

1 the field of narcotics or gambling?

2 A I may say that it is common that these men may  
3 develop intelligence relating to riots. They can serve a  
4 two-fold purpose for us, but as to somebody that is doing  
5 work as an undercover man full time in the riot area, no,  
6 sir.

7 Q In connection with the Newark situation and the  
8 Englewood situation, the people that were sent to those  
9 cities by the state police as "observers" were not expected  
10 to obtain information from informants or other people in the  
11 ghetto areas.

12 A No, sir.

13 MR. LEUCHTER: I want to make sure I didn't mis-  
14 understand Major Olaff. Did I understand that there  
15 are five Negroes in the state police, three in  
16 plain clothes and two in uniform?

17 THE WITNESS: I believe this is right.

18 CHAIRMAN LILLEY: Are there any further  
19 questions, gentlemen?

20 Thank you, Major Olaff, for spending such a  
21 long time with us.

22 DICKINSON R. DEBEVOISE, sworn.

23 EXAMINATION BY MR. JAFFE:

24 Q Mr. Debevoise, you are an attorney at law in the  
25

1 State of New Jersey?

2 A That is correct.

3 Q Could you tell us your connection with the Newark  
4 Neighborhood Legal Services.

5 A I helped organize the Newark Legal Services  
6 Project when it started in the summer of 1965. When it was  
7 first formally organized, I became the president of its  
8 board of trustees.

9 Q Can you tell us a little bit briefly about the  
10 role of the Newark Neighborhood Legal Services, its functions  
11 and its purpose.

12 A Yes. It was organized primarily to bring civil  
13 law facilities, talents and procedures to the poor in the  
14 city of Newark. We do this through the organization, the  
15 Newark Legal Services Project, which is governed by a board  
16 of trustees, and consists of attorneys from the state bar  
17 association, county bar association, law schools and other  
18 organizations. It also consists of people from the poverty  
19 community itself, two from each of the neighborhood offices  
20 of the United Community Corporation.

21 We hire a staff of 14 attorneys, and we have six local  
22 offices which are set up with two lawyers in each throughout  
23 the poverty areas of the city. Through these, we get an  
24 influx of people from the particular area of the office and  
25 handle whatever problems they have in the field of civil law.

1 we get into the criminal field as little as we possibly can,  
2 but occasionally some action involves both civil and criminal  
3 and we may find ourselves there, or in a situation which the  
4 Public Defender does not cover. This may be the magistrate's  
5 court prior to arraignment. We may have to go in there at  
6 that point.

7 Q Could you tell us a little bit about the finances.

8 A Until October 1, it was ten per cent local funds  
9 or contributions, and 90 per cent poverty funds from the  
10 federal government. Our local contributions have been from  
11 attorneys, very heavily from larger law firms and individual  
12 attorneys, the business community in Newark, and then a  
13 considerable amount of in kind contributions. For instance,  
14 Seton Hall has its legal aid society handling some of our  
15 small claims cases. Rutgers Law School has its library and  
16 legal aid society. The bar association gives us money and  
17 space. This is the in kind aspect.

18 Q Is the association at all connected with the  
19 United Community Corporation of Newark?

20 A Well, we are what is known as a delegate agency,  
21 which means that when we prepare a program or an application  
22 for funds, we submit it to the United Community Corporation.  
23 It then has to go through its administrative machinery where  
24 it is processed and sent up to the New York regional office  
25 of the CBO, and from there to Washington. We are completely

1 independent once our program is approved. They cannot  
2 control the program. We run as an independent entity, and  
3 they are responsible to see that we are performing the  
4 contract which we entered into and that our money is spent  
5 as we contracted to spend it.

6 Q Mr. Lofton is administrator of this program, is  
7 that right?

8 A Yes, he is.

9 Q Is the staff hired by the board of trustees, or  
10 is it through the UCC?

11 A We hire our own personnel. We have a personnel  
12 committee which interviews prospective attorneys, though the  
13 final choice once approved by the personnel committee, would  
14 be with the administrator and the assistant administrator.  
15 Our law students would be hired by the administrator and the  
16 assistant administrator without going through the personnel  
17 committee or the board of trustees, but the UCC has nothing  
18 to do with our personnel.

19 Q I wonder, Mr. Debevoise, if you could explain for  
20 us the role played by the Newark Neighborhood Legal Services  
21 during the riots in the summer of 1967.

22 A Well, the role progressed as the disturbances  
23 progressed. I think our first contact was the night of  
24 Wednesday, July 13, if I am correct. You gentlemen probably  
25 have the date more in mind than I do. Whatever Wednesday

1 night was, that was the night.

2 I am corrected, it was Wednesday, July 12.

3 The trouble, you know, began in the Fourth Precinct.

4 As is frequently the occasion when a problem starts developing  
5 in the community, Oliver Lofton was called in. Frankly, I  
6 don't know how he survives the demands on his time, but on  
7 this occasion as in others, he was called down to the  
8 troubled area. He and other community leaders largely from  
9 the United Community Corporation.

10 Q Do you know who they were?

11 A I know some of them. I think Bob Curvan was there.  
12 He is not with UCC. I think he was vice president. Timothy  
13 Still, I understand he was there. Donald Wendell, I understand  
14 he was there. There was Oliver Lofton and I am sure there  
15 were others, but those are the only names that I recall  
16 hearing.

17 MR. GIBBONS: Do you know who called them?

18 THE WITNESS: I understand people from the  
19 housing project area who had been disturbed, either  
20 because a crowd was gathering or else had seen the  
21 taxicab driver, Mr. Smith--he is our more famous  
22 client--taken into the precinct station. Who the  
23 individuals were, I don't know.

24 Our role began then. I suppose you would say  
25 our role began then because Mr. Lofton was called

1 into it. The details of what went on there, I  
2 only know from having had them described to me by  
3 him, so perhaps he and others there could give  
4 you the details.

5 Our real role as an organization began the  
6 following morning when I was first aware of the  
7 fact that there was serious disturbance in the  
8 city.

9 Excuse me, it was Friday morning that our  
10 organizational role began. Thursday was the day  
11 of disturbance and we knew that there were tensions  
12 in the city but we had no idea how great. Thursday  
13 night, as you know, the disorders really broke  
14 out seriously.

15 On Friday morning, when I was first aware  
16 that there were very serious problems, I personally  
17 at that point became involved. What I am telling  
18 you now is on the basis of my own personal  
19 involvement. I went to the Legal Services office  
20 on Branford Place as soon as I could get away from  
21 my own office, which was some time in the middle  
22 of the morning, and we first checked where our  
23 lawyers were, whether our offices were opened,  
24 and concluded that we would bring them all into  
25 the central headquarters at 114 Branford Place.

1 staff attorney. During the period before then, I believe Mr.  
2 member of Lofton had become liaison, either officially or  
3 civil law unofficially, between the Governor and his people  
4 asked if and the representatives of the community, and in  
5 on Friday effect, he was not in day to day command of the  
6 the following operations at Legal Services from that point until  
7 the troubles were over, and even somewhat beyond.  
8 the night His time was totally taken up in the work he was  
9 could do doing with the Governor, the United Community  
10 fact. The Corporation, and other leaders. Our Assistant  
11 complaint Administrator, Mrs. Sheppard, cut her vacation  
12 observed. short and came back on Friday and began conducting  
13 role that the day to day operations of the Legal Services  
14 then out project. by and into places of detention. In the  
15 process of this Our first mission was to assist the Public  
16 people, Defender at the magistrate's court where people  
17 we were being brought in in very large numbers.

18 work Q Was this at the request of the Public Defender?

19 vision A I understand the request came from a variety of  
20 sources. The request was not made to me personally, but I  
21 understand it came from him with the concurrence or at the  
22 suggestion of the Governor. This I am not absolutely sure  
23 about, but we understand that it was at the request of the  
24 Governor through the Public Defender that we were asked to  
25 send people down to help out. As a result, we sent all our

1 staff attorneys down to the magistrate's court. We have a  
2 number of volunteer attorneys who work with us in various  
3 civil law matters, and many of these people called up and  
4 asked if they could help. We asked them to come in and start  
5 on Friday and we kept working through the weekend and into  
6 the following week.

7 So, our first real activity was representing people in  
8 the magistrate's court, where there was really not much we  
9 could do since they were processing them through pretty  
10 fast. There wasn't much they could do except read the  
11 complaint and see that whatever forms could be observed were  
12 observed. I can't say there was any terribly constructive  
13 role that we could do except help move people on and get  
14 them out of the city and into places of detention. In the  
15 process of this, of course, they had a chance to talk to  
16 people, see the people and observe what was going on.

17 We also had with us ten summer students, law students,  
18 working during the summer period, and I believe it was eight  
19 VISTA workers. These people were available and we sent them  
20 more on missions of mercy during that first period. They  
21 were just doing personal things like trying to find relatives  
22 and locate families and the like, but they came into use the  
23 following week when the emphasis centered on interviewing  
24 the prisoners so that the courts could determine who should  
25 be released. All the people who were arrested were in very



1 crowded conditions in the Armory, the Newark Street Jail,  
2 Caldwell, and I think the U. S. Marshal's office. It was  
3 serious overcrowding. It was really a potentially dangerous  
4 situation.

5 Q Was it at this time that a high bail had been set?

6 A High bail had been set in the magistrate's court.

7 Q Was that a uniform bail?

8 A I think it varied by the offense.

9 Q But, it was uniform as to the offense.

10 A I don't know. Mrs. Sheppard would be able to tell  
11 better than I. I just know it was rather a high bail.

12 MR. LEUCHTEN: What was the high bail?

13 THE WITNESS: I would say for some very  
14 serious offenses, I think they went up to \$25,000  
15 and \$50,000. I think for the fairly moderate  
16 offense, it was \$250 up to maybe \$2500. This is  
17 my impression, but I think we have statistics  
18 which would show what it was. I am sure the  
19 magistrate's court would have statistics, also.  
20 It was enough to keep people under confinement  
21 and that was a judgment which was made then and  
22 was carried out.

23 Our next problem on the law enforcement aspect  
24 was when we were asked if we would help interview  
25 the people in the jails, the places of confinement,

1 so that we could assemble data sheets to give to  
2 the judges so the judges could decide whether or  
3 not to release people from the confinement. We  
4 had our law students doing that. We had volunteers  
5 who came in from Rutgers and possibly from Seton  
6 Hall's law school who were helping out on it. We  
7 had a number of volunteer attorneys who came in  
8 and just went through a really night and day  
9 process for a few days getting the facts. The  
10 judges moved their court rooms up into the Armory  
11 and into the places of confinement so that people  
12 could be brought in quickly and released on their  
13 own recognizances, which was done in many cases to  
14 get people back into their families, back to  
15 their jobs and out of these very, very crowded  
16 and unsanitary conditions.

17 Now, I might add that these were not verified  
18 statements. We engaged in this kind of a program  
19 as a routine matter and our students had unverified  
20 statements given to them. There was no time for  
21 verification here, so I suspect more errors in  
22 judgment inevitably would be made than would be  
23 the normal procedure if you were just processing  
24 a person in normal conditions.

25 In addition, by Sunday we began to receive

1 a very substantial number of reports on violations  
2 large number of the law by law enforcement personnel.

3 Q When you say you received reports, were these  
4 people who came in to the Newark Legal Services offices?  
5 Describe the process in which this came about.

6 A We got them from many sources. A great many were  
7 people who just came in, people who had something happen  
8 to them or they had seen something. In particular, the  
9 Sunday night situation between about midnight on Saturday  
10 night and four or five o'clock the following Sunday, there  
11 were reports that members of the state police just methodically  
12 were breaking every window, or shooting up windows of stores  
13 which were marked "Soul Brother," "Soul Sister," or whatever  
14 the indication was that it was a Negro-owned store. We had  
15 this type of report plus types of reports involving personal  
16 humiliation or the like.

17 Q Were these actually people walking into the office?

18 A Many were, at first, and there were also people  
19 who were representatives of other people, for instance,  
20 ministers came in. That morning at church a great many  
21 people came into the churches in a state of outrage. These  
22 were middle class, the kind you wouldn't expect to be out  
23 burning and looting and all the rest, but they were the kind  
24 that may have owned stores or lived on streets where there  
25 were stores. They would come to the church or go to the

1 UCC. I think Dr. Birch was working with a group who got a  
2 large number of reports of this nature. He would get them  
3 from all of these sources.

4 At that time--it is hard to even think back--but around  
5 the UCC and around Branford Place were gathered, I think,  
6 the head leaders of the Negro community. They would go out  
7 into the area and then come back into our offices, so it was  
8 sort of a point of communication between the Governor and  
9 others with whom we could maintain contact through Oliver  
10 Lofton and through a few other individuals who worked with  
11 him and back out in the affected area itself. This was the  
12 place where the two sort of met, and it was one means of  
13 communication.

14 So, this became for us a tremendous task, assembling  
15 these statements which people brought in. Frankly, they  
16 were outraged. Tensions as a result of this were electric.  
17 These were people who obeyed the law and here was the state  
18 police coming in and breaking their windows.

19 Q What was the procedure you would employ? For  
20 example, if a person walked into the Neighborhood Legal  
21 Services with a statement or with a story of police  
22 misconduct, what would you do?

23 A At first, we were unprepared for this and we  
24 developed a procedure as we went along. From the very start,  
25 we said to give us all the facts and we would do everything

1 we could do something about it. First, we promised  
2 people that we would take it to the Governor at that point.  
3 Later, as people came in, we said we would employ whatever  
4 legal remedies were available and do what we could to set  
5 the situation right, but we developed a procedure of having  
6 them give one of our lawyers or our law students or VISTA  
7 workers all the facts, and then we would type up a statement  
8 and we would get the statement back to them. They would  
9 review it and sometimes they would change it, which meant  
10 bringing it back and retyping it. When it was acceptable  
11 to them, they would say it was accurate and then we would  
12 have them sign it before an attorney or a Notary Public  
13 so that we would have a sworn affidavit which we kept.

14 In addition, later on we asked them to sign a statement  
15 permitting us to release it. Now, we didn't get all the  
16 signatures. It was probably short-sighted because our  
17 objective was to bring it to the attention of people who  
18 could do something about it. In the first instances, we  
19 didn't have the authorization of these people, who essentially  
20 were our clients, to release their statements, so we went  
21 back to the people who had come in originally and asked them  
22 to authorize a release. Subsequently, it was standard  
23 procedure to authorize us to release them.

24 Now, I brought a copy of the statements with me.

25 Q How many statements do you have?

1 A I have 274 right now. In view of the seriousness  
2 of what we have gotten into here, I asked that every  
3 statement that was made, a copy of it be sent to me so that  
4 I could read it and analyze it. These are copies that were  
5 sent to me which I have put in alphabetical order and I have  
6 numbered, and the total which I now have is 274, I believe.  
7 There probably are more in our central files.

8 In addition, there are exhibits and in some cases  
9 photographs which accompanied statements. Of course, I would  
10 have those.

11 Q They would be in the central files?

12 A They would be in the central files of the Newark  
13 Legal Services Project on Branford Place.

14 Q Mr. Debevoise, you said you reviewed and you  
15 analyzed those statements. I wonder if you could briefly  
16 tell us what categories they fall into and the type of  
17 material that is in them.

18 A Actually, this is really what I hoped this Commission  
19 would consider, because I think this represents a serious  
20 situation and one which is worthy of much more remedial  
21 action than it has gotten.

22 What I did first was read all the statements as they  
23 came in and then I tried to classify them as to types of  
24 conduct complained of and the particular law enforcement  
25 agency which was charged with having committed the type of

1 conduct. I think the conduct complained of consists of four  
2 general categories.

3 Q Describe those for us and then break it down further.

4 A Fine. The four types of categories would be  
5 personal indignities, and this would include the use of  
6 unprintable names when referring to Negroes; it would be  
7 threats of killing or bodily harm; it would be false arrests;  
8 it would be stripping a young boy and sending him out in  
9 the street naked. It would be things like this which did  
10 not involve any substantial physical injuries to the person,  
11 just gross indignity to the individual.

12 Now, as to those, we have 29 statements, and this  
13 doesn't include personal indignities accompanied by violence,  
14 this is simply nothing but indignities.

15 Q These are also indignities which occurred during  
16 the period of the riot generally, is that right?

17 A Yes, there may have been one or two which happened  
18 after that period, but it was intended to be during the  
19 disturbance period.

20 From the statements which we have, 14 of these incidents  
21 are attributed to the Newark police alone; nine would be to  
22 the state police alone; four to the National Guard alone;  
23 two to the state police and National Guard.

24 I have prepared a statement which I hope I can leave  
25 with every one of you, and to that statement I have appended

1 as exhibits a couple of samples describing this kind of  
2 conduct. Of these exhibits, Exhibit A is an excerpt of  
3 the statement by the boy who was stripped by the police and  
4 sent out into the street. Exhibit B is a statement given  
5 by a 45 year old man who has lived in Newark all his life  
6 and was insulted and later robbed by state police.

7 Q Do these statements, referring specifically to  
8 Exhibits A and B, name the police officers or the state  
9 police involved?

10 A No, very few of the statements can name the  
11 officer. A few got badge numbers and in a few situations  
12 we have car numbers of patrol cars or state police cars,  
13 but usually it is very difficult for us to identify.

14 I think you might be able to take these statements and  
15 from them--if you have the time--you could probably isolate  
16 the individual. Actually, we are not so concerned with  
17 individuals. I mean this is not an attempt to nail somebody.  
18 It is a situation that we are concerned with and which we  
19 are looking for an answer to the over-all situation. I am  
20 not trying to nail the particular policemen or National  
21 Guardsmen involved.

22 The third statement in that category is given by the  
23 Reverend John Maloney, who is a priest at Queen of Angels  
24 Church. These are illustrative only.

25 The second category in this situation of which we have



1 received statements concerns physical violence. This consists  
2 of hitting people with rifles, shooting them intentionally.  
3 This doesn't involve accidental shootings, this appears to  
4 be intentional. It also includes stompings, beatings. This  
5 includes men, women and children, and it took place in  
6 patrol cars, in the streets and in the precinct houses.

7 Here we have 57 statements charging this kind of conduct.  
8 Of these statements, 37 were attributed to the Newark police  
9 alone; 4 to the state police alone, one to the National  
10 Guard alone; eight to the state police and Newark police  
11 together; one to the state police and National Guard; two  
12 to the Newark police and National Guard; four were  
13 unspecified.

14 Exhibit D with the remarks is a statement from a 46  
15 year old cab driver--not Mr. Smith--who lived in Newark for  
16 23 years and who has driven a cab for 15 years. Exhibit E,  
17 I would like you to look at that one, which consists of  
18 excerpts from a statement of an engineering draftsman who  
19 has a United States government confidential security clearance,  
20 who was in Newark visiting his mother during the disturbances  
21 and who went through about the most abominable treatment that  
22 a human being can go through. Exhibit F is a copy of a  
23 statement by Mr. Al Black, who is chairman of the Newark  
24 Human Rights Commission, who describes in rather general  
25 terms what went on in the Fourth Precinct, or what he observed

1 in the Fourth Precinct during the night of July 13 and the  
2 early morning of July 14.

3 The third type of statement involves indiscriminate  
4 shootings. There are 104 statements of people who described  
5 shootings by law enforcement personnel where there was no  
6 apparent sniper or anything else to instigate the shooting.  
7 Now, I want to emphasize this, that we have 104 statements  
8 but many of these describe the same incident. For instance,  
9 there was one terrible situation where James Sneed--I don't  
10 know if you ran into that one or not--was shot, and a number  
11 of other people in the area were shot, but we may have 15  
12 or 20 statements of people standing around who saw that  
13 particular incident.

14 Q You have only characterized that as one incident?

15 A No, I characterized that as 20. Actually, there  
16 would be 104 statements but a number of them will describe  
17 the same incident. I don't want to create any erroneous  
18 impression here that this is 104 separate incidents, it is  
19 not. I would guess that it may be something like 25 or 30  
20 separate shootings.

21 Indiscriminate shooting included random shooting up in  
22 the air, spraying apartment houses, spraying homes, shooting  
23 down streets or shooting at cars, and shooting at or around  
24 people.

25 Father Draesel, of the House of Prayer here in Newark,

1 describes very graphically one incident where he and maybe  
2 17 people, largely Puerto Rican but with a few Negroes,  
3 were standing on a street corner. Newark police drove down  
4 and shot into the Colonnade Bar & Grill for no apparent  
5 reason. The people on the street were fairly amused and  
6 just laughed because they never saw police do anything like  
7 this before. The police just turned their guns on the  
8 crowd and shot them. Two people were shot, one was shot in  
9 the stomach and I believe one was shot in the wrist. They  
10 weren't killed, but this was for no apparent reason whatsoever.  
11 Of these 104 statements, 23 were attributed to the Newark  
12 police alone; 35 to the state police alone; 11 to the  
13 National Guard alone; three to the state police and Newark  
14 police; 14 to the state police and National Guard; one to  
15 the Newark police and National Guard; one to all three  
16 agencies, and 14 were unspecified.

17 We have such statements as James Sneed was under his  
18 car fixing it when he was shot in the side. Carl Green,  
19 a child, was shot in the right eye as he was entering his  
20 home. He has lost the sight in that eye. Ricardo Alicia  
21 was shot in the neck and shoulder while in the home of a  
22 friend. Rebecca Brown was killed in her apartment. An  
23 unknown man carrying a six-pack of beer was shot as he was  
24 going down the street. Jasper Harley was shot in the thigh.  
25 A man in a telephone booth was shot. Emerson Moss' ten year

1 old son was shot and killed while riding in the back seat of  
2 his father's car. A mother of ten children, Mrs. Spellman,  
3 was shot and killed in her apartment. One man was shot in  
4 the arm and another in the stomach while with Father Draesel,  
5 and so on and so on.

6 Now, Exhibit G is a copy of Father Draesel's statement.  
7 Exhibit H consists of excerpts from a statement describing  
8 the police shooting at an apartment house. Here there were  
9 a group of people down in the street and the police were  
10 arresting a drunken man. Somebody heaved a bottle at the  
11 police. They think it was somebody on the ground but it  
12 may have been from a window. Then, the spraying began,  
13 just shooting up and down the apartment.

14 The fourth category of complaint was the deliberate  
15 destruction of Negro property. A little bit of this came  
16 during the course of searching apartments, going into  
17 apartments and ransacking them and just breaking things in  
18 the apartment, breaking the TV, drinking the liquor or  
19 whatever, but 84 of these--

20 Q Was that a major problem?

21 A I don't think it was. I think we can see enough  
22 from the statements that we received that it was not a major  
23 problem. It was an occasional situation which developed.

24 84 of 96 statements involving the deliberate destruction  
25 of Negro property were in reference to the destruction of

1 business properties which were identifiable as Negro by the  
2 window signs "Soul Brother" or "Soul Sister" or just "Soul."

3 Most of the destruction was effected by shooting into  
4 store windows or by taking rifle butts and breaking the  
5 windows. Ironically, How Hoo Wong's laundry and several  
6 other stores that were owned by white people on which the  
7 words "Soul Brother" had been written also had their windows  
8 broken along with the Negro stores, so apparently, it was  
9 the indication of the window which invited the treatment.

10 The types of businesses were just little businesses  
11 such as a record shop, a funeral parlor, luncheonettes, bars  
12 and grills, barber shops and the like.

13 Q Mr. Debevoise, do you know or do you recall from  
14 your analysis what day most of this destruction took place?

15 A Yes, what I did in this type of complaint was to  
16 take all 64 involving the destruction of properties and  
17 arrange them by street, and within the streets I arranged  
18 them by ascending street numbers. It is clear to me from  
19 reading this beyond any shadow of a doubt that from the end  
20 of Saturday night, midnight, and six o'clock on Sunday  
21 morning, that this is when all of this took place. It is  
22 just as clear as can be that it was primarily the state  
23 police. Apparently, whatever shift was on at that time  
24 deliberately went out in the street to the affected area  
25 and just busted in every window which had the designation on

1 it.

2 Again, I have broken it down by organization to whom  
3 the statements attributed the conduct, and here the Newark  
4 police were kind of out of it. The Newark police alone was  
5 only four; the state police alone was 41; the National Guard  
6 alone was eight; the state police and Newark police was six;  
7 the state police and National Guard was five; the Newark  
8 police and National Guard was two; the state and Newark police  
9 and National Guard was two, and then there is a very large  
10 unspecified number. We had 23 statements which didn't  
11 specify one agency or another, and the reason for this is  
12 that these statements were given by people who owned stores  
13 and left them say at six o'clock, seven o'clock on Saturday  
14 night, and when they came back the following morning they  
15 had been broken in. Frequently, they would find the bullets  
16 inside or some other indication of what happened.

17 Q You talk about Newark police or state police actions.  
18 Does the witness in the statement say that he saw the state  
19 police do this or he saw the Newark police do that? I am  
20 talking about the destruction of Negro property.

21 A Wherever we specify an agency, somebody has said  
22 either they saw it themselves or that a neighbor told them  
23 that they saw this happening. Some of this would be hearsay  
24 technically, but in most of it the person giving the  
25 affidavit actually saw it. In the case of the destruction,

1 for obvious reasons, there is more hearsay because the owners  
2 of the establishments were not there. In most cases, it is  
3 the owner of the establishment who gave us the statement,  
4 although in many cases we have people who were living upstairs  
5 and saw this happening. Frequently, people lived in their  
6 stores and they were in the stores as the bullets came in.  
7 This was a not too uncommon occurrence.

8 Q Mr. Debevoise, you said before that you plotted  
9 this by street number and by map. Do you have that prepared  
10 for the Commission, too?

11 A Yes, Exhibit J to this report consists of the  
12 tabulation of the 84 statements, and the streets are in  
13 alphabetical order, Avon, Bergen, Brunswick, Central Avenue  
14 and so on. First, as to each street, I prepared a summary  
15 as to what all of the statements said as to that street.  
16 Then, I go down premises by premises indicating what happened  
17 to each numbered store on that street. I also have a number  
18 at the end of each item which indicates the affidavit number  
19 from which the data was obtained. For instance, there had  
20 been little disturbance on West Market Street since the riot  
21 began and none of the stores, whether white or Negro owned,  
22 had been damaged. Between two and 2:30 a.m. on July 16  
23 there was continuous shooting on the street. Two state  
24 trooper cars, numbers 542 and 543, proceeding east were  
25 shooting with rifles protruding. There were no other cars.

1 Later the same two cars returned and continued shooting as  
2 they headed west. All of the stores marked "Soul," "Soul  
3 Brother" or "Soul Sister" were damaged by the shooting.  
4 None of the stores not so marked were damaged.

5 Then, I break it down to stores. A store across from  
6 346 West Market Street, 353 West Market Street, 365 West  
7 Market, and 370 West Market, listing the particular  
8 establishments which had been shot up.

9 This would be the data that we have on indiscriminate  
10 shooting. I would say that this is a summary of the  
11 information contained in the statements that we have.

12 Q Could you tell us, Mr. Debevoise, what you did  
13 with the statements after you compiled them. What kind of  
14 official action was taken with the statements?

15 A Well, first we assembled them, reviewed them and  
16 then in a few cases where there was obviously a serious  
17 crime committed such as in the Rutledge situation, we had  
18 the statements of three juveniles who allege they were in  
19 the store when Rutledge was shot. We also have photographs  
20 of the body, which I believe everybody has. When I say  
21 everybody has, these seem to be widely distributed in the  
22 community.

23 Q Do you have the ones prior to the autopsy or after  
24 the autopsy?

25 A I think they are after because the body is laid



1 open up the middle. We were interested because of the number  
2 of bullet holes.

3 MR. LAUCHTER: I am sorry, but we are not  
4 all familiar with that case. Will you please  
5 elaborate.

6 THE WITNESS: Excuse me, yes. We received  
7 statements from three juveniles reporting being  
8 in a store. This has been in the newspapers so  
9 I don't think there is any breach of confidence  
10 here. Several state troopers came in. There was  
11 another boy named Rutledge in addition to the  
12 three who were in the store. He was found taking  
13 things out from behind the cigarette machine.  
14 I believe he was searched and then just deliberately  
15 shot, and, apparently, a very large number of times.  
16 I think 39 bullet holes were reported to us in a  
17 statement.

18 MR. GIBBONS: In connection with the Rutledge  
19 thing, have you or anybody connected with the Legal  
20 Services Project made any inquiries about the  
21 autopsy report?

22 THE WITNESS: No, we turned this matter--which  
23 is in answer to your question of what we did with  
24 the statements--this is a matter in which we felt  
25 we were in a conflict position as far as the

1 statements of the young boys were concerned who  
2 were purported to have seen this incident. Because  
3 our job was to bring all this information to  
4 people such as yourselves who could look at this  
5 from a broader perspective, we were concerned that  
6 these boys, who were themselves charged with  
7 juvenile offenses, that it might be against their  
8 interests to have these statements released.

9 Therefore, we obtained another attorney to  
10 represent them. We got Bud Rose from McCarter and  
11 English, who very kindly volunteered to represent  
12 them. We turned over the statements to him, or  
13 at least made them available.

14 We then got hold of David Satz and we called  
15 the Attorney General's office, or possibly the  
16 Governor's office, to try to get somebody in  
17 authority to go into this case. At first, we were  
18 concerned about the boys' safety and, secondly,  
19 we were concerned about their problems in the  
20 juvenile court. The FBI was in touch with us very  
21 quickly and we had to hold them until Bud Rose,  
22 who was representing the three juveniles, could  
23 review the statements and interview the people.  
24 At that point, we put the FBI in touch with Bud  
25 Rose and have not touched it since then, and that

1 is where it is.

2 In some situations like this, in answer to  
3 your question, we have turned data over where there  
4 is an identifiable person and a very serious crime.  
5 We have turned this information over to whatever  
6 prosecuting authority as we thought could handle it.  
7 I think we have given some to Mr. Byrne and some  
8 to the FBI.

9 CHAIRMAN LILLEY: Have you heard enough about  
10 the Rutledge case, Mr. Leuchter?

11 MR. LEUCHTER: Yes, unless there is anything  
12 else pertinent.

13 THE WITNESS: Essentially, that is it, as  
14 far as I know. It is in the hands of the FBI and  
15 maybe in the hands of other law enforcement  
16 authorities, I am not sure.

17 In other statements where there was an  
18 identifiable officer who had committed the offense,  
19 we told them that they would be entitled to bring  
20 a civil action, and in some cases, civil actions  
21 have been instituted. This would be for monetary  
22 relief and we could not handle it, we referred  
23 them to other attorneys to represent them. We  
24 hope that they would do this where they could  
25 because we think it would have a deterrent effect

1 on this kind of incident happening in the future.

2 In a sense, this is not very hopeful because  
3 the tactic now is to counterclaim against anybody  
4 who brings a civil suit, so you sort of have a  
5 stand-off in deterrence. You are not sure whether  
6 it is worse to sue or not to sue.

7 Our main thrust has been to try to look for  
8 over all solutions to the problem. We feel these  
9 people really come in to us primarily not to  
10 institute specific actions but to do something  
11 about a problem which is so prevalent in the  
12 Central Ward area. It is a problem which is so  
13 immediate and means so much to these people that  
14 we thought that the best contribution we could  
15 make in an aim toward a more generalized solution  
16 is to bring this matter before you gentlemen, and  
17 for that reason we have first assembled the  
18 statements and the data and put the information in  
19 as effective form as we could.

20 In the same line, we have joined with several  
21 other people, we are representing four poverty  
22 people in a suit against certain officials of the  
23 city, the Mayor, the police director and the police  
24 chief, to try to obtain some form of equitable  
25 relief. I don't think this is terribly promising.

1 but just during the course of the deposition today,  
2 these people testifying, I think it has had an  
3 effect on the other side. I think they have  
4 heard these people from their own mouths describe  
5 what has happened and I think that alone has opened  
6 up a line of communication between them and the  
7 city.

8 Incidentally, the person representing the  
9 police is on our board of trustees, and the person  
10 handling the case against the police is on our  
11 board of trustees so we do have communication here.

12 In addition to this, we are assembling the  
13 data for groups such as yourselves, the President's  
14 Commission and other official agencies who can  
15 perhaps look into the broader and long range  
16 solution to this.

17 Now, I would like to comment on this, if I  
18 may. This is a subject which is politically  
19 explosive and I don't think it is receiving the  
20 attention it should receive from public authorities.

21 I think people are afraid of it. The police have  
22 a tremendously powerful organization. As far as  
23 we know, there has been a very minimal response  
24 on the part of law enforcement authorities who  
25 are moving with great efficiency and rapidity

1 at it from against the people in the ghetto, but who seem to  
2 you are be moving at a snail's pace, if at all, with  
3 another respect to this form of law violation. To me, this  
4 now, is just as much a violation of the law as burning  
5 recognize and looting and the other forms of disorder which  
6 basic did took place.

7 nobody admits Our real hope is that somebody, a group such  
8 all political as this which does not have the compelling  
9 admit the political problems that people in day to day  
10 are thing political life have, could do something to give  
11 the direct the people the strength and the courage to do what  
12 pleasure we think has got to be done, and really, this  
13 are party group is one of our main hopes because if this  
14 problem group cannot tackle this problem and the President's  
15 on is the Commission cannot tackle it, I really don't know  
16 I think who can. If we don't solve this here now, I don't  
17 or to see know if we will ever get a chance to solve the  
18 they start broader problems.

19  
20 Q Mr. Debevoise, I wonder if you might just chat  
21 with us for a few minutes as to what you think we can do,  
22 what kind of an approach we can take to it and the kind of  
23 value we can be in this area.

24 A Well, I think there are a number of things you can  
25 do probably better than anybody else, and one is that you  
are in a position to assemble all the facts. I am looking

1 at it from one perspective which is limited, but I am sure  
2 you are talking with other people who are looking at it from  
3 another perspective which is also limited.

4 Now, I think the first thing you could do, must do, is  
5 recognize that there is a problem. I think here is our  
6 basic dilemma. We cannot get people to solve a problem which  
7 nobody admits exists. This has been our stone wall as we  
8 hit public official after public official, they refuse to  
9 admit the problem exists. It seems to me that your number  
10 one thing to do, if you agree, would be try to indicate  
11 the dimensions and the depth of this problem as a social  
12 phenomenon, not as trying to lay the blame for anything on  
13 any particular person or organization, but just as a social  
14 problem as real as the poverty and everything else that goes  
15 on in the ghetto.

16 I think another thing you might do is perhaps to assign  
17 or to recommend to the various responsible agencies that  
18 they start looking at it themselves. Now, I think the state  
19 police ought to be looking into this. It is so clear from  
20 these statements that there was a problem there and something  
21 was wrong, and I have yet to see a public official from the  
22 Attorney General on down who will admit that this exists.  
23 A lot of time has gone by since this happened and perhaps  
24 they are investigating, but if they are, the community  
25 doesn't know it and it has been preciously slow. I think

1 you could suggest to the various public officials that they  
2 investigate this seriously and put their own houses in order,  
3 if such a step is warranted.

4 I think you could also perhaps suggest ways in which  
5 this confrontation between the police and the community  
6 might be reduced. A policeman is probably never going to  
7 be popular. In a sense, he is fronting for us. We are  
8 putting the police into a horrible situation and they have  
9 to go into this cauldron of difficulty while we can all  
10 stand outside of it. Maybe there are ways of reducing the  
11 danger to them, reducing their abrasive contact with the  
12 community. Perhaps this could be done by a cadet corps,  
13 perhaps other devices, perhaps more Negro policemen, more  
14 Negro supervisors. Look at New York, they seem to have  
15 ideas and maybe they can be used in New Jersey.

16 I think another thing that might be done, and really  
17 should be done, is the establishment of some place where  
18 people with a serious law enforcement complaint can take  
19 their complaint without fear and with the expectation it  
20 will be heard, and that it will be dealt with effectively,  
21 fairly and promptly. The police review board is a dirty  
22 word. I am not even sure it would be effective, but somehow  
23 people have to be made to feel that if they are abused, if  
24 their rights, either personally or propertywise, are  
25 violated, they can get redress and they don't have to subject



1 themselves to horrible lawsuits or the fear of retaliation  
2 in order to get redress. It seems to me that this is  
3 something that is really called for, a place where you can  
4 go where you can bring your complaints and they will be  
5 reviewed, heard and action taken.

6 Q Will these affidavits that you have be available  
7 to our staff for perusal?

8 A Yes, as I say, I put some samples here for the  
9 members of the Commission. I would suggest that you are  
10 free to use the ones we have at the central office any way  
11 you want, for example, somebody from the staff could come  
12 up and just go through them, read them and see what they  
13 want from them, verify my conclusions, check them. They  
14 will be available to you.

15 Now, I would have to ask that no copies be made in  
16 the first instance, and that no names be taken down because  
17 we are not free to release all of them. Let us know what  
18 you want from the statements and we will try to get it to  
19 you. In other words, if we are free to release the statement,  
20 you can have a copy of it right away. If we are not free to  
21 release it, we will contact the person who gave it and try  
22 to make it available to you.

23 Q Do you know whether or not any of the people who  
24 gave you affidavits would be willing to testify before this  
25 Commission?

1 A I am sure they would. Some of them are  
2 complainants in the civil action against the city and have  
3 testified on deposition. I am sure they would welcome the  
4 chance to come in and talk with you.

5 Q Have you given that package to the President's  
6 Commission, too?

7 A I understood it was permissible with you and I  
8 gave it to their investigator who came to the office just  
9 a half hour ago. I didn't give him the statements, I gave  
10 him my report.

11 (Discussion off the record.)

12 A (Continuing) I have given a copy of the report which  
13 I am leaving with you tonight to the two attorneys who are  
14 investigating on behalf of the President's Commission.  
15 Earlier, we gave preliminary analysis of some of this  
16 material to the Attorney General, to United States Attorney  
17 Satz and to the Newark Human Rights Commission. We had a  
18 preliminary draft on the basis of maybe 13<sup>4</sup> statements and  
19 we gave that to them.

20 I have consulted with a few people within the bar  
21 concerning these statements. This is a very sensitive area  
22 that we are in and I asked for a little advice from a few  
23 members of the bar in an official capacity, and I think that  
24 is the extent of the release of this material except for a  
25 few specific statements such as the Rutledge statements where

1 we have given it to private attorneys. We haven't made the  
2 actual statements available to anybody though I would certainly  
3 be inclined to let the President's Commission look at them  
4 on the same basis that you will look at them.

5 Q Do you contemplate making those affidavits  
6 available to the Attorney General's office or the prosecutor's  
7 office?

8 A We discussed it at great length at our board of  
9 trustees' meeting. Normally, our trustees don't get into  
10 individual cases. In the Legal Services Project, an attorney  
11 has a case and he handles it. This was so sensitive that  
12 we discussed it at two trustees' meetings and the resolution  
13 there was in the first instance to make it available to you,  
14 to the President's Commission and to the Attorney General  
15 in Newark, and not to any other authorities. The reason for  
16 this is partly because there may be a danger, at least in  
17 the first month or two, of giving information to the  
18 prosecutor which he might be able to use against the people  
19 who made the statements. A few of them are charged with  
20 criminal offenses and they did not give statements to us  
21 to give them to the prosecutor. We are concerned about  
22 having them get into the hands of the Newark police because  
23 these people are fearful. I frankly don't think anything  
24 would happen to any of them if these statements were public,  
25 but we don't want to run the chance.

1 We thought we would just stop there for the time being.  
2 The Attorney General didn't seem terribly receptive in public  
3 statements, and we haven't yet turned over anything to him  
4 except a summary. I talked to Deputy Attorney General  
5 Hoffman and have offered to meet with him and discuss the  
6 material at his convenience.

7 Q Have you turned the material over to the United  
8 States Attorney General?

9 A We haven't yet. In other words, this report was  
10 just finally put together yesterday so we haven't had time  
11 to distribute it.

12 MR. JAFFE: I wonder if at this time we could  
13 mark as a Commission exhibit in evidence Mr.  
14 Debevoise's statement and the attached exhibits.  
15 Would you give the Reporter one, please, Mr.  
16 Debevoise.

17 (Report to the Governor's Select Commission submitted by  
18 Dickinson R. Debevoise marked Commission Exhibit 17 in  
19 evidence.)

20 Q In our conversation prior to your appearance, Mr.  
21 Debevoise, I did offer you the opportunity to read your  
22 statement into the record. We have marked it in as an  
23 exhibit, but if you feel you would still like to read it in,  
24 I would like to give you the opportunity now to read it.

25 A I think I have been even more verbose in answering

1 your questions than I would have been had I read the report.  
2 I have nothing to add to it.

3 MR. JAFFE: It has been marked as a Commission  
4 exhibit and copies are available for the Commission  
5 members.

6 That's all I have of Mr. Debevoise, Mr.  
7 Chairman.

8 CHAIRMAN LILLEY: Do any of the Commissioners  
9 have any questions of Mr. Debevoise?

10 MR. LEUCHTER: I would like to ask Mr.  
11 Debevoise if any of the direct observation  
12 affidavits, those in which the affidavit was made  
13 by a person who claimed to have direct observation  
14 of the action alleged, whether any of those direct  
15 observation accusations were from white people?

16 THE WITNESS: Yes, usually they were ministers  
17 or Catholic priests who work in the area, such  
18 as Father Maloney who is at Queen of Angels. I  
19 think he was with another priest, who didn't give  
20 me a statement, but they were together when the  
21 offense took place. Father Braesel is an Episcopal  
22 minister at the House of Prayer. Almost always  
23 it was a minister who gave the statement.

24 MR. LEUCHTER: Who saw them?

25 THE WITNESS: Yes, who saw something.

1           MR. MEYNER: In your analysis, were you able  
2 to detect any concerted effort to get these people  
3 to come to your offices and make these statements?  
4 Did you gather that there might be somebody in the  
5 community that said "Go in and tell your story"?

6           THE WITNESS: Yes, clearly there was. In  
7 effect, we encouraged this because when we had a  
8 situation like on Sunday the 15th, particularly,  
9 where there was real outrage, our theory was to  
10 get this material into a place where it could be  
11 handled and worked through the legal procedures.  
12 We talked to the UCC, for instance, their  
13 representatives were in there all the time, and  
14 this was a constant thing during Friday, Saturday,  
15 Sunday, Monday and a little bit Tuesday. The UCC  
16 headquarters and our own were sort of the clearing  
17 house for data and community action. Everything  
18 was just pouring in to this spot.

19           Now, whenever a group representative said,  
20 "What can we do?", we said to give us the  
21 information and we would try to think of something  
22 to do with it. We had ministers who would tell  
23 their parishioners to take their problems to the  
24 Newark Legal Services. The American Civil Liberties  
25 Union was extremely active in urging people to

1 bring statements to them. The United Community  
2 Corporation was active also. I didn't observe it  
3 but I am confident that they would be out there  
4 telling people to bring in their data and make it  
5 available, which I think is a very healthy thing.

6 I am afraid that if we don't provide official  
7 relief somehow to these people, if we can't handle  
8 this situation through law, we are going to start  
9 getting retaliation. I think this will be a very,  
10 very immediate and dangerous possibility that the  
11 community will isolate particular officers. This  
12 doesn't apply to the state because they are out  
13 of it, but it would be the Newark police. All we  
14 need is a few killings like this and then we have  
15 retaliation the other way and then we would have  
16 a frightful situation.

17 I am sure people were out and we were glad  
18 to take whatever statements came in. In fact, our  
19 students were out in our neighborhood law offices  
20 and people eventually were coming in, not only to  
21 the central office, but also in the neighborhood  
22 offices out in the heart of the ghetto.

23  
24 MR. MEYNER: How much privacy was there in  
25 the taking of the statements, if you know?

THE WITNESS: I only observed the ones that

1 came into the central office. It was chaos, I  
2 will tell you that. You weren't off in a quiet  
3 room with a client. This was not an ideal  
4 situation. I don't think anybody was sitting in  
5 and specifically listening unless it was a group  
6 that came in. There may have been two or three  
7 people who came in together.

8 I am sure these statements were taken under  
9 all sorts of conditions, but we would have to check  
10 with the people who actually took the statements,  
11 and in most cases they would be the one who took  
12 the jurat on the affidavits, to describe exactly  
13 how the statements were taken.

14 MR. MEYNER: I have done a little investigation  
15 myself and sometimes if you get about five or six  
16 people who have a definite feeling against a person,  
17 it can be bad and can show a lack of objectivity.

18 THE WITNESS: Well, I think the process  
19 provided at some point for consideration and  
20 reflection, because they would first come in and  
21 give the statement. As you read these statements,  
22 you will see that some of them tried to be terribly  
23 legal. These were taken by students who were using  
24 all sorts of legalisms which you know the people  
25 in the community would never use. We started telling



1           them "Put down the statement in their language,  
2           not yours." By numbers, the earlier numbers would  
3           be the early statements given, and you will see  
4           the real amateur effort. Every one was on  
5           information and belief which was, of course, the  
6           worst, and we didn't want this at all.

7           First, they would come in and give a  
8           statement. The statement would be typed up and  
9           then it would have to go back to them to get it  
10          signed. A surprising number were rewritten,  
11          retyped, a very large number, so in the process  
12          I think we were saying what the people wanted to  
13          say. As to the truth of the statements, they are  
14          very consistent. These were taken all over the  
15          city. When you start putting them together, there  
16          is a certain internal consistency here that just  
17          comes through. As to any individual statement, it  
18          would have to be verified, but the over all effect  
19          on us was overwhelming.

20          MR. MEYNER: You said you narrowed it down  
21          to a certain street and the state police. Could  
22          you be any more specific than that as to any  
23          particular type of state policeman or particular  
24          group?

25          THE WITNESS: Do you mean a big man or a small

1 man?

2 MR. MEYNER: Were there two, or three, or  
3 four, or five?

4 MR. GIBBONS: Or car numbers?

5 THE WITNESS: We have some car numbers and  
6 some of the car numbers appear on different streets.  
7 Here is where maybe you people could pick this up  
8 and somehow get into the state police records as  
9 to whatever car numbers we have here on these  
10 statements and possibly find out what streets  
11 they were on, because that would tie in with  
12 these statements. I think that would be an  
13 interesting thing to do.

14 MR. MEYNER: What I am wondering is could it  
15 have been conceivably six state policemen or ten  
16 state policemen from a certain neighborhood with  
17 a certain viewpoint that were responsible for  
18 what you say was a plan or a plot.

19 THE WITNESS: They were busy policemen. If  
20 you look at the streets that were affected--that  
21 is the last exhibit on the study here--it is  
22 practically all the major streets in the riot  
23 area, all the streets where there were stores.

24 (Discussion off the record.)

25 MR. LEUCHTER: In your opinion from reading

1 the affidavits and helping prepare them and talking  
2 with the people involved, is it your belief that  
3 at least some of the allegations in all four of  
4 these categories are sound and correct?

5 THE WITNESS: I think almost all of them are  
6 sound and correct. Let me point out that this is  
7 only part of the story. Statements and complaints  
8 were brought to other sources besides ourselves.  
9 Dr. Randall Birch had a group which assembled  
10 certain data; the Human Rights Commission assembled  
11 certain data; the United Community Corporation and  
12 the American Civil Liberties Union also assembled  
13 data, so there are other statements which were  
14 not turned over to us. There is probably a lot  
15 of duplication, but I think there are other agencies  
16 which have information which we do not have.

17 MR. LEUCHTER: It convinced you?

18 THE WITNESS: It convinced me, yes, and quite  
19 frankly, up until this time I had heard of police  
20 misconduct and I knew that some of it existed, but  
21 I was never convinced that it was more than  
22 sporadic and the inevitable incident which must  
23 occur. We are dealing with a large number of men  
24 who have problems and who are handicapped by low  
25 pay and lack of training and all that, but I am

1           now convinced that it is a much more serious  
2           problem than I had originally thought it was.

3           BISHOP DOUGHERTY: I think it would be logical  
4           to ask whether or not this would be restricted to  
5           an occasion of this kind. In other words, the  
6           police might react in this situation where they  
7           would not react in a more normal situation, which  
8           would be easily true of the other side where the  
9           youth of the community might react in a special  
10          way in a different kind of excitable situation.

11          THE WITNESS: I am sure the quantity of this  
12          kind of activity is nowhere near as great in the  
13          normal situation, but I think the quality takes  
14          place with more frequency than we might believe.  
15          What this has done for me is to give a certain  
16          touch of verity to things I had heard but had just  
17          refrained from deciding whether or not I believed  
18          it to be correct in the past. We are constantly  
19          getting reports of this type of thing, but of  
20          course nowhere near the same frequency, and I am  
21          now reasonably convinced that this is a problem  
22          of attitude and conduct which continues with  
23          disturbing regularity. We have had statements  
24          since the disturbances evidencing a continuation  
25          of this. We had many such problems coming in

1 before so I think it is a continuing problem, though  
2 certainly not of this dimension.

3 Could I point out one problem we have which  
4 is trying to obtain redress through the police  
5 department. We had one case where a lady who was  
6 separated from her husband went to the apartment  
7 where the husband was after he died and several  
8 ladies told her that the police had rifled his  
9 drawers and taken the welfare money which had been  
10 left with the husband. She came over to us, or  
11 to somebody, who took her to the Director of the  
12 Newark Human Rights Commission, Mr. Threatt, who  
13 took her to the complaint bureau of the police  
14 department, where she filed a complaint. The  
15 reaction of the police was not to investigate this  
16 immediately but to first file a complaint against  
17 her for false swearing. At this point, Mr. Lofton  
18 was defending her. The chief magistrate suggested  
19 that she plead to a lesser offense such as a  
20 disorderly person. Mr. Lofton declined to take  
21 the suggestion and contested it. There was a  
22 preliminary hearing at which a police officer  
23 testified that the lady who purportedly told her  
24 about the incident had not told her the story.  
25 They didn't say it didn't happen, but they had not

1 told her. Mr. Lofton asked the officer testifying  
2 if he had any other data or statements and he  
3 denied that he did. Probable cause was found and  
4 it was turned over to the prosecutor for  
5 presentation to the Grand Jury. We later learned  
6 that another statement had been given to the  
7 police. It completely supported what the lady had  
8 said. We got this material to the prosecutor and  
9 no indictment was ever returned. This indicates  
10 why people are somewhat reluctant to take problems  
11 of this nature to the police.

12 So, people are afraid. Where can they go  
13 when they get into this kind of situation?

14 MR. MEYER: And the police are afraid. This  
15 is their defensive mechanism. They think this is  
16 the way they are going to stop any action toward  
17 them.

18 BISHOP TAYLOR: There are times when the  
19 police react with unbelievable brutality when they  
20 are not at all in positions of insecurity.

21 (Discussion off the record.)

22 MR. LEUCHTER: Are these charges against a  
23 complaining witness brought in many cases only  
24 after the complainant has come in to lodge a  
25 complaint against the police?

1 THE WITNESS: We only have one incident of  
2 this happening because we have never taken anybody  
3 to the police again.

4 I, MR. LEUCHTER: In this case you refer to, the  
5 certified complaint was not lodged against her by the police  
6 so hereby charging her with disorderly conduct until she  
7 duly sworn came in and made a complaint of her own against  
8 the police.

9 by and before THE WITNESS: That's right, she was charged  
10 New Jersey with false swearing. It is coincidental, I think,  
11 when some of our statements show that when a  
12 person has been bloodied up, he will be charged  
13 with resisting arrest. I think this is a rather  
14 frequent pattern. Maybe he was, though he said  
15 he wasn't.

16 CHAIRMAN LILLY: Are there any other  
17 questions of Mr. Debevoise?

18 Thank you, Mr. Debevoise, for spending this  
19 time with us. This hearing is now adjourned.  
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C E R T I F I C A T E

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4 I, HENRY E. MCGORRY, Jr., a Notary Public and  
5 Certified Shorthand Reporter of the State of New Jersey,  
6 do hereby certify that the named witnesses were first by me  
7 duly sworn and that the foregoing transcript of depositions  
8 is a true record of the proceedings and testimony as taken  
9 by and before me at Room 325, 80 Mulberry Street, Newark,  
10 New Jersey, on Tuesday, October 3, 1967.  
11

12 *Henry E. McGorry, Jr.*  
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14 Henry E. McGorry, Jr.  
15 Notary Public and Certified  
16 Shorthand Reporter of New Jersey  
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Dated: 10/8/67