclamation and increased disturbance resulted in a further proclamation on September 15, followed by the dispatch of Federal troops.

1874--Political disturbances in Arkansas. Both Joseph Brooks and Elisha Baxter claimed to have been validly elected Governor of Arkansas. Each of them gathered armed followers, contested possession of the State Capitol and petitioned the President to send in Federal troops. President Grant was loathe to intervene and

wanted to leave the question to the State courts to decide. He did, however, interpose a small force of regular troops between the opposing camps, thereby averting a major riot. The troops never played more than a passive role in this affair.

1876--South Carolina riots. An altercation between the Ku Klux Klan and Negro State militia was followed by bloodshed, rioting and pillaging. Governor Chamberlain applied to President Grant for assistance. In his proclamation of October 17, 1876, preceding the dispatch of Federal troops to suppress the disorders, President Grant noted that the so-called "rifle clubs" of the Klan, "though forbidden by the laws of the State, can not be controlled or suppressed by the ordinary course of justice."

1877--Railroad strike riots. Industrial strikes to protest wage reductions led to eruptions of labor violence in nine States. President Hayes responded cautiously to numerous requests for Federal aid, and repeatedly insisted that Federal troops would not be used to protect States against domestic violence unless the violence was beyond the capacity of State authorities to control.

The President demanded and received from Governor Matthews of West Virginia a complete statement of facts as to the strength of the insurgents and the reasons for that State's inability to cope with the disorder. The President ordered troops into West Virginia in response to the Governor's request, but they did not clash with the insurgents and most of the troops were quickly removed. The President also sent troops into Maryland and Pennsylvania at the

request of Governors Carroll and Hartranft, after bloody clashes had occurred and it became clear that the militia of those States could not bring the situation under control.

A request from Governor Williams of Indiana was turned down on the ground that it was incorrectly made. The Governor was informed that, in the absence of a valid request, Federal troops could be used only to protect Federal property and to enforce Federal court orders. The President also turned down a request from the Governor of Michigan. Although he granted a request from Governor Cullom of Illinois, the President restricted the use of troops in that State, as in Indiana, to protection of Federal property and enforcement of Federal law.

1892-1899--Idaho's Coeur D'Alene. During a seven year period, repeated incidents of violence on the part of mine workers over problems of wages and unionization kept the State in turmoil. Presidents Harrison, Cleveland and McKinley furnished Federal troops to quell the disorders at the request of Governors Willey, McConnell and Steunenberg.

1894--Coxey's March on Washington. On its way to Washington to dramatize the plight of those suffering from the depression, Coxey's "army of the unemployed" seized Federal railroad properties, disregarded Federal court injunctions, and engaged in acts of violence. Governor Rickarts of Montana informed President Cleveland that the militia of his State could not keep Coxey's army under control, and requested Federal troops. The President instructed the Army to intervene.

1903--The Strike at Telluride, Colorado. Governor Peabody twice

requested President Roosevelt to "furnish me such aid as I may call for" to put down anticipated outbreaks of labor violence. The President refused twice to take action, explaining that a disturbance must amount to an insurrection against the government of a State and that the State's inability to maintain order must be demonstrated before he could comply with such a request. Instead, the President called for an inquiry into the extent of the disturbance. The Government's position, as stated in the instructions to the chief investigator, Major General Bates, was that "compliance with such a call as is here made is, under well established precedents, not to be ordered as a matter of convenience and for the suppression of a mere disturbance, but must in every instance be based upon urgent necessity proceeding from open, organized, and armed opposition to the execution of the laws of the State which the State authorities, civil and military, are clearly unable to overcome." The President never did send in Federal troops, and the labor unrest in Colorado continued as a local issue.

1907--Labor Troubles at Goldfield, Nevada. After receiving two requests

from Governor Sparks alleging the existence of labor disturbances beyond the power of the State to control and noting the lack of an organized militia in that State, President Roosevelt dispatched Federal troops. However, the troops took no affirmative action after they arrived, since it appeared that their presence was not actually necessary to restore order. Later, a Presidential investigating committee found there was no warrant for the assertion that civil

authority had collapsed in Nevada. The President thereupon informed the Governor that the troops would shortly be withdrawn.

Their withdrawal was delayed only until the State adopted measures for its own protection against domestic violence.

1914--Colorado coal strike. When warfare broke out between operators

and coal miners, Governor Ammons wired President Wilson requesting United States troops. There were no funds at that time to pay for the Colorado militia. The President's response was to pay for the Colorado militia. The Governor made a second request, to which the President replied that he doubted his power to send troops under the circumstances, and that troops would not be sent until every avenue to peaceful settlement had been closed. Troops were finally sent, although not in the number Governor Ammons thought necessary. The President thereafter explained to Governor Ammons that "the Federal forces are there only until the State of Colorado has time and opportunity to resume complete sovereignty and control in the matter."

1919--Race riots in Washington, D. C. and Omaha, Nebraska; steel strike

at Gary, Indiana. The drafting of the National Guard into Federal service to fight in World War I had left the States without adequate protection against internal disorders. Since the draft law made no provision for the Guard's return to its former status after the war, the Army responded quickly to requests for aid in suppressing domestic disturbances in the Summer of 1919.

1921--Warfare in the coal fields of West Virginia. Problems of unioni-

zation and alleged maltreatment of miners led to a shooting war between operators and miners along the boundary line between West Virginia and Kentucky. Since West Virginia had never organized

its National Guard after World War I and therefore had no organized force adequate to deal with an emergency, Governor Morgan requested President Harding to send in Federal troops. Governor Morrow of Kentucky joined in the request, noting that the situation was beyond the control of State forces at his command. President Harding, however, did not dispatch troops, but ordered an investigation of the need for Federal forces. The investigation revealed that there was no necessity for troops. Thereafter the President informed Governor Morgan that he would not be justified in sending Federal troops until he was "well assured that the State has exhausted all its resources in the performance of its functions."

When Governor Morgan appealed a second time for Federal troops, a second investigation was undertaken, culminating in another decision by the President that troops were not needed. Only when conditions suddenly worsened and Governor Morgan appealed a third time for help did the President finally agree to send in troops. However, the troops took no military action against the miners. Their mere presence was enough to halt the fighting.

1932--The Bonus Army. Needy veterans marched on the Nation's capital determined to force the immediate payment of soldiers' bonuses. After refusing to vacate Government property, they rioted and clashed bloodily with the police. Shortly after the riot, the District Commissioners telephoned the White House asking that troops be dispatched to the scene. President Hoover asked that the Commissioners put their request in writing, and when they had done so, he instructed the Secretary of War to call out the troops.

1943--Detroit race riots. Serious tension between the races erupted in rioting, which soon spread to downtown Detroit, where it was estimated that about 100,000 people were involved. Many of the rioters were armed. All available police and police reserves were sent into action, and the Michigan State Troops were mobilized by order of Governor Kelly. The State National Guard was not available since it was then in Federal service. The Governor requested Federal troops and President Roosevelt complied with the request. As noted in a proclamation issued by the President, Governor Kelly had represented that "domestic violence exists in said State which the authorities of said State are unable to suppress . . ."

1967--Detroit riots. Following a police raid on an illegal drinking place, rioting, looting, arson and sniping broke out on a large scale in the city. When State and local police, reinforced by units of the Michigan National Guard, proved unable to restore order, President Johnson directed the use of Federal troops at the request of Governor Romney. In an accompanying proclamation, the President recited information received from the Governor to the effect that "conditions of domestic violence and disorder exist in the City of Detroit... and... the law enforcement resources available to the City and State, including the National Guard, have been unable to suppress such acts of violence and to restore law and order."

Governor Romney and Mayor Cavanagh Thursday announced that the following telegram is being sent to President Johnson:

The catastrophe which has struck the City of Detroit is a "disaster" by any reasonable definition of that term.

Entire blocks have been leveled by fire, and pockets of destruction exist throughout the city. Losses due to fire and looting have been estimated at hundreds of millions of dollars, and these estimates may very well prove to be conservative.

However, we have been advised by Governor Farris Bryant and Deputy United States Attorney General Christopher that the provisions of the Federal Disaster Assistance Act have not in the past been applied to disasters other than those resulting from natural causes.

Last week part of the Detroit metropolitan area was declared a disaster area following a five-inch rainfall. It simply does not make sense not to commit federal assistance to the City of Detroit in view of what has happened there in recent days.

We urgently request that this policy be re-evaluated, in view of the fact that the statute covers natural disasters, "or other catastrophe which in the determination of the President" warrants special federal assistance, and that such assistance be approved for the City of Detroit.

Governor George Romney
Jerome P. Cavanagh, Mayor

APPENDIX I

CLASS OF SERVICE
This is a fast message unless its deferred character is indicated by the proper symbol.

WESTERN UNION

W. P. MARSHALL
CHAIRMAN OF THE BOARD

TELEGRAM

R. W. McFALL
PRESIDENT

SYMBOLS
DL = Day Letter
NL = Night Letter
LT = International Letter Telegram

The time shown in the date line on domestic telegrams is LOCAL TIME at point of origin. Time of receipt is LOCAL TIME at point of destination.

537P EDT JUL 27 67 DEB838.

FBA200 DE 001 DE WA026 RX GOVT PD WUX THE WHITE HOUSE WASHINGTON

DC 27 444P EDT

SECRETARY CYRUS VANCE & WARREN CHRISTOPHER, REPORT DELIVERY,
DONT PHONE

FEDERAL BUILDING DET

THERE FOLLOWS A TELEGRAM THAT WAS SENT TO GOVERNOR ROMNEY AND
MAYOR CAVANAGH A FEW MINUTES AGO:

IN REPLY TO YOUR TELEGRAM, AFTER CONFERRING.

WITH THE APPROPRIATE MEMBERS OF THE CABINET, I HAVE DIRECTED
THEM TO HELP MEET THE EMERGENCY HEALTH, FOOD AND SAFETY NEEDS
OF THE CITIZENS OF DETROIT THAT CANNOT BE MET BY STATE AND
LOCAL RESOURCES. TO THAT END I HAVE ASKED MR. VANCE AND MR.
CHRISTOPHER TO CONFER WITH YOU IMMEDIATELY TO DETERMINE WHAT
THOSE NEEDS ARE AD TO REPORT PROMPTLY.

I HAVE ALSO INSTRUCTED THE OFFICIALS CONCERNED TO MOVE

SF1201(R2-65)

WITHOUT DELAY TO MEET THE NEEDS OF THOSE WHO HAVE SUFFERED
AT THE HANDS OF RIOTERS, AS SOON AS THOSE NEEDS CAN BE DETERMINED.
THE DECISION TO MOVE FOOD INTO DETROIT FOR THOSE IN NEED WAS
MADE YESTERDAY. I HAVE DIRECTED THE RELEASE OF DRUGS AND HOSPITAL
EQUIPMENT FOR EMERGENCY USE AND THEY ARE AVAILABLE UPON THE
REQUEST OF YOUR HEALTH AUTHORITIES. SIGNED LYNDON B JOHNSON"

JOSEPH A CALIFANO

(52).

APPENDIX J

SF1201(R2-65)

August 10, 1967

Emergency Measures Taken to aid Victims

1. Building demolition - An existing \$2,012,000 grant from HUD for demolition of buildings has been extended to permit use of remaining \$867,000 for demolition of nearly 500 damaged structures which are endangering the public safety. The amount made available is estimated to be adequate to meet needs.
2. Emergency food - The Department of Agriculture through its commodity distribution system, school lunch program, and food stamp programs has made available food for distribution to public and private groups in response to the Mayor's request for \$1 million for this purpose. The crisis is now reported as being over.
3. Emergency hospital equipment - 600 beds have been made available from the stockpile of emergency disaster hospitals, which had been prepositioned in the area. The beds were used primarily for prisoners.
4. Insect and rat control - A team of vector control specialists from the Communicable Disease Center in Atlanta has appraised the need for insect and rat control in burned out areas. A report of August 8 recommends a series of immediate measures to be undertaken and will also outline a longer term control program. At present it appears that adequate stocks of insecticides and rodenticides are available in the area. It also appears that Park Department spraying equipment can be converted to Health Department use. 176 VISTA personnel from OEO have already been used and CDC will institute a 2-day training program for both NYC and VISTA personnel in emergency control measures.
5. Emergency housing - FHA is turning over to the Detroit Housing Authority for \$1 per month 63 housing units acquired through mortgage foreclosure. Of the total, 34 have already been made available and the remainder are in process. In addition, 24 VA-owned vacant properties have been provided and 48 units at Fort Wayne were made available by Defense. Another 10 VA units can be made available if needed (have had eight referrals from the city for the 24 VA units).
6. Causes influencing the disturbance - The National Institute of Mental Health has made 2 grants for \$158,000 to the Lafayette Clinic and the Behavior Research Institute for the purpose of interviewing people involved in the riots and evaluating their behavior.
7. Family loans - OEO has advanced \$100,000 for emergency family loans to meet area needs in accordance with a request by the city. Loans are for a maximum of \$300 at 2% interest. Project funds of \$300 have been set aside.

8. Social services - OEO has continued funding for the CAP program, day-care centers, and homemaker services at the 1967 level because of the Continuing Resolution. It has been impossible under the authority of this Resolution to provide for the requested increased funding. Approximately 230 VISTAs have manned switchboards, worked in hospitals and helped in clean-up. Neighborhood centers went on 24-hour duty to serve as communications and food distribution centers. Legal aid services being provided.

9. Small Business loans - Two branch offices have been opened to meet credit needs of small business and home owners. It is estimated that SBA will have adequate funds to meet the needs. To date, 497 loan inquiries have been received, 165 applications made available, all of which have been from small business. These will probably result in \$2 million in loans; 7 loans for \$60,600 already have been approved and 11 more for \$154,000 are in process.

City of Detroit

EXECUTIVE OFFICE

JEROME P. CAVANAGH
MAYOR

TO: Mr. Cyrus Vance
FROM: Mayor Jerome P. Cavanagh
SUBJECT: Federal Aid Requested for Detroit's
Emergency Recovery Program
DATE: July 28, 1967

Detroit has received a generous share of Federal aid over the past several years to assist its efforts toward urban survival. However, as a result of the agonies of the past week, Detroit is in dire need of Federal assistance on a scale many times above that of the past. Such additional Federal funds are vital to the recovery of a grievously wounded city.

I urgently request the recognition of the seriousness of the aftermath of the riots by having the President declare Detroit a disaster area. Our recovery will be greatly expedited by the 50 million dollar emergency fund, by Federal staff specialists, and by earmarked funds of Federal agencies that become available to disaster areas.

Immediate costs that Detroit government will have to absorb for the payment of overtime and through the loss of tax revenues will exceed 7 million. Listed below are the specific needs of the City of Detroit that could be assisted through financial aid under Federal programs:

DANGEROUS BUILDING DEMOLITION (funds available from HUD)

Needs Resulting from Recent Destruction:

1300 units @ \$1,000	\$1,300,000
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HOUSING (funds available from HUD)

Survey and Planning Applications Submitted but not Approved: (All of the following projects are in the riot area)

Forest Park # 2 - Mich. R 138	\$11,733,000
Sheridan Place - Mich. R 145	1,597,000
Jefferson-Chalmers - Mich. R 168	16,375,000
Myrtle-Humboldt - PHA 1-22	2,961,000

Applications Awaiting Part I or Part II Approval: (All of the following projects are in the riot area)

Forest Park # 1 - Mich. R 124	\$ 1,661,000
North Industrial - Mich. R 119	8,817,000
Elmwood Park # 3 - Mich. R 123	17,334,000
Medical Center # 3 - Mich. R 112	20,000,000
	<u>\$80,478,000</u>

Applications to Housing Assistance Administration Awaiting Approval: (All of the following projects are in the riot area)

Grand River-Harrison - PHA 1-29	
Gratiot-East Warren - PHA 1-24	
West Vernor-Scotten - PHA 1-28	
Total 300 units	\$4,000,000

Needs Resulting from Recent Destruction:

1500 additional HAA Units	\$20,000,000
Virginia Park Conservation Project (12th St. Area) (Core of the riot area)	\$16,000,000

COMMUNITY ACTION PROGRAMS (funds available from OEO)

Refunding as of 9/1/67 of Basic CAP	\$18,581,199
Comprehensive Medical Center	1,757,587
Expand Emergency Family Loan Program	300,000
Demonstration Day Care Program	500,000
Homemaker Services Program	300,000
	<u>\$21,438,786</u>

EMPLOYMENT AND TRAINING PROGRAMS (funds available from Dept. of Labor)

Refunding as of 9/1/67 of Basic Manpower Program	\$5,000,000
Expansion of Concentrated Employment Project	1,000,000
Operation Mainstream (urban beautification)	500,000
Home Maintenance Advisor Program	500,000
	<u>\$7,000,000</u>

EMERGENCY FOOD SUPPLIES (funds available from Surplus Commodity Prog.)

10,000 needy people	\$1,000,000
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HEALTH SERVICES (funds available from HEW)

Hospital Services:

Emergency Medical Care Equipment	\$ 300,000
Emergency Ambulance Service Equipment	120,000
Medical Laboratory Facilities	200,000
Expanded Pharmacy Facilities	150,000
Communication & Emergency Lighting Equipment	225,000
	<u>\$ 995,000</u>

Public Health Services:

Immunization Program	\$ 200,000
Rodent Control Program	170,000
Domestic Animal Control Program	100,000
Nursing Services for Schools & Community	1,000,000
Mobile Health Services Units	180,000
	<u>\$1,650,000</u>

LAW ENFORCEMENT (funds available from Department of Justice)

Needs Resulting from Recent Destruction:

Replacement and repair of radios, automobiles, firearms, and uniforms lost and damaged during present emergency	\$ 475,000
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Further Requirements:

Radios, closed circuit TV system, automobiles, firearms, and protective clothing	\$2,750,000
	<u>\$3,225,000</u>

MASS TRANSPORTATION (funds available from HUD)

Applications Pending:

49 coaches - 50 passenger	\$1,410,000
150 two-way radios for coaches	190,000
2 minibuses	30,000
	<u>\$1,630,000</u>

Further Requirements:

100 coaches - 50 passenger	\$3,000,000
450 two-way radios for coaches	570,000
	<u>\$3,570,000</u>

COMMERCIAL REBUILDING (loan funds available from SBA)

Needs Resulting from Recent Destruction:

1000 loans at \$10,000	\$10,000,000
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STREET LIGHTING (funds available from Department of Justice)

Needs Resulting from Recent Destruction:

Replacement & repair of street & alley lights	\$ 250,000
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Further Requirements:

Installation of 25,000 new street & alley lights	\$7,500,000
	<u>\$7,750,000</u>

MODEL CITY (funds available from HUD - Application Pending)

Initial Planning Grant	\$ 500,000
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OPEN SPACE PROGRAM (funds available from HUD - Application Pending)

Acquisition and Development of Park Lands	\$ 324,515
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URBAN BEAUTIFICATION PROGRAM (funds available from HUD)

Application Pending:

Development of Public Properties	\$ 682,000
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SECOND REPORT ON DETROIT'S EMERGENCY RECOVERY PROGRAM

This report will divide the City's original request for federal emergency aid into two parts:

1. The items which can be done without a declaration of disaster.
2. The items which can be done only if there is a declaration of disaster.

In discussing the above two points, reference will be made to the items mentioned in Mayor Cavanagh's memo to Mr. Cyrus Vance dated July 28, 1967.

If we begin with the public housing applications which are to be financed solely by HAA, all that is needed is a speeding up of approvals so that Detroit can move quickly to make the housing available. This can be done without a presidential declaration.

Detroit has bond authorization for three of the urban renewal projects:

1. North Industrial
2. Elmwood Park #3
3. Medical Center #3

These three projects could move ahead quickly if HUD would speed up its processing in response to the emergency. For the remaining urban renewal projects, even if HUD moved quickly, Detroit is not financed with the necessary local contribution to undertake them immediately. Therefore, it is important for the President to declare Detroit a disaster area so that the local contribution could be waived in whole or in part.

We would also need a waiver of the local contribution in the dangerous building demolition program.

We are working under an extremely tight budget situation in Detroit and recent events have made our budget situation even worse.

As far as the community action programs are concerned, Detroit would not need a presidential declaration. All that would be necessary is for OEO to move quickly to approve them. The same is true for the Health Service requests from HEW.

The law enforcement requests are contingent on the passage of the Safe Streets Act. We understand that there are no funds presently available under the Office of Law Enforcement Assistance Programs except as to research analyses. Our law enforcement requests would fall into the same category as our OEO or HEW requests when funds become available, that is, no presidential declaration would be needed, only a speed up in making help available.

Also, falling into the category of speed up with no presidential declaration, are the mass transportation requests, the Model Cities program and the open space and beautification programs.

We do not know whether it takes a presidential declaration to free up and speed up the processing of mortgage money. We have a 221d3 project which is sponsored by the FCH company on land made available through a locally assisted redevelopment project. This company could break ground this fall if the FHA would speed up its processing. We have been working with Mitchell Associates on a new type of residential structure which can be put up by unskilled persons on a mass basis. We would like to be in a position to build hundreds of these homes on vacant or burned out lots in the affected area. This could become a new industry which employs the poor. We need assurance of low interest mortgage funds becoming immediately available so that we can start construction.

In addition, we desperately need economic injury loans for small businesses. Our present best estimates indicate that at least 600 businesses have received fire damage to their personal property. Several thousand others have been looted of their merchandise. These establishments need the economic injury loans to get back on their feet. This program definitely needs a declaration by the President.

One other question which has been raised is whether a presidential declaration would have any impact on insurance claims, in terms of escape clauses, new insurance or the cancellation of policies. These questions were checked with William Wadsworth, our State Deputy Insurance Commissioner, and he assures us that a disaster designation will have no effect on any of the above items.

FINANCIAL SUMMARY -- PUBLIC SECTOR

Renewal projects, group 1 (2)
Renewal projects, group 2 (2)

	<u>Federal Share</u>
Renewal projects, group 1 (2)	\$30,786,000
Renewal projects, group 2 (2)	46,151,000

FINANCIAL SUMMARY -- PUBLIC SECTOR (continued)

		<u>Federal Share</u>
Normal federal share	\$30,768,000	
Equivalent of local contribution	15,383,000	
Public housing (3)		\$26,961,000
Demolition of dangerous buildings (2)		1,300,000
Normal federal share	867,000	
Equivalent of local contribution	433,000	
Community Action Programs (1)		21,439,000
Employment and training programs (1)		7,000,000
Health services (3)		2,645,000
Law enforcement and street lighting (4)		10,975,000
Mass transportation (1)		5,200,000
Model City planning application (1)		500,000
Open Space and Urban Beautification		1,007,000
 Total		 \$153,964,000

(1) The City can finance the local contribution of these projects even if they are speeded up.

(2) The City cannot finance the local contribution if the projects are speeded up. The federal government will have to assume the local contribution costs in addition to the federal costs.

(3) These require no local contribution and need only to be speeded up by the federal government.

(4) This depends on passage of the Safe Streets Act.

FINANCIAL SUMMARY -- PRIVATE SECTOR

Reconstruction of business structures (SBA loans)		
(200 loans at an average of \$10,000)		\$ 2,000,000
Economic injury loans		
(500 loans at an average of \$15,000)		7,500,000
Low interest FHA mortgages		
(To start new low cost housing industry with unskilled workers, 1,000 mortgages at \$12,500 each)		12,500,000
 Total		 \$22,000,000

August 9, 1967

THIRD REPORT ON DETROIT'S EMERGENCY RECOVERY PROGRAM

New information plus the efforts of Federal officials have already made our second report on the emergency recovery program obsolete. We are, therefore, writing a third report.

One situation which has begun to change rapidly is the whole area of urban renewal and public housing. William Lorenz of the Chicago Regional Office of HUD has been assigned as coordinator and it appears that all of the renewal and public housing projects listed in the memorandum to Cyrus Vance will move ahead expeditiously. Further checking indicates that we will be able in some form or another to cover our local contribution on the renewal projects even if they are speeded up. This is also true of the demolition of dangerous building program. There is still some question about the 1,500 additional public housing units we asked for and urgently require.

In terms of the Community Action Programs, the only item thus far expedited is a partial funding of one-third of the requested Emergency Family Loan Program. The other items do not need a Presidential declaration of Detroit as a disaster area. They only need a speeding up in processing and this is dependent on funding by Congress in large measure. The same would be true of Health Service requests from HEW. We are re-examining our health needs and will submit more definitive requirements.

As indicated previously, the law enforcement requests are contingent on the passage of the Law Enforcement and Criminal Justice Assistance Act. We understand that there are no funds any longer available under the Office of Law Enforcement Assistance programs except for research. Our law enforcement requests should also not need a Presidential declaration.

APPENDIX N

THIRD REPORT (Continued)

Also, falling into the category of speed up with no presidential declaration, are the mass transportation requests, the Model City Program, and the open space and beautification programs.

We do not know whether it takes a presidential declaration to free up and speed up the processing of mortgage money. We have a 221d3 project which is sponsored by the FCH company on land made available through a locally assisted redevelopment project. This company could break ground this Fall if the FHA would speed up its processing. We have been working with Mitchell Associates on a new type of residential structure which can be put up by unskilled persons on a mass basis. We would like to be in a position to build hundreds of these homes on vacant or burned out lots in the affected area. This could become a new industry which employs the poor. We need assurance of low interest mortgage funds (221d3) becoming immediately available so that we can start construction.

In addition we need economic injury loans to create working capital for businessmen who have been burned out or looted out and who need money to finance employee wages, accounts payable, etc. This program definitely needs a declaration by the President.

The question has been raised as to whether a Presidential declaration —would have any impact on insurance claims in terms of escape clauses, new insurance or the cancellation of policies. Our first information indicated that such a declaration would have no effect. Further statements from our State Insurance Commissioner have indicated that he believes that such a declaration would have no effect but that he cannot be sure.

FINANCIAL SUMMARY, PUBLIC SECTOR

	<u>Federal Share</u>
Renewal projects	\$ 61,500,000
Public housing	26,961,000
Demolition of dangerous buildings	867,000
Community Action Programs	21,339,000
Employment and Training Programs	7,000,000

FINANCIAL SUMMARY, PRIVATE SECTOR

Reconstruction of Business Structures (SBA loans) (300 loans at an average of \$10,000)	\$ 30,000,000
Economic Injury Loans (500 loans at an average of \$2,000)	1,000,000
Low Interest FHA Mortgages (To start new low cost housing industry with unskilled workers, 1000 mortgages at \$12,500 each)	12,500,000
Total	\$ 43,500,000



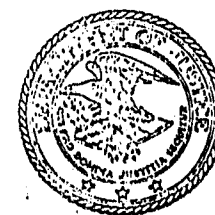
Department of Justice

FOR IMMEDIATE RELEASE
MONDAY, AUGUST 7, 1967

Attorney General Ramsey Clark today sent a letter to the Governor of each state outlining the legal requirements for using federal troops to quell domestic violence.

In making the letter public, Mr. Clark said it was not written in the expectation of any situation requiring federal troops. However, he said, it would be desirable for the Governors to have the requirements in mind should the need arise.

A copy of the letter is attached.



Office of the Attorney General Washington, D. C. 20530

Dear Governor:

At the President's request, I am writing you regarding the legal requirements for the use of Federal troops in case of severe domestic violence within your state. The requirements are simple. They arise from the Constitution. So the principles will be clearly in mind; I will briefly outline here the basic considerations of Federal law applicable to such a situation.

The underlying constitutional authority is the duty of the United States under Article IV, Sec. 4, to protect each of the states "on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence." This pledge is implemented by Chapter 15 of Title 10, U. S. C and particularly 10 U. S. C. '331, which derives from an act of Congress passed in 1792. The history of the use of Federal forces at the request of governors in varied circumstances of local violence over more than a century is also instructive.

There are three basic prerequisites to the use of Federal troops in a state in the event of domestic violence:

(1) That a situation of serious "domestic Violence" exists within the state. While this conclusion should be supported with a statement of factual details to the extent feasible under the circumstances, there is no prescribed wording.

(2) That such violence cannot be brought under control by the law enforcement resources available to the governor, including local and State police forces and the National Guard. The

judgment required here is that there is a definite need for the assistance of Federal troops, taking into account the remaining time needed to move them into action at the scene of violence.

(3) That the legislature or the governor requests the President to employ the armed forces to bring the violence under control. The element of request by the governor of a State is essential if the legislature cannot be convened. It may be difficult in the context of urban rioting, such as we have seen this summer, to convene the legislature.

These three elements should be expressed in a written communication to the President, which of course may be a telegram, to support his issuance of a proclamation under 10 U. S. C. 334 and commitment of troops to action. In case of extreme emergency, receipt of a written request will not be a prerequisite to Presidential action. However, since it takes several hours to alert and move Federal troops, the few minutes needed to write and dispatch a telegram are not likely to cause any delay.

Upon receiving the request from a governor, the President, under the terms of the statute and the historic practice, must exercise his own judgment as to whether Federal troops will be sent, and as to such questions as timing, size of the force, and federalization of the National Guard.

Preliminary steps, such as alerting the troops, can be taken by the Federal government upon oral communications and prior to the governor's determination that the violence cannot be brought under control without the aid of Federal forces. Even such preliminary steps, however, represent a most serious departure from our traditions of local responsibility for law enforcement. They should not be requested until there is a substantial likelihood that the Federal forces will be needed.

While the formal request must be addressed to the President, all preliminary communications should be with me. When advised by you that serious domestic violence is occurring, I will inform the President and alert the proper military authorities. You can reach me at my office, my home, or through the White House switchboard at any hour.

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Enclosed are copies of the relevant constitutional and statutory provisions and a brief summary of past occasions on which a governor has requested Federal military assistance. Your legal counsel, I am sure, keeps you fully advised of requirements of state law as well.

If you have any questions or comments, please let me know.

Sincerely,

Attorney General

Enclosures

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THE CONSTITUTION
Article IV, Section 4

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

TITLE 10, UNITED STATES CODE
Chapter 15

§ 331. Federal aid for State governments.

Whenever there is an insurrection in any State against its government, the President may, upon the request of its legislature or of its governor if the legislature cannot be convened, call into Federal service such of the militia of the other States, in the number requested by that State, and use such of the armed forces, as he considers necessary to suppress the insurrection.

* * * * *

§ 334. Proclamation to disperse.

Whenever the President considers it necessary to use the militia or the armed forces under this chapter, he shall, by proclamation, immediately order the insurgents to disperse and retire peaceably to their abodes within a limited time.

APPENDIX O

STATE REQUESTS FOR FEDERAL ASSISTANCE
IN SUPPRESSING DOMESTIC VIOLENCE

A Chronological List

- 1838 -- Buckshot War. The Pennsylvania Governor asked for Federal assistance (based on Const. Art. IV, sec. 4) in restoring order when violence resulted from a bitter political contest. President Van Buren refused on the ground that Federal interference is justified only where domestic violence is such that State authorities have proved inadequate.
- 1842 -- Dorr Rebellion. Rhode Island Governor King asked for assistance to stop the attempt of Dorr to claim the Governorship. President Tyler replied that the time for Federal interference had not arrived since there was no actual insurrection. Further requests were denied on the ground that the legislature was in session and the Governor therefore was not authorized to apply for aid. The President said he would issue a proclamation if a lawful request was made, but Dorr disbursed his troops and this was not done.

APPENDIX O

1856 -- San Francisco Vigilance Committee. California Governor requested Federal aid in stopping the Committee from usurping the authority of the State. The Attorney General advised President Pierce that the circumstances did not afford sufficient legal justification for Federal assistance since there was no "actual shock of arms" between insurgents and the State, and the State had not exhausted its powers to deal with the situation. (8 Op. A.G. 8). The President took no action.

1873 -- New Orleans unrest -- Lawlessness due to racial problems and also political uncertainty as to proper occupants of political office resulted in violence. Louisiana Governor asked for Federal help. President Grant issued a proclamation ordering the insurgents to disperse. Failure to heed the proclamation and increased disturbance resulted in a further proclamation and dispatch of two regiments.

1876 -- South Carolina riots. Riots resulted from an altercation between the Ku Klux Klan and Negro state militia. The President issued a proclamation in response to a call for Federal intervention and troops were stationed at 70 places in the State to secure the peace during the election. (This action culminated in enactment of Posse Comitatus Act of 1878.)

1877 -- Railroad Strike riots. Upon request for Federal intervention, President Hayes issued proclamations with respect to West Virginia, Maryland, Pennsylvania and Illinois to restore order. The Ohio Governor asked for and received Federal arms but did not request troops. Indiana asked the President to authorize the commandant at the U.S. arsenal to aid the state. On the ground that the request was incorrectly made, the Governor was informed that Federal troops would be used only to protect U.S. property. Michigan, Wisconsin

and California also made requests for help but the situation in those states did not become critical.

- 1892 -- Idaho's Couer D'Alene mining disturbances. During a seven year period, President Harrison, Cleveland and McKinley furnished Federal assistance which was requested by Idaho Governors.
- 1894 -- Coxey's Army of unemployed. President Cleveland instructed the army to assist Montana in handling violence of a Coxeyite contingent in Montana, at the Governor's request. However, the President did not issue a formal proclamation.
- 1903 -- Colorado mining strike disturbance. President Theodore Roosevelt denied assistance to the Colorado Governor who made two requests for "such aid as I may call for," but promised that the Federal Government would act when a request was made in a manner "contemplated by law," explaining that under H.R. 5297 there must be shown an insurrection against the State and inability of the State to control it.

- 1907 -- Nevada mining disturbance. In response to an urgent request from the Governor, President Roosevelt ordered troops to assist. Later, a President's investigating committee found there was no warrant for the assertion that the civil authority of the state had collapsed. After the President threatened withdrawal of the troops, the Governor convened the legislature, which asked that Federal troops remain for a short period until the State Police could be organized and equipped to handle the situation.
- 1914 -- Colorado coal strike. At the request of the Governor, President Wilson sent troops to stop rioting, but ^{after} only/considerable negotiation and exploring of avenues of peaceful resolution by Government representatives failed.
- 1919 -- Race riots in Washington, D.C. and Omaha; Gary steel strike.
- On the theory that the service by the National Guard in the war left the States without adequate protection against internal disorders, the Secretary of War instructed commanders of the departments to

respond to state requests for assistance. The use of Federal troops in 1919 was without a proclamation or other formalities.

1921--West Virginia coal mine warfare President Harding was requested by the Governor to intervene.. The President stated that he was not justified in using Federal military forces until he was assured the State had exhausted all its resources. A subsequent outburst of violence resulted in a Proclamation and order to dispatch Federal troops. The troops met no resistance and disarmed the miners.

1932--The Bonus Army Needy veterans who came to Washington to seek veterans' bonus legislation were housed in tents, shacks, and government buildings which were being demolished. The Treasury Department attempted to repossess a government building in order to continue demolition, resulting in a clash between the veterans and police. The District Commissioners asked the President for assistance and the army moved in, cleared the buildings and destroyed the shacks. No proclamation was issued.

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1943--Detroit race riot. The Governor advised that the State was unable to suppress domestic violence, the President issued a proclamation and Federal troops were dispatched.

1967--Detroit riots The most recent incident, of course, was the dispatch of Federal troops to Detroit on July 24, 1967 at the request of the Governor. President Johnson issued a proclamation and Executive order pursuant to Chapter 15 of Title 10, U.S. Code.

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END