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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

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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

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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

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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

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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

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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

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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

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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.

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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

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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

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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 news- men 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,

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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

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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.

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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

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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.

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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,

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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,

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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

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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.

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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

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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.

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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.

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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).