

1 Whereupon,

2 RICHARD J. HUGHES

3 called as a witness, duly sworn, testified as follows:

4 EXAMINATION

5 THE WITNESS: I will go on the record.

6 As the Judge said, I think it is rather  
7 important to recall that state government, as far  
8 as I know it, has been interested in the possibility  
9 of outbreaks for a long time. I recall talking to  
10 Mayor Whelan in Jersey City one time, and I think  
11 it was 1964 if I am not mistaken -- I don't know  
12 when the riot was -- but I know I had called Tom  
13 Whelan and repeatedly offered the assistance of  
14 the State Police. I had heard and read there had  
15 been some truck drivers, bus drivers pulled a man  
16 out of his vehicle and beat him, and I don't recall  
17 if there were any deaths, but there was certainly  
18 the imminence of violent death there.

19 Mayor Whelan told me at that time that  
20 the situation was completely within the control of  
21 the local police; he would prefer not to have any  
22 showing of a state trooper or any armor or anything  
23 of that kind. I respected his opinion. It turned  
24 out to be correct, and at that time I was  
25 interrogated by President Johnson on the telephone

1 one night as to what the situation was in Jersey  
2 City, which was being widely discussed in the press.  
3 I reassured him and repeated what Tom Whelan had  
4 told me. I repeated that same thing to other  
5 people in government many times, at the same time  
6 indicating that the state would have to take the  
7 responsibility of supressing riots if they got  
8 beyond the control of local authorities.

9 ~~planning~~ Then I think maybe a month or two before  
10 the summer period of this year we had a meeting  
11 here not involving any mayors. I have a dim  
12 recollection of having met with some mayors back  
13 in 1965 in the Newarker, but I would have to look  
14 up some notes and try to refresh my recollection.  
15 I am almost completely blanked out on that except  
16 I remember the occasion. However, the meeting  
17 here at the beginning of this summer involved  
18 Dave Kelly, General Cantwell. I can give you at  
19 my next appearance the other people that were here.  
20 I think a very good officer that works with Colonel  
21 Kelly, but I will give you those names.

22 ~~and then~~ The gist of it was I communicated to  
23 these people what I had always heard from Mayor  
24 Addonizio when I would ask him what his sense of  
25 security with the negro community in Newark was,

1 and he always reassured me that he had very deep  
2 roots and deep connections with this community.

3 So that what happened was a real disappointment to  
4 me, and I don't doubt a disappointment to him. He  
5 on occasion had mentioned, and I had actually seen  
6 various ministers and other people supposedly  
7 influential in the negro community, and while I  
8 noticed with some worry the conflicts at public  
9 planning hearings about the medical school land  
10 and the Callahan appointment and so forth, I would  
11 ask once in a while, and I kept being reassured  
12 that things were all right in Newark and there  
13 wasn't any probability of any difficult situation  
14 in the dimensions we finally saw in July.

15 ~~at two-ten~~ On that Thursday night, the second night  
16 of the commotion, there had been a brief scuffle  
17 that I read about and heard about on Wednesday  
18 night in front of a police station. On Thursday  
19 evening I went to a little dinner party they had  
20 for Friar Daniels and for some outgoing newspaper  
21 correspondent. I stayed for maybe a half an hour  
22 and then went on home, I think. I know I wasn't  
23 there a very long time. I am sure I talked to the  
24 Attorney General during that evening. I am not  
25 sure whether I talked to Colonel Kelly or not, but



1 I know I had several telephone conversations, the  
2 gist of which was that there were one or two calls  
3 which had been made from individual policemen. I  
4 forget the names. They were not policemen in  
5 authority anyway.

6 ~~Policemen~~ Mayor Addonizio could not be located, I  
7 was told I think by Colonel Kelly or by relay from  
8 him through the Attorney General, but despite one  
9 or two calls for help from local policemen, the  
10 assurance I had up to one-thirty that morning when  
11 I finally went to bed was that the situation, while  
12 it was difficult, was being contained without any  
13 problem by the local police force.

14 ~~alarmed.~~ I then went to sleep, and I was awakened  
15 at two-twenty by a telephone call from Mayor  
16 Addonizio who was quite upset and insisted of the  
17 deployment of State Police and National Guardsmen  
18 to the maximum extent possible. He told me that a  
19 riot was out of control; that the bands of rioters  
20 were jumping from one place to another in the city;  
21 they were mobile, many of them in cars; and the  
22 destruction was very upsetting.

23 ~~and~~ I think I was told that the police -- I  
24 am not sure whether I was told the police were  
25 firing back at rioters at that time. I then made



1 a call to Attorney General Sills. The Attorney  
2 General suggested that I not go to Newark, but he  
3 said he would activate the State Police. I am not  
4 sure, but I think I may have talked to Colonel  
5 Kelly on his call to me, and that the State  
6 Policemen would be sent up there. I called General  
7 Cantwell. After some delay I reached him at Sea  
8 Girt, and he and I had quite a discussion, he  
9 pointing out there was enormous expense involved  
10 in the deployment of National Guardsmen to a city  
11 disturbance, and he wanted to make sure that I  
12 knew what I was suggesting.

13 I said, "Well, Mayor Addonizio is very  
14 alarmed," and I think I might have used the word  
15 "panicked" and said, "I really think we must get  
16 in there and get in there quickly." I later  
17 learned that Cantwell flew up there. He got a  
18 light plane and flew up to Newark and made  
19 arrangements for the National Guard to be sent into  
20 the city.

21 I then got ahold of a couple of people  
22 on my staff and made some preparations and went  
23 over and I think I got there about four-thirty or  
24 twenty minutes to five. I am going by my notes  
25 here. I will refresh my mind a bit if you don't

1 mind.

2           The contingents of the State Police  
3 began arriving in Newark about 3 a.m. At this  
4 time widespread looting and arson were prevalent  
5 in the central ward. There were instances of  
6 gunfire and fire-bombing. This activity continued  
7 into the daylight hours of the fourteenth. About  
8 eight-thirty that morning I toured the riot area  
9 with Mayor Addonizio, Cantwell, Kelly, Spina, who  
10 was in a Ford car with his driver, several other  
11 officers, the State Police. We had arranged at  
12 that meeting at the outset of the summer that the  
13 relationship with the National Guard vis-a-vis the  
14 State Police would be that the State Police would  
15 be in control; that the State Police would be  
16 calling the directions and the National Guard would  
17 cooperate. We would make every effort to have the  
18 local police force also respond to the direction of  
19 one central director, the State Police.

20           In this examination of the riots -- I  
21 suppose you have heard this and it may be redundant,  
22 but looting was still going on. I witnessed many  
23 arrests. I didn't count them. I would assume  
24 40 or 50. I saw people being brought out of stores  
25 and shepherded into police vehicles. I didn't

1 see any police brutality of any kind. There was  
2 a humorous feeling going on, kind of a holiday  
3 atmosphere. I saw police chasing kids with  
4 bicycles and adults being arrested. By this time  
5 it was about nine-thirty or ten o'clock. Then I  
6 returned to the Roseville Armory. The State Police  
7 aid to Colonel Kelly was Major Olaff, who did an  
8 excellent job in my opinion.

9 I had a man with me all the time, John  
10 Spinelli from my staff, and several others of my  
11 staff came up. Stanley Van Ness, my counsel,  
12 knows a good deal about this if you care to  
13 question him because he was there. He was  
14 sleepless for the whole several days we were there  
15 practically. I stayed at the Roseville Armory  
16 getting reports and directing things to the extent  
17 that I thought proper.  
18 Mayor Addonizio I would say almost  
19 completely withdrew from any sharing of the  
20 direction of this situation. He was quite willing  
21 for me to undertake what I did, and that was to  
22 issue directions to the State Police and to the  
23 National Guard. So I must accept full responsibili-  
24 ty for the continuity of their conduct, including  
25 the sealing off of streets, the dimensions of



1 these fires and fire bombings which was described  
2 to me as approximately a ten-square mile area. I  
3 can't remember the streets. I inspected many of  
4 them. It looked like a pretty broad aspect.

5 people. At noontime I went over to the Robert  
6 Treat for a sandwich, and on the way over or while  
7 there I saw several of the state officials, and I  
8 don't know whether the Attorney General was there  
9 or not, but I saw local police officials, Dominick  
10 Spina and others. I returned to the armory about  
11 five, and I had a series of briefings from the  
12 State Police and National Guard. At that time I  
13 was in touch with my office and we were talking  
14 about these emergency orders, which is the next  
15 thing to martial law. It is accommodated under our  
16 emergency statutes here. I have copies of all of  
17 these orders. These were filed, I believe, in the  
18 evening of Friday. They established a curfew.  
19 They closed saloons and taverns. They made several  
20 other provisions. They were prepared by Marilyn  
21 Schauer of the Attorney General's Office, and  
22 assistant counsel to me, Firman Pempleton, and  
23 Stanley Van Ness; and I think we filed this  
24 declaration of emergency about nine-thirty.

25 apparently Then Bob Burkhardt came down to accept

1 the filing. Around ten o'clock that night I  
2 directed my counsel who, as you know, is a negro,  
3 to establish communication with some leaders of the

4 negro community and to look for some militant  
5 people. I didn't want to talk to any criminals or  
6 rioters, but Ray Brown, who is a Colonel in the  
7 National Guard and a member of our Board of Control,  
8 and in my judgment a very distinguished lawyer,  
9 wanted me very much to arrange to see Oliver Lofton,  
10 who is the director of Legal Services project in  
11 Newark and a lawyer and, as a matter of fact, a  
12 member of this Commission.

13 CHAIRMAN LILLEY: As is Ray Brown.

14 THE WITNESS: I met this group at Lofton's  
15 house, I think maybe at 1 a.m. on the morning of  
16 July 15. I stayed with him until about 4:30 a.m.  
17 Timothy Still, the head of the UCC project, was  
18 there. George Richardson, who had been a very  
19 stormy participant in some of the council meetings,  
20 was there. Lofton, a man named Duke Moore, a man  
21 named Harry Wheeler, and Don Wendall, the executive  
22 director of the UCC, and various others who were  
23 bitterly opposed politically to Mayor Addonizio.

24 We went over things in general. They  
25 apparently shared with me a hope that the riot



1 would end, and we were discussing ways and means  
2 to get it ended. But we had some beginning  
3 discussion about the problems they had with Mayor  
4 Addonizio which broke down into two main problems.  
5 One involved an appointment of a man named Callahan  
6 as executive director of the school board, I think

7 is the title, for which they felt that a negro,  
8 a well-educated man, was very much better quali-

JUDGE WACHENFELD: Parker.

10 THE WITNESS: Parker. I told them that I  
11 inclined to sympathize with them, but at the same  
12 time this was a political matter and was something  
13 that couldn't be interfered with by the Governor  
14 of this state or by anybody else. It was up to

15 Mayor Addonizio. They said that was one of the  
16 main grounds of dispute. The other was the  
17 question of the medical school, and I went over  
18 that whole thing with them from beginning to end.  
19 I told them how Mayor Addonizio had fought and  
20 fought this administration really to have this  
21 school put in Newark for the benefit of the  
22 impoverished negro community.

23 They conveyed to me, "Well, why doesn't  
24 somebody make these explanations to us?" Apparently  
25 that communication, at least from what they said,



1 had not been established. However, I saw no  
2 purpose in continuing the argument about Mayor  
3 Addonizio, and I tried to organize these people  
4 into going on the street. We discussed some means  
5 of identification. We discussed their relative  
6 safety in this still very upset atmosphere.  
7 Timothy Still was particularly interested in me  
8 providing for food and supplies to come in because  
9 he said that many members of the negro community  
10 who lived in these housing projects ran out of  
11 food. They buy only for a day in advance, don't  
12 have the freezers and the forward buying that more  
13 prosperous people have, and yet they were afraid  
14 to go on the streets because they might be killed  
15 or hurt.

16 I promised to do that, and we did do  
17 quite a bit about getting the stores opened. Later  
18 on my staff talked to some of the high officers  
19 of the A&P and various other food chains, and we  
20 were successful in getting that done and certainly  
21 by early Sunday morning.

22 These people wished to organize a group  
23 of four to five hundred people to go on the streets  
24 from street to street and house to house and try  
25 to stop this rioting. By this time several deaths

1 had occurred according to information coming to me,  
2 and I, of course, wanted them to do that.

3 I arranged for them to meet at 3:00 a.m.,  
4 I think, at the poverty office near the city hall.  
5 I did think that I ought not to affront Mayor  
6 Addonizio, so I went out to his house early that  
7 morning and told him about the plans of this group  
8 to meet. He seemed to be quite upset about it  
9 and wanted his ministers and some other people to  
10 come in. So the people that I had been talking to  
11 as leaders of the pacification group acceded to  
12 this leader of the mayor's pacification group and  
13 took their directions. It was reported to me they  
14 then went out on the streets and on Saturday and  
15 got into so much trouble and were chased around so  
16 much by people who suspected them as participating  
17 in the riot that they had to abandon their efforts  
18 which were renewed early Sunday morning and were  
19 successful at that time.

20 By this time I think all the looting had  
21 ended and we were involved in some sniper problems.  
22 I had the belief, and have had it since, that the  
23 response to the sniper fire was massive fire. I  
24 am not critical of the State Police or the National  
25 Guard, but it is one of the incidents of this

1 warlike atmosphere in which innocent people get  
2 hurt, and obviously many innocent people were hurt  
3 and killed in the course of that sniper return.

4 the govern I am trying to recall from my notes the  
5 day when I called up the court house and saw  
6 Acting Assignment Judge Guiliano, I believe it was.

7 JUDGE WACHENFELD: No, Whipple was there.

8 THE WITNESS: And Judge Whipple and all the  
9 judges. I brought them up to date. I had known  
10 that three of the magistrates in Newark were  
11 working around the clock in arraigning these  
12 people as they were brought in. I told the judges  
13 I wanted everybody's constitutional rights to be  
14 protected, that I was taking the liberty, and  
15 without apologies but in a defferential way, of  
16 reminding everybody that a prompt restoration of  
17 law and order and a preservation of future law and  
18 order should be helped by prompt enforcement of  
19 the criminal law. I told them that I never wanted  
20 anybody because of his race or other circumstances  
21 to be unduly punished by the criminal law, and I  
22 always tried to act that way as a judge, but, by  
23 the same token, I didn't want any of the court  
24 establishment to feel there was any part of the  
25 public policy of this state to be gingerly about



1 in the enforcement of the law without regard to  
2 race, color and creed. I am responsible for law  
3 enforcement in this state as the executive side of  
4 the government. The judicial side is separate, and  
5 I told the judges I recognize that, but I wanted  
6 them to know the state government was behind an  
7 absolutely fifty-fifty unconditional application of  
8 the criminal law. If people burned or looted or  
9 killed or murdered, they ought to receive the full  
10 punishment of the law with the proper protection of  
11 all their constitutional rights.

12 Union, I We later implemented the so called VERA  
13 Plan through the public defender. This is a three-  
14 page questionnaire that I suppose you are all familiar  
15 with which explores into the circumstances and the  
16 roots of a given defendant to determine whether he  
17 can be safely released on his own recognizance  
18 rather than being held in jail for an indefinite  
19 time. In my conference with some of the militant  
20 leaders the night before it had been pointed out to  
21 me many juveniles for many minor looting offenses,  
22 picking up a box of crackers or a carton of cigarettes  
23 were held in juvenile detention quarters away from  
24 their families. I reaffirmed to these people that  
25 the law was the law and was going to be enforced,

1 hot or cold as I put it then, without any mercy as  
2 far as anybody involved in serious crime was  
3 concerned.

4 So we did implement this plan. I was  
5 told later many of these children -- I think all of  
6 these fourteen-fifteen-sixteen year old juveniles  
7 had been returned and released and were back with  
8 their families, and the VERA Plan was very  
9 successfully conducted as reported to me.

10 Despite some of the arguments made  
11 characteristically by the American Civil Liberties  
12 Union, I don't think there was any undue holding or  
13 any brutality practiced in the jails. At least  
14 none came to my notice. The jails were overcrowded.  
15 We had one conference at one time about using county  
16 jails in other counties and using municipal jails  
17 in various parts of the county. We used the Sussex  
18 Street Armory basement which was provided with  
19 showers and toilets to hold many prisoners, but  
20 this concerned me because we were taking in so many  
21 hundreds of defendants.

22 I had constant meetings with members of  
23 the negro community and people whom I regarded as  
24 leaders. I talked to Earl Harris, for instance,  
25 who used to be a republican freeholder. He bitterly

1 explained that some policeman whom he could not  
2 identify, because this was by hearsay to him, had  
3 shot a hundred rounds of shotgun fire into a new  
4 store or tavern that he had built that had a sign  
5 on it that it was going to open in a week or two.  
6 He said this was in retaliation because of his  
7 prominent part in the political revolt or the  
8 arguments in Planning Commission meetings or the  
9 city council meetings with Mayor Addonizio. I  
10 told all these folks that we would have a designated  
11 officer with his phone number and address to  
12 receive these complaints both as involved the National  
13 Guard and as involved the State Police, and that  
14 they would make an honest investigation to see  
15 whether there had been any brutality or unnecessary  
16 raffness or unnecessary destruction on the part of  
17 either of these bodies. So far as I know, these  
18 investigations are still going forward.

19 I called in to help Commissioner Ylvisaker,  
20 and he was a very great help from the Department of  
21 Community Affairs. He sat with me on several of the  
22 groups during all this period. We issued several  
23 statements.

24 In order to make a last desperate attempt  
25 to apprehend these snipers whom I had heard counted



1 up by estimate as between 25 and 50, I offered  
2 amnesty -- not amnesty, but executive clemency to  
3 any person accused of non-violent plundering or  
4 looting in return for information leading to the  
5 arrest and conviction of a sniper. This was  
6 completely abortive. No one came forward and no  
7 information came in.

8 My first purpose at that time was to, if  
9 necessary, forgive the property offender if it  
10 wasn't violent, in order to try to apprehend the  
11 snipers who were, we thought, killing people and  
12 threatening people.

13 Later on, I think on Sunday evening, I  
14 had a meeting with some other very militant people,  
15 two of them. This has been a subject of some  
16 newspaper discussion. One of these people was a  
17 man names Thomas Hayden, head of the Students  
18 Democratic Society. Another fellow is Robert  
19 Kervick, former head of CORE. I met these people  
20 in the office of the United States Attorney, Dave  
21 Satz. Several of my people were there. They  
22 strongly recommended that the snipers -- they  
23 professed they wanted to be helpful in stopping the  
24 killing that was going on, that they believed that  
25 the snipers would only multiply if the armor and

1 armored cars and the show of force continued in  
2 the streets. That, I thought, was sincere advice.  
3 We instinctively wanted to get in and dig out these  
4 snipers, but in a building like the Hayes Homes  
5 with I don't know how many hundred apartments this  
6 was virtually impossible.

7 So in the firing back there was a good  
8 deal of destruction and certainly some tragedy. We  
9 didn't want that to continue. I worked through  
10 that whole night and talked to Colonel Kelly. I  
11 think I spoke to the Attorney General by telephone.  
12 We were in touch with the United States Attorney  
13 and Notar General during this period, sometimes at three  
14 hereby ce o'clock in the morning. He was very cooperative.

15 of my stenographic Finally, about six-thirty that morning I  
16 decided, with Colonel Kelly and with all the other  
17 people that were advising me, we should pull out  
18 the National Guard and the State Police except for  
19 a skeleton crew to help convey food supplies and to  
20 do some little emergency service. By then I think  
21 I kept a curfew on the saloons and kept the streets  
22 open which were sealed off before. We gradually  
23 got back into a period of quiet, and after that  
24 there was no more shooting. That was the end of  
25 the Newark situation as far as I experienced it.

1 On Plainfield, if you are going into that --

2 CHAIRMAN LILLEY: Do you have the time? It is  
3 five after five.

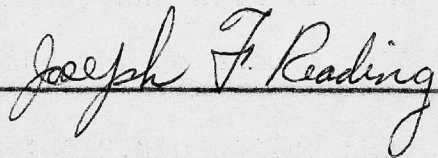
4 THE WITNESS: I have to go. This has been kind  
5 of a rambling discourse on these times, but I have  
6 made pretty good notes and I will be glad to develop  
7 this further.

8 CHAIRMAN LILLEY: We will be glad to have you  
9 come again.

10 - - -

11 C E R T I F I C A T E

12 I, JOSEPH F. READING, a Certified Shorthand Reporter  
13 and Notary Public in and for the State of New Jersey, do  
14 hereby certify that the foregoing is an accurate transcript  
15 of my stenographic notes to the best of my ability.

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October 8, 1967.