



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

**August 5, 1967**

**Honorable George Romney**  
**Governor of Michigan**  
**Lansing, Michigan**

**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.

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,

A handwritten signature in cursive script, reading "Ramsey Clark".

Attorney General

Enclosures

# 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.



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.

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, after but 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.

1943--Detroit race riots 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.

## 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.





1967 JUL 24 11 10 56

VWA026 RX PD

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



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 available 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 support and assistance as may be necessary.

Lyndon B. Johnson

APPENDIX B

BB

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

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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.



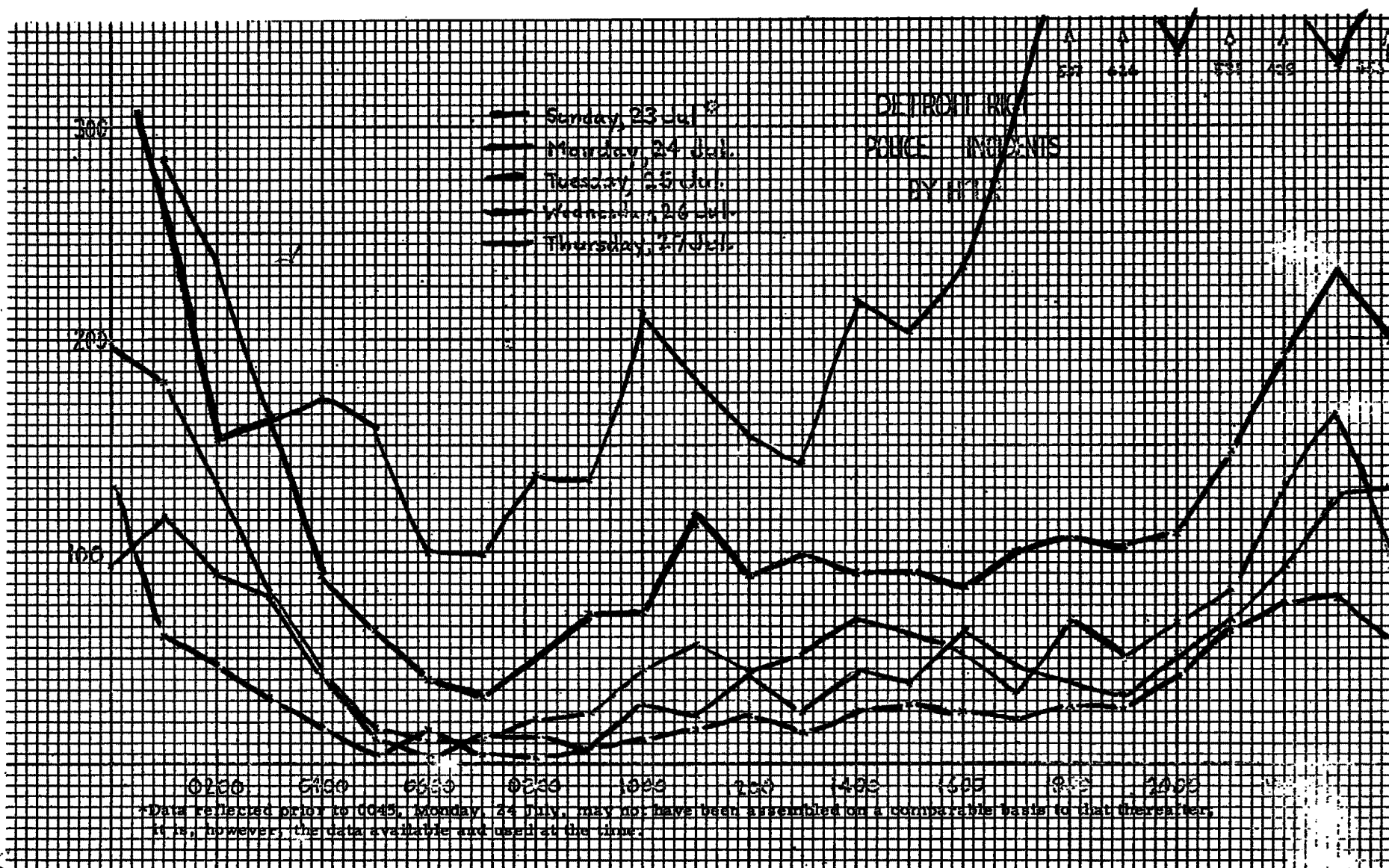


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	Sun*	Mon*	Tues	Wed	Thurs	Fri	Sat	Sun	Mon	Tues	
	23	24	25	26	27	28	29	30	31	1	
2400-0100	285	259	180	116	60	63	52	52	27	42	18
0100-0200	236	152	134	90	47	41	36	33	15	24	26
0200-0300	165	163	82	80	31	33	19	17	8	14	14
0300-0400	172	89	47	41	18	24	13	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	33	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.





DETROIT RCT DIANUS  
BY HOLR

This time was 2.15  
of 3000 - 2013.7.12 P.  
July 12 - 1.1.19.2  
July

Cumulative Total

50  
40  
30  
20  
10

MONDAY  
24 Jul

TUESDAY  
25 Jul

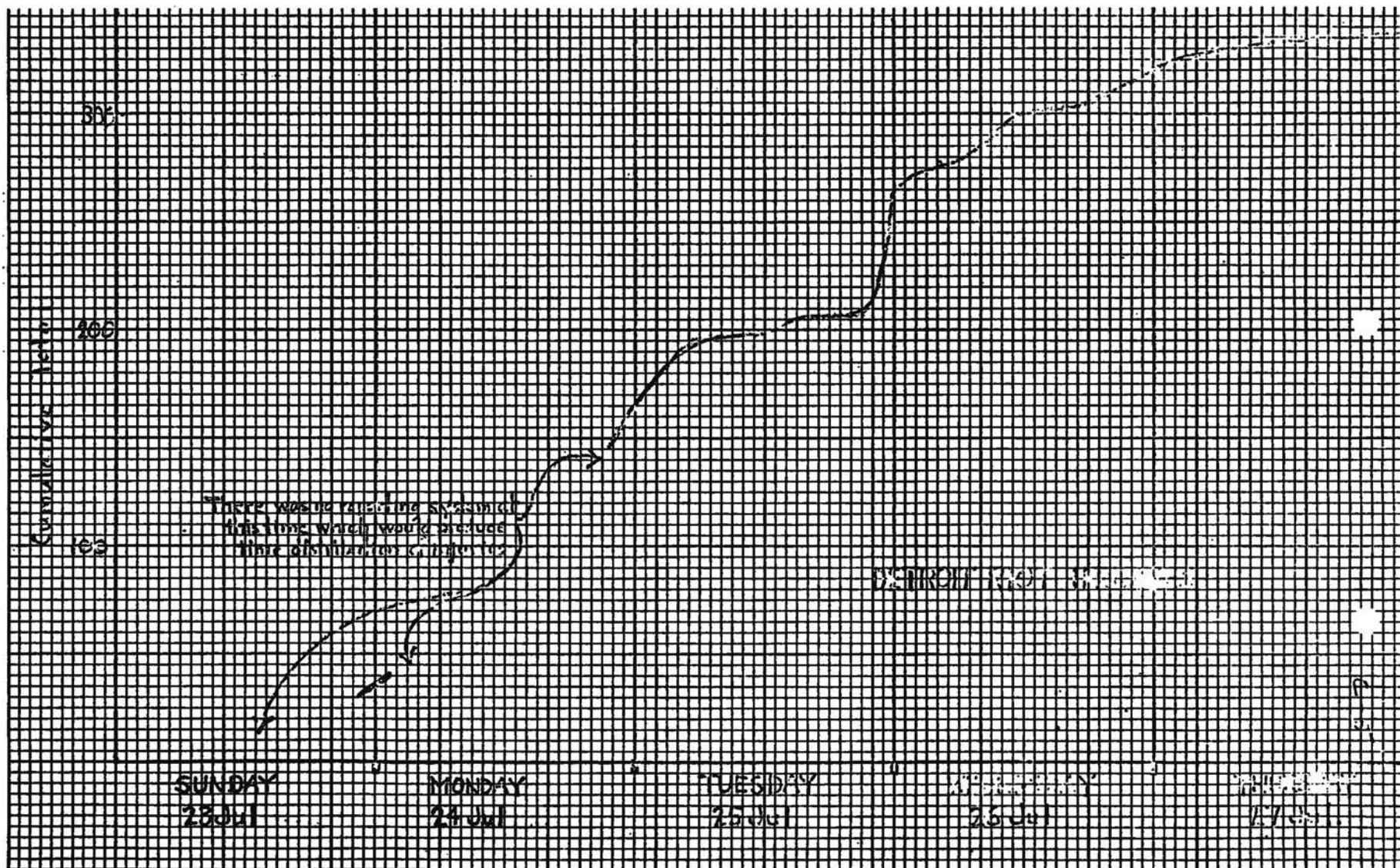
WEDNESDAY  
26 Jul

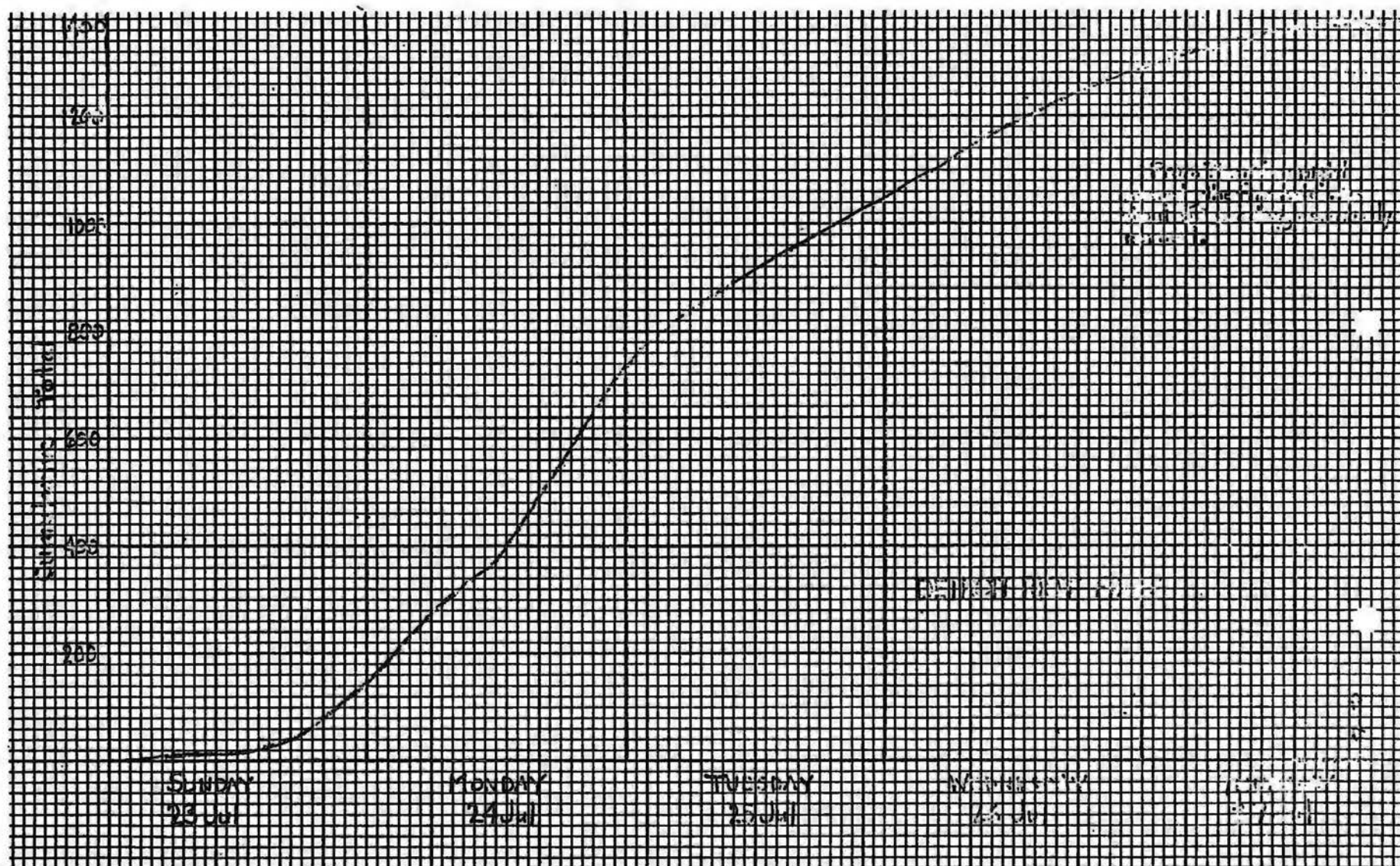
THURSDAY  
27 Jul

FRIDAY  
28 Jul

2  
1





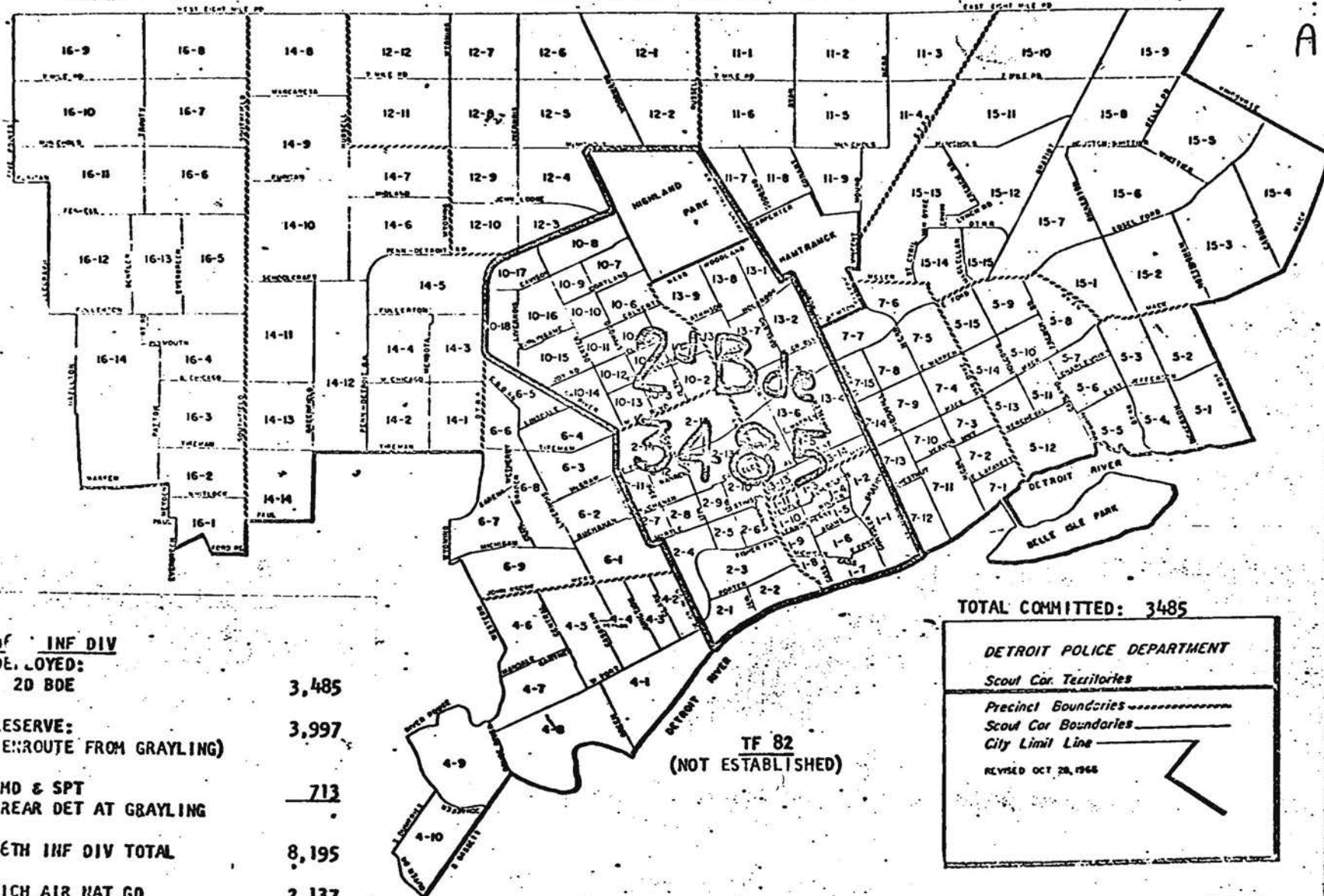


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MAP #1

# STRENGTH AND DEPLOYMENT STATUS



46 INF DIV	
DEPLOYED:	
20 BOE	3,485
RESERVE:	
(ENROUTE FROM GRAYLING)	3,997
CHD & SPT	
(REAR DET AT GRAYLING)	713
46TH INF DIV TOTAL	8,195
HIGH AIR NAT GD	
(NOT DEPLOYED)	2,137

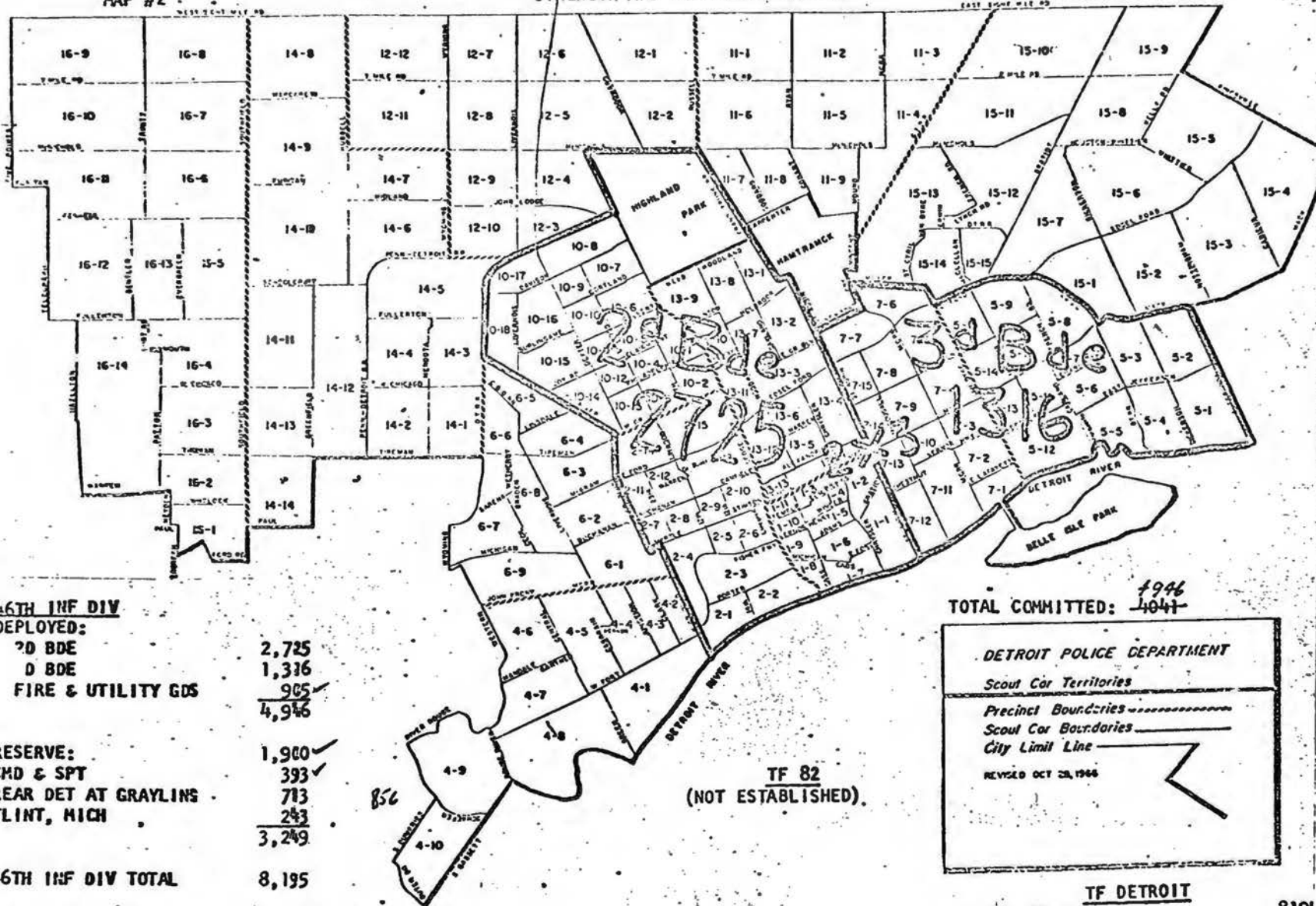
TOTAL COMMITTED: 3485

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

46TH INF DIV	8,195
HIGH AIR NAT GD	2,137
TOTAL IN AREA	10,332

MAP #2

# STRENGTH AND DEPLOYMENT STATUS



## 46TH INF DIV

DEPLOYED:

20 BDE

0 BDE

FIRE & UTILITY GDS

2,725

1,316

905

4,946

## RESERVE:

CHD & SPT

REAR DET AT GRAYLINS

FLINT, MICH

1,900

393

713

243

3,249

46TH INF DIV TOTAL

8,195

HIGH AIR NAT GO

(NOT DEPLOYED)

2,137

TOTAL COMMITTED:

1946  
4041

## DETROIT POLICE DEPARTMENT

Scout Car Territories

Precinct Boundaries

Scout Car Boundaries

City Limit Line

REVISED OCT 28, 1946

TF 82  
(NOT ESTABLISHED)

## TF DETROIT

46TH INF DIV

MICH, IR NAT GO

TF 82

COMD SPT

TOTAL IN AREA

8195

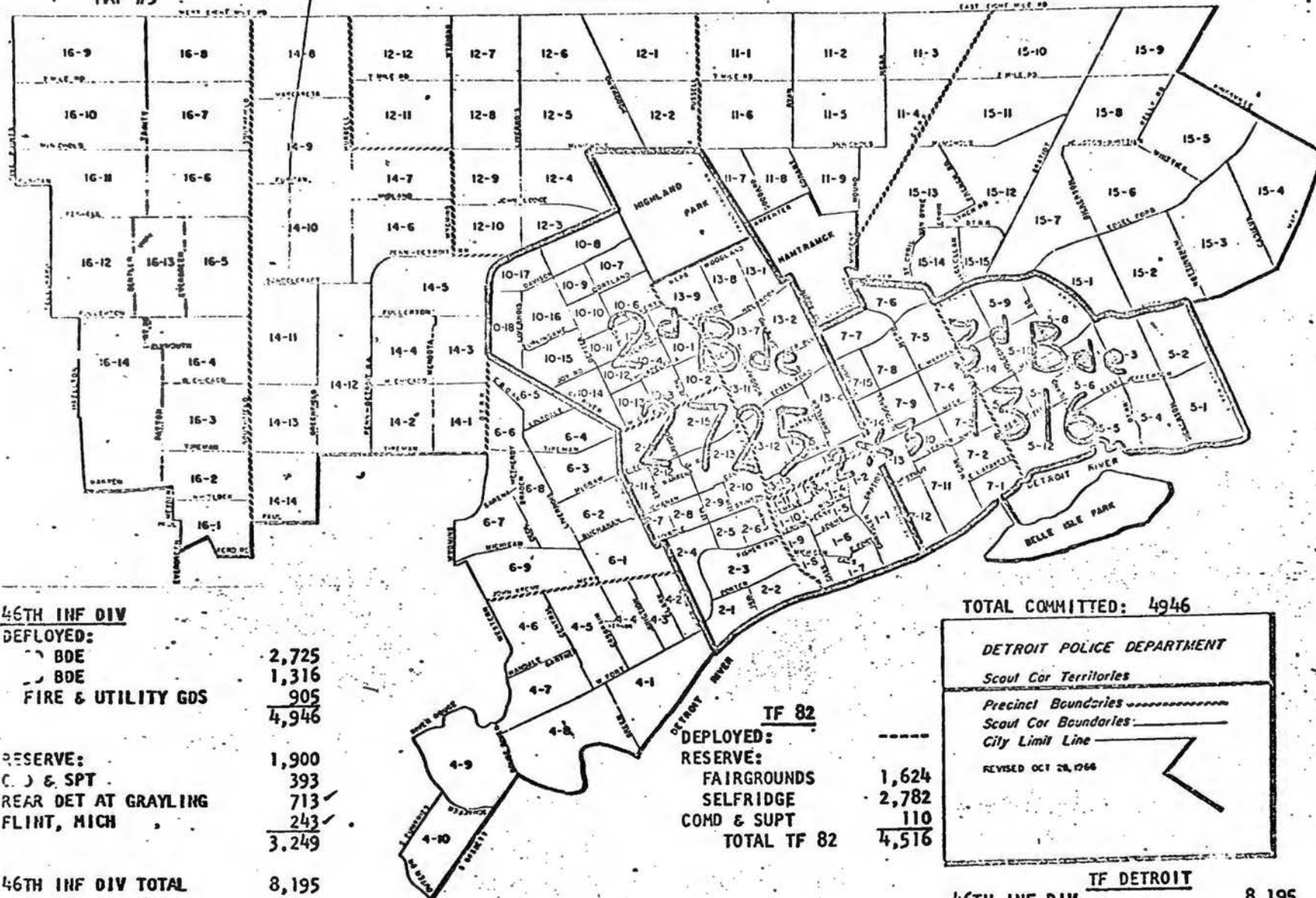
2137

11

1044

MAP #3

STRENGTH AND DEPLOYMENT CHART



46TH INF DIV

DEPLOYED:

1 BDE

1 BDE

FIRE & UTILITY GDS

2,725

1,316

905

4,946

RESERVE:

C. J. & SPT

REAR DET AT GRAYLING

FLINT, MICH

1,900

393

713

243

3,249

46TH INF DIV TOTAL

8,195

MICH. AIR NAT GD

(NOT DEPLOYED)

2,137

TF 82

DEPLOYED:

RESERVE:

FAIRGROUNDS

SELFIDGE

COMD & SUPT

TOTAL TF 82

1,624

2,782

110

4,516

TOTAL COMMITTED: 4946

DETROIT POLICE DEPARTMENT

Scout Car Territories

Precinct Boundaries

Scout Car Boundaries

City Limit Line

REVISED OCT 28, 1966

TF DETROIT

46TH INF DIV

MICH. AIR NAT GD

TF 82

COMD & SPT

TOTAL IN AREA

8,195

2,137

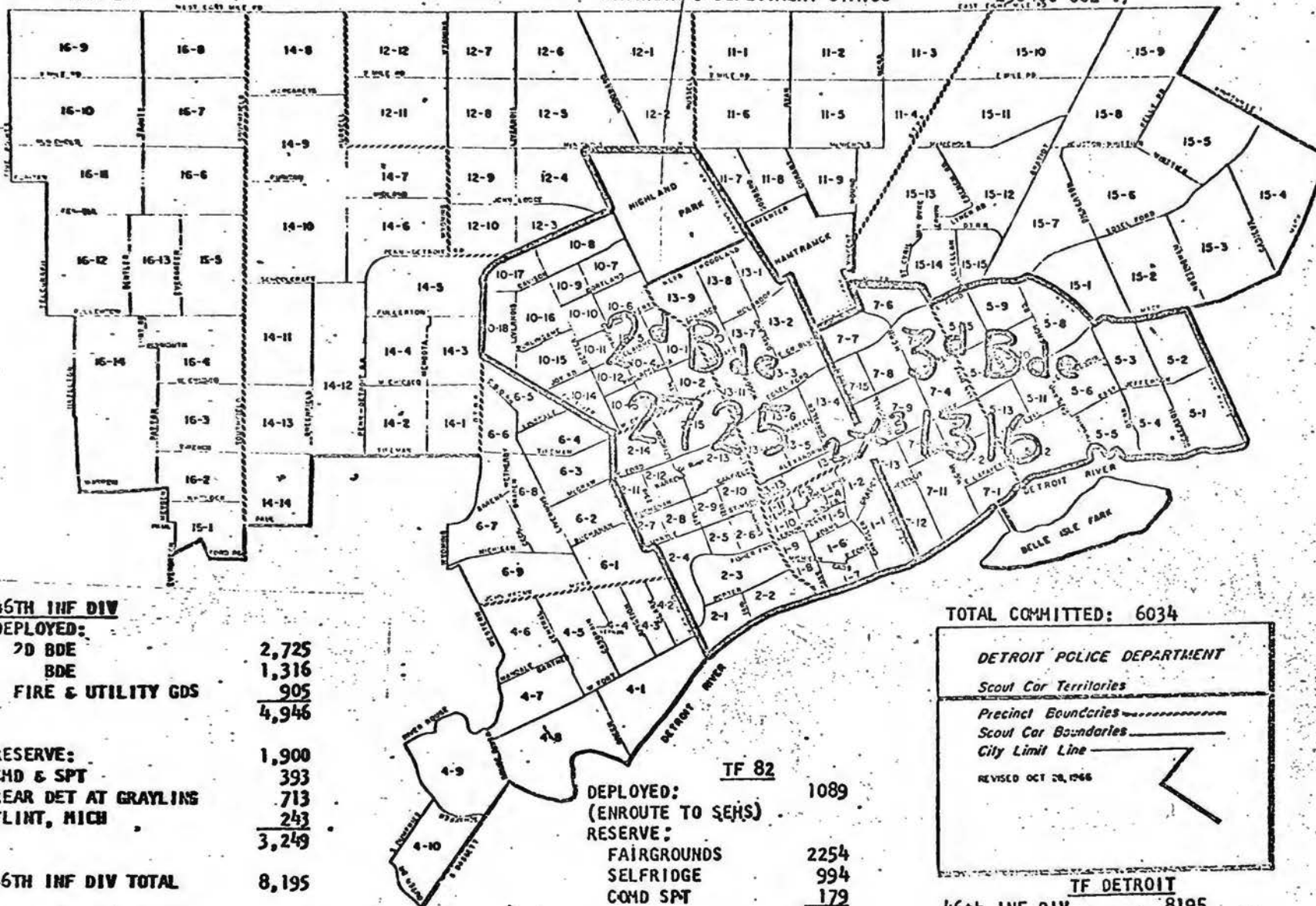
4,516

149

14,997

HAP #4

STRENGTH & DEPLOYMENT STATUS



46TH INF DIV  
DEPLOYED:  
20 BDE  
BDE  
FIRE & UTILITY GDS

2,725  
1,316  
905  
4,946

RESERVE:  
CMD & SPT  
REAR DET AT GRAYLINS  
FLINT, MICH

1,900  
393  
713  
243  
3,249

46TH INF DIV TOTAL

8,195

MICH AIR NAT GD  
(NOT DEPLOYED)

2,137

DEPLOYED:  
(ENROUTE TO SEHS)  
RESERVE:  
FAIRGROUNDS  
SELFRIDGE  
COND SPT

TF 82

1089

2254

994

179

4516

TOTAL COMMITTED: 6034

DETROIT POLICE DEPARTMENT

Scout Car Territories

Precinct Boundaries

Scout Car Boundaries

City Limit Line

REVISED OCT 28, 1966

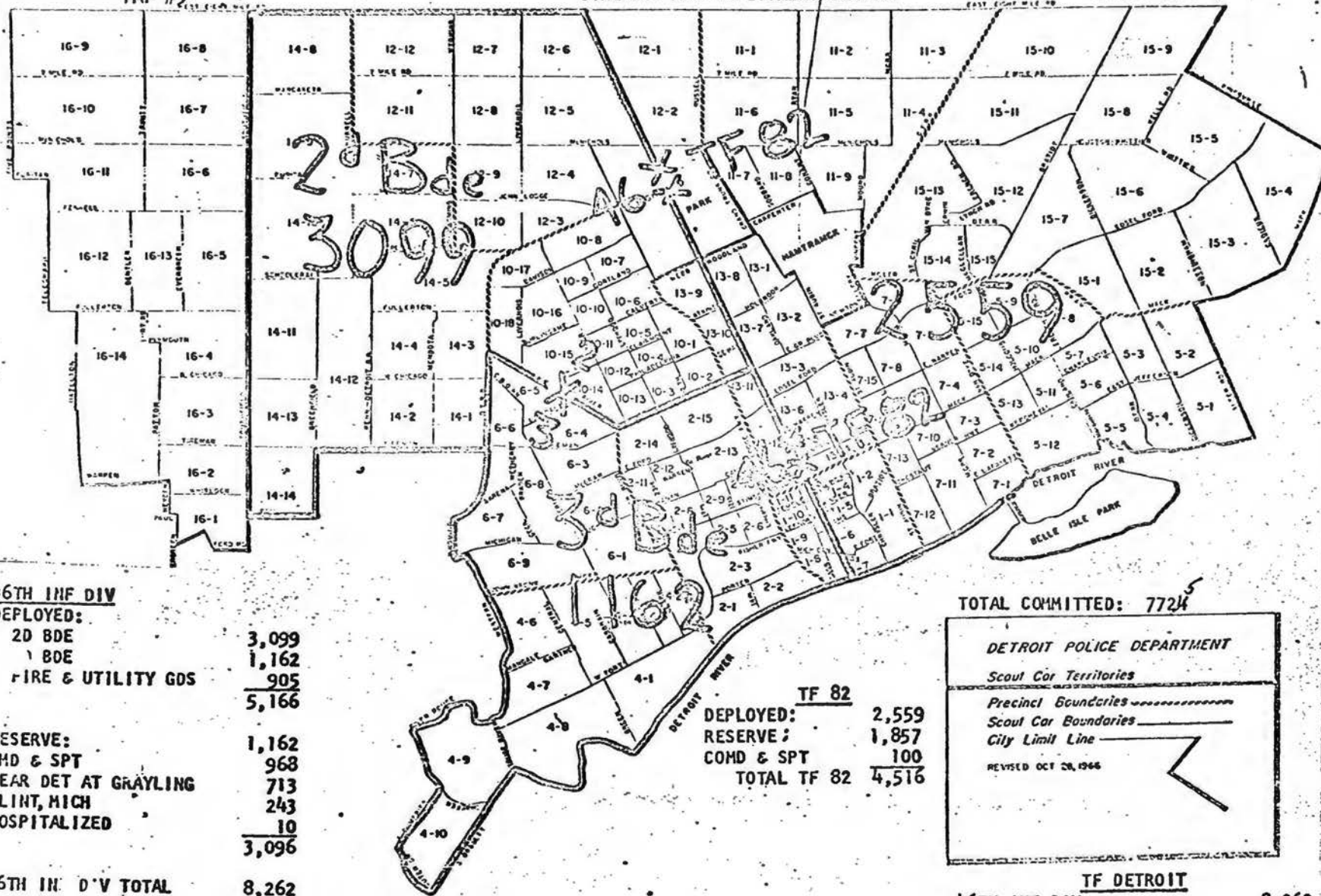
TF DETROIT

46th INF DIV 8195  
MICH AIR NAT D 2137  
TF 82 1089  
CMD & SPT 116  
14964



MAP #5

# STRENGTH AND DEPLOYMENT STATUS



## 46TH INF DIV

### DEPLOYED:

2D BDE  
1 BDE  
FIRE & UTILITY GDS

3,099  
1,162  
905  
5,166

### RESERVE:

CHD & SPT  
REAR DET AT GRAYLING  
FLINT, MICH  
HOSPITALIZED

1,162  
968  
713  
243  
10  
3,096

### 46TH INF DIV TOTAL

8,262

MICH AIR NAT GD  
(NOT DEPLOYED)

2,137

### DEPLOYED: TF 82

RESERVE: 2,559  
COMD & SPT 1,857  
TOTAL TF 82 4,516

TOTAL COMMITTED: 7724

## DETROIT POLICE DEPARTMENT

Scout Car Territories

Precinct Boundaries

Scout Car Boundaries

City Limit Line

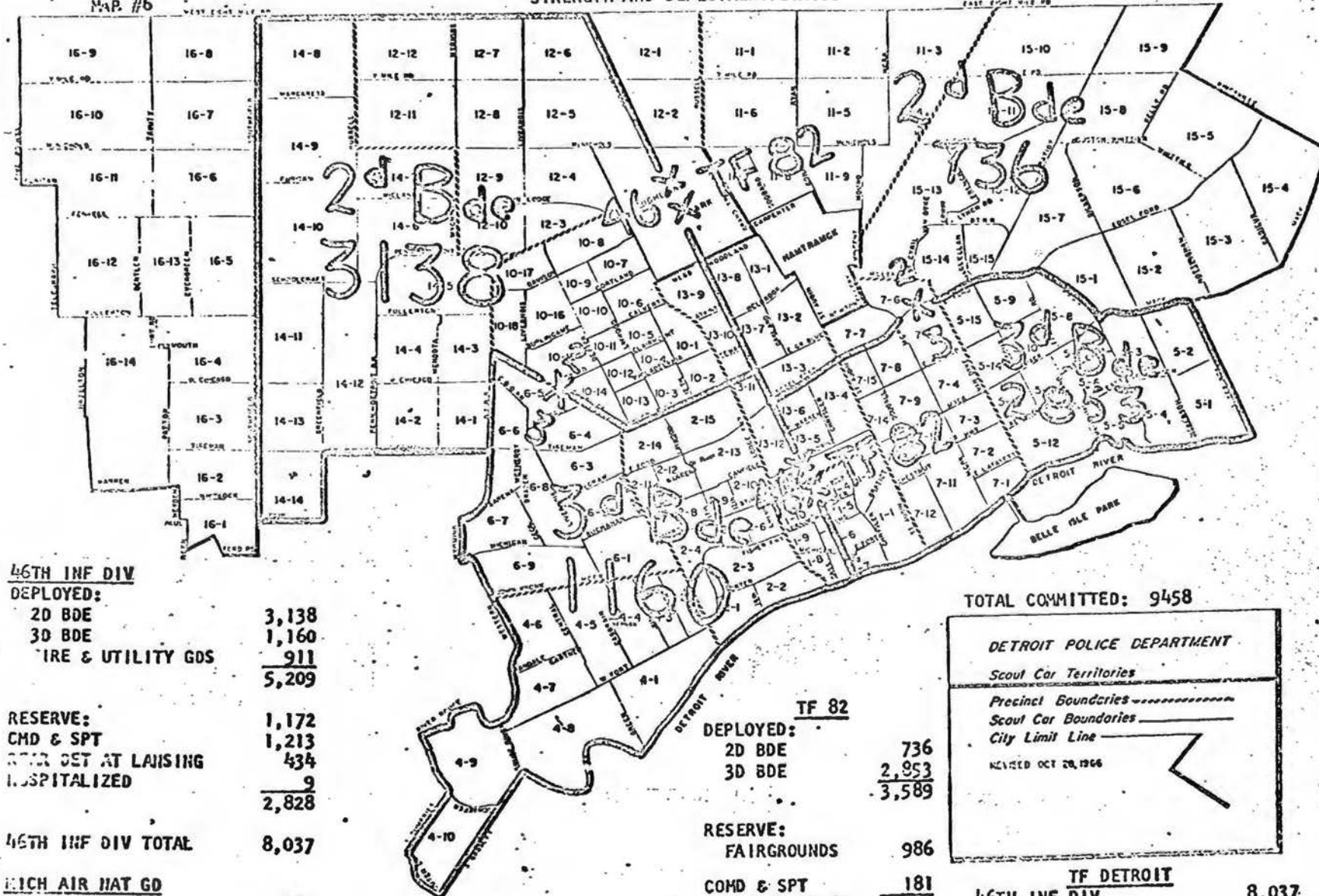
REVISED OCT 28, 1966

### TF DETROIT

46TH INF DIV 8,262  
MICH AIR NAT GD 2,137  
TF 82 4,516  
COMD & SPT TF DETROIT 116  
TOTAL IN AREA 15,031

MAP #6

## STRENGTH AND DEPLOYMENT STATUS



TOTAL COMMITTED: 9458

46TH INF DIV

## DEPLOYED:

2D BDE

3,138

3D BDE

1,160

IRE &amp; UTILITY GDS

911

5,209

## RESERVE:

CMD &amp; SPT

1,172

OTHER DET AT LAISING

1,213

HOSPITALIZED

434

9

2,828

46TH INF DIV TOTAL

8,037

HIGH AIR NAT GO

DEPLOYED:

660

RESERVE:

METRO AIRPORT

784

BATTLECREEK, MICH

688

2,132

## DEPLOYED:

2D BDE

736

3D BDE

2,853

3,589

## RESERVE:

FAIRGROUNDS

986

## CMD &amp; SPT

181

TOTAL TF 82

4,756

## DETROIT POLICE DEPARTMENT

Scout Car Territories

Precinct Boundaries

Scout Car Boundaries

City Limit Line

REVISED OCT 20, 1966

TF DETROIT

46TH INF DIV

8,037

HIGH AIR NAT GO

2,137

TF 82

4,756

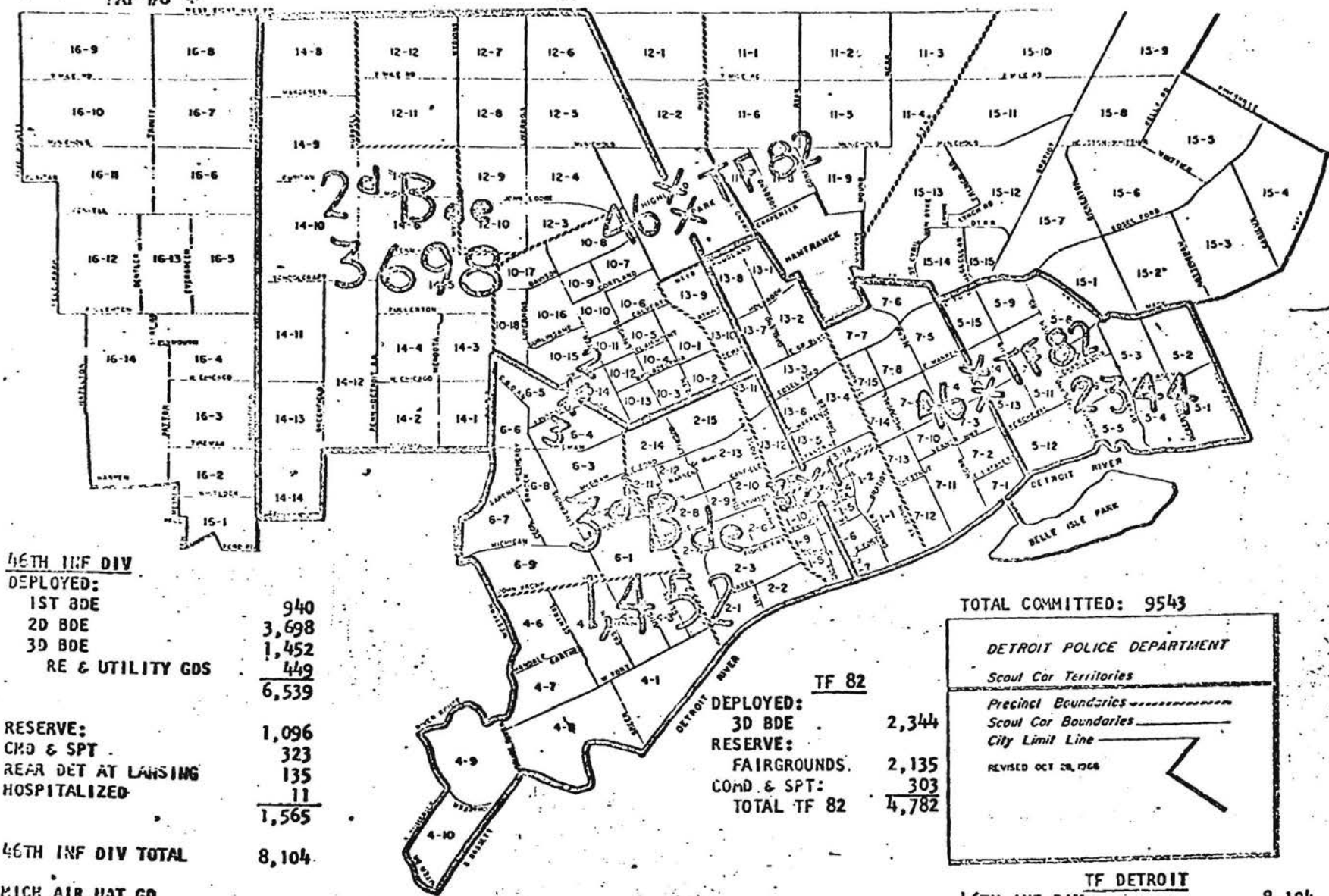
CMD &amp; SPT

149

TOTAL IN AREA

15,079

MAP #8



**46TH INF DIV**  
 DEPLOYED:  
 1ST BDE 940  
 2D BDE 3,698  
 3D BDE 1,452  
 RE & UTILITY GDS 449  
 6,539

RESERVE:  
 CMD & SPT 1,096  
 REAR DET AT LANSING 323  
 HOSPITALIZED 135  
 11  
 1,565

**46TH INF DIV TOTAL 8,104**

**MICH AIR NAT GD**  
 DEPLOYED: 660  
 RESERVE:  
 METRO AIRPORT 789  
 BATTLECREEK, MICH 688  
 2,137

**TF 82**  
 DEPLOYED: 2,344  
 RESERVE:  
 FAIRGROUNDS 2,135  
 COMD & SPT: 303  
 TOTAL TF 82 4,782

**TOTAL COMMITTED: 9543**

**DETROIT POLICE DEPARTMENT**

Scout Car Territories

Precinct Boundaries

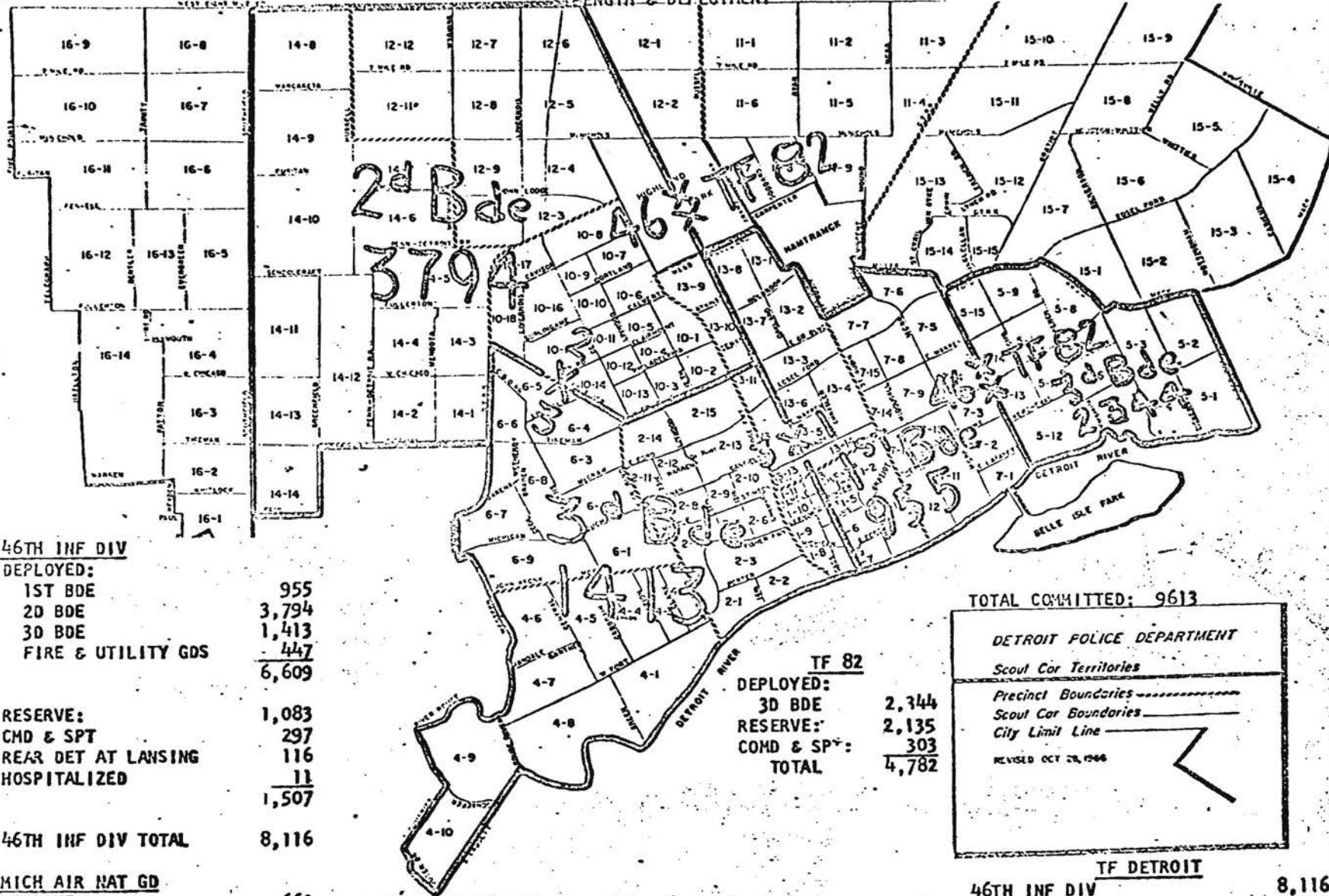
Scout Car Boundaries

City Limit Line

REVISED OCT 28, 1968

**TF DETROIT**

46TH INF DIV	8,104
MICH. AIR GD	2,137
TF 82	4,782
COMD & SPT	298
<b>TOTAL IN AREA</b>	<b>14,321</b>

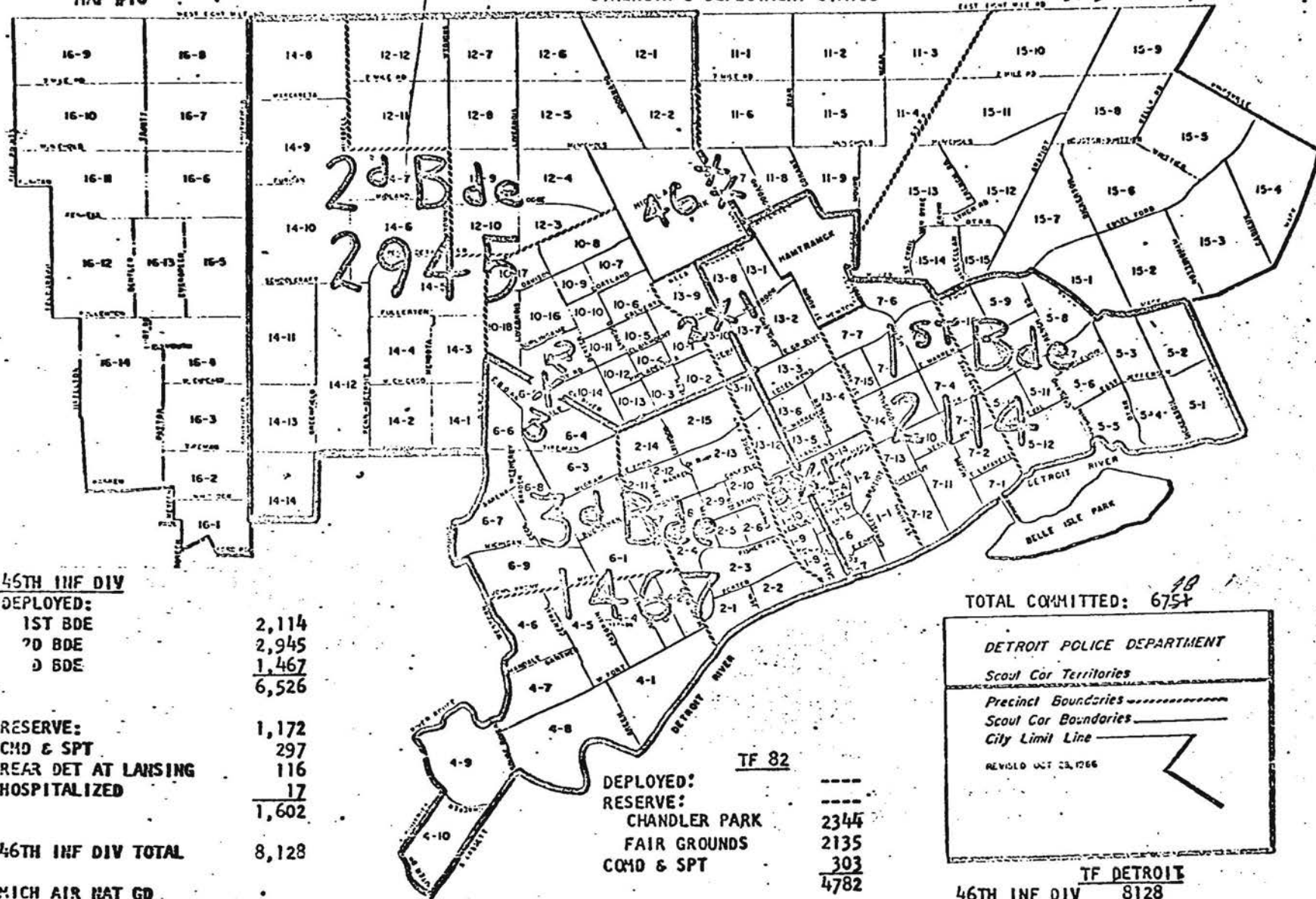




MAP #10

STRENGTH &amp; DEPLOYMENT STATUS

300900 JUL 67

**46TH INF DIV****DEPLOYED:**

1ST BDE

2,114

2D BDE

2,945

3 BDE

1,467

6,526

**RESERVE:**

1,172

CMD &amp; SPT

297

REAR DET AT LANSING

116

HOSPITALIZED

17

1,602

**46TH INF DIV TOTAL**

8,128

**MICH AIR NAT GD**

DEPLOYED

222

RESERVE:

METRO AIRPORT

1,228

BATTLE CREEK, MICH

687

2,137

**DEPLOYED:**

RESERVE:

CHANDLER PARK

FAIR GROUNDS

CMD &amp; SPT

TF 82

2344

2135

303

4782

TOTAL COMMITTED: 6754

**DETROIT POLICE DEPARTMENT**

Scout Car Territories

Precinct Boundaries

Scout Car Boundaries

City Limit Line

REVISED OCT 23, 1966

**TF DETROIT**

46TH INF DIV 8128

MICH AIR NAT GD 2137

TF 82 4782

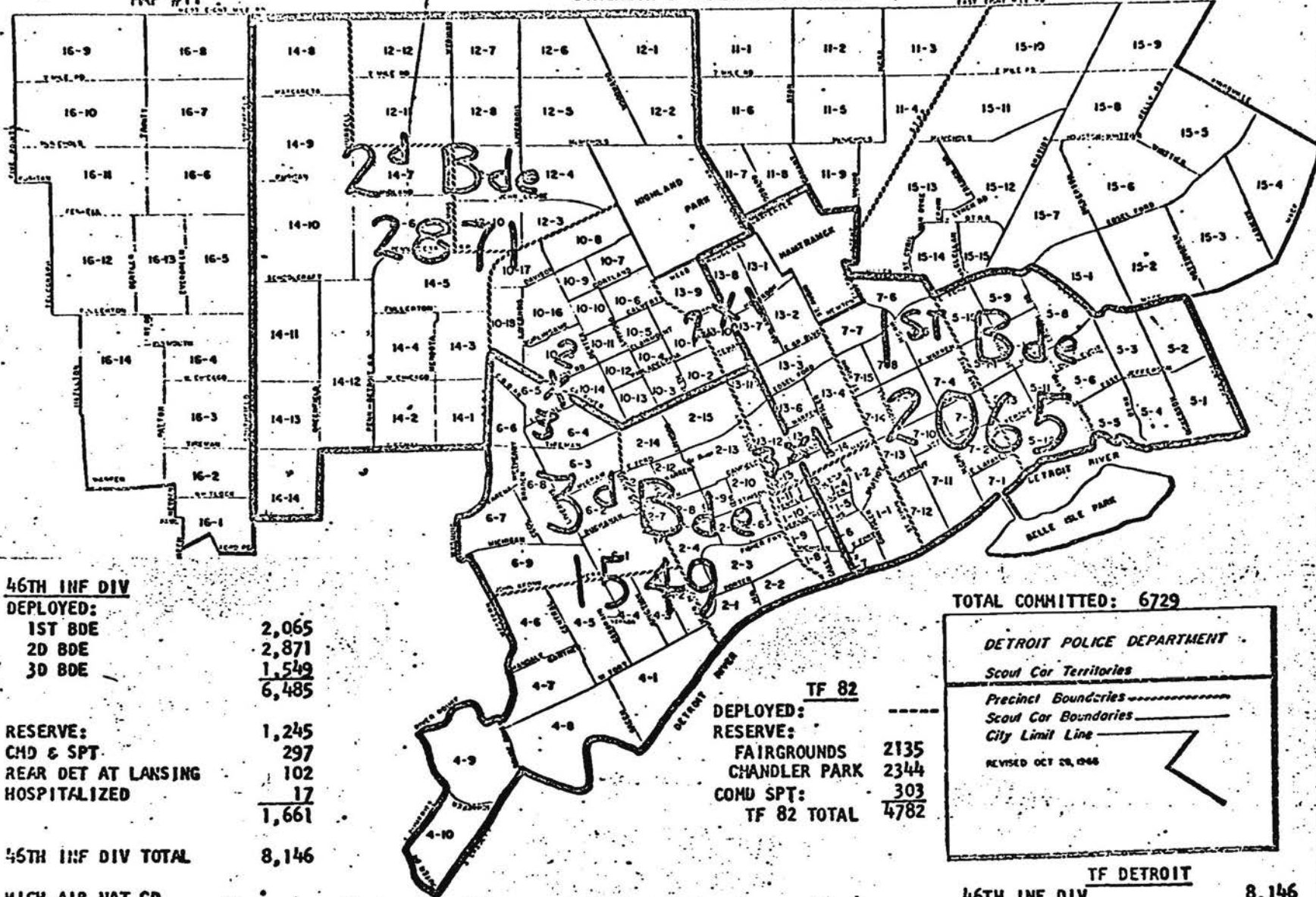
CMD &amp; SPT 277

TOTAL IN AREA 15324

MAP #11

STRENGTH & DEPLOYMENT STATUS

EAST 8TH AVE SW



**46TH INF DIV**

**DEPLOYED:**

1ST BDE

2D BDE

3D BDE

2,065

2,871

1,549

6,485

**RESERVE:**

CHD & SPT

REAR DET AT LANSING

HOSPITALIZED

1,245

297

102

17

1,661

**46TH INF DIV TOTAL**

8,146

**MICH AIR NAT GD**

DEPLOYED:

RESERVE:

METRO AIRPORT

244

67

311

**TF 82**

**DEPLOYED:**

FAIRGROUNDS

CHANDLER PARK

COMD SPT:

TF 82 TOTAL

2135

2344

303

4782

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

MICH. AIR NAT GD

TF 82

COMD & SPT

8,146

311

4,782

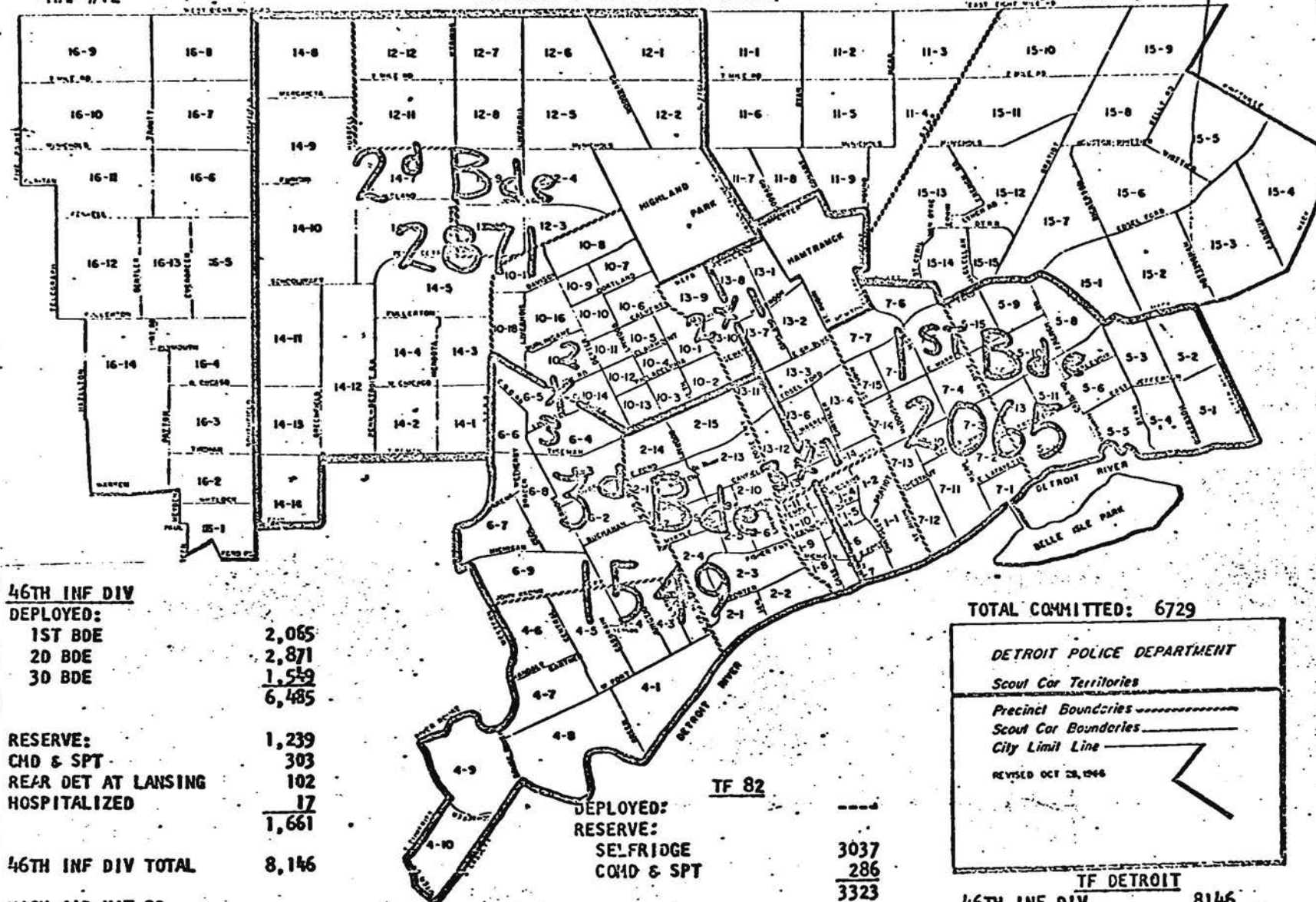
765

TOTAL IN AREA

14,004

MAP #12

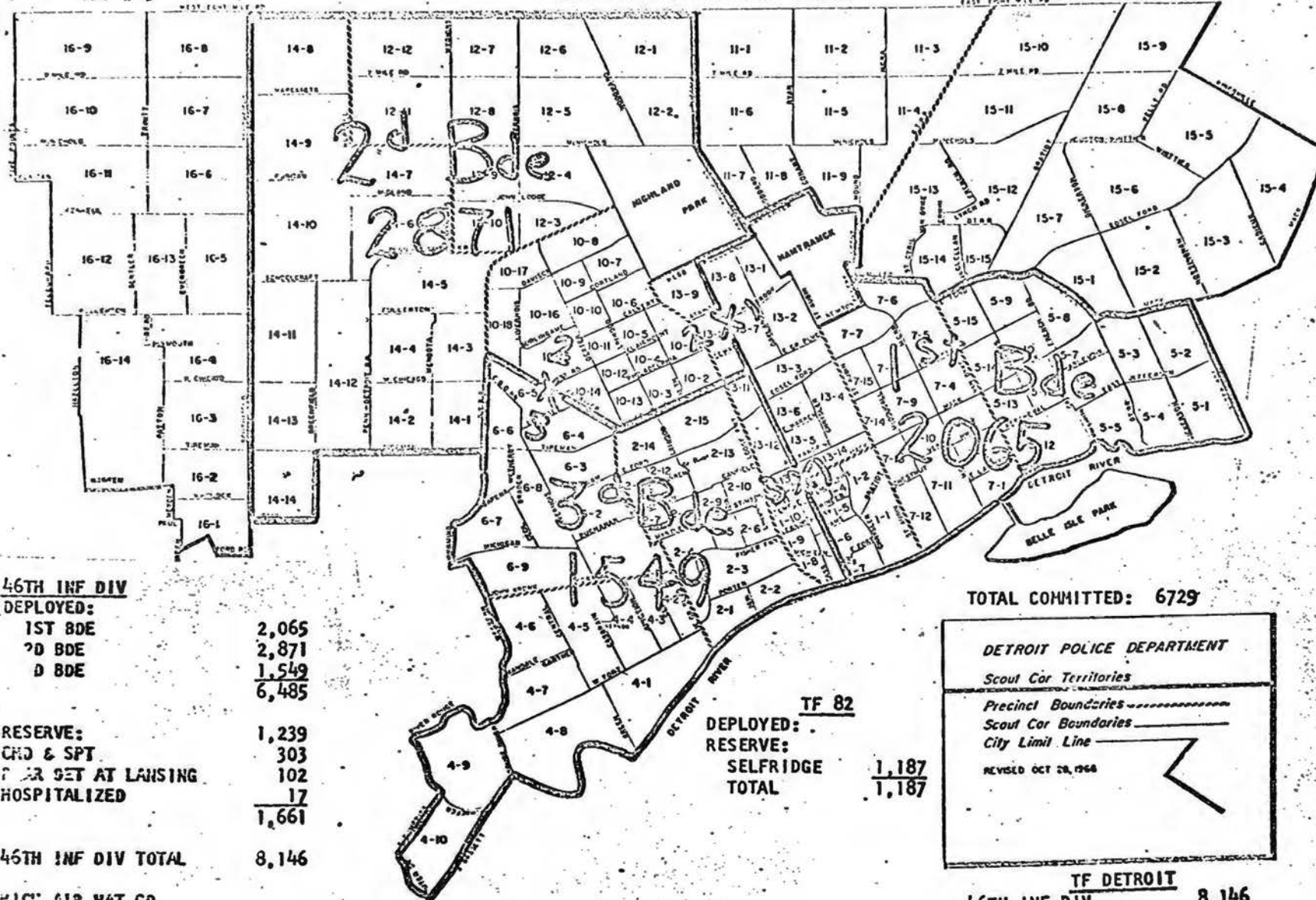
## STRENGTH &amp; DEPLOYMENT STATUS



MAP #13

## STRENGTH &amp; 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 &amp; SPT

303

FOR GET AT LANSING

102

HOSPITALIZED

17

1,661

**46TH INF DIV TOTAL**

8,146

**MICH AIR NAT GD**

DEPLOYED:

244

RESERVE:

METRO AIRPORT

67

311

**DEPLOYED:**

RESERVE:

SELF RIDGE

TOTAL

TF 82

1,187

1,187

TOTAL COMMITTED: 6729

**DETROIT POLICE DEPARTMENT**

Scout Car Territories

Precinct Boundaries

Scout Car Boundaries

City Limit Line

REVISED OCT 20, 1968

**TF DETROIT**

46TH INF DIV

8,146

MICH. AIR NAT GD

34

TF 82

1,187

CMD &amp; SPT

842

10,486



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

<u>ORGANIZATION</u>	<u>LOCATION</u>			<u>TOTAL</u>
	<u>DETROIT</u>	<u>CAMP GRAYLING</u>	<u>FLINT</u>	
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

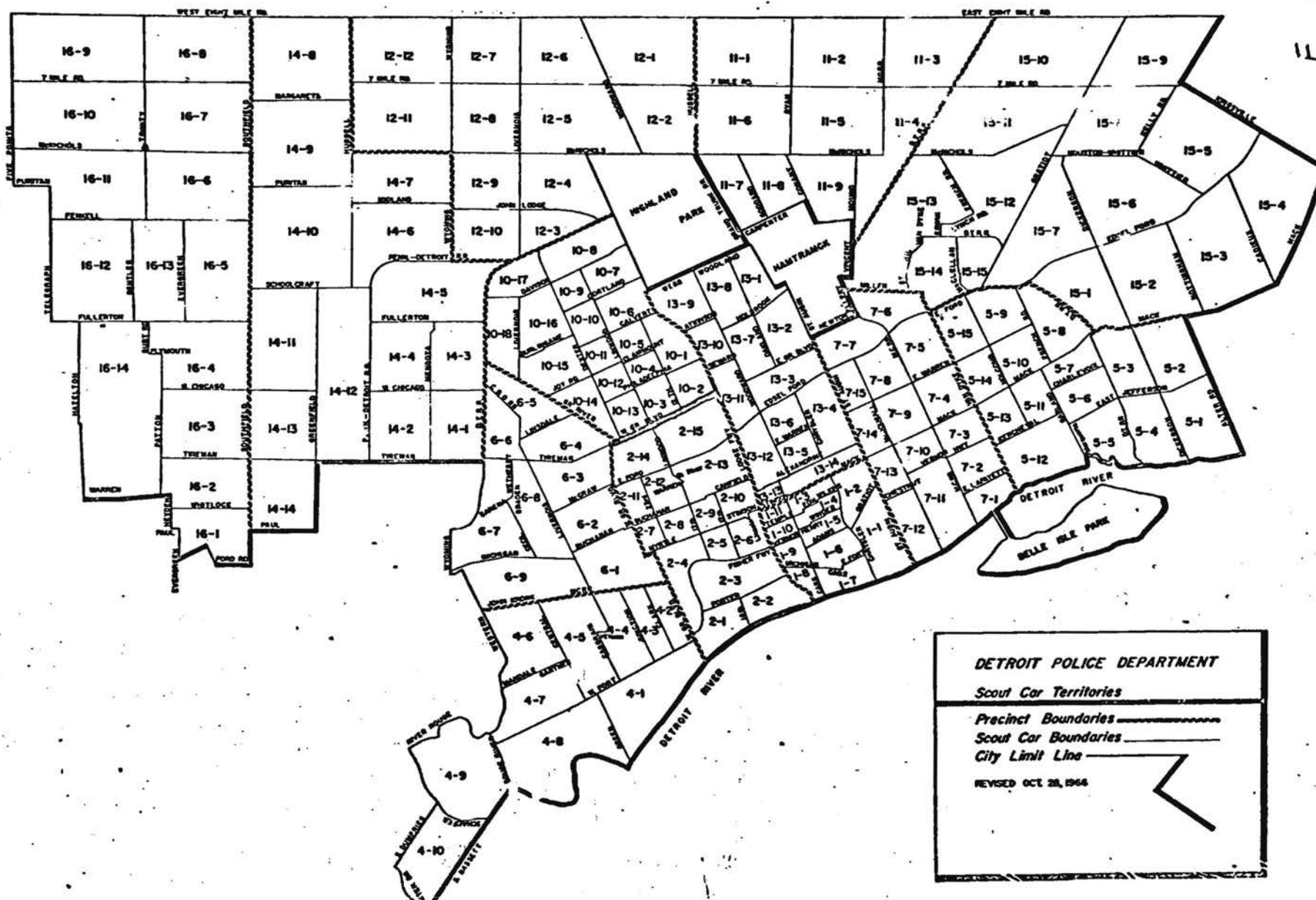
NOTE:

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



E



11

F

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 Major's Committee on the immediate problems and needs in target areas and on services available.

① VISTA Volunteers then moved out and went to work. They helped reinforce  
② CAP neighborhood staffs in the four Administrative Centers and eighteen  
③ local Subcenters. They went to the city's major emergency receiving  
hospital, Detroit General, to supplement overtaxed and exhausted staff.  
④ They moved into the Neighborhood Legal Services headquarters and the  
City Prosecutor's office in police headquarters to assist in interview-  
ing 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  
or bond of citizens so they could return to their jobs and families.  
⑤ VISTA Volunteers manned an emergency rat control project and worked out  
⑥ on Archdiocese 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 Major'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.

G



**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.

0225: 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.

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.

H

## 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 unionization 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



J

**CLASS OF SERVICE**  
This is a fast message  
unless its deferred char-  
acter is indicated by the  
proper symbol.

# WESTERN UNION

## TELEGRAM

W. P. MARSHALL  
CHAIRMAN OF THE BOARD

R. W. MCFALL  
PRESIDENT

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

The filing 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 AND 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)

K

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.

APPENDIX K

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 \$150,000 are in process.

L



Appendix

# City of Detroit

## EXECUTIVE OFFICE

JEROME P. CAVANAUGH  
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

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

\$80,478,000

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

\$21,438,786

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
	<hr/>
	\$1,630,000

Further Requirements:

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

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
	<hr/>
	\$7,750,000

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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M

## 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 22ld3 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

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

-3-

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
		<hr/>
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
		<hr/>
Total		\$22,000,000

N

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 could 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	<hr/> \$ 43,500,000







# Department of Justice

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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.

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

## 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.



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.

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, <sup>after</sup> but 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.



1943--Detroit race riots 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.