

Army's Entry Into Detroit: How Decision Was Made

White House Views Action as Swift and Prudent—Michigan Finds Tension Raised by Dispute Over Wording

The riots in Detroit last week were brought under control through the uneasy collaboration of two political leaders who are potential rivals for the Presidency next year. Whether political considerations influenced their actions is an issue of speculation and comment. Here is how Washington and Detroit look back on the events.

By MAX FRANKEL

Special to The New York Times

WASHINGTON, July 29—In the view of the White House, the Army moved into Detroit last Monday as swiftly as possible but also as prudently as necessary, with only a few minor flaws in the public presentation of the operation.

Stung by charges that they let politics interfere with public policy and safety, President Johnson and his advisers have carefully recorded their moves and motives, and they cite that record not only in self-defense, but also with pride.

Their record includes several major ingredients: the President's reluctance to send Federal troops against rioters for the first time in 24 years; what they view as Gov. George Romney's vacillation for nearly 20 hours about the need for the troops; the relatively poor training and use of National Guard forces, and the highly efficient and disciplined performance of the Army.

Despite their pride, White House officials here worry that a precedent has been set and shudder at the thought of many Governors turning riot control

By GENE ROBERTS

Special to The New York Times

DETROIT, July 29—A dispute over the use of two words—"request" and "insurrection"—delayed the use of Federal troops in Detroit and increased tensions between Gov. George Romney and the Johnson Administration.

This is the view of public officials who were present as Governor Romney communicated by telephone and telegram with the Administration while Detroit was ripped apart by fire-bombers and looters.

Governor Romney was reluctant to use the word "insurrection" in applying and writing for Federal troops because he felt this might invoke escape clauses in insurance policies and prevent hundreds of property owners from being reimbursed for their losses.

He also thought the Administration was "quibbling" when it said he should use the word "request" in wiring for Federal aid. Governor Romney preferred to say that he "recommended" Federal troops.

The Johnson Administration, on the other hand, referred Governor Romney to a Federal

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JOHNSON DEFENDS ARMY USE IN RIOT

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over to the White House, not only to save lives but also to save trouble, money and reputations.

They also wish that they had been able to limit the President's statement last Monday, which was made four times in 12 minutes to what was described as Governor Romney's inability to control the situation.

Not politics but a precarious legal situation produced that emphasis, they contend, though they do not deny an underlying tension between the President and the Governor.

At no point during the crisis and not since then have the two men conferred directly by telephone.

The first hint of trouble in Detroit was brought to the President by the Federal Bureau of Investigation at 3:30 P.M. last Sunday.

Early Monday morning, Governor Romney called Attorney General Ramsey Clark four times, at 2:40, 3:30, 5:15 and 6:50, describing the trouble and, according to officials here, repeatedly changing his mind about whether to call for the Army and make the legally necessary admission that events were beyond his control.

After the first call, Mr. Johnson, through Mr. Clark, ordered Army Secretary Stanley Resor to prepare for a possible move. After the second call, Mr. Resor and Gen. Harold K. Johnson, the Army Chief of Staff, were summoned to the White House and at 4:20 the general alerted two brigades of paratroopers of the 101st and 82d Airborne Divisions at Fort Bragg, N. C., and Fort Campbell, Ky.

Doubt on Containment

In a fifth call, at 9:45 A.M., Mr. Romney told the Attorney General that he had some doubt about his ability to contain the riot for another night and that he thought he would formally request Federal intervention on that basis.

At 10:05, the President met with Defense Secretary Robert S. McNamara to discuss possible troop deployments. They were advised by Mr. Clark to expect the Governor's telegram. They also decided to summon Cyrus R. Vance—who had resigned only three weeks before as Deputy Defense Secretary—who knew the procedures of the White House and Pentagon and had worked on racial disturbances in Mississippi, Alabama and elsewhere.

By 10:45, just as Western Union said it was filing Governor Romney's message, also signed by Mayor Jerome P. Cavanagh of Detroit, a Democrat, Mr. Johnson was meeting with Mr. McNamara; Mr. Clark; Warren Christopher, the Deputy Attorney General; John Doar, who heads the Justice Department's civil rights section; Roger Wilkins, director of the Community Relations Service, and White House staff aides.

They received the Michigan appeal for troops at 10:56, and at 11:02 the President, through Mr. McNamara, ordered Secretary Resor to begin loading the troop transports for flights to Selfridge Air Force Base, 30 miles from Detroit, but still Federal territory.

Mr. Johnson is said to have held that if the request for help remained in effect, it had to be honored. But with all his advisers, then and throughout the day and night, he was reluctant to set a precedent if it could be safely avoided.

The meeting drafted a reply to the Michigan leaders saying that troops would be made "available for immediate deployment" but that Mr. Vance and others would fly to Detroit to assess its needs.

Mr. Clark reached the Governor at 11:55 to read him the message, and Mr. Vance, arriving at the White House at that moment, made a date to meet Mr. Romney in Detroit. Shortly after noon, Mr. McNamara ordered the planes to begin the airlift.

Mr. Vance and Lieut. Gen. John L. Throckmorton, commander of the troops, reached Detroit shortly after 3 o'clock and headed for Detroit's police command post. The planes began arriving at Selfridge at 4:05.

At 7, Mr. McNamara called Mr. Vance, who said his team felt it was too early to commit the Army troops, observing that with many more guardsmen and policemen on duty than the night before the situation seemed under control.

Dispute Over Troops

But there was sharp disagreement in the community, Mr. Vance said, with the Governor and most Michigan Congressmen opposing the use of Federal troops at that moment and the Mayor and others strongly in favor.

Mr. McNamara asked what 10,000 men could add to a force of maybe 10,000 National Guardsmen and 4,000 local police already deployed. Mr. Vance, replying that it was difficult to judge, said he would report again in an hour.

Mr. Johnson and his top aides, presently joined by J. Edgar Hoover, head of the F.B.I., shuttled between the President's office and his private quarters, finally settling down to dinner at the mansion at 7:50.

By 8:15, more than 4,000 Army troops had landed in Michigan and at 8:30 Mr. Romney and Mr. Cavanagh aired their conflicting views at a news conference.

The Governor, according to White House reports from the scene, described the situation

Dispute Over Romney's 'Request' for Troops Caused Tensions

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statute stipulating that the President is authorized to send Federal troops into a state in the event of an "insurrection" or "riot," the Legislature has a "request" for troops. The Legislature instructed that Governor Romney "comply" with the statute by formally requesting troops in writing and declaring that he had "an insurrection" under way in his state.

The drama, which was played out over a period of 22 hours, began shortly after 2 A.M. on Monday in the office of Police Commissioner Ray Girardin on the third floor of police headquarters here.

Humphrey Consulted

Governor Romney burst into the office to find Mayor Jerome P. Cavanagh talking on the telephone to Vice President Humphrey in Minneapolis. Mayor Cavanagh is an admirer and confidant of the Vice President, and feels that Mr. Humphrey, a former mayor himself, understands the problems of the nation's cities.

Emergency calls were then flooding into police headquarters at the rate of three a minute. Several sections of the city were ablaze and hundreds of stores were being looted.

The Mayor thought the situation was beyond the control of state and local police and also of the National Guard, which Governor Romney had begun moving into the city on Sunday afternoon.

The Mayor told the Vice President that the situation warranted Federal troops and wanted to know how to go about getting them. The Vice President suggested that he call Attorney General Ramsey Clark.

As soon as he hung up the telephone, the Mayor briefed the Governor on his conversation and then quickly called the Attorney General. Mr. Clark said he thought Federal troops

could be made available, but felt that the law required that the request come from the Governor. Mayor Cavanagh then arranged for a telephone conversation between the Governor and the Attorney General.

United Press International
Gov. George Romney

Talks With Clark

Governor Romney said he had asked the Attorney General what steps he could take to get the Federal troops, recalling that "Clark assured me that an oral request would be sufficient."

Governor Romney then made the oral request and in conjunction with the Mayor arranged for a 4 A.M. press conference to announce that Federal troops would be coming to the city.

"While the press conference was under way, Clark called me," Governor Romney said, "and I left the press conference to talk to him. The Attorney General indicated then that he had to have a written request."

ment today, Mr. Vance said the Federal troops that were sent to restore order would be removed gradually, but he declined to say when the removal would begin.

He said he had found no evidence of any "organized movement" behind the riots.

Reviewing the events of Monday, when the Federal troops were ordered in, Mr. Vance emphasized that the decision finally to send the troops in that night had been his and that the President had signed the necessary Executive order after being requested to do so by Mr. Vance.

He said he had held off sending the troops in earlier, as Governor Romney and Mayor Cavanagh had urged, because he had not been convinced of the wisdom of it. He had feared that Federal troops might inflame the situation rather than quiet it, he said.

At 10:20, Mr. Vance recommended the signing of the Presidential Proclamation calling upon the rioters to disperse, which Mr. Johnson did at 10:31. The two men also reviewed the order to the troops, that none was to receive ammunition until assembly at the fairground, that none was to load his weapon until ordered by an officer and that no one was to shoot until shot at.

Mr. Romney was said to be expressing doubt again about his ability to control events but would not make the official finding that they were out of control, so Mr. Johnson urged Mr. Vance to make his own best finding. The President also instructed Mr. Vance to make one final appeal for order on Detroit television, at about 11 P.M.

At 11:22 P.M. with both state and Federal officials having now recommended that Federal troops move in, the President signed the Executive order authorizing the Army to move into the riot area and to take command of National Guard forces.

Mr. Vance reported that the forces were assembled at the fairground at about 11:30, and General Throckmorton sent reconnaissance teams into the riot districts. The general found the National Guard units poorly deployed and insufficiently prepared for the assignment and worked out plans to suit his analysis.

At 11:56, Mr. Johnson went on a national television hookup to describe his action and his great regret and to denounce the lawlessness. He and his aides had worked on the statement for about 80 minutes, producing several drafts and eager to justify the legality of the intervention by pointing to what they described as Mr. Romney's loss of control. They regret having belabored that point but deny any political motive.

Shortly after 2 A.M. Tuesday the Army reconnaissance was completed and General Throckmorton moved his troops to the riot area east of Woodward Avenue, moving the guard units to the West Side. Mr. Johnson retired, but asked to be awakened for periodic reports.

Mr. Vance and the general were said to have reinforced their sense of the Michigan guard's inadequacy as the week wore on. Wednesday night, they encountered one embattled guard unit spraying fire in every direction at snipers whose existence the general seriously doubted.

He ordered a cease-fire and with Mr. Vance, in a scene that reminded them both of the Western movie "High Noon," walked unprotected down the middle of the street without incident.

In a White House announce-

Governor Romney then rushed back into the conference room, reassembled the reporters and told them that the situation had changed, adding that he was not sure, then, whether the troops would be coming.

As some members of the Detroit's city administration (all of them Democrats) saw it, Governor Romney—a Republican—suspected the motives of the Attorney General and thought he had broken his word after having said an oral request would suffice.

Fear of Precedent

The situation began to drift. City officials said they tried to get at the root of the situation and concluded that Attorney General Clark had "dusted off the statute books" and had, perhaps, consulted with President Johnson.

They contended, too, that the Johnson Administration was worried about setting a precedent that could have Federal troops scurrying about the country all summer, and wanted Governor Romney to comply with the wording of the Federal statute "to the letter."

The Federal statute, Section 331, Chapter 15, Title 10 of the United States Code, says:

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

This is underpinned by Article 4, Section 4 of the United States Constitution, which says: "The United States shall guarantee to every state in this Union a Republican form of government and shall protect each of them against invasion, and upon application of the

Legislature, or the executive (when the Legislature cannot be convened) against domestic violence."

After his 4 A.M. conversation, Governor Romney studied his situation and drafted telegrams for about 4½ hours. Meanwhile, Mayor Cavanagh was continuing to insist that Federal troops were necessary.

By this time, the Mayor's staff had become concerned over what they felt was inadequate riot training on the part of the National Guard.

"They are gutsy guys," one of the Mayor's aides said later, "but they have no more training for this kind of situation than a good troop of Boy Scouts."

Draft of Telegram

At about 8 A.M., the Governor showed the Mayor and his staff a copy of the telegram he had drafted.

One city official says now that he realized immediately that the telegram would not be acceptable to the Johnson Administration.

Governor Romney stated in the telegram, the official said, that he "recommended" (rather than requested) the use of Federal troops.

The Governor also avoided the use of the word "insurrection."

At 8:30 A.M., the Governor said later, he called Attorney General Clark, and read him the telegram.

"He [the Attorney General] said," the Governor added, "that the telegram wasn't adequate."

One city representative at police headquarters during the telephone conversation, recalled that Governor Romney suddenly slammed the telephone down on its receiver.

"Then the Governor said, 'the telegram was unacceptable,'" the man added.

"At this point the Governor left the room and bounced back with a shorter telegram which contained the word 'request'," he wrote around the word "insurrection," the man said.

The Johnson Administration accepted the telegram even though the word insurrection was not used.

By mid-afternoon, the first of 4,700 paratroopers from Fort Bragg, N. C., and Fort Campbell, Ky., were on their way to Selfridge Air Force base near Detroit.

But the Johnson Administration stipulated that they were not to go into action until Cyrus R. Vance, the President's representative, arrived on the scene for a first-hand inspection.

At about 6 A.M., as Mayor Cavanagh remembers it, he and the Governor met Mr. Vance at the air base and then whisked him to the city on an inspection tour.

The Mayor said Mr. Vance had agreed that the situation was grave but had pointed out that a serious precedent was involved.

Mr. Vance felt that Federal troops should not be committed until all the National Guard forces had been deployed. Some of the guard force of about 7,000 men had arrived late and were still getting organized.

Governor Romney, as city officials saw it, acquiesced to Mr. Vance's decision, but Mayor Cavanagh insisted that Federal troops be sent into the city immediately.

However, Mr. Vance stuck by his decision and agreed at about 10 P.M. only to shift about 1,800 troops into a temporary "staging area" at the state fair grounds just inside the city limits.

But the situation was steadily deteriorating. About 11 P.M., the Mayor's staff learned that Mr. Vance had been in frequent communication with the White House and that he and the President had decided to commit the troops into action.

President Johnson made the formal announcement at midnight in a televised speech.

The President said that the Federal government had "no alternative but to respond since it was called by the Governor of the state and presented with proof of his inability to restore order."

Governor Dismayed

One person in the room with Governor Romney as he listened to the telecast described the Governor as being surprised, dismayed and angry by this and other references in the President's speech.

This man quoted Mr. Romney as saying:

"You work all day and what do you get—that kind of stuff."

Now, it is clear, Mr. Romney is still angry over the President's references and by reports from the White House that he "vacillated" for about 20 hours.

"I did not vacillate," Governor Romney said.

Mayor Cavanagh said there was tension at times during the negotiations involving himself, Governor Romney, Mr. Vance and Attorney General Clark.

But he added that there was no angry shouting or arm waving.

"We were all very civilized while the city burned," he said.