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FINAL REPORT

of

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SPECIAL ASSISTANT TO THE SECRETARY OF DEFENSE

CONCERNING

THE DETROIT RIOTS

July 23 through August 2, 1967

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I. Introduction

This report covers the Federal activities connected with the riots in Detroit, Michigan, during the period July 23 through August 2, 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 11:00 a. m. on Monday, July 24. 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, July 23, at 11:55 p. m. 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 2:40 a. m. 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 3:00 a. m., to advise him of the disorders in Detroit.

At 3:40 a. m. 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 4:20 a. m. 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 4:50 a. m. to review the situation and again at 5:00 a. m. 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 5:15 a. m. 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 5:35 a. m. to report this conversation with Governor Romney. At 5:50 a. m. 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 Force Base, Michigan, by noon, if ordered to do so within the next 10 or 15 minutes. At 6:40 a. m. 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 6:50 a. m. 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 7:00 a. m. to report his conversation with Governor Romney.

At 8:55 a. m. 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 9:15 a. m. Secretary Resor informed Mr. Clark that General Throckmorton would be in command of the Army troops if they were to be used.

At 9:35 a. m. the Attorney General briefed the President.

At 9:45 a. m. 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 10:00 a. m. and then to the President at 10:10 a. m. The President instructed the Attorney General to tell Secretary Resor to move full speed ahead. Mr. Clark did so at 10:15 a. m.

At 10:46 a. m. Governor Romney sent the President the telegram he had read to the Attorney General. The telegram was received by the President at 10:56 a. m. and he replied at 11:05 a. m. with a wire informing Governor Romney that he was dispatching Federal troops.

At 11:55 a. m. 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 11:00 a. m. 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 11:50 a. m. 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 reestablishing 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 11:55 a. m., 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 12:20 p. m. 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 13:35, 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

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by - my notes not completely clear but seem to show 6 still burning on each side.

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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.

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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 clearly 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.

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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.

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

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

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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 at 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

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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 requests were granted. 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 3:00 p. m.

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 need. Following remarks made by a number of participants, Governor Romney announced the appointment of Mr. Joseph Hudson 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 July 27th 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 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, Director-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

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*By - The curfew had been
somewhat relaxed earlier
on Sat night and Sunday
night as I recalled; but it
may not be necessary to mention. 25*

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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 Regional Director, 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 E.

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

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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.

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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."

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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.

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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).

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IV. Economic and Social Assistance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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VI. Lessons Learned

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. A Special Representative of the Secretary of Defense or the President to be in overall charge of Federal activities.
2. A senior Department of Justice representative to act as the alter ego of the Special Representative and to advise on the many legal questions which will arise.
3. A military commander with an appropriate staff to assume command of all Federal military forces.
4. The Assistant Attorney General, Civil Rights Division.
5. The Director of the Community Relations Service.
6. A senior Public Affairs officer.
7. A representative of the Director of the Bureau of the Budget to handle all requests for economic and social assistance to the city.
8. A Military Assistant to the Special Representative.

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

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

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

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

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

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

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

n. Economic and Social Assistance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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