past abuse is well known. Critics who advocate its adoption do so, naturally, because they recognize the need for a thoroughgoing judicial consideration of labor's objectives, a consideration which the present Court has so far, to a large extent, inhibited. A better answer to this need, however, would seem to be a weighing and sifting of these objectives by the Supreme Court itself.

THE REPORT ON THE DETROIT RACE RIOT

Perhaps unfortunately, the legal system can take but a passive part in the prevention of race riots. This is true because the chief underlying cause of such conflicts is a maldirection of character. Racial harmony is not a matter of getting good laws on the books or even of perfecting legal administration. This harmony will come only when individuals acquire a compelling habit of acting justly.

Yet, much of the material damage and many of the tragedies of the Detroit riot could have been prevented by skilful legal action. In the factual report submitted to Governor Kelly of Michigan, Herbert J. Rushton, Attorney-General, William E. Dowling, Prosecuting Attorney, Oscar Olander, Commissioner of State Police, and John H. Witherspoon, Commissioner of the Detroit Police Department—the appointed committee of investigation—pointed out that an adequate police force might have done much to minimize the human and material damage. More important to the subject of this note, the committee also indicated that if federal military aid could have been secured speedily, much of the damage might have been avoided.

right to free speech under the Fourteenth Amendment was neither raised nor considered." Bakery and Pastry Drivers v. Wohl, 315 U.S. 769, 774-75 (1942).

Of this, Teller says, "Apparently then, the Supreme Court would have sustained the injunction had the New York Court of Appeals made a finding that the picketing was for an unlawful labor objective." Teller, op. cit. supra note 3, at 193.

Mr. Justice Frankfurter has given one of the ablest descriptions of this abuse. Frankfurter and Greene, The Labor Injunction (1930).


The purpose of the Report as stated in its Foreword is "to make publicly known the whole truth in respect to the rioting." The three parts of the Report deal with (I) a statement of the events, (II) an appendix composed of a series of statistical exhibits, and (III) a discussion by the compilers of the various factors contributing to the tension between the white and negro populations of Detroit.

Instead of increasing proportionally with the half-million increase in population since 1931, the Detroit police force has decreased steadily and considerably since then. In 1931 the population of Detroit was 1,526,763, and the actual personnel of the police force was then 3749. In 1943 the population is 2,106,671, and the police force is now 3418. Exhibit 10, Part II, Factual Report to the Governor.

Ibid., Exhibit 12.
Total casualties resulting from the riot were 34 dead (9 white, 25 colored) and 675 injured (345 white, 254 colored, 76 police officers). Painstaking research on the part of the compilers of the report to the Governor disclosed that of these totals, 30 persons had been killed and over 300 injured before aid from federal troops was forthcoming. If federal aid had arrived earlier, it is implied, much of the human tragedy and most of the vandalism would have been averted.

The delay in securing federal aid was owing to a misunderstanding of military regulations and of the powers of the federal government. The mayor of Detroit had been advised that Army military police battalions, long stationed in Detroit, would be available in case of disorder upon request by the governor of Michigan to General Aurand, Commanding General of the Sixth Service Command, Chicago, who in turn would give the necessary orders to Colonel Krech, who was in command of the troops stationed at Detroit. "After receiving such orders, Colonel Krech would then be able to swing his troops into action within an hour."

The hitch in this procedure came when, on Monday morning, June 21, Governor Kelly made a request for military aid of General Aurand. "[General Aurand] informed the Governor that he could not dispatch troops to Detroit unless Federal martial law was declared." Further delay came with the discovery by General Gunther, Provost Marshal for the Sixth Service Command, that under Army regulations no military officer has authority to declare martial law. The President of the United States is the only person who can declare federal martial law; he can do so, moreover, only when there is rebellion against the government of the United States.

Because martial law would entail suspension of normal government and place the Army in complete charge of the Detroit area, Governor Kelly hesitated to make the requisite charge to the President. Instead, conferring with state officials, the Governor decided that state troops could be used without declaring martial law. Supplementary to the use of state troops, the Governor proclaimed a state of emergency, established a curfew, and took other similar steps.

Then, on Monday evening, the War Department discovered that the Army might be used even without a proclamation of federal martial law. The President might so direct merely as an aid to the Governor in maintaining law and order. Stimulated by the President's Proclamation of June 21, federal troops came to the aid of the Detroit authorities at 10:00 P.M., Monday, June 21.

The compilers conclude their factual report with a reasoned plea to both colored and white people to work out their differences in an orderly manner—to resort to lawfully constituted authority when clashes occur: "... those vested in
by democratic processes with civil authority are entitled to the respectful co-operation of all the people; . . . . redress of wrongdoing is by established judicial procedure."

Whether or not it is either possible or desirable to make the harmony of society depend upon an all-pervading "constituted authority" is highly doubtful. To make it possible, both the legal and the police machinery would have to be expanded tremendously. And the more desirable thing, of course, is to eliminate the racial antagonism by eliminating its cause, and the cause lies in the character of the American people.

The latter is certainly not the function of lawyers as such. But it is the job of lawyers, including military lawyers, to understand thoroughly the end of their profession—i.e., the settlement of disputes in a just and orderly manner—and to know how to achieve that end expeditiously when necessary.

APPLICATION OF THE WILLIAMS DOCTRINE IN ILLINOIS

Prior to his marriage with W, H had obtained a Reno divorce. W, seeking a decree of nullity from her marriage with H, alleged that her marriage to H was void because H had not been a bona fide resident of Nevada at the time of obtaining the divorce decree. After mentioning that the Nevada court had specifically found that H was a bona fide resident, the court held, "Under the ruling in that case [Williams and Hendrix v. North Carolina] it is now the law that a divorce decree that is valid in the State of Nevada is also valid in the State of Illinois." Stephens v. Stephens.

In view of the exhaustive treatment elsewhere, further comment on the implications of the Williams case would be superfluous. The instant case, however, indicates that courts may have some difficulty in the application of the rule enunciated in the Williams case. Most writers agree that the actual holding of the Williams case is that full faith and credit must be accorded to a divorce decree if the bona fide domicile of the party seeking the divorce is within the granting state.

Ibid., Part III, at 7.

If's wife did not defend the action. In fact, there is no showing that she was notified of the proceedings except by publication in a local Nevada newspaper.


49 N.E. (2d) 560 (Ill. App. 1943).

Cook, Is Haddock v. Haddock Overruled? 18 Ind. L.J. 165 (1943); Holt, The Bones of Haddock v. Haddock, 41 Mich. L. Rev. 1013 (1943); Lorenzen, Haddock v. Haddock Overruled, 52 Yale L.J. 341 (1943); Strahorn and Reiblich, The Haddock Case Overruled—The Future of Interstate Divorce, 7 Md. L. Rev. 29 (1942). This is only a partial list of the comments on the decision.

Cook regards the Williams case as holding that "the new decision on its precise facts is that the state of the plaintiff's bona fide domicile can upon constructive service confer upon its own